

Strategic Planning Board

Agenda

Date: Wednesday, 15th June, 2016
Time: 10.30 am
Venue: Grand Hall, Congleton Town Hall, High Street, Congleton
CW12 1BN

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 8)

To approve the minutes as a correct record.

Please Contact: Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **15/4480C - Proposed, CONGLETON LINK ROAD, CONGLETON: The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road for Andrew Ross, Cheshire East Council (Pages 9 - 54)**

To consider the above application.

6. **16/2006C - MIDPOINT 18 (Phase 3) POCHIN WAY/CLEDFORD LANE, MIDDLEWICH: Application for variation of conditions 1,3,4,5,7,12,14,15,18,20,21,22,23,25,26, & 28 and removal of conditions 2 & 24 on application 11/0899C for extension to time limit on application 07/0323/OUT (Midpoint 18 phase 3: proposed development for B1, B2 and B8, appropriate leisure and tourism (including hotel) uses, the completion of the southern section of the Middlewich eastern bypass & associated landscaping mitigation and enhancement works) for Mr Andrew Round, Cheshire East Council (Pages 55 - 78)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 18th May, 2016 at The Assembly Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor H Davenport (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, L Durham, D Hough, J Jackson, D Newton, S Pochin
and J Wray

OFFICERS IN ATTENDANCE

Patricia Evans (Senior Planning and Planning Lawyer)
Adrian Fisher (Head of Planning Strategy)
Sean Hannaby (Director of Planning and Sustainable Development)
Neil Jones (Highways Development Manager)
Robert Law (Senior Planning Officer)
David Malcolm (Head of Planning (Regulation))
Natalie Wise-Ford (Principal Planning Officer)
Gaynor Hawthornthwaite (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Gaddum and S McGrory.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 15/4285M, 15/4287M and 15/4286M Councillor J Jackson declared that as Mayor of Macclesfield she had been an ex-officio Kings School Governor for one year and during that time the applications were raised at meetings, but she had not made any comments nor been involved in any discussions or expressed an opinion.

With regard to application number 15/4287M, Councillor J Jackson declared that she was an ex-pupil at the former Girls Grammar School before it became the Kings School.

In the interest of openness in respect of application number 15/4287M, Councillor D Hough declared that he was a former pupil of the school when it was a direct grant school and receives Old Boys School News updates, but has no financial interest or any other wider connections with the school and would determine the application with an open mind and take part in the discussions and voting.

In the interest of openness in respect of application 16/0341N Councillor J Hammond declared a pecuniary interest on the grounds that he was a Director of ANSA Environmental Services Limited who use the Pyms Lane Site as their Depot and Waste Transfer Station and in the circumstances would leave the room prior to consideration of the application.

In the interest of openness in respect of applications 15/4285M, 15/4287M and 15/4286M Councillor L Durham declared that as Mayor of Macclesfield she was an ex-officio Kings School Governor, but had not been appointed.

Councillor L Durham also declared that she was a Governor of Fallibroome High School, which is an adjacent school to the Kings School and as the Cabinet Member for Children and Families had not been involved in any discussions about remuneration costs to date.

3 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 20th April be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING

That the public speaking procedure be noted.

5 15/4285M - THE KINGS SCHOOL, WESTMINSTER ROAD, MACCLESFIELD: DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, RESIDENTIAL DEVELOPMENT UP TO 150 UNITS, LANDSCAPING, SUPPORTING INFRASTRUCTURE AND ACCESS FOR THE FOUNDATION OF SIR PERCYVALE IN MACCLESFIELD

(Mr K Smith (Objector), Ms A Day and Mr S Jones (Supporters – who were accompanied by Ms H Broadley, the Principal of the Girls' Division, Kings School) and Mr J Hinds (Agent) attended the meeting and spoke in respect of the application)

The Board considered a report and written update regarding the above application.

RESOLVED

That contrary to the Planning Officer's recommendation for refusal, the application be DEFERRED to enable Officers to seek additional information relating to:

- Update on public open space
- Education contribution
- Affordable housing

- Implications of not finding a new site
- Cumberland Road Site

6 15/4287M - THE KINGS SCHOOL, FENCE AVENUE, MACCLESFIELD, CHESHIRE SK10 1LT: OUTLINE APPLICATION FOR PARTIAL CHANGE OF USE AND PARTIAL DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES, RESIDENTIAL DEVELOPMENT FOR UP TO 300 UNITS, LANDSCAPING, SUPPORTING INFRASTRUCTURE AND MEANS OF ACCESS FOR THE FOUNDATION OF SIR JOHN PERCYVALE

(Councillor N Warren (Ward Member), Councillor G Jones (on behalf of Macclesfield Town Council), Councillor L Jeuda (Neighbouring Ward Member), Mr K Smith (Objector) and Mr J Hinds (Agent) attended the meeting and spoke in respect of the application)

The Board considered a report and written update regarding the above application.

RESOLVED

That contrary to the Planning Officer's recommendation for refusal, the application be DEFERRED to enable Officers to seek additional information relating to:

- Education contribution
- Affordable housing
- Implications of not finding a new site
- Clarification of the green belt boundary and Air Quality
- Cumberland Road Site

Following consideration of this application, the meeting adjourned for lunch from 1.25 pm to 2.15 pm.

7 15/4286M - KINGS SCHOOL PAVILION, ALDERLEY ROAD, PRESTBURY SK10 4RH: CONSTRUCTION OF A NEW SCHOOL COMPRISING CLASSROOMS, LIBRARIES AND SUPPORTING FACILITIES TOGETHER WITH ADDITIONAL PLAYING FIELDS AND VARIOUS ASSOCIATED OUTBUILDINGS, INFRASTRUCTURE, CAR PARKING AND ACCESS FOR THE FOUNDATION OF SIR JOHN PERCYVALE IN MACCLESFIELD

(Councillor P Findlow (Ward Member), Councillor K Podmore (on behalf of Prestbury Parish Council), Councillor G Jones (on behalf of Macclesfield Town Council)), Mr S Truswell (Objector) and Mr J Hinds (Agent) attended the meeting and spoke in respect of the application)

The Board considered a report and written update regarding the above application.

During consideration of this application, there was a 5 minute break

RESOLVED

That contrary to the Planning Officer's recommendation for refusal, the application be DEFERRED to enable Officers to seek additional information relating to:

- Highways
- Education contribution
- Affordable housing
- Implications of not finding a new site
- Update on ecology

- 8 **16/0341N - LAND NORTH OF, PYMS LANE, CREWE: DEMOLITION OF ALL EXISTING ON-SITE BUILDINGS AND STRUCTURES, THE CONSTRUCTION OF A FIVE STOREY ENGINEERING TECHNICAL CENTRE COMPRISING OFFICES AT THE FRONT OF THE BUILDING AND WAREHOUSING AT THE REAR, THE CONSTRUCTION OF A TWO STOREY DESIGN CENTRE COMPRISING OFFICES AND A WORKSHOP TOGETHER WITH ASSOCIATED WORKS FOR MR ANDREW ROBERTSON, BENTLEY MOTOR COMPANY**

Prior to consideration of this application, as stated in his declaration, Councillor J Hammond left the meeting and returned following consideration of the application.

(Mr J Suckley (on behalf of the Applicant) had registered to speak at the meeting in respect of the application, but was unable to attend)

The Board considered a report and written update regarding the above application.

RESOLVED

That for the reasons set out in the report the application be APPROVED subject to the following conditions:

1. Standard time limit (3 years)
2. Accordance with approved plans
3. Materials to be submitted and approved
4. Development to be carried out in accordance with submitted noise impact assessment
5. Further details of any fixed plant / noise generative equipment to be submitted and approved and the noise level from the equipment shall not exceed the Rating Noise Level of 42 dBL_{AEQ} 1m from the façade of the nearest noise sensitive dwelling
6. Submission of an Environmental Management Plan

7. Additional Phase II Land contamination investigations and assessments to be submitted and approved
8. Accesses constructed in accordance with submitted details prior to first use
9. Development to be carried out in accordance with submitted noise impact assessment
10. Development to be carried out in accordance with submitted ecological survey
11. Survey for nesting birds if works carried out during nesting season
12. Scheme to incorporate features suitable for breeding birds
13. Development to be carried out in accordance with submitted Flood Risk Assessment
14. Submission of a sustainable drainage management and maintenance plan scheme
15. Details of foul water drainage to be submitted
16. Surface water drainage strategy to be submitted
17. Updated off site landscaping scheme and planting plan to be submitted and approved
18. Landscape scheme to be submitted
19. Landscape implementation
20. Submission of updated arboricultural report showing RPAs for retained trees to be submitted to and approved
21. Tree retention in accordance with submitted details
22. Tree protection scheme to be submitted and approved
23. Hours of construction restricted
24. Piling method statement
25. Travel plan to be submitted
26. Details of external lighting to be submitted and approved
27. Details of cycle parking to be submitted and approved
28. Scheme for public realm works along Pym's Lane to be submitted and approved

Informative to include S278 agreement to include 'shuttle running' arrangement and the inclusion of a footway for Sunnybank Road car park via the Sunnybank Road railway bridge.

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

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

9 UPDATE ON APPLICATION 15/0184N OUTLINE PLANNING APPLICATION FOR UP TO 275 DWELLINGS OPEN SPACE AND ASSOCIATED WORKS, WITH ALL DETAILED MATTERS RESERVED APART FROM ACCESS: LAND OFF SYDNEY ROAD, CREWE

The Board considered an update to the reasons for refusal in light of the changing circumstances and policy position in advance of the upcoming appeal relating to application 15/0184N: Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access – Land off Sydney Road, Crewe which was presented to the Strategic Planning Board on 26th January 2016. At the time Members were minded to refuse the application as an appeal had already been lodged against non-determination.

RESOLVED

That for the reasons set out in the report, it was AGREED that the reasons for refusal be removed and not contested at the forthcoming appeal.

10 PROPOSAL ALTERATIONS TO THE SECTION 106 AGREEMENT IN RESPECT OF THE EDUCATION FINANCIAL CONTRIBUTION AND THE MANAGEMENT COMPANY FOR PUBLIC OPEN SPACE AT BASFORD WEST, CREWE (13/0336N)

The Board considered a report regarding proposed amendments to the resolution passed by Strategic Planning Board in respect of planning approval 13/0336N. This relates to development of land at Basford West for up to 370 residential units, Offices (B1), a local centre, public house, hotel, car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500 which was approved by the Board in August 2013.

RESOLVED

That for the reasons set out in the report, it was AGREED that the Section 106 Agreement be amended to:

- Removing and replacing Schedule 1 clause 1.8 with an updated clause for the Education contribution of £722,363 being required to be made in three equal, staged payments following first occupation of the development.
- Removing Schedule 1 part 4 and replacing with updated clauses about how the Management Company would be set up and maintained.

11 URGENT ITEM - UPDATE FOLLOWING THE REFUSAL OF APPLICATION 15/1552N - OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 99 DWELLINGS (USE CLASS C3), WITH PUBLIC OPEN SPACE, VEHICULAR ACCESS AND ASSOCIATED INFRASTRUCTURE

In accordance with Section 100B (4) (b) of the Local Government Act 1972, the Chairman announced that he had agreed to allow consideration of this item as an urgent item of business, as the Inquiry is scheduled to take place from 26th June 2016 with proofs of evidence needed by the end of May 2016.

The Board considered a report regarding an update to the reasons for refusal in advance of the upcoming appeal relating to application 15/1552N (Land off East Avenue) outline planning permission for residential development for up to 99 dwellings (Use Class C3), with public open space, vehicular access and associated infrastructure which was determined by the Strategic Planning Board on 29th July 2015.

RESOLVED

That for the reasons set out in the report, it was AGREED that reason 4 be removed and reason 3 be amended to:

*“The scale of this development would be disproportionate to the **function and character** of Weston and would not respect the scale of Weston which is at the lowest tier of the settlement hierarchy. The development would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.”*

The meeting commenced at 10.40 am and concluded at 5.00 pm

Councillor H Davenport (Chairman)

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Application No: 15/4480C

Location: Proposed, CONGLETON LINK ROAD, CONGLETON

Proposal: The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road.

Applicant: Andrew Ross, Cheshire East Council

Expiry Date: 02-Feb-2016

CONCLUSION:

Developments are required to be determined in accordance with the Development Plan, in this case the Congleton Borough Local Plan, under Section 38(6) of the Planning Act unless material considerations, in this case principally the emerging local plan and the NPPF indicate otherwise. As the existing Local Plan makes no reference to a link road, but equally does not preclude it, it falls that the other material considerations are determining factors in this case.

The proposal complies with most of the policies in the Development Plan (in particular GR11), but there is some conflict with policies PS8 & PS9 of the Congleton Local Plan. However the road is a significant proposal in the emerging Local Plan and would be fully supported by the main thrust of and policies contained within the NPPF. In summary the benefits/impacts can be summarised as being:

Scheme Benefits

- To support the economic, physical and social regeneration of Congleton by creating and securing jobs;
- To open up new development sites and improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To relieve existing town centre traffic congestion / HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefit;
- To reduce community severance along key town centre corridors;
To reduce traffic related pollutants within the town's declared Air Quality Management Areas.

Balanced against this must be considered the negatives:

- Impacts upon the Dane Valley and in particular Ancient Woodland
- Loss of agricultural land including Best and Most Versatile (BVM)
- Ecological disturbance during the construction phase
- Some disruption including amenity impacts during the construction phase

- Potential traffic impacts on adjacent roads

Overall it is considered that many of the negative impacts can however, be mitigated against (Dane Valley and loss of BMV Land excepted) and overall the planning balance is considered to be significantly weighted in favour of the application.

SUMMARY RECOMMENDATION:

Minded to approve subject to conditions and referral to the Secretary of State

REPORT STRUCTURE

The report starts by introducing the proposal, its objectives and listing the accompanying application documentation. It then describes the scheme's locational context, the main elements of the scheme (from its western extent to its eastern extent), including the 'off-site' associated road improvements, phasing and the changes made in response to comments during the determination of the planning application. In summary these introductory sections describe the proposal being considered for Planning Permission.

The next sections of the report summarise the background to the road scheme and how it evolved through the various stages of consultation with a variety of stakeholders - including the public.

The report then goes on to assess how the scheme conforms to Local Planning Policy (including emerging policy from the CEC Local Plan Strategy) and National Planning Policy.

The next main section of the report describes about consultee responses to the actual planning application:

- firstly how the Statutory Consultees have responded to the planning application; and as appropriate, the response of the applicants, and
- representations from the public and other community groups.

The final part of the report is the detailed appraisal of the main considerations in the determination of the planning application, including compliance with planning policy, environmental impacts, and highway considerations – focussing on the main application issues. The report concludes with a recommendation to approve subject to conditions themes and referral to the Secretary of State.

PROPOSAL:

This full application seeks planning permission for a 5.7 km link road between the west and the north of Congleton, linking the A534 Sandbach Road near the junction with Sandy Lane, to the A536 Macclesfield Road near the junction with Moss Lane.

The objectives set by Cheshire East Cabinet for the Congleton link Road are:

- To support the economic, physical and social regeneration of Congleton by creating and securing jobs;
- To open up new development sites and improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To relieve existing town centre traffic congestion / HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefit;
- To reduce community severance along key town centre corridors;
- To reduce traffic related pollutants within the towns declared Air Quality Management Areas.

The link road forms part of the emerging Cheshire East Council Local Plan Strategy (LPS), and would assist in meeting the LPS's objective of employment led growth within Congleton.

The application consists of the following documents/drawings/reports:

Planning application drawings/sections

Environmental Statement (and appendices) covering the following areas:

A. Consultation

B. Planning Policy

C. Landscape and Visual Impact

D. Ecology

E. Cultural Heritage

F. Air Quality

G. Noise

H. Soils, Geology, Hydrogeology and Materials

I.1. Flood Risk Assessment (also refer to Appendix B of Addendum to ES)

I.2. Water Quality Appendix (also refer to Appendix C of Addendum to ES)

J. Geomorphological Assessment and Water Framework Directive Assessment

K. Effects on All Travellers

L. Private and Community Assets (also refer to Appendix D of Addendum to ES)

M. Traffic and Transport

N. Environmental Masterplan

O. Health Impact Assessment

Environmental Statement Addendum

Combined Planning, Design and Access Statement

Transport Assessment

Statement of Community Involvement.

SITE DESCRIPTION:

Taken from the Design and Access Statement the route is described as follows:

“The proposed road scheme passes between the west and north of Congleton across agricultural land and grassland interspersed with field ponds and woodland areas. It runs along the outskirts of the Congleton conurbation, which is to the south, and there are also a number of properties and farm buildings along the route (though no properties need to be removed for the scheme). From a westerly direction, its route runs through a series of fields parallel and to the west of Sandy Lane. It then crosses Loach Brook and passes through more open farmland to the west of properties fronting onto Chelford Road. It then passes under Chelford Road and through fields along the south of Back Lane. It then crosses Back Lane and has a short connecting road which runs south to connect back into Back Lane and then along an updated Back Lane to the Radnor Park Trading Estate. The route continues through more farmland until it crosses the River Dane corridor, which is also the location of an area of Ancient Woodland. It then spans this river corridor and passes through more farmland to the east of the river. It then has a spur road to the south, which is to connect to the Congleton Business Park, and then onto the A34 before passing to the south of a former quarry, surrounded by woodland, and joining the A536 Macclesfield Road south of Eaton Village.”

The route lies entirely outside the Congleton settlement boundary in open countryside, and passes through the eastern edge of the Jodrell Bank Radio Telescope Consultation Zone, an Area of Special County Value (ASCV) and a Local Wildlife Site (along the river Dane). There are no conservation areas on or adjacent to the route, but there are some listed buildings close to the proposed route in the Hulme Walfield area.

Main elements of scheme:

The proposed road scheme is a 5.7km link extending between the A534 Sandbach Road (west of Congleton) to the A536 Macclesfield Road (to the north of Congleton). The road would have a speed limit of 60 mph along its length, with the exception of the section from the A54 Holmes Chapel Road to Radnor Park Junction, which would have a 50mph limit. The road would consist of a two way single carriageway with a 3.65m wide lane and 1m wide exterior hard strip in each direction. A combined cycleway footpath is provided along the route from the Radnor Park Road junction to the A536 Macclesfield Road junction, to connect into adjacent facilities. Pedestrian, cycle and equestrian access between Sandbach Road and Radnor Park is available along the retained part of Sandy Lane, Chelford Road and the realigned Back Lane. Two underpasses would be provided, enabling pedestrians,

cyclists and equestrians to pass underneath the link road to the west of the A34 Junction and then underneath the A34 to the south of the link road connecting with Moss Lane. The road is not lit in order to reduce its visual impact, but lighting is proposed at the junctions with Radnor Park and Congleton Business Park - in the interests of safety.

It was originally proposed the road would be built in 4 phases, to allow flexibility of its implementation, though the applicant has recently confirmed that phases 1 and 4 are to be combined into a new phase 1. The revised proposed phases are:

- Phase 1- A534 Sandbach Road to A536 Macclesfield Road including main site compound at Congleton Business Park.
- Phase 2 - Spur Road from Congleton Link Road to Congleton Business Park
- Phase 3 - Back Lane improvements.

Travelling in an easterly direction, the route would consist of a new roundabout junction to the west of Wallhill on the A534 Sandbach Road. The route would run parallel to the west of Sandy Lane, until it connects with the A54 Holmes Chapel Road with a new roundabout junction.

The route would then travel in a northerly direction to the west of Somerford, to cross Loach Brook on a new bridge. The route would then continue and pass beneath Chelford Road, which would be taken over the link road on a new bridge.

The proposed link road would continue by severing Back Lane, which would be stopped up and diverted, and a new roundabout junction formed to provide a new connection, via an upgraded Back Lane, into Radnor Park Trading Estate to the south of the proposed route.

The main route would then continue in a north easterly direction and cut through Radnor Wood, before crossing the River Dane and part of its associated valley on an 85 m long bridge. This section of the alignment would require earthworks cutting up to 10m deep into the valley side to the west of the River Dane and an approximate 9m high embankment to the east of the river.

A new roundabout junction would be provided in the River Dane valley area, which would provide a connection into Congleton Business Park to the south of the proposed route. From this junction the route would cross under Giantswood Lane, which would be taken over the link road on a new bridge. The route would rise out of cutting to cross a tributary of the River Dane, which would be culverted, before connecting into the A34 Manchester Road with a roundabout junction.

The new link road would then continue on and meet the A536 Macclesfield Road to the south of Eaton, at a new roundabout junction.

Associated Road Improvements

In most cases the assessment indicates the CLR would reduce traffic on existing roads, however traffic is forecast to increase on some roads including Brownlow Heath Lane, Child's Lane, Wallhill Lane, Padgbury Lane and the A536 through Eaton. In order to mitigate the impact of this traffic, measures to reduce traffic speeds are being investigated. These may take the form of the introduction of lower speed limits, changes to road markings, "Gateway" treatments or other physical measures. The exact measures to be used are subject to the outcome of engagement with residents / stakeholders on the affected roads. These matters are subject to a proposed planning condition to ensure their implementation and to be discharged before the opening of the road.

Post Submission Changes

In addition since the initial submission at the end of September 2015, there have been some further changes to the scheme following comments and representations from stakeholders and consultees. The changes largely relate to:

- Boundary treatments;
- Drainage trenches/culverts;
- Site accesses/gates;
- Additional requirements for non-motorised users;
- Additional Environmental Management and Mitigation; and
- Environmental screening.

The more significant changes relate to:

- Additional Mitigation areas, following discussions with the Cheshire Wildlife Trust and the CEC ecologist, and relating to:
 - 5.7 ha of extra managed woodland area;
 - 1.57 ha of extra grassland, wetland and new pond;
 - 1.53 ha of extra grassland, marshy grassland and woodland management;
 - 0.67 ha of extra grassland shrubs and woodland management.
- Introduction of noise attenuation fencing along Back Lane following comments from the Environmental Protection Officer;
- New drainage attenuation facilities at the eastern end of the road scheme following comments from the Environment Agency - including relocated pond, new wetland area new culvert and new headwall to existing culvert;

- Public Rights of Way (PROW) updates in response to comments from the PROW officer and members of the public, including a new route beneath Loach Brook.

The changes are reflected in the updated documentation submitted in March 2016 and May 2016, including the Environmental Masterplans and Planning Drawings that specify all the changes. Information detailing the environmental updates and changes is provided in the Addendum to the ES, which was initially submitted in March 2016 and then updated in May 2016.

RELEVANT PLANNING HISTORY:

There is an extensive planning history for sites on and adjoining the line of the link road, including proposals/approvals for housing developments. However all are independent of and would have no impact upon the road line, and none are known to be of significance to the determination of this application.

BACKGROUND TO THE SCHEME:

The need to undertake a study into a new transport solution for Congleton arose from the public and business community response to the early Local Plan work for Congleton, which took place between March/April 2012. Strong representations were made supporting a link road to the north of the town, in particular to support potential development sites. The potential for a link road around Congleton was included in the Draft Congleton Town Strategy in August 2012.

In September 2012 CEC Cabinet approved the commencement of the work necessary to establish a range of transport infrastructure options that support the sustainable economic growth of Congleton – leading to the identification of a preferred option. The objectives for the solution were also agreed at this Cabinet meeting. At a subsequent Cabinet meeting, on 15th April 2013, revised scheme objectives (those outline in the ‘Proposal’ section above) were agreed and a series of broad options, to be explored, were approved.

A total of 28 improvement strategies (based on the approved scheme objectives) were identified during an optioneering exercise culminating in the selection of a preferred transport option (a link road to the north of Congleton), connecting the A534 Sandbach Road to the A536 Macclesfield Road) at a CEC Cabinet meeting on the 22nd July 2013.

A route appraisal exercise was then undertaken to identify and provide an assessment of alignment options by considering the advantages and disadvantages of each, and those that should be taken forward to the options development stage. Four individual route options (Red, Blue, Green and Purple) were subsequently developed. In order to identify the best route option, each of the four route options were then qualitatively assessed against a number of factors including: costs, area unlocked for development, public endorsement, safety and environmental impacts.

It was subsequently concluded that the Preferred Option would be a combination of the Red and Purple Options. It was recommended that the Red Option was taken forward as the Preferred Option, but is modified immediately east of the River Dane so that it ties in with the Purple Option.

Feedback received from members of the public throughout the consultation process resulted in numerous alternative alignments being considered and designed. Each of the alternative alignments were individually appraised and compared to the alignment taken to Public

Consultation. Options which were deemed to be an improvement on the original alignment were incorporated into the Preferred Option, which was endorsed by Council in May 2014.

Following the approval of the Preferred Route the design of the scheme was progressed with consideration given to more detailed engineering, environmental and cost assessments, as well as further consultations with land owners and other local interest groups.

Through this design development exercise, a number of alignment and / or junction modifications were identified that were considered to represent an overall improvement to the scheme. Alignment modifications were considered in four separate areas along the length of the scheme; these were:

- Sandbach Road to Holmes Chapel Road including Wallhill. The alignment of the mainline was amended to run closer and immediately adjacent to the existing Sandy Lane. An additional modification has also been implemented to avoid an existing GCN pond;
- Holmes Chapel Road to Chelford Road. The alignment of the mainline amended to run in a north-westerly direction to minimise impacts on the activities and residences on Chelford Road and allow the removal of a proposed retaining wall to the east of Chelford Road;
- Radnor Park Junction. The location of the roundabout was moved approximately 100m west to that proposed in the PRA 2014. This amendment opens up opportunities to develop to the north of the link road;
- Congleton Business Park to Manchester Road/Macclesfield Road. Alignment amended to pass further south (along Mainline 4) and further north (along Mainline 5). This amendment results in a series of environmental benefits, as well as a reduction in scheme costs. There is an overall benefit even though development potential is slightly reduced.

The recommendations of the Modified Preferred Route Assessment Report, were then presented and approved at the Cheshire East Council Cabinet meeting of 6 January 2015.

Since this approval of the modifications to the Preferred Option at the Cabinet meeting in January 2015, further public consultation on the Preferred Option was held in March 2015, and discussions with landowners, stakeholders and the Council's Development team (part of a formal Pre-application process) also helped shape the final scheme for submission.

The consultation processes, following the approval of the Modified Preferred Route in January 2015, produced a number of changes - the main ones being:

- Introduction of the Back Lane improvement and removal of Radnor Trading Estate spur;
- Alignment of the scheme moved 15m south at Radnor Wood to provide sufficient space for a 15m buffer zone to the ancient woodland;
- Additional underpass introduced under the A34 Manchester Road;
- Increase in size of A536 roundabout and introduction of an additional arm to provide direct access to the south west. This change arose as a result of the Stage 1 Road Safety Audit;
- Additional environmental mounding including north-west of Chelford Road overbridge and south of Link Road, between Black Firs Lane and Radnor Park Roundabout junction;

- Minor realignments to Chelford Road and Giantswood Lane for buildability reasons;
- Replacement of soakaways with attenuation ponds and removal of balancing pond to north-east of Holmes Chapel Road Junction;
- Changes to the temporary 'haul' bridge to be required to construct the River Dane bridge; which was initially located alongside the line of the permanent bridge, but after discussions with the CEC Development Team this has been re-located to a position as close as possible to the permanent bridge and with access from the east in order to reduce the impact on the ancient woodland to the absolute minimum; and
- Increase in extent of environmental mitigation.

CONSULTATION

Following a route selection process, four options emerged (referred to as the purple, green, blue and red routes) and the first main public consultation exercise was held for 7 weeks in early 2014. A total of approximately 400 people attended this consultation exercise and approximately 1300 questionnaires were returned. The main purpose of the consultation was to gauge a level of support for the Congleton Link Road and let people comment on the four proposed route options.

Overall the Purple Option received the most endorsement and the least opposition of the proposed options. One of the issues raised during the Public Consultation for the main scheme was the impact the proposed link road would have on local traffic flows, in particular along Wallhill Lane. In response to these concerns, a 'supplementary' consultation was held between 30 May 2014 and 14 June 2014 on two proposed options to minimise the traffic impacts for the local area. From detailed analysis of all Consultation information, and review of the comparative traffic assessment, it was considered that provision of traffic calming along Wallhill Lane / Brownlow Heath Lane is the most effective way to address concerns over forecast traffic flows.

In the meantime CEC and their designers Jacobs UK Ltd had ongoing consultations with local landowners and stakeholder, which helped shape the design of the scheme further. In January 2015 a Modified Preferred Route was approved by CEC Cabinet and then a Pre-Planning Application Public Consultation took place between 2 March 2015 and 31 March 2015. Approximately 400 people then attended the Public Consultation Events. 14,000 leaflets and questionnaires were distributed and approximately 1500 questionnaires were returned.

The responses indicated that there was overwhelming public and business support for the scheme with approximately 95% of respondents being in favour of the link road (fully or partly). Amongst respondents with a business interest the area, almost 100% of the business respondents were fully supportive of Congleton Link Road.

Running in parallel to this was a series of formal Pre-application meetings with CEC's Development Team (with representatives from planning ecology, landscape and flood risk), as well as meetings with the South Cheshire Chamber of Commerce, developers/landowners and consultants who were developing the North Congleton Masterplan in connection with the emerging Local Plan.

In summary, the consultation demonstrated that whilst issues with the scheme have been raised, it has had high levels of public and business support. Following the consultation, feedback and suggestions for improvement have been incorporated into the design, resulting in the proposed scheme.

NATIONAL & LOCAL POLICY

Development Plan:

The Development Plan for this area is largely covered by the **Congleton Local Plan 2005**.

The relevant Saved Policies are: -

PS8 This policy seeks to protect the Open Countryside from inappropriate development. A new road is not listed as an appropriate development, although it does state development “will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements”. A new road clearly cannot be accommodated in the built up area of Congleton and, as will be set out in this report, has major economic and social benefits.

PS9 This policy seeks to protect Areas of Special County Value from “development which would damage the character and features” of these areas. There is conflict with this policy.

PS12 This policy on Strategic Transport Corridors does not list a Congleton Link Road, but does seek to improve the corridor from the A534 to junction 17 of the M6.

GR1 This policy lists the General Criteria for Development which will be examined in the main body of the report.

GR2 This policy sets out Design criteria development is required to meet. Again visual impact/design is considered in the main body of the report.

GR4 & GR5 This policy considers the Landscaping considerations both in terms of impact and implementation.

GR6 This policy considers general Amenity considerations.

GR7 & GR8 This Pollution policy considers air, land, water, light and noise pollution.

GR11 This policy on New Roads sets criteria against which proposals for new roads are assessed. They are:

- Discourage the penetration of non-essential traffic into towns – clearly this is an aim of the CLR.
- Improve safety and movement of traffic – Whilst not a specified objective for the CLR it is a key consideration for the CLR.
- Lead to improvements for pedestrians and cyclists – Again an aim of the CLR
- Provide improved access to industrial, business and commercial areas – As above
- Enhance public transport – As above
- Reduce noise, congestion and pollution – As above

- Not have a significant detrimental effect on landscape/nature conservation – The impact on the Dane valley in particular is discussed below.
- Incorporate mitigation measures into the design – Which this scheme does.

GR13, GR14, GR 15 & GR 16 These policies address Sustainable Transport Measures including public Transport, cycling, pedestrians and the right of way network – The scheme affects the PROW network, but provides a series of safeguards and some instances can be argued that it improves the network.

GR18 This policy on Traffic Generation seeks to ensure the capacity of the highway network is not significantly “worsened”. The proposal of course seeks to improve the highway network.

GR19 Development under this policy requires adequate Infrastructure provision. The road of course is part of the infrastructure for Congleton.

GR21 This policy requires adequate Flood Prevention measures to be incorporated into any developments. This issue has been addressed in these proposals.

NR1 Trees and Woodlands should be considered as part of any development. Mitigation for impacts on trees and woodlands is included within the proposal.

NR2, NR3, NR4 & NR5 Are policies on Nature Conservation seeking to protect both statutory and non-statutory sites and enhance habitats. Mitigation for impacts on such habitats is included within the proposal.

BH4 Seeks to protect Listed Buildings and their settings – There is no significant issue in this case.

Finally the following 3 Development Proposals sites are close to the line of the Link Road and would benefit from improved access:

DP1 Employment Sites (C1 Eaton Bank)

DP3 Mixed Use Sites (C1 Bank Street)

DP5 Recreation, Leisure and Community Use Sites (C1 Back Lane)

In addition a small part of the proposed new road (to the north east) falls within the former Macclesfield Borough area and as such policies of the **Macclesfield Borough Local Plan 2004** (saved policies) are relevant:

NE2 The Borough Council will seek to conserve and enhance the diversity of landscape character areas and ensure that any development respects local landscape character.

NE7 The Borough Council will seek to retain and enhance existing woodlands by woodland management. Development which would adversely affect woodlands will not normally be permitted.

NE11 The Borough Council will seek to conserve, enhance and interpret nature conservation interests. Development which would adversely affect nature conservation interests will not normally be permitted.

NE14 Development proposals which involve the loss of ponds, wetlands, heathlands, ancient woodlands or ancient grassland together with newly created habitats will not normally be allowed and their conservation will be encouraged.

NE17 In major developments in the countryside, the borough council will seek improvements for nature conservation, tree planting and landscaping.

BE1 Sets out the design principles and standards for new development.

BE2 The Borough Council will seek to preserve, enhance and interpret the historic fabric of the environment. Development which would adversely affect the historic fabric will not normally be permitted.

BE16 Development which would adversely affect the setting of a listed building will not normally be approved.

BE21 The Borough Council will promote the conservation enhancement and interpretation of sites of archaeological importance and their settings. Development which would adversely affect archaeological interests will not normally be permitted.

RT7 The Borough Council will seek to create a network of cycleways, bridleways and footpaths.

T1 Sets criteria to judge new transportation schemes.

T3 Improve conditions for pedestrians.

T5 Development proposals will make provision for cyclists in accordance with policy IMP2.

T6 The Borough Council will support other highway improvement schemes which reduce accidents and traffic hazards.

T8 The council will seek to introduce traffic management measures and environmental improvements on and adjacent to the roads which will be relieved of heavy traffic as a result of the new road schemes referred to in policies T7.

IMP2 Infrastructure requirements from new developments

DC1 The overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

DC3 Development, including changes of use, should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses.

DC6 Circulation and access.

DC8 where appropriate, applications for new development must include a landscape scheme which should meet the certain criteria:

DC9 – Tree protection.

DC13 Noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level, will not normally be permitted.

DC15 In cases where new infrastructure is required before development can proceed, a condition will be imposed to ensure that the development proceeds in accordance with the provision of new infrastructure and facilities.

DC17 Water Resources – To safeguard water resources.

DC18 Sustainable Urban drainage systems – To include SUDS.

DC63 Contaminated Land – To provide adequate safeguards in case contaminated land is encountered.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

At its meeting on the 28th February 2014, the Council resolved to approve the Cheshire East Local Plan Strategy – Submission Version for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The Local Plan Strategy was submitted to the Secretary of State for examination in May 2014. Following the second set of examination hearings in October 2015, the Inspector issued his Further Interim Views in December 2015. These Further Interim Views address the additional evidence produced by the Council during the previous suspension of the examination and its implications for the submitted plan.

Following the Further Interim Views, the Council has now published the proposed changes to the Local Plan Strategy (LPS), including changes to policies, supporting text and new and amended site allocations. These proposed changes were subject to formal public consultation until the 19th April 2016. It is anticipated that further hearing sessions on the LPS will be held in September 2016. Concerning the status of the CLR in the draft LPS, whilst there are still outstanding objections to it, these relate mainly to how it will be implemented rather than the principle of it. And as it is believed that that the CLR is deliverable within the LPS plan period and the support for the road and the associated sites will remain, through the LPS process, that the provisions of the draft LPS are material considerations for the determination of the CLR planning application.

LPS Paragraph 15.227 identified a set of scheme objectives have been developed for the Congleton Link Road:

The Congleton Link Road will assist in meeting the objective of employment led growth as it will support:

- The economic, physical and social regeneration of the town;
- The opening up of new development sites in particular to improve access to Radnor Park Industrial Estate and Congleton Business Park;
- The reduction in existing town centre traffic and to facilitate town centre regeneration
- The improvement of strategic transport links across the Borough;
- The reduction in community severance along key town centre corridors;
- The reduction in traffic related pollutants within the town especially on those areas declared Air Quality Management Areas.

Early consultation stages for the emerging LPS included individual Town Strategies. The Town Strategy for Congleton, developed alongside an advisory stakeholder panel of Town Council, community partnerships, local businesses and community groups identified the delivery the Congleton Link Road as a key objective to deliver improvements to the existing road network and support economic growth at Radnor Park and Congleton Business Park, amongst other objectives.

The Congleton Link Road proposal is fully in line with Strategic Priority 1 of the LPS. This priority seeks to promote economic prosperity by creating the conditions for business growth. The objective is to be delivered in part by capitalising on the accessibility of the Borough, including improved transport links.

Strategic priorities 2, 3 and 4 seek to create sustainable communities, protect and enhance environmental quality, reducing the need to travel, promoting more sustainable modes of transport and improving the road network.

Policy CO2 of the LPS - Enabling Business Growth through Transport Infrastructure – specifies that support will be given for schemes identified within the current Infrastructure Delivery Plan. The LPS notes, at paragraph 14.18, a selection of major highway schemes in the Infrastructure Delivery Plan which supports the proposals in the LPS, including the Congleton Link Road.

Policy PG6 (Spatial Distribution) in the Local Plan Strategy – Proposed Changes Version proposes 24 hectares of employment land and 4,150 homes to be delivered in Congleton, as a Key Service Centre. The focus for Congleton over the Local Plan Strategy period will be that of high quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town. New housing is seen as important as part of a balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and deliver the Congleton Link Road.

The layout and extent of the sites to the north of Congleton have been informed by the proposed route for the Congleton Link Road. A key element of the route is the crossing of the River Dane. The LPS includes a number of mixed use strategic sites proposed to the north of the town, facilitated by direct access from the Congleton Link Road.

The Council has commissioned independent masterplanners Barton Willmore who have produced a masterplan framework (the North Congleton Masterplan) to inform the allocation of land, consider the relationship of the proposed LPS sites to the Congleton Link Road and provide further guidance on the following sites:

- Back Lane and Radnor Park (CS 44);
- Congleton Business Park (CS 45);
- Giantswood Lane to Manchester Road (CS 46);
- Giantswood Lane South (CS 16); and
- Manchester Road to Macclesfield Road (CS 17).

The LPS – proposed changes version, includes, at figure 15.25, the proposed route of the Congleton Link Road alongside the proposed sites to the north of Congleton.

The Council's stated aims for the delivery of the sites to the north of Congleton are that they should be delivered on a comprehensive basis in line with the North Congleton Masterplan. The sites cannot be comprehensively delivered without additional highways capacity provided by the proposed Congleton Link Road.

National planning guidance

National Planning Policy Framework (the Framework) (March 2012) sets out the Government's planning policies for England and is a material planning consideration in the determination of planning applications. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- approving development proposals that accord with the Development Plan without delay; and
- where the development plan is absent, silent or relevant policies are out of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
 - specific policies in the Framework indicate development should be restricted.

The main policies/statements set out in the NPPF which are relevant to this proposal are as follows (summarised):

Paragraph 32 states that all developments that generate significant amounts of movements should be supported by a Transport Statement or Assessment.

Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people;

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development; and
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposed development has been supported by a Transport Assessment (TA), which identifies the traffic impacts of the construction and operation of the development. The TA includes mitigation measures, and complementary mitigation measures which are proposed to mitigate impacts of the development and increase sustainable transport choices.

Paragraph 41 – Local Planning Authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to wide transport choice.

Paragraph 103 advises that determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential and Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.

As part of the planning submission the applicant has provided a Flood Risk Assessment (FRA) prepared in accordance with the NPPF technical guidance. Full commentary and responses from statutory bodies can be found in the body of the report.

Paragraph 109 – The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Full discussion on the natural and local environment can be found within the report, however, on balance it is considered that the scheme accords with the general principles of para 109.

Paragraph 112 – Local Planning Authorities should take into account the economic and other benefits of the ‘best and most versatile agricultural land’ (BMV). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality land. Full discussion can be found within the analysis section, however, in summary, the scheme would result in the loss of approximately 51 ha of agricultural land and approximately 76% of this (39ha) is classed as BMV. Although this is quite large, and the overall importance of this on a national scale is therefore considered to be low. It is also acknowledged that land take has been minimised as much as possible, and in order to mitigate the loss of productive agricultural soil (associated with BMV land), the soil would be re-used sustainably in the landscape planting and creation of bunds. The benefits and need for the scheme are considered to outweigh the potential harm.

Paragraph 118 – When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the sites notified special interest features is likely, an exception should only be made where the benefits of the development, clearly outweigh both the impacts that it is likely to have on the features of the site and any broader impacts;
- opportunities to incorporate biodiversity in and around developments should be encouraged.

Opportunities for mitigation and biodiversity have been taken where possible to ensure that the impacts of the development are acceptable. It is considered that the ES fully assesses the impacts and, with mitigation the scheme, would ensure compliance with para 118.

Paragraph 120 – To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the areas or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 123 – Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from new development, including through the use of conditions;
- recognise that development would often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 124 – Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Paragraph 128 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site includes or has the potential to include heritage assets within archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. The applicant has provided in full an assessment of the potential impacts, which is considered to be sufficient to determine the proposal.

Paragraph 132 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm or loss of a grade II listed building, park or garden should be exceptional. Within Cheshire East, no such harm is identified as a result of the proposed development.

Paragraph 135 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement would be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 139 – Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraphs 186 and 187 – Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions in the area.

Paragraph 215 – states that 12 months after the publication of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the framework the greater the weight that may be given).

Cheshire Replacement Minerals Local Plan' 1999

The boundary of the quarried area, associated with Eaton Hall Quarry, is adjacent the proposed length of road between the Manchester Road Junction and the Macclesfield Road Junction towards the eastern end of the route.

Given the current status of the quarry, as an active mineral extraction site, the sensitivity/value of the mineral resource is considered to be high. However, the preferred areas for future expansion of the Eaton Hall Quarry, as presented on Map Inset 5 and included in the 'Cheshire Replacement Minerals Local Plan' 1999, are all to the north of the current quarry, and thus the proposed Road would not affect the potential future exploitation of this resource. No change was therefore assigned as the magnitude of the impact in the accompanying ES. In addition, other allocated areas for potential future mineral resources will not be directly affected by the proposed scheme and consequently overall the impact of the scheme upon mineral resources was therefore considered to be neutral.

Neighbourhood Plans

The line of the link road fringes the extreme eastern boundary of the Brereton Parish, but then passes through the Parishes of:

Newbold Astbury - Regulation 14 (Draft for Consultation). No specific reference is made to the link road.

Somerford – Designated Neighbourhood Area

Hulme Walfield - Designated Neighbourhood Area

Eaton – No substantive work to date

There is no conflict with the scheme proposals from the local neighbourhood plans

CONSULTATIONS:

Environment Agency:

Flood Risk:

There was concern regarding the capacity of the three ordinary watercourse culverts, in terms of being able to accommodate a 1 in 100 year flood flows. 1 in 100 year flood flows were determined and amendments to the culverts were made. Originally 900 mm diameter culverts were considered, but following discussions with EA this was increased to 1250 mm diameter, which would also allow for maintenance access.

Groundwater:

The EA also had concerns regarding the use of soakaways, as part of the surface water run off system, where an additional treatment prior to discharge was requested to be included along with confirmation of at least 1 m of unsaturated zone between the top of water table and bottom of the drainage outlet. It has been identified, from further review of the groundwater level monitoring and soakaway design, that a soakaway would not be feasible at the proposed location due to the high water table.

Consequently, two options were considered including re-design of attenuation pond and use of existing drainage system on Macclesfield Road. This identified the best option, as the use of the existing network drainage system and this would include a new outfall in a tributary of River Dane to the east (which was a post submission addition to the application scheme and area).

These changes have also been assessed for potential effects to ecology, geomorphology and Water Framework Directive and flooding, and have been reported in the Addendum to ES and Addendum to FRA. In response and in terms of flood risk, the EA and CEC - Drainage and Flood Risk officers confirmed that they were happy with the alternative proposals.

The assessment of water quality associated with this alternative proposal was also reviewed by the EA, who advised that a wetland treatment be included in the treatment process, as well as the wet pond (attenuation pond). Outline details of the wetland treatment have been included in the submitted Addendum to ES and corresponding Planning drawings.

Notwithstanding these agreed changes, a Planning Condition regarding an appropriately designed surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance (NPPG), has been included as a proposed Planning condition.

United Utilities

Whilst United Utilities support the principal of the Congleton Link Road Scheme, they are keen to ensure their infrastructure and service to their customers are not detrimentally impacted by it. Consequently they have suggested the imposition of a number of planning conditions and an associated condition is proposed.

Natural England

Natural England has no objection to the proposal in terms of its proximity to internationally and nationally designated sites e.g. SSSI's. Concerning issues of local importance they state that reference should be made to local records centres and groups for advice.

Sport England

No Comment.

Highways England

No objections.

Sustrans

A number of opportunities along the various sections of the road were raised in relation to the cycle network and in response the applicant made a number of changes e.g. at Loachbrook Bridge and Moss Lane footpath. Some other suggestions e.g. an additional underpass, were discounted due to the land take involved and due to expected low volumes of NMUs in certain locations that could not justify the significant additional costs.

Cheshire Wildlife Trust

The Cheshire Wildlife Trust (CWT) were concerned that the scheme will reduce the ability of the existing ecological networks to withstand change, due to a reduction in the connection between similar habitats, (and therefore does not comply with NPPF). In addition they suggested that there was insufficient information regarding the following:

- i) evaluation of grassland species;
- ii) how the construction and operational phases would avoid impacts to the conservation status of bats;
- iii) to provide more information regarding the evaluation and mitigation of several species of birds (both breeding and wintering); and
- iv) further details regarding the difference between summary habitat loss and gain quantities given in ES and the detailed information provided in metric calculations.

Details responding to these issues and the inclusion of additional compensation habitats have been included in the addendum to the ES.

A more recent representation was received in response to the ES Addendum (Rev 0) and the Planning, Design and Access Statement (Rev2), which were submitted in March 2016. This representation asked for clarification of the residual impacts on sensitive ecological receptors and species. In addition, it was requested for the more recent Local Wildlife Site (LWS) selection criteria to be used in the assessment. In turn the applicant responded by reinforcing the case that there is very little residual impact caused by the scheme and that the benefits created by the scheme far outweigh any such negative residual impacts. In addition, the LWS criteria was used in the reporting of the assessment. This additional information was subsequently included in ES Addendum (Rev 1) and the Planning, Design and Access Statement (Rev3) submitted in May 2016.

Cheshire Archaeology Planning Advisory Service

APAS recommended that further mitigation works in the area opposite the existing farm be added to the proposed schedule of archaeological mitigation. This was agreed by the applicant and APAS recommended that the applicants be required to undertake of programme of archaeological work (excavation and recording, and the reporting of that work) and that such work be secured by means of a planning condition (which is proposed).

Nature Conservation Officer - Cheshire East Council

The CEC nature conservation officer requested the following:

- i) changes to the mitigation for GCN, including the inclusion of GCN compensation/enhancement habitat
- ii) clarification of Loach Brook bridge and specifically for the passage of bats
- iii) details of hydrological impacts on Local Wildlife site

- iv) clarification regarding replacement hedgerows and badgers tunnels
- v) clarification regarding access for the management of habitat areas
- vi) clarification of bird evaluation and mitigation.

Details and the inclusion of additional compensation habitats have been included in the addendum to the ES.

A more recent representation was received in response to the ES Addendum (Rev 0) and the Planning, Design and Access Statement (Rev2) submissions in March 2016, which acknowledge the changes included in the ES Addendum (Rev 0). Similar to the comments from CWT, it was requested for the more recent Local Wildlife Site (LWS) selection criteria to be used in the assessment. As outlined above, this change was made and reported in ES Addendum (Rev 1).

Notwithstanding this, the Nature Conservation Officer requested that should planning permission be granted that a number of planning conditions be applied to a permission - several associated planning condition(s) are therefore proposed.

Public Rights of Way - Cheshire East Council

The CEC PROW officer suggested a number of changes to the proposed alterations to the PROW network. The main ones related to:

- An at-grade uncontrolled crossing at Hulme Walfield Footpath No. 7, west of Giantswood Lane, and the design speed of the road would be unacceptable to potential users;
- The Manchester Road junction does not show footway provision for pedestrians heading south on Manchester Road to tie into the existing footpath provision as shown on the Public Rights of Way Plan;
- Limited cyclist facilities at roundabouts and there is no indication of a crossing of access track 6 for the footway/cycleway, south of Radnor Park junction; and
- The provision of a continuation of the Giantswood Lane overbridge footway, as far south as Hulme Walfield Footpath No. 4, would be beneficial.
- Meeting the British Horse Societies recommendations at overbridges and at underpasses.
- For the Brereton Footpath No. 21 and Newbold Astbury Footpath No. 8 connection, it was noted that the route for pedestrians wishing to walk from Brereton Footpath No. 21 to Newbold Astbury Footpath No. 8 would have their route extended in length four-fold. Concerns were raised that this may also create a desire line to cross the new road which may raise safety implications.

In response the applicant has proposed the following alterations:

- Removal of at-grade crossing of link road for Hulme Walfield FP No. 7 and diversion along Giantswood Lane and the south side of the proposed link road;
- Increased footway provision for pedestrians heading south on Manchester Road;
- Improved facilities for cyclists at roundabouts and at access track 6;
- Agreement to meet the British Horse Society's requirements for bridge parapets and for underpasses.
- It was agreed that the connection from Brereton FP 21 to Newbold Astbury FP 8, would lead to an increase in the distance walked, although only a relatively short distance. To prevent people crossing the road fencing and hedgerows are proposed.
- Notwithstanding this the PROW team suggested the imposition of a number of planning conditions, should the application be approved.

Regulatory Services and Health Comments - Cheshire East Council

Queries were raised about the assessment of the impact of traffic along Back Lane near Radnor Park. They expressed concern that the impacts would affect residential properties along this section of road towards Congleton town centre. They also queried whether acoustic fencing could be included as part of the noise mitigation to the south of Congleton Link Road at the Chelford overbridge. Furthermore, they requested the consideration of the option to extend the acoustic barrier to the east of Back Lane/Radnor Park link roundabout junction and which had been previously discussed with the Environmental Protection Officer

This was reviewed where the option of including an acoustic barrier along Back Lane (towards Longdown Road) was examined and discussed further with the Environmental Protection officer, who agreed with the proposed benefits of including the barrier in the scheme. It was also subsequently demonstrated that minimal benefit would be provided by additional acoustic fence at Chelford overbridge and also by the extension of the fence at Back Lane/Radnor Park link roundabout junction. The explanation of the additional noise mitigation and the identification of the beneficial effects to the noise assessment have been included in the noise assessment in the ES Addendum (Rev 0).

The Environmental Protection Officer, in response to the additional information submitted, has advised that the scheme is considered acceptable in terms of noise with the inclusion of the mitigation scheme as per the ES.

In terms of air quality, the Environmental Protection Officer advised that the link road is considered to have a significant beneficial impact on air quality and provide public health improvements for residents within the towns AQMA's. It can also be considered to positively contribute to our local air quality management objectives to improve air quality and aligns with paragraph 109 and 124 of the NPPF. They confirmed that, in principle, they fully support the planning application. A number of planning conditions has been suggested.

Furthermore, they requested that an Environmental Management Plan (EMP) shall be submitted to address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase.

The Contaminated Land team confirm that they have no objection subject to a watching brief being carried out and an associated condition is proposed.

Highways Authority

The highway comments were focused on the impact that the proposed development would have on the road network and the likely benefits it may or may not have.

The introduction of the CLR is forecast to substantially reduce the through traffic using the A34 congested junctions. Journey times for through traffic are also improved and also due to the reduction in flow on the A34, local journey times in Congleton would improve. There are locations where traffic flows would increase to reassignment of traffic as a result of the CLR, these are the A536 Manchester Road and the A34 Congleton Road. There are mitigation measures proposed on these routes to reduce the impact of the additional flow on these sections of the road network.

In summary, a comparison of the road network with the CLR scheme or without it clearly shows that overall it would be beneficial to provide the new link road as it would materially reduce the congestion in Congleton. The scheme also has environmental benefits in reducing through HGV movements and providing improved conditions for sustainable travel modes.

A further highway report has been submitted by the applicant on this planning application, the report is titled 'Design Standards Report' that provides technical design detail on the Congleton Link Road.

The highway design standards report supports the general design speed philosophy for the CLR. This is summarised as a 60mph road, with the exception of the link between the A54 Holmes Chapel Road Roundabout and the Radnor Park roundabout; where a 50mph limit is proposed. The joining spur roads are proposed to be 30mph roads.

Having considered the highway design standards report and the stage1 safety audit, it is considered that the scheme has been designed in accordance with DMRB standards and that the speed limits proposed on the CLR raise no safety concerns at this stage.

It is noted that a departures from standards report will be prepared prior to the detailed design of the road for the acceptance of the highway authority.

This further report provided clarification of the technical design standards used for the CLR, it does not raise concerns that alters the original recommendation provided on this application.

Flood Risk Manager

No comments received.

Landscape

The road runs through three landscape character areas (Cheshire Landscape Assessment adopted March 2009) – in the west Lower Farms and Woods LF2 Brereton Heath; in the mid-section River Valleys R5 Upper Dane; and to the east Higher Farms and Woods HFW1 Gawsworth. The middle section of the route cuts through the Dane Valley Area of Special County Value (ASCV) (Congleton Local Plan 2005 policy PS9). The ASCV boundary runs along the valley of the River Dane and at the line of the proposed road it stretches from several hundred metres into the flat farmland on the western side of the valley to Giantswood Lane in the east. Land either side of the ASCV is designated as "open

countryside” within the Congleton Local Plan. Potential routes for the link road and development sites south of the link road have been identified within the Cheshire East Local Plan Strategy Submission Version (March 2014), policy SE4 within this document is also of relevance. NPPF paragraphs 7, 9, 17, 109, and 113 are also relevant.

A number of route options and river crossing points were previously considered as described within the Design and Access statement. The chosen route creates the least landscape harm.

An Environmental Impact Assessment has been undertaken and the corresponding ES includes a Landscape and Visual Impact Assessment (LVIA) which has been carried out in accordance with the Guidelines for Visual Impact Assessment Version 3. View-points and the extent of visual influence of the road were agreed at the commencement of the LVIA. Special attention was given to the River Dane crossing and valley, including a specific site visit with landscape officers to identify visual impacts and consideration of 3 different design options for the bridge. The final design for the bridge and valley crossing seeks to achieve a balance between minimising visual impact on the ASCV and ecological impacts on the river corridor and Ancient Woodland. Elsewhere along the route visual and landscape character impacts and appropriate mitigation have also been carefully considered and discussed with officers.

The ES concludes that the impact on landscape character after mitigation and at 15 years from construction would be significantly adverse for the River Dane corridor while elsewhere no significant effects would remain. During construction 30 receptors would experience significant adverse visual impacts, although the proposed mitigation would reduce this to 12 receptors (8 properties, 3 footpaths and Back Lane) after construction and as the mitigation takes effect. The landscape section of the ES has been fully reviewed and the conclusions are agreed. Where significant harm remains further mitigation would be inappropriate, either due to conflicts with landscape character and ecology or in a small number of cases due to lack of appropriate space. The harm caused to the ASCV means that the road is in conflict with Policy PS9 of the Congleton Local Plan.

The response concludes with the recommendation that should the application be approved, then a number of planning conditions would be required, and therefore associated planning conditions are proposed.

Heritage Officer

Having reviewed the scheme there is a general agreement with the Environmental Statement section 8 and the proposals to mitigate to reduce any identified harm to those heritage assets. There are several heritage assets that due to the layout of the land and proximity to the proposed site that are looked at in more detail.

Brickhouse Farm - grade II listed 3 storey 18th century house. The site sits over 300m from this property but due to the properties elevated position and the bridge proposal it is considered that the proposed road will have a minor adverse change in setting however landscaping should help reduce this impact.

St Michaels church – a grade II listed 1850's village church. The impact of both construction and operation will cause moderate adverse harm to the setting of the church, by virtue of noise and vibration, and to a lesser extent seasonally visually. Landscaping should help reduce this impact

Of the major adverse impacts on heritage assets there is no objection to the loss of the revetment (asset 77) and are pleased to note the reinstatement of the milepost (asset 78 - we suggest a condition to decide its location). The impact on Rose Tree/Ivy Cottage/Paddock House Farm which are non designated heritage assets and visible on the tithe maps is of some concern, however landscaping should help reduce the impact on the buildings over time.

The current A34 Clayton bypass/West Road/Sandbach Road has 7 listed buildings within the immediate vicinity, a conservation area and several locally listed buildings. The setting of these heritage assets will improve as the reduction in traffic due to the proposed link road will have a moderate beneficial impact.

It is considered that the degree of impact on the significance of the heritage assets as a whole would be towards the lower end of the spectrum of less than substantial harm. Nevertheless there would still be a loss of significance. Where there is less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the Framework requires the harm to be balanced against the public benefits of the proposal. In this instance It is considered that the benefit of reducing traffic congestion and the benefit that will give to the town centre and heritage assets currently immediately impacted by traffic, outweighs any harm that would be caused by the proposed works.

Should approval be recommended then a Milepost Reinstatement condition is recommended.

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Approximately 200 letters have been received from local residents in response to the planning application and just over 50% of those who commented on the application supported it. Those who had objections to the scheme had concerns about the following issues (listed according to the level of concern):

1. Increased traffic and detrimental impact upon surrounding roads
2. The Scheme should have been designed to connect with the A34 north to A536 and A34 south to A534
3. Detrimental impact on residents and businesses along Back Lane due to increased noise and disturbance caused by increased traffic;
4. Noise, air and light pollution along surrounding roads to the detriment of the local community
5. Insufficient traffic measures to appropriately mitigate impacts upon surrounding highway network and associated communities;

6. Insufficient consultation on the scheme.
7. Questionable economic benefits
8. Disagreement with estimated changes to traffic travel patterns
9. Road design could be improved
10. Conflict with land use and sustainability policy.

In addition an agent has written in on behalf of a landowner suggesting the mitigation measures proposed to compensate for loss of Ancient woodland should be located in a different location.

Responses from the following parish / town councils:

Congleton Town Council;

Eaton Parish Council;

Hulme Walfield & Somerford Booths Parish Council;

Newbold Astbury cum Moreton Parish Council

North Rode Parish Council

Odd Rode Parish Council

Somerford Parish Council

Marton Parish Council

Issues these groups raised included:

- Increased traffic on other areas:
 - Rat running on Brownlow Heath Lane and Wallhill Lane leading to increased congestion;
 - Increased traffic volumes through the Astbury Conservation Area;
 - Traffic to Back Lane industrial estate would affect local traffic;
 - Traffic from the A34 to Wallhill Lane via both Childs Lane and Brownlow Heath Lane through Wallhill Lane, Sandbach Road, including 'cross country' HGVs.
- Link road should be extended to the A34;
- The roundabout close to the school should be relocated;
- Impact on neighbouring existing dwellings;
- The justification for building the CLR has not been proved;

- Would result in the loss of a considerable amount of unspoilt countryside and prime agricultural land;
- Insufficient regard has been given to alternative options;
- Concern over the crossing of the Holmes Chapel Road and effects on public rights of way;
- The road should be constructed entirely as presently proposed and not in phases;
- Development should not be permitted north of the Congleton Link Road;
- Mitigation measures in Eaton Parish Council should be implemented prior to the scheme opening;
- Due to the construction phasing if the budget runs out there would be many unsuitable rural roads used as rat runs;
- New housing development would worsen congestion;
- River Dane bridge would be a large structure impacting upon setting of many popular walking routes;
- The route severs access to the countryside for many people and doesn't provide appropriate crossings;
- The original proposed access to Back Lane is preferred;

Other groups to respond included:

Congleton Sustainability Group

They support the principle of the Congleton Link Road, but did have a number comments relating to:

- Ensuring no future development beyond the boundary of the Link Road;
- Footpath/Cycleway comments;
- Extension to A54;
- Water Treatment;
- Phasing of Link Road.

Somerford Neighbourhood Plan Steering Group and also the West Heath Action Group

Issues they raised included:

- Significant changes have been made to the scheme without consultation particularly in Somerford Parish around Back Lane;

- Lack of detail to support the need for a Link road and there is no information as to how the Link road would help create jobs;
- Severance issues for the community
- Rat running on Back Lane, Blackfirs Lane and Chelford Road would cause road safety problems
- Increase in air and noise pollution
- Severance of footpaths including access to Somerford Chapel
- Effect on landscape character
- Traffic impact on Padgbury Lane and safety of pedestrians and cyclists
- Mitigation works should be in place prior to the scheme opening

All the above comments and the applicant's responses are available on the Council's website.

APPRAISAL:

The principle of the development, the development plan and other material considerations

As set out above, the development plan consists of the Congleton and Macclesfield Local Plans, and these need to be considered besides the material considerations of the emerging Local Plan and NPPF. In this case relevant Neighbourhood Plans are at too early a stage in their production to be considered material in this case.

An assessment against the policies in the documents set out above, is made in the policy section above, but in very broad terms the Development Plan policies in the Congleton and Macclesfield Local Plans were written at a time when the Link Road was not considered, and as such there will be some friction with open countryside policies and of course with landscape policies especially with regards to the Dane Valley which falls within the ASCV. That said the proposal is in accordance with the majority of the policies and policy GR11 New Roads would fully support the proposal.

As outlined above, the emerging Local Plan Strategy, which is a key material consideration in the determination of this application, and the corresponding Master-plan, fully endorse these proposals and the policies with the NPPF would also fully support the scheme. This adds significant weight in support of the proposals.

Environmental Sustainability

This section looks at issues relating to Landscape and visual impacts, highways impacts/benefits, other road users, ecology, heritage impacts, flooding/drainage and design in relation to proposed structures. The section then looks at what are considered to be the

two most sensitive locations on the proposed road line, Loach Brook and the Dane Valley in relation to all significant environmental issues.

Landscape and visual impacts

Whilst the visual impacts of the most sensitive location, the Dane Valley, are considered below, clearly there will be some visual impacts all along the route. However as much of the road runs at grade (ground level), or below ground level (for example where it goes under Chelford Road or Giant's Wood Lane), the use of earth mounds and the extensive landscaping proposed will greatly reduce any visual impacts. In this regard the Council's Landscape Officer feels that overall the landscape impact is acceptable, and that no significant impacts will remain after a 15 year period.

Highways impacts/benefits

The main impacts and benefits of the scheme are set out in the introduction section to this report and in effect is what this development is all about. The proposals will result in significant highway benefits for Congleton, and any potential negative impacts can be mitigated through appropriate measures. The main highways benefits can be summarised as:

Direct Impacts will focus on the A34 corridor through Congleton between the Lower Heath Gyratory (A34/A536 junction) and the Waggon and Horses roundabout (A54 / A534 / A34), where traffic flow will decrease and congestion is relieved. The A54 Holmes Chapel road and A534 Sandbach Road (within the urban area) will also be relieved.

The town centre will benefit indirectly from reduced traffic levels, as traffic currently "rat running" on Mill street / West Street can use the more appropriate route via A34 Rood Hill and A34 Clayton By-pass.

Holmes Chapel close to Junction 18 of the M6 will benefit from reductions in traffic on the A54 and A535, as traffic to / from the Macclesfield area to/from the M6 (south) is likely to transfer to the route via the CLR to access the M6 Motorway at Junction 17.

Highway safety

Following the submission of the "Design Standards Report" which looks at the technical detail on the road, as reported above under highways comments there are no objections on safety grounds.

Loach Brook bridge crossing

A number of potential environmental issues have been highlighted associated with the location of the Loach Brook crossing including the following:

- Flood risk;
- Severance of bat foraging routes along Loach Brook and noise disturbance to a bat maternity roost;
- Visual impacts to residential properties;
- Noise impacts to residential properties.

Flood risk

Consultation with EA during the scoping stage determined the need for detailed flood modelling to be carried out in the vicinity of the proposed location of Loach Brook crossing, in order to determine the required soffit height required for the bridge.

The flood risk modelling has identified the 1:100 year flood level (plus an allowance for climate change) to be 78.75 m above Ordnance Datum (AOD) for Loach Brook. Therefore, based on the standard requirement for the soffit level to be 600mm above 1:100 year level (plus climate change), the minimum soffit level would need to be 79.35m AOD. The proposed design soffit has taken this into account and allows for the 1 in 100 year flood flows. As a result the bridge structure has been made higher than originally designed.

Bats

The bat surveys carried out in the vicinity of the location of the Loach Brook bridge crossing have indicated that there is a large maternity bats roost associated with 'the Hollies' property immediately to the east and that Loach Brook is an important foraging and commuting route for Brown Long Eared Bat and Myotis species. In order to maintain the foraging route, a minimum clearance between the average water level and soffit of 2 m has been allowed. This has been coupled with the 25 m wide crossing, (to allow for the future passage of mammals along the banks which was requested by EA), which provides the required clearance area of 50 m² for the movement of bats below the structure. In the unlikely occurrence of the bats following a route over the bridge, the 2 m high noise fence and bat hop overs either side on the embankments would force the bats to fly over the bridge at a height to reduce vehicle collisions.

In addition, the presence of the road adjacent to a large maternity roost has been considered in terms of potential disturbance due to noise. The proposed inclusion of the 2 m high noise barrier along both side of the bridge, and also extended along the embankment, would reduce these potential noise disturbance impacts to this roost.

Noise impacts

The location of the Congleton Link Road close to several properties along Homes Chapel Road and Chelford Road, and as the result of the elevation of the road over Loach Brook, could cause potential disturbance to these properties due to noise increases. To reduce the noise impacts there has been the inclusion of a 2 m high noise barrier in the design, along the both sides of the bridge crossing which continues along the eastern side of the road to the Holmes Chapel Road roundabout junction. To the north of the bridge crossing the noise barrier continues and ties in with a noise bund. These noise measures would reduce the potential noise to acceptable levels for the residents along Holmes Chapel Road and Chelford Road.

Visual Impacts

The design of the scheme also considered visual impacts e.g. several properties along Holmes Chapel Road and Chelford Road. It is considered that the noise barrier, noise bund and extensive screen planting on the embankments to the bridge, would also reduce these potential visual impacts. Furthermore, the design of the bridge, in terms of materials used,

would also be sympathetic to the local landscape character, in order to reduce these impacts, planning conditions are proposed to address these matters.

River Dane Bridge crossing

A particularly environmentally sensitive impact of the scheme is where it crosses the river Dane in the Dane Valley.

Overall, there are several potential environmental issues have been highlighted associated with the location of the River Dane crossing including the following:

- Flood risk;
- Loss of Ancient Woodland;
- Severance of badger foraging routes;
- Impact to River Dane Locally Designated Landscape.

Flood Risk

One of the key challenges with the crossing of River Dane, was the consideration of flood risk in terms of needing to avoid construction of the embankment on the eastern side within flood plain. In order to determine the extent of the flood plain in this area, detailed flood modelling was carried out. This has identified the 1:100 year flood level (plus an allowance for climate change) to be 69.60m AOD. Therefore, based on the standard requirement for the soffit level to be 600mm above 1:100 year level (plus climate change), the minimum soffit level has been identified to be 71.2 m AOD. The design soffit level is well above this level and this has been agreed with EA.

Loss of Ancient Woodland

The proposed road crossing of the Congleton Link Road passes through an area of Ancient Woodland. As part of the route selection process it was established that crossing the River Dane and the associated Ancient Woodland was unavoidable. Though the steepness of the embankments and the design of the temporary haulage route, close to the alignment of the road, has reduced the footprint of the scheme on this woodland. there will still be 0.2 ha loss of Ancient Woodland.

It is acknowledged in ES that this loss of Ancient Woodland cannot be mitigated, by virtue of it being ancient, however in order to compensate for this loss, 3.9ha of new woodland immediately adjacent to the Ancient Woodland would be created. As part of this compensation, some of the soil from the current Ancient Woodland to be lost would be translocated into the area of new woodland, and where possible natural re-colonisation would be encouraged. Furthermore, an area of Forge and Radnor Woods Ancient Woodland Local Wildlife Site, immediately adjacent to the road at the River Dane crossing, would be incorporated into the management of the compensation area (this area of woodland is approximately 5.7 ha in area). This woodland would be subject to appropriate management, to be secured by the agreement of rights of access for management or compulsory rights acquired under the CPO for the scheme. Alternatively, an appropriate management agreement and management plan will be secured. This would have the benefit of implementing remedial management tasks to address the non-native invasive plant species and to maintain and enhance the value of these woods, whilst also providing a buffer to the

proposed compensation ancient woodland trial areas and habitat creation areas. A Planning Condition is proposed to secure the appropriate management of the woodland.

Severance of badger foraging routes

The badger surveys carried out in the vicinity of the River Dane crossing, have identified the presence of badger activity, including the use of the woodland on the western bank of the River Dane as a foraging route. The potential crossing of River Dane severs this badger foraging route. In order to maintain the badger foraging route and in order to allow the future movement of other mammals along River Dane, a back span has been included on both sides of the bridge in order to maintain the habitat connectivity.

Landscape and visual impacts

The most sensitive landscape features and landscape characteristics are found in the River Dane Valley. This is due to the distinctive topography and hydrology, Ancient Woodland and its sense of tranquillity, aesthetic appeal and remoteness. The River Dane crossing would have a significant adverse effect on all of these features by cutting into and building onto the valley slopes, removing Ancient Woodland and introducing construction activity and a new road into an otherwise undeveloped landscape.

As highlighted by the Council landscape officer, special attention has been given to the River Dane crossing and valley as part of the landscape assessment. This has included a site visit and consultation meeting with Council landscape officers to identify visual impacts and consideration of 3 different design options for the bridge. The resulting design for the bridge includes two back spans on either side of the river channel, in order to maintain some of the openness. Furthermore, landscape planting has been included to help to soften earthworks and screen views of traffic. It has been concluded by the Council landscape officer, that the final design for the bridge and valley crossing seeks to achieve a balance between minimising visual impact on the ASCV and ecological impacts on the river corridor and Ancient Woodland.

Overall, it is acknowledged by the applicant, in their ES and by the Council landscape officer, that significant adverse effects would remain after mitigation, though given the wider highways/ travel benefits of the scheme it is considered that these would outweigh the adverse effects on the river Dane Valley.

Other key issues raised:

Back Lane Link including access to Radnor Park

Following the pre-planning consultation exhibition in and during the preparation of the North Congleton Masterplan, consultations took place with landowners and developer organisations. It became clear that there were other ways of providing access to Radnor Park other than the direct link that was presented at the exhibitions in March 2015. This included an option which included improved accessibility along an improved Back Lane, which had the following advantages:

- Works better with land ownership constraints and the North Congleton Masterplan for the area leading to more efficient use of land. The removal of the proposed 'Radnor Park Spur' means that land identified for development is not effectively sterilised;

- Proposed developments in the Back Lane area means that it is likely that Back Lane would be developed by others irrespective of whether the link road went ahead. By recognising this, the Council is able to utilise this section of road and save the costs of a direct link whilst at the same time increasing potential development areas.
- Improve HGV access to Radnor Park and thus predicted removal of HGV traffic from most of the residential areas of Back Lane. With the current arrangement HGVs will not be able to move beyond the southern roundabout on Back Lane because they will be directed to the industrial estate along the Radnor Park Link.
- There were no significant differences in traffic impacts for both the Back Lane link and the direct link to Radnor Park; and
- Allows new purpose built footpaths/cycleways to be built along existing section of Back Lane from the end of the existing residential areas, making it safer for non-motorised travellers.

The applicant acknowledges that this option does not provide the most direct access to Radnor Park and that some vehicle movements are closer to the residential properties on Chestnut Drive; and the perception that this option will attract more traffic to access Radnor Park from the Waggon and Horses Roundabout. However, on balance, the applicant considered that the accessibility and more efficient use of land advantages outweigh the disadvantages and therefore included the Back Lane improvement in the planning application.

Regarding the potential effect of increased traffic flows along Back Lane from the centre of Congleton to the Back Lane/Radnor Park roundabout junction and the impact on housing, an acoustic assessment was carried out. This found that noise levels at dwellings located immediately to the west of Back Lane are predicted to increase in both the year of opening (short term) and the future assessment year (long term) therefore, major adverse noise impacts would be predicted for a number of dwellings located near to Back Lane. In order to reduce these predicted noise levels, a 2 m high acoustic fence extending 391 m along Back Lane has been included. This mitigation has been accepted by the Council's Environmental Health Officer. It is claimed that this mitigation may also offer some benefits from existing factory borne noise issues.

It should also be noted that the southern arm of the Radnor Park Roundabout will restrict HGV movements, along Back Lane, both by its geometry and the imposition of HGV restrictions.

Link Road not connecting to A54 north from A536 or A34 south from A534

The traffic model shows that the volume of 'through traffic' on the A34 Newcastle Road is low and subsequently only a small proportion of traffic could potentially divert onto the CLR if a link was provided to connect the A34 Newcastle Road to the A534 Sandbach Road. Consequently only limited traffic is forecast to use a link between the A34 Newcastle Road and the A534 Sandbach Road. The applicant claims therefore that it is currently not possible to justify the significant additional funds that would be required to construct this extension to the proposed CLR although it is noted that the design of the link road does not preclude this happening in the future.

A qualitative assessment of an extension of the CLR between the A536 Macclesfield Road and A54 Buxton Road has concluded that there is little demand that could potentially transfer to use this link. Traffic flows on the A54 Buxton Road are lower than on the other radial roads approaching Congleton and the proportion of through traffic is low. This link would also require an additional crossing of the river Dane valley.

As above, the design of the link road would not prejudice the provision of such a link in the future if it could be justified.

Wider highway network impacts (Wallhill Lane, Padgbury Lane, Eaton)

Representations have been made by members of the public, local parishes and the West Heath Action Group regarding the effects of the link road on other local roads. In particular, there is concern that one of the effects of the link road would result in increased traffic in the Wallhill area, Padgbury Lane and through Eaton.

In most cases the scheme reduces traffic on existing roads; however traffic is forecast to increase in the Brownlow Heath area. In order to mitigate the impact of this traffic, measures to reduce traffic speeds are proposed. Traffic management measures would be provided on Padgbury Lane following consultation with local residents. Measures on Wallhill Lane and Childs Lane include reduced speed limits, installation of "give and take" priority features and reduced junction widths. The effects of these measures have been tested in the traffic model and the results show that forecast traffic flows would be less than at present, due to the traffic measures and most traffic would use the by-pass or the town centre in order to travel through Congleton. Over the entire day, compared to the baseline position, daily flows on Wallhill Lane and Padgbury Lane would be lower than they would be without the scheme.

Relatively minor increases in traffic are forecast for the Newcastle Road section of the A34 due to reduced delays at key junctions within Congleton when through traffic associated with the A534 Sandbach Road and A54 Holmes Chapel Road transfers onto the CLR. Junctions that experience reduced delay include the junction of the A534 / A54 and A34 (Waggon and Horses junction) and the A34 West Road / West Street / Clayton bypass roundabout. Traffic transfers onto the Newcastle Road section of the A34 from less suitable alternative roads including Wallhill Lane and Fol Hollow that are under increasing pressure in the situation without the CLR.

Traffic flows are also forecast to increase on the A536 Macclesfield Road through Eaton village as a result of some traffic travelling between Macclesfield and the M6 (and vice versa) re-routing to use the A536 and CLR. The applicant will consider a wide range of safety measures in Eaton and consult with the local community on these.

It is proposed that all mitigation measures should be implemented prior to the opening of the CLR and secured by a planning condition.

Phasing

Concern has been expressed by the parish councils and members of the public at the eastern end of the scheme that the phasing plan for the scheme would allow the link road to terminate at the A34 Manchester Road. The concern is that if Phase 4 were not to be built,

traffic would use inappropriate roads between the A34 and A536. They cite safety issues due to increased traffic on narrow and winding lanes, particularly at school times.

In response to this, the applicant has changed the phasing of the scheme so that phases 1 and 4 would be merged into one phase and thus to build the road from the A534 to the A536 as a single phase. The Spur Road from Congleton Link Road to Congleton Business Park and the Back Lane improvements would form the other two phases.. The applicant believes that this would still give them the flexibility of a phased permission in order to respond to external influences and are not to prescribe what would be delivered (and when).

Other road users – Cyclists/pedestrians/horse riders

Whilst there will inevitably be impacts on existing routes used by cyclists, pedestrians and horse riders, the overall scheme is considered to bring significant benefits. In areas directly impacted by the development there will be some diversions to avoid dangerous crossing points, however these changes are relatively minor and supported by the PROW Officer. It needs to be noted that benefits will include a new east west route following the new road with a segregated lane giving more route options for non-motorised users.

In the town itself, reduced traffic flows will bring significant benefits for cyclists and pedestrians. In addition there will be improvements for bus users as timings will be more reliable, as buses are less likely to get caught in traffic congestion.

Ecology

Protected Species (Badgers, Great Crested Newts, Bats)

Badgers

Detailed information regarding the location of badger setts has been made available to the Local Planning Authority for the determination of the application. This information is confidential relating to the protection of the species under the Protection of Badgers Act and as such has not been released to the general public.

The studies and surveys carried out along the whole route identified the following within 250m of the 250m of the scheme. These setts included;

- 7 Main setts;
- 2 Annexe setts;
- 6 Subsidiary setts; and
- 22 Outlier setts.

Numerous badger field signs including guard hairs, footprints, pathways and latrines were also recorded throughout the survey particularly in wooded areas, along vegetated embankments of waterbodies and along hedgerows (e.g. along Mill Brook and the unnamed drainage ditch east of the River Dane).

It is noted that the proposed scheme could result in potential loss or injury of badgers during construction works by virtue of inadvertent encroachment of individuals into the construction area. In addition, should planning permission be granted for the main alignment, there would

be certain loss of one main sett and three outlier setts. There would also be potential for disturbance of seven outlier setts outside of the main working areas as a result of construction activities.

The ES identifies mitigation measures to both avoid potential death, injury or disturbance during construction and to mitigate the loss of the main sett, as follows:

- Artificial sett construction; this would be required at the main sett, (which would need to be closed), which would be lost, at least in part, to the scheme (the creation of an artificial sett and closure of an existing sett would require a license from Natural England);
- Retain connectivity within badger territories including the provision of badger tunnels and directing badgers towards other crossing points including culverts with mammal ledges, oversized amphibian tunnels and pedestrian underpasses
- Badger fencing;
- Provide new foraging resources for badgers through the planting of fruiting species including crab apple (*Malus sylvestris*), hawthorn, blackthorn, elder and rowan.

The applicant is proposing that all findings would be clarified by additional field surveys prior to construction. Construction would therefore occur against up to date knowledge of habitats.

Great Crested Newts

The scheme would result in the permanent loss of one pond occupied by GCN, the loss of terrestrial habitats including grassland and hedgerows and the fragmentation of habitat. Although no other ponds used by GCN would be lost, as a direct result of the construction of the scheme, the scheme is located within 250m of twelve further GCN breeding ponds including ponds immediately adjacent to the working area. Furthermore, one pond not occupied by GCN would also be lost.

There is also a risk that GCN may be killed during clearance works, as they use the habitat to forage and find refuge. As a linear structure, the proposed scheme would split hedgerows and grasslands preventing breeding migrations.

Consequently the ES has identified mitigation to reduce impacts of the proposed scheme through the creation of four GCN mitigation habitats, and six new wildlife ponds to compensate for the loss of the one GCN pond, loss of one non-GCN pond and fragmentation effects due to the road. In order to assist with the fragmentation effects, amphibian tunnels are also proposed at two locations. In addition to pond creation, seven existing ponds would be enhanced to increase opportunities for GCN and other amphibians.

As part of the proposed mitigation works, the following would be undertaken:

- Ring fencing ponds(if works proceed in the GCN breeding season Feb - June);
- Creation of new ponds;
- Fencing of the working width of the scheme;
- Vegetation manipulation;
- Recording of number of animals caught;
- Works undertaken under licence from Natural England.

Bats

The survey work for bats has identified that although no bat roosts would be directly lost to the construction of the scheme, though the road construction would result in:

- The loss of 6 trees with high potential to be used by roosting bats;
- The loss of 2 trees with moderate potential to be used by roosting bats.

The construction of the scheme would also result in the loss of significant areas of potential foraging and commuting habitat including hedgerows and woodland.

There would be disruption to the population as a result of construction related noise and vibration, disturbance of known and potential roost sites and severance of commuting and foraging routes.

Design and construction measures have been incorporated into the proposed scheme in light of the impacts, and mitigation measures proposed. This includes the creation of significant replacement foraging and roosting habitat, including the use of bat boxes in areas with high and medium category trees to be removed, creation of bat hop-overs through the use of embankments and mature tree planting or the use of large enough clearance space under bridge structure along with the planting of vegetation to encourage the movement below.

Overall with the proposed mitigation measures the potential impact upon Bats is limited to an acceptable level.

As a requirement of the Habitat Regulations as both Bats and Great Crested Newts are European Protected Species the three tests are outlined below:

EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("LPAs") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The Link Road is considered to be in the public interest and the provision of mitigation would assist with the continued and enhanced provision for Great crested Newts and Bats

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts and Bats would not be provided which would be of benefit to the species. Other wider benefits of the scheme as set out in the report need to be considered

Detriment to the maintenance of the species

The Council’s Nature Conservation Officer has advised that with appropriate mitigation, as proposed, there should be no harm to Great Crested Newts or Bats.

Heritage impact

The scheme’s Environmental Statement has confirmed the following impacts in relation to heritage assets:

- Physical impacts on 16 undesignated archaeological remains are predicted to result from construction of the proposed scheme, though after mitigation the residual significance of impact on these assets is predicted to be Neutral. No impacts on archaeological assets are predicted during operation of the proposed scheme;
- Impacts on 18 Historic Buildings are predicted during construction and operation of the proposed scheme, including physical impacts on two assets, and the remainder having impacts on their setting. After mitigation the residual significance of impact during operation of the proposed scheme is predicted to be slight for three assets;
- Impacts on five historic landscape types are predicted to result from construction of the proposed scheme. After mitigation the residual significance of impact is predicted to be Neutral for all five assets.

A programme of further archaeological investigation and mitigation has been set out that is designed to provide information on parts of the proposed scheme where there is the potential for previously unrecorded archaeological remains to be present, and to mitigate the predicted impacts in those areas where archaeological remains have been identified. This

approach, including the production of a Written Scheme of Investigation, has been suggested to the Archaeology Planning Advisory Service and an appropriately worded condition would need to be attached to any approval..

The Heritage Officer, as reported above has confirmed that whilst there will be some impact on heritage assets, these will be Less Than Substantial and at the lower end of the scale, and can be adequately mitigated. Overall the benefits to heritage assets in Congleton off set any impacts identified and overall the public benefits outweigh any harm caused by the proposed works.

Flood risk/drainage

Whilst no comments have been received from the Council's Flood Officer, the Environment Agency is now satisfied by the proposals, following discussions and some amendments to the original proposals. The specific issues at Loach Brook are addressed above, but overall there are not considered to be any flooding or drainage issues with the proposals.

Design of structures/materials

Whilst detailed drawings have been submitted for the various bridges and underpasses, including some information on finishes, it is felt these need to be considered in more detail and as such it is recommended that should the application be approved, the detailed design and materials should be subject to planning condition.

Social Sustainability

Air quality

The Environmental Protection Officer (EPO) responsible for air quality has confirmed in their response that the scheme would lead to large magnitude improvements at 24 receptors. A number of these are within the Lower Heath Air Quality Management Area (AQMA), where improvements would lead to the removal of the AQMA. The remaining 12 receptors are located within the West Road AQMA, where although receptors are predicted to experience large magnitude improvements to NO₂ concentrations, they will still remain in exceedance of the objective.

They also noted that there would be no new exceedances of air quality objectives with the scheme in operation.

They concluded that the link road is considered to have a significant beneficial impact on air quality and provide public health improvements for residents in Congleton and in particular the town's AQMA's.

Noise and vibration

With respect to noise and vibration, the EPO responsible for noise initially raised concerns with respect to findings in the Environmental Statement, in particular with regard to potential 'major adverse' impacts upon residential properties along Back Lane.

In order to address this, an additional acoustic fence (to act as a noise barrier) along Back Lane has been included in the scheme and assessed further in the ES addendum (Rev 0). This assessment confirms that the properties likely to have a significant adverse impact, due

to noise, is reduced by 25 to 123 properties, and with all the mitigation included, as part of the scheme, it is considered acceptable to Cheshire East's EPO.

Economic Sustainability

Economic benefits for Congleton

The Congleton Link Road is anticipated to encourage and facilitate the regeneration of Congleton town centre, as traffic is discouraged from using roads closer to the town centre (such as Mill Street, West Street and Antrobus Street) to avoid delays on the A34 Clayton bypass that are forecast in the Do Minimum situation. Subsequently the Congleton Link Road will make Congleton town centre a more attractive location for businesses to invest.

The GVA (Gross Value Added) Assessment results reported in the Economic Assessment Report (February 2014) calculated that a link road of Congleton could result in an increase in Gross Value Added (GVA) to the local economy, which can be directly related to the impacts of the transport scheme, of £1.153bn over the 60 year appraisal period. This is a 'net' GVA figure, and incorporates the impacts of the potential redistribution of jobs from other areas. This equates to a benefit of around £19m per year in a Department for transport) DfT price base of 2010 (based on the total number of jobs in 2077).

Planning Balance/Conclusions:

Developments are required to be determined in accordance with the Development Plan, in this case the Congleton Borough Local Plan, under Section 38(6) of the Planning Act unless material considerations, in this case principally the emerging local plan and the NPPF indicate otherwise. As the existing Local Plan makes no reference to a link road, but equally does not preclude it, it falls that the other material considerations are determining factors in this case.

The proposal complies with most of the policies in the Development Plan (in particular GR11), but there is some conflict with policies PS8 & PS9 of the Congleton Local Plan. However the road is a significant proposal in the emerging Local Plan and would be fully supported by the main thrust of and policies contained within the NPPF. In summary the benefits/impacts can be summarised as being:

Scheme Benefits

- To support the economic, physical and social regeneration of Congleton by creating and securing jobs;
- To open up new development sites and improve access to Radnor Park Industrial Estate and Congleton Business Park;
- To relieve existing town centre traffic congestion / HGVs, remove traffic from less desirable roads and facilitate town centre regeneration;
- To improve strategic transport linkages across the Borough facilitating wider economic and transport benefit;
- To reduce community severance along key town centre corridors;

- To reduce traffic related pollutants within the town's declared Air Quality Management Areas.

Balanced against this must be considered the negatives:

- Impacts upon the Dane Valley and in particular Ancient Woodland
- Loss of agricultural land including Best and Most Versatile (BVM)
- Ecological disturbance during the construction phase
- Some disruption including amenity impacts during the construction phase
- Potential traffic impacts on adjacent roads

Overall it is considered that many of the negative impacts can however, be mitigated against (Dane Valley and loss of BMV Land excepted) and overall the planning balance is considered to be significantly weighted in favour of the application.

The application is fully supported and recommended for approval.

RECOMMENDATION

Minded to Approved subject to conditions, and referral to the Secretary of State who has requested he be notified of the Council's decision and being given the opportunity of "calling it in" before a decision is issued.

Conditions

1. Development to commence within 3 years.
2. Development to be in accordance with the approved plans and documents
3. Development in accordance with Environmental Statement.
4. Details of materials for structures, lighting columns and fencing.
5. Further details of bridges, structures, underpasses, bridge wing walls, abutments and crossings.
6. Full construction details of proposed pedestrian and cycleway, footpaths and bridleways.
7. Lighting details (permanent)
8. Flood risk / drainage and contamination
9. Foul and surface water drainage in accordance with submitted details. Development in accordance with Flood Risk Assessment and Drainage Strategy Report.
10. Off site highway improvements

Landscaping and Trees

11. Landscaping scheme (note to include planting hedgerows so there is no net loss)
12. Landscaping implementation
13. Tree and hedgerow retention
14. Tree protection
15. Tree pruning / felling specification

Construction

16. Environmental Management Plan. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
17. Noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
18. Waste Management: There shall be no burning of materials on site during demolition / construction
19. Dust generation caused by construction activities and proposed mitigation methodology.
20. Details of the phased occupation of the site to protect new occupants. The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.
21. Acoustic mitigation scheme as detailed in the Environmental Statement and subsequent addendum shall be implemented in full and maintained in perpetuity.
22. The proposed traffic management works aimed at discouraging the use of minor roads to access the link road shall be assessed prior to implementation for their air quality impact.
23. A construction management plan should be prepared and agreed before works commencing and include safeguards to existing infrastructure, such as pipelines, to the satisfaction of the LPA.

Contamination

24. Contaminated Land assessment (Phase I)
25. Remediation strategy agreed if contaminated land found

Archaeology/Heritage

26. Programme of archaeological mitigation works
27. Milestone protection during works

PROW

28. Submission of a Public Rights of Way scheme of management to include:
 - the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping, signage and structures;
 - proposals and timetable for the diversion/stopping-up of the Public Rights of Way within the side roads order under the Highways Act 1980; and
 - proposals and timetable for the temporary closure of any Public Rights of Way within the phasing of the construction, along with alternative route provision, where possible.

Ecology

29. A woodland management scheme for the whole ancient woodland Local Wildlife Site.
30. A detailed bat mitigation scheme should be provided.

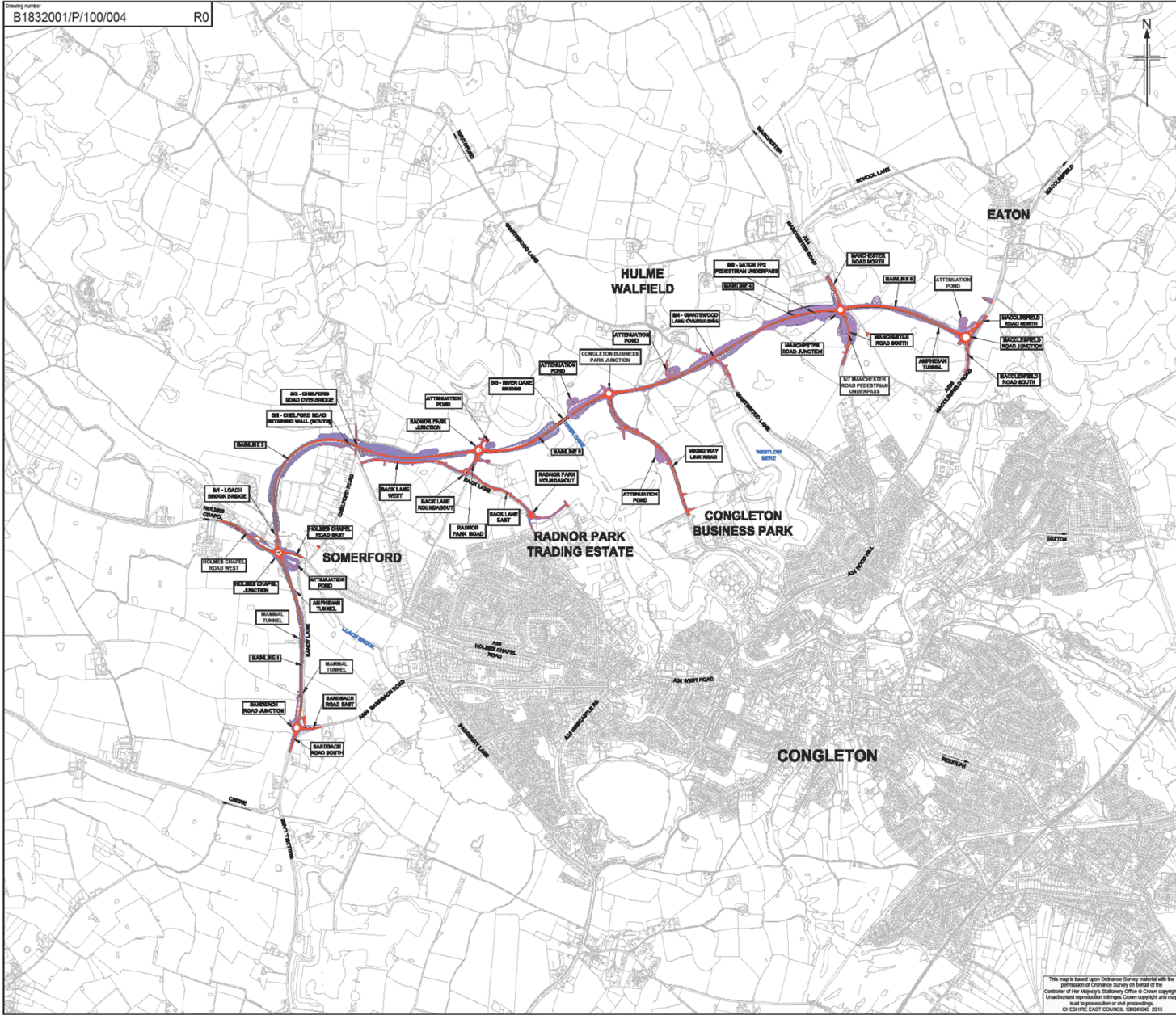
31. 'Hop overs' and hedges along the entire scheme should be established early in the construction phase to provide mitigation for species such as barn owls. Grass verges should be regularly mown or nutrient poor substrate utilised. Alternatively verges should be planted with shrubs.
32. Locally sourced plant material should be used in the scheme where possible. Plant communities created should aim to replicate local communities.
33. Environmental Action Plan to draw together mitigation, enhancement, management, monitoring and funding details; Submission of updated ecological surveys and revised mitigation strategies prior to commencement for: Badgers, Otter, Kingfisher
34. Submission of Habitat Management Plan
35. Submission of a methodology for the creation of woodland and grassland habitats including ground preparation and planting/seeding specification to include introduction of native bluebells.
36. Safeguarding of Nesting Birds (general)
37. Submission of detailed proposals for provision of bat boxes, kingfisher nest sites, bat hop-overs and barn owl mitigation planting and the incorporation of Wych Elm.
38. Submission of method statement for the safeguarding of Little Ringed Plover at Eaton Hall Quarry and kingfisher.
39. Submission of hedgerow and ancient woodland translocation method statement
40. Management plan for ancient woodland mitigation area.
41. Method statement for the eradication non-native invasive plant species.
42. No night working in the vicinity of the River Dane and Loach Brook.
43. Submission of Construction Environment Management Plan including appointment of ecological clerk of works

Surface Water Condition

44. Submission of surface water drainage scheme.

The specific detail and wording of the proposed planning conditions still need to be finalised. Subject to the Strategic Planning Board's decision (such as to delete, vary or add conditions titles/informatives/ or reasons for approval/refusal) and prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to add the wording for the conditions 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.

Drawing number
B1832001/P/100/004 R0



Notes:

- This drawing to be read in conjunction with drawing nos B1832001/P/100/001 to 003 and B1832001/P/100/005 to B1832001/P/100/023

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Client
Cheshire East Council

Project
CONGLETON LINK ROAD

Drawing title
GENERAL LAYOUT

Drawing status
PLANNING APPLICATION

Scale
 1:10000 @ A1 1:20000 @ A3 | **DO NOT SCALE**

JACOBSON No.
 B1832001

Client no.
 B1832001

Drawing number
B1832001/P/100/004

Rev
0

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Application No: 16/2006C

Location: MIDPOINT 18 (Phase 3) POCHIN WAY/CLEDFORD LANE,
MIDDLEWICH

Proposal: Application for variation of conditions 1,3,4,5,7,12,14,15,18,20,21,22,23,25,26, & 28 and removal of conditions 2 & 24 on application 11/0899C for extension to time limit on application 07/0323/OUT (Midpoint 18 phase 3: proposed development for B1, B2 and B8, appropriate leisure and tourism (including hotel) uses, the completion of the southern section of the Middlewich eastern bypass & associated landscaping mitigation and enhancement works,)

Applicant: Mr Andrew Round, Cheshire East Council

Expiry Date: 22-Jul-2016

SUMMARY

The principle of this development has already been accepted and deemed to be a sustainable form of development.. The issue of relevance is the effect of the variation of the conditions in terms of the revision to the phasing arrangements to allow the Bypass to be constructed before the commencement of any further development and Compliance with Para 206 of the NPPF concerning conditions on the following matters:

Landscape and Visual Impact
Design
Soil handling
Air Quality and noise
Archaeology
Sustainable transport
Flood risk and drainage
Pollution control

RECOMMENDATION: Approve with conditions

REASON FOR REFERRAL

This application is before Strategic Planning Board as this relates to a significant major employment site.

DESCRIPTION AND SITE CONTEXT

The site is situated immediately east of Middlewich and two miles west of Junction 18 of the M6. It occupies a site south of Pochin Way and Cledford Lane and to the east of Booth Lane

(A533). It is entirely within land allocated for employment, leisure and tourism use, as defined in the adopted Congleton Borough Local Plan First Review 2005.

The site, with an area of 91.7 hectares is used for grazing of livestock (grade 3 farmland). The northern boundary of the site is defined by the existing Midpoint 18 development and by Cledford Lane, to the east by Sandersons Brook and to the west by the Sandbach – Middlewich – Northwich railway line beyond which is a mixture of industrial/commercial land uses, residential development and greenfield land. The area beyond the southern boundary is occupied by the Trent and Mersey Canal and Booth Lane (A533) and a cluster of private residential properties. Further south there is a mixture of open countryside and industrial development along Booth Lane towards Sandbach.

PLANNING HISTORY AND DETAILS OF PROPOSAL

Planning History

- Outline planning permission granted (June 2008) by Congleton Borough Council for a mixed use development and the southern section of the Middlewich Eastern Bypass (Ref:07/0323/OUT).
- Reserved matters application for landscaping details was approved February 2009 (Ref: 08/0557/REM).
- An extension of time application (Ref: 11/0899C) to the outline planning permission (07/0323/OUT) was granted (July 2011).

The approved scheme

The permission provides for the construction of a number of buildings for employment (B1, B2, B8), tourism and leisure (including hotels) uses, together with the completion of the southern section of the Middlewich Eastern Bypass and the associated landscape, mitigation and enhancement works.

The section of the Middlewich Eastern Bypass will be extended from its current termination at the southern end of Pochin Way, through the development site and over the railway to join Booth Lane (A533) at a new junction to the south. This will provide access via new access roads to development plots to the east and west of this route.

The size of the proposed buildings will generally range from small units of approximately 454m² (4,887ft²) grouped in terraces to large units of approximately 2,880m² (31,000ft²) to 59,260m² (637,869ft²). A hotel (121 beds approx.) is also proposed. The overall gross floorspace is approximately 143,000m² (1,539,240ft²) within the overall site area of 91.7ha (226.6 acres). The development proposals will include extensive structural landscaping and ecological protection, mitigation and enhancement measures in order to diminish the impact of the development on the area.

Unit 101 is to be located to the west of the Middlewich Eastern bypass, between it and the railway line. Unit 101 will be the largest unit proposed for Midpoint 18 (at 59,260m² gross internal area).

The Proposed Development

This application seeks permission under Section 73 of the Town and Country Planning Act 1990 (TCPA 1990) to vary a number of conditions of planning permission 11/0899C in order to amend the phasing of the scheme. In order to achieve this, the applicant proposes to vary conditions 1, 3, 4, 5, 7, 12, 14, 15, 18, 20, 21, 22, 23, 25, 26, and 28 of planning permission 11/0899C. Conditions 2 and 24 are also proposed to be removed as they are no longer considered to be relevant. The details of the existing conditions, the proposed variations/removal and reasoning are contained in the table in Appendix 1 of this report and are summarised below.

Condition 1 of permission 11/0899C stipulates that the development shall be implemented with Phase 1 of the approved scheme comprising the construction of Unit 101 and the whole of the Bypass; and Phase 2 forming the remainder of the development. The proposed variations would move the construction of Unit 101 into Phase 2, thereby enabling the applicant to commence the development of the Bypass, without having to finalise details of any of the associated building development.

Condition 2 of permission 11/0899C requires the landscaping of the site to be carried out in accordance with approved plans submitted under permission 08/0557/REM which reflect the former phasing arrangements. As such the applicant seeks to remove this condition.

Instead the applicant proposes to retain the provisions of condition 3 of 11/0899C which allows for an alternative landscaping scheme for Phase 1 to be submitted (under an application for approval of reserved matters) prior to the expiry of the outline consent (11 July 2016). The existing requirements for the implementation of the landscaping for the Bypass within 9 months of work to the Bypass commencing, and for such landscape works to be substantially completed within 9 months of the Bypass being completed are also retained.

No amendments are sought to the time limit for the commencement of the development which requires Phase 1 to be commenced before 11 July 2016 or, if alternative landscaping details are submitted (as per the provisions above), before three years from the date of the approval of the last reserved matters to be approved for that phase (whichever is the later). *Note: time limits for the commencement of a planning permission cannot be extended under a section 73 application.*

The remainder of the amendments largely seek to remove the requirement for various details (as listed in the table in Appendix 1) to be submitted for approval prior to any development commencing on the development; and instead require them to be submitted prior to the commencement of Phase 2, or that particular phase being developed (as relevant) or prior to occupation.

POLICIES

National Guidance

National Planning Policy Framework.

Local Plan Policy

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan is the Congleton Borough (January 2005).

Congleton Borough Local Plan First Review 2005

DP1	Employment Sites
DP3	Mixed Use Sites
DP5	Recreation, Leisure and Community Use Sites
DP7	Development Requirements
DP10	New Road Schemes
PS4	Towns
PS8	Open Countryside
PS12	Major Employment Development
PS13	Strategic Transport Corridors
GR1	General Criteria for Development
GR2	Design
GR4 & GR5	Landscaping
GR6	Amenity
GR7 & GR8	Pollution
GR9	Accessibility, Servicing and Parking Provision
GR11	New Roads
GR13, GR14 & GR 15	Sustainable Transport Measures
GR17	Car Parking
GR18	Traffic Generation
GR19	Infrastructure
GR20	Public Utilities
GR21	Flood Prevention
NR1	Trees and Woodlands
NR2, NR3, NR4 & NR5	Nature Conservation
E12	Distribution & Storage Facilities

Cheshire East Local Plan

SD2	Sustainable Development Principles
IN1	Infrastructure
EG1	Economic Prosperity
EG3	Existing and Allocated Employment Sites
SE3	Biodiversity and Geodiversity
SE4	The Landscape
SE5	Trees, Hedgerows and Woodland
SE7	The Historic Environment
SE12	Pollution, Land Contamination and Land Instability
SE13	Flood Risk and Water Management
SE14	Jodrell Bank
CO4	Travel Plans
Site CS56	Middlewich (former SL 10)

Supplementary Planning Guidance/Documents

SPD15 Midpoint 18 Phase 3 Development Brief

CONSIDERATIONS

Highways: There are no highway objections to the variation of conditions and extension of time limit, the new phasing will allow the proposed alignment of the Middlewich Eastern Bypass to be finalised.

Environmental Health: No objections. Contaminated Land Officer notes that there are no specific conditions relating to land contamination and as part of the original application (07/0323/OUT) site investigations were planned. Conditions therefore recommended in respect of contaminated land investigations, remediation strategy and validation report.

Landscape: no concerns over the proposed variations

Nature Conservation: no comments

Forestry: Does not anticipate any new forestry issues associated with this proposal.

Public Rights of Way:

National Planning Policy Framework and Defra Guidance

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes *“a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

The application documents depict the Public Right of Way running along the side of the proposed bypass with a 2 metre mound to the other side. It should be noted that *“any alternative alignment [of a Public Right of Way] should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic”* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.8). The proposed diversion as depicted would constitute a partial extinguishment of the Right of Way and therefore not be an acceptable proposal.

Conditions

The Public Rights of Way team would seek the following conditions to be applied to any planning consent granted:

- a) Prior to the commencement of development, a Public Rights of Way scheme of management shall be submitted to and approved by the Planning Authority in liaison with the Public Rights of Way team as the Highway Authority. The scheme shall include provision for:
 - i. the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping and structures;
 - ii. any proposals for the diversion or extinguishment of any Public Right of Way under section 257 of the Town and Country Planning Act 1990; and,
 - iii. any proposals for the temporary closure of any Public Rights of Way, along with alternative route provision.

- b) The line of the Public Right of Way shall be marked out on the development site prior to the commencement of and during the development.
- c) Pre-commencement and post-completion condition surveys of the surface of the Public Right of Way shall be undertaken by the developer, with the developer restoring any degradation identified.

Improvements

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: *"Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

2. *Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*

4. *Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration".*

In order to encourage people to walk and cycle for travel purposes, specific support and facilities should be offered to people at a 'transition point' in their lives, for instance, when they are changing job, house or school. The National Institute for Health and Clinical Excellence (NICE) guidance *Walking and cycling: local measures to promote walking & cycling as forms of travel or recreation*, November 2012, states that "at these times people may be open to trying a new mode of transport or new types of recreation". It is therefore important that the facilities for walking and cycling, including routes, destination signage and information materials, are completed and available for use prior to the first occupation of any property within any phase of the development, and remain available for use during the completion of other phases.

Environment Agency: no comments received at time of writing report.

Canal and Rivers Trust: no comments received at time of writing report.

United Utilities: no comments received at time of writing report.

Jodrell Bank Telescope: no comments received at time of writing report.

Brine Board: no comments received at time of writing report.

Network Rail: request that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. Network Rail needs to be reassured that the works on site follow safe methods of working and have taken into consideration any

potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

(2) A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any site security, possession costs, asset protection costs, asset protection presence and site visits and any review and agreement of proposal documents.

The developer should contact Network Rail's Asset Protection team directly to set up the BAPA.

Natural England:

No objections

VIEWS OF TOWN/PARISH COUNCIL

No objection.

OTHER REPRESENTATIONS

None received at the time of report writing.

APPLICANT'S SUPPORTING INFORMATION

Supporting Planning Statement

Indicative masterplan

KEY ISSUES

Scope of this application

The previous outline planning permission has established the acceptability in principle of this development. NPPG makes it clear that the local planning authority must only consider the conditions that are the subject of the application – it is not a complete re-examination of the application. The main issues in the consideration of this application therefore are the acceptability of the proposed amendments to the conditions which seek to vary the sequence of phasing for the scheme and associated submission of details required to reflect the new phasing arrangements.

In considering the proposed amendments it is necessary to consider paragraph 206 of NPPF which states that planning conditions should only be imposed where they meet the 'six tests'; namely that they are:

- i. Necessary;*
- ii. Relevant to planning and;*
- iii. To the development to be permitted;*
- iv. Enforceable;*
- v. Precise and;*
- vi. Reasonable in all other respects.*

In respect of each of the six tests, NPPG provides guidance on the application of these test and advises that a condition must not be imposed unless there is a definite planning reason for it; it must also be justified by the nature or impact of the development permitted, and conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness.

Therefore, in assessing the amendments proposed and the impacts arising from these amendments, it is necessary to consider these in light of these tests.

Landscape and Visual

The proposed revisions would prioritise the development of the Bypass as Phase 1 before the remainder of the scheme in Phase 2. The amendments sought to the conditions would provide for a detailed landscape scheme for the road to be submitted for approval (under an application for reserved matters) prior to the expiry of the outline consent i.e. before 11 July 2016 thus allowing the Council landscape officer sufficient opportunity to agree the detailed specification of the landscaping proposed for the Bypass.

The amended condition also includes a requirement for the landscaping works to commence within 9 months of the works to the Bypass commencing and be completed within 9 months of the substantial completion of the Bypass. The timescales stipulated are an exact replica of those currently contained within condition 2 of the outline consent. These timescales are considered sufficient to ensure that the construction works being undertaken on the road and landscaping works do not impact on each other; and yet ensure that the landscaping of the road is in place in reasonable time period after the road is constructed to provide the necessary mitigation. The existing requirements for the details of the storage of soils and aggregate and lighting arrangements are also (subject to updated to reflect the new phasing) replicated which would control visual impacts.

The Landscape Officer considers the proposed variations are acceptable and as such the amendments to wording of the conditions proposed is considered acceptable and is considered to accord with the approach of the NPPF and policies GR1, GR2, GR4, GR4 and GR6 of Congleton Borough Local Plan First Review.

Amenity and Public Access

Amendments are proposed to the wording of the conditions concerning the timing of the submission of air quality management plans and noise schemes; however the proposed wording would still ensure that sufficient details are provided relative to each phase of development to control any impacts on amenity or the environment. The nature of information to be provided remains consistent with that required on the outline permission and the Environmental Health Officer is satisfied with the proposed wording of the conditions. Given that there will be sufficient controls in place to ensure the impacts on amenity from noise and air quality are addressed it is considered that the proposals accord with policies GR1, GR6, GR7, GR11 of Congleton Borough Local Plan First Review.

The Public Rights of Way officer has identified that the wider development would have a direct and significant effect on the Public Right of Way and the application documents depict the Public Right of Way running along the side of the proposed bypass with a 2 metre mound

to the other side and the proposed diversion as depicted would constitute a partial extinguishment of the Right of Way which would not be acceptable. A condition is therefore recommended to secure a public rights of way scheme of management to be submitted for approval prior to the commencement of any development which would provide for the design of access and public rights of way routes within the development. It should be noted that in accordance with NPPG, only the conditions being varied can be considered in the assessment of this application and the impact on public right of way has already been assessed and accepted through the previous planning permissions. Given that there are no changes to the nature or scale of the scheme aside from those identified above, there are no new impacts on the public rights of way arising from this application to vary planning conditions. It is also anticipated that the requirement for landscape plans to be submitted under a reserved matters application would likely cover the alignment and provision of any diverted public right of way and its detailed design. As such it is not considered that the provision of such conditions would meet the six tests as identified above. However, it is considered an informative should be issued to the applicant advising them of this request from the Public Rights of Way officer.

Highway Impacts

The amendments proposed do not seek to alter the nature or scale of the development proposed and the highway impacts of the whole proposal have previously been considered acceptable. The amendments would prioritise the development of the road in Phase 1 before the remainder of the built development in Phase 2; and it is noted that there is an existing condition requiring the bypass to be opened to traffic before any of the approved buildings are occupied which would be replicated on any new consent. The Highways Officer does not raise any concerns over the proposed amendments and as such it is considered that the proposals would not cause any significant adverse impact on the operation of the highway network, highway safety or local amenity; and would accord with policies GR1, GR6, GR7, GR11 and GR18 of Congleton Borough Local Plan.

Flood Risk and Drainage

The scheme proposes to remove condition 24 which requires the flood attenuation of phase 1 to be constructed prior to occupation of unit 101. This requirement would be replaced by revised condition 25 (listed as condition 24 on the proposed list of conditions in the recommendation) which seeks to secure flood attenuation schemes for each of the phase 2 buildings. The wording of this condition as proposed by the applicant does not stipulate when the flood attenuation scheme for each building in phase 2 should be submitted, or when the approved details should be implemented. It also does not stipulate when the flood attenuation lagoon identified in the Flood Risk Assessment accompanying the outline permission, which would manage any flood water associated with the Bypass, would be provided on site.

It is therefore recommended that, should this application be approved, revised wording of condition 25 is agreed in liaison with the Flood Risk Manager to ensure these matters are addressed in full.

Amendments are also proposed to the wording of the conditions concerning the timing of the submission of drainage schemes; however the proposed wording would still ensure that

sufficient details are provided relative to each phase of development to control any impacts on the environment. The nature of information to be provided remains consistent with that required on the outline permission. No comments have been received from the Flood Risk Manager and this will be provided in the update report to Members. Subject to the Flood Risk Officer being satisfied with the amendment, it is considered that the variations proposed would be acceptable and ensure there are no adverse impacts from flood risk, complying with policies GR7 and GR21 of Congleton Borough Local Plan.

Archaeology

The applicant seeks to vary condition 20 which requires details of an archaeological watching brief to be submitted prior to any construction taking place on the site. The amendment would require the submission of relevant details prior to each phase of development. No other change to the nature or scope of information required is proposed. This amendment would still ensure that sufficient details are provided relative to each phase of development to control any adverse impacts on cultural assets and ensure they are properly recorded.

An amendment is also sought to condition 21 which prevents any construction until an archaeological survey dig has been undertaken on Site 9. The applicant seeks to vary this to allow the construction of phase 1, with no construction on phase 2 until the survey has been undertaken. The area of Site 9 lies partly within the route of the Bypass and there is concern that this amendment could prevent proper protection of the archaeological asset in this area. The views of the Council Archaeologist are still awaited and therefore this issue will be addressed in an update report to Members.

Nature Conservation

The existing permission includes planning conditions requiring details of ecological mitigation, management and enhancement measures to be submitted prior to the development of each phase. This includes the requirement for updated surveys to be undertaken and updated mitigation strategies to be submitted, with details of how the management of retained, restored and created habitats will be implemented and integrated to meet the aims of the whole of the development. Whilst the phasing arrangements would change as a result of this proposal; given the above measures would be replicated on any new consent no adverse impacts on nature conservation assets are anticipated and the Nature Conservation Officer does not raise any concerns. The development is therefore considered to accord with policy NR4 of Congleton Borough Local Plan.

Contaminated land

With regards to the variation of condition 28 relating to handling of pollutants, no concerns are raised by the environmental health and contaminated land officer. The Contaminated Land officer recommends a condition is imposed to secure contaminated land investigations prior to any development being undertaken on the site. Following the guidance in NPPG, only the conditions being varied should be considered. Given that there is no change to the location of the development or nature of the development aside from changes to how the development is phased; it is not considered that such a condition could be justified in terms of the 'six tests'. However, it is considered an informative should be issued to the applicant advising them of this request from the Contaminated Land Officer.

CONCLUSIONS

The previous planning permission has established the acceptability and the principle of this development, and, therefore, this application does not present an opportunity to re-examine those issues. The only issues in the consideration of this application are the acceptability of the proposed amendments to the conditions that have already been imposed on that planning permission.

The proposed revisions would prioritise the development of the Bypass as Phase 1 before the remainder of the scheme in Phase 2. It would also allow for a scheme of landscape planting to be secured with the approval of the Council and the timescales for implementation would not be altered from that originally approved. These timescales are considered sufficient to ensure that the construction works being undertaken on the road and landscaping works do not impact on each other; and yet ensure that the landscaping of the road is in place in reasonable time period after the road is constructed to provide the necessary mitigation.

Amendments are proposed to the wording of the conditions concerning the timing of the submission of various pieces of supporting information; however the proposed wording would still ensure that sufficient details are provided relative to each phase of development to control any impacts on amenity or the environment.

In respect of flood risk, revisions to the proposed wording of the conditions are recommended in liaison with the Flood Risk Manager, to ensure that the appropriate timescales for submission and implementation of flood alleviation are secured, and to ensure that the flood alleviation for the Bypass is secured at the necessary stage in the works.

The amendments to the requirement for archaeological watching brief are considered acceptable and would secure the necessary mitigation to protect the cultural assets. The impact on archaeological assets located around Site 9 will be addressed as part of an update report to Members.

No highways impacts are anticipated as the amendments proposed do not seek to alter the nature or scale of the development proposed and the highway impacts of the whole proposal have previously been considered acceptable.

On the basis of a revision to the amendment of condition 21 being agreed with the Council Archaeologist, the application is therefore considered acceptable and is recommended for approval subject to the conditions that were attached to permission 11/0899C, albeit amended in accordance with the above.

RECOMMENDATION:

Subject to an amended form of words being agreed with the Council Archaeologist and Flood Risk Manager for condition 21 and 25, the application is approved subject to the following conditions

1. The development hereby approved shall be implemented as follows:
Phase 1: the bypass

Phase 2: The remainder of the development (including unit 101) or part thereof

2. The approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of the permission reference 11/0899C (granted 11 July 2011). The landscaping shall be carried out in accordance with the approved plans.

The approved landscaping works shall commence within 9 months of the commencement of the Phase 1 development; and shall be substantially completed within 9 months of the substantial completion of the Phase 1 development.

Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

3. The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of this permission reference 11/0899C (granted on 11 July 2011), or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.
4. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development (hereinafter called "the Phase 2 reserved matters") shall be obtained from the Local Planning Authority in writing before the development of Phase 2 is commenced.
5. Application for approval of the Phase 2 reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
6. The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of permission reference 11/0899C (granted on 11 July 2011), or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the earlier.
7. None of the buildings hereby approved, shall be occupied until the whole of the Middlewich Eastern bypass has been opened to traffic.
8. Prior to the commencement of the development of each phase of the development hereby approved, a scheme for the protection of those trees proposed to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection scheme shall be implemented prior to construction and retained during the construction work on each phase.
9. An Ecological and Landscape Management Plan shall be prepared for each phase of the development and shall be in accordance with the Strategic Ecological and Landscape Plan (SELP) and the amendment to Paragraph 5.2, hereby approved and dated March 2008 and June 2011.

10. Within the period of 6 months prior to the commencement of the ecological mitigation

and enabling works for each phase of the development hereby approved, an Ecological and Landscape Mitigation, Enhancement and Management Plan (ELMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Each ELMP shall be in accordance with the framework established in the approved SELP (as amended in 2011), shall accord with, update and implement the mitigation strategies proposed for protected species in the Environmental Statement submitted with application number 07/0323/OUT, have specific regard to the particular issues related to that phase of development and include details of the habitat creation, enhancement scheme, ecological mitigation and implementation and monitoring programmes required. The ecology and landscape shall be implemented and managed in accordance with the approved Ecological and Landscape Mitigation, Enhancement and Management Plan.

11. Prior to the commencement of each phase of the development hereby approved, details showing where soils and aggregates are to be stored on the site relating to each phase, shall be submitted to and approved in writing by the Local Planning Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.
12. Prior to the commencement of development of the bypass hereby approved the design of the railway bridge and a method statement for its construction, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the bridge shall be carried out in accordance with the approved details unless otherwise agreed in writing.
13. Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction for that phase shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.
14. Prior to the commencement of each phase of the development hereby approved a noise management plan covering the period of construction for that phase shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan.
15. Prior to the occupation of any building hereby approved a scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise shall be submitted to and approved in writing by the Local Planning Authority. The development of the scheme shall be implemented in accordance with the approved details prior to the first occupation and retained thereafter.
16. During the construction of B1, B2, and B8 units and hotel in any phase of the development hereby approved, foundation and other piling should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

During the construction of B1, B2 and B8 units and hotel in any phase of the development hereby approved, 'floor floating' should only take place between the following hours, except as otherwise agreed in writing with the Local Planning Authority:

Monday to Friday	0730hrs to 1730hrs
Saturday	0730hrs to 1300hrs
Sunday & Public Holidays	Nil

17. Prior to the commencement of phase 2, samples of the external materials and finishes to be used on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
18. All boundary treatments shall be in accordance with details which have been submitted to and approved in writing by the Local Planning Authority prior to first occupation. The details shall include the position, size, design, colour and implementation for all boundary treatments.
19. No construction shall take place until details of an archaeological watching brief for each phase have been submitted to and approved in writing by the Local planning Authority. Construction shall take place in accordance with the approved details.
20. No construction shall take place until an archaeological survey dig has been undertaken on the area identified as Site 9 on the Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within one year of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.
21. The occupier of each of the buildings hereby approved shall, within 6 months of occupation of phase 2 development, prepare and submit a travel plan for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.
22. Prior to first occupation of any phase 2 unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.
23. Where identified in the Environmental Statement submitted with application number 07/0323/OUT, flood attenuation schemes for each other building shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.
24. No phase 2 development approved by this permission shall be commenced until a

scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

25. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicle, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
26. No phase 2 development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.
27. Prior to first occupation of Unit 101 a scheme detailing the sprinkler tanks shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
28. Prior to the first occupation of Unit 101 a scheme detailing the electricity sub stations shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.
29. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not exceed the heights indicated in Section 6.2 of the Design and Access Statement (March 2007), which was submitted with application number 07/0323/OUT.
30. The general site mitigation measures during the construction and operational phases of the development as identified within Paragraphs 6.2 and 6.8 of the Environmental Statement: Technical Annex 1. Geology, Soils and Land Contamination (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
31. The mitigation measures proposed to limit the potential for water contamination during the construction and operational phases of the development as identified within Sections 5.2 – 5.4 of the Environmental Statement: Technical Annex 4. Water Quality (March 2007) submitted with application number 07/0323/OUT, shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.
32. On or prior to each application for the approval of reserved matters for Phase 2, a statement detailing:
 - (a) The design principles and design concepts of those aspects of the development to which the application for the approval of reserved matters

relates;

- (b) How such principles and concepts are reflected in the proposals for development set out in the reserved matters application; and
- (c) The relationship of the portion of the development to which the reserved matters application relates, to the development site as a whole and to the wider context

Shall be submitted to and approved in writing by the Local Planning Authority and the approval of reserved matters shall be in accordance with that approved statement.

33. Car parking spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for car parking, except as otherwise agreed in writing with the Local Planning Authority.

34. Secure cycle spaces shall be provided in accordance with the approved details under application number 07/0323/OUT before the building to which they relate is occupied and shall be retained at all times for cycle storage, except as otherwise agreed in writing by the Local Planning Authority.

Appendix 1 – Table of existing conditions with applicants proposed variations

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
Condition 1 – Phasing	The development hereby approved shall be implemented as follows: Phase 1: Unit 101 and the whole of the bypass Phase 2: The remainder of the development or part thereof	The development hereby approved shall be implemented as follows: Phase 1: The bypass Phase 2: The remainder of the development (including Unit 101) or part thereof	Unit 101 is moved from Phase 1 to Phase 2 in order to enable the separate development of the 'Middlewich Eastern Bypass'
	Reason: In order to ensure that any impacts on the environment are minimised in accordance with the Environmental Statement submitted with application number 07/0323/OUT and Policy PS1 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: In order to ensure that any impacts on the environment are minimised in accordance with the Environmental Statement submitted with application number 07/0323/OUT and Policy PS1 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 2 – Landscaping	The landscaping of the site shall be carried out in complete accordance with the plans approved under application number 08/0557/REM, numbered 3824.2.001 – 0010 Rev F, date stamped received on 8th January 2008. The landscaping of the Phase 1 development shall be implemented as follows: The approved landscaping works within 9 months of the commencement of the Phase 1 development. The remainder of the approved landscaping	REMOVE CONDITION	Removed as related to a landscaping scheme relating to the former Phase 1 development. Text relating to the implementation of a landscaping scheme has been moved to condition 3

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
	works within 9 months of the substantial completion of the Phase 1 development. Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.		
	Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning Act	NA	
Condition 3 - Landscaping	Alternatively, any further matters applications for the approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of this permission. The landscaping shall be carried out in accordance with the approved plans.	The approval of reserved matters relating to the landscaping of the Phase 1 development shall be submitted to the Local Planning Authority before the expiration of five years from the date of the permission reference 11/0899C (granted 11 July 2011) . The landscaping shall be carried out in accordance with the approved plans. The landscaping of the Phase 1 development shall be implemented as follows: The approved landscaping works within 9 months of the commencement of the Phase 1 development. The remainder of the approved landscaping works within 9 months of the substantial completion of the Phase 1	Added relevant part of former Condition 2 relating to the implementation of an approved landscaping scheme

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
		development. Any trees or plants within the approved advance landscaping scheme which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.	
	Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning Act.		
Condition 4 – Time Limits	The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of this permission, or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.	The Phase 1 development hereby approved shall be commenced before the expiration of five years from the date of permission reference 11/0899C (granted 11 July 2011) , or before three years from the date of the approval of the last reserved matters to be approved for this phase, whichever is the later.	Slight change as the time limit for the commencement of development cannot be extended under Section 73 TCPA 1990, reference to the original permission 11/0899C is added.
	Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning Act.	Reason: Required to be imposed in accordance with Section 73 and 92 of the Town and Country Planning Act.	
Condition 5 – Phase 2 Reserved	Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development or part thereof	Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping of the phase 2 development or part thereof	To allow development of Phase 1 before submission of the details

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
Matters	(hereinafter called "the Phase 2 reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.	(hereinafter called "the Phase 2 reserved matters") shall be obtained from the Local Planning Authority in writing before the development of Phase 2 is commenced	required by Condition 5.
	Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning Act.	Reason: Required to be imposed in accordance with Section 92 of the Town and Country Planning Act.	
Condition 7 – Commencement of Phase 2 Time Limits	The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the later.	The Phase 2 development hereby approved shall be commenced before the expiration of ten years from the date of permission reference 11/0899C (11 July 2011) , or before the expiration of two years from the date of approval of the last reserved matters to be approved for this phase, whichever is the earlier .	Slight change as the time limit for the commencement of development cannot be extended under Section 73 TCPA 1990, reference to the original permission 11/0899C is added. Approval of Phase 2 reserved matters is currently not time constrained
	Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 and a period of 10 years is considered to be a reasonable time limit in view of the extent and timescale of the proposals.	Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 and a period of 10 years is considered to be a reasonable time limit in view of the extent and timescale of the proposals.	
Condition 12 – Soils and Aggregates Storage	Prior to the commencement of the development hereby approved, details showing where soils and aggregates are to be stored on the site, shall be submitted to and approved in writing by the Local Planning	Prior to the commencement of each phase of the development hereby approved, details showing where soils and aggregates are to be stored on the site, relating to each phase , shall be submitted to and approved in	To allow development of Phase 1 before submission of the details of Phase 2 required by the

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
	Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.	writing by the Local Planning Authority and thereafter soils and aggregates shall be stored in accordance with the approved details.	condition.
	Reason: To protect the habitats of protected and ecologically sensitive species, to protect the soil and its structure and to ensure that soils are stored efficiently and accessibly on the site in accordance with Policies NR2 and NR5 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To protect the habitats of protected and ecologically sensitive species, to protect the soil and its structure and to ensure that soils are stored efficiently and accessibly on the site in accordance with Policies NR2 and NR5 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 14 – Air Quality Management Plan	Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.	Prior to the commencement of each phase of the development hereby approved an air quality management plan covering the period of construction, for that phase , shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved air quality management plan.	To allow development of Phase 1 before submission of the details of Phase 2 required by the condition.
	Reason: To protect the amenities of neighbours during construction and operation in accordance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To protect the amenities of neighbours during construction and operation in accordance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 15 – Noise	Prior to the commencement of each phase of the development hereby approved a noise	Prior to the commencement of each phase of the development hereby approved a noise	To allow development of Phase 1 before

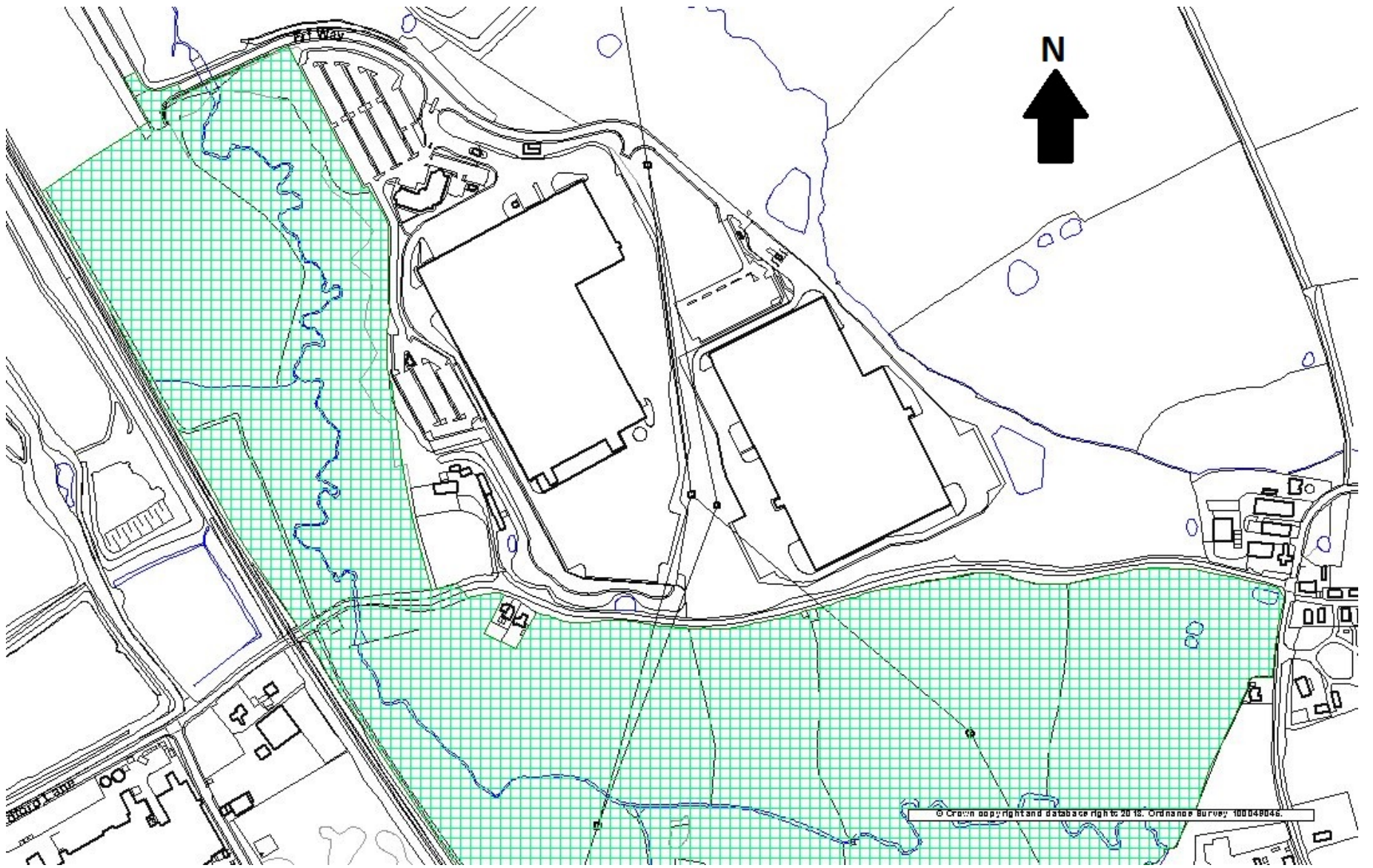
Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
Management Plan	management plan covering the period of construction shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan.	management plan covering the period of construction, for that phase , shall be submitted to and approved in writing by the Local Planning Authority. Construction shall be carried out in accordance with the approved noise management plan.	submission of the details of Phase 2 required by the condition.
	Reason: To protect the amenities of neighbours during construction and operation in accordance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To protect the amenities of neighbours during construction and operation in accordance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 18 – External Materials	Within 3 months of the commencement of development, samples of the external materials and finishes to be used on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.	Prior to the commencement of development of Phase 2 , samples of the external materials and finishes to be used on the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.	To allow development of Phase 1 before submission of the details of Phase 2 required by the condition.
	Reason: To ensure that the development meets the requirements of Policy GR2 (B) & (D) of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To ensure that the development meets the requirements of Policy GR2 (B) & (D) of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 20- Archaeological Watching Brief	No construction shall take place until details of an archaeological watching brief have been submitted to and approved in writing by the Local planning Authority. Construction shall	No construction shall take place until details of an archaeological watching brief, for each phase , have been submitted to and approved in writing by the Local planning Authority.	To allow development of Phase 1 before submission of the details of Phase 2 required by the

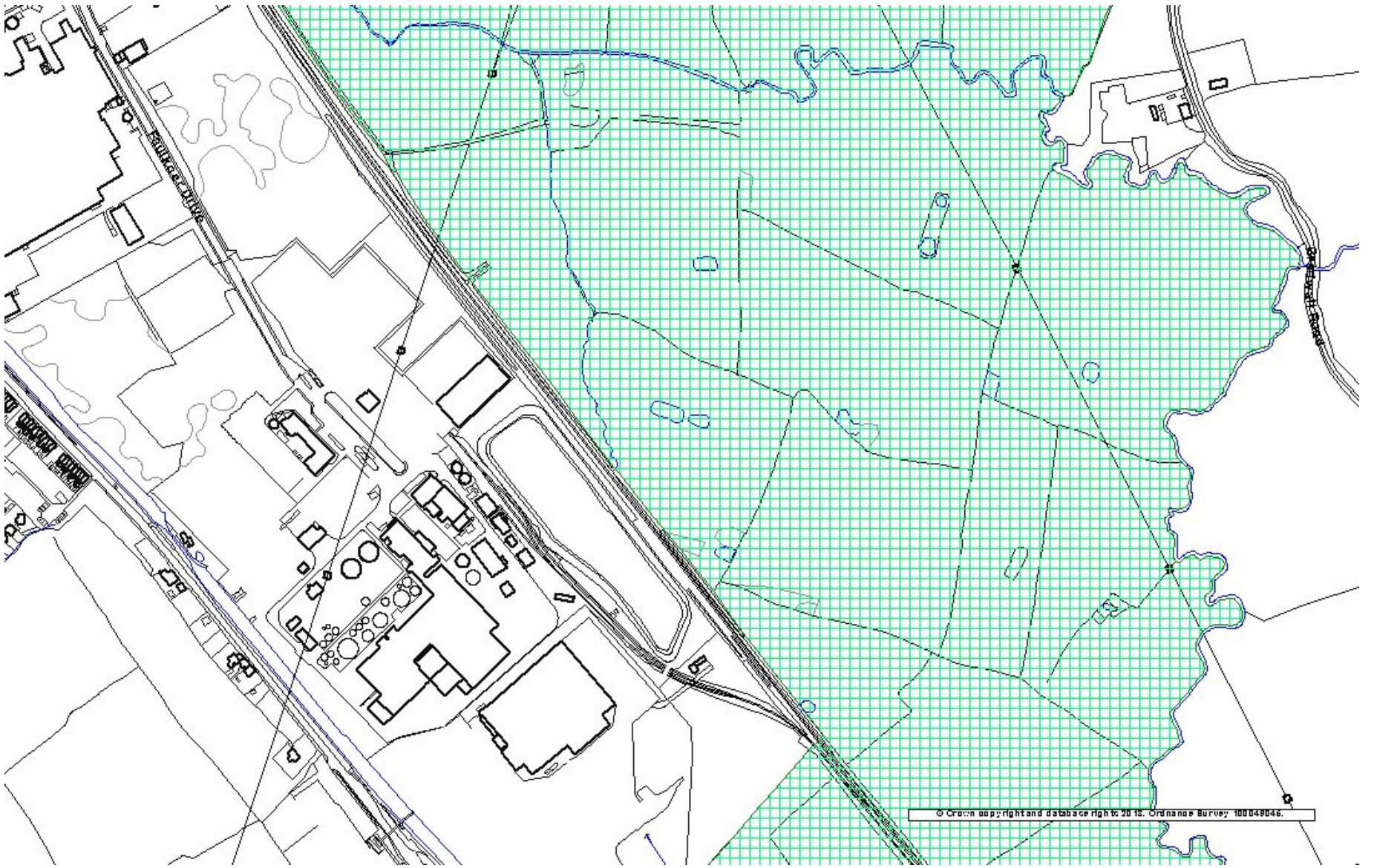
Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
	take place in accordance with the approved details.	Construction shall take place in accordance with the approved details.	condition.
	Reason: To protect potential archaeological sites and finds within the development site in accordance with Policy BH12 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To protect potential archaeological sites and finds within the development site in accordance with Policy BH12 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 21- Archaeological Survey	No construction shall take place until an archaeological survey dig has been undertaken on the area identified as Site 9 on the Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within one year of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.	No construction shall take place on Phase 2 , until an archaeological survey dig has been undertaken on the area identified as Site 9 on the Environmental Statement submitted with application number 07/0323/FUL, the scope and methodology of which shall be approved in writing by the Local Planning Authority. A written report of this survey shall be submitted to the Cheshire Archaeology Planning Advisory Service in A4 format within one year of the completion of the dig unless otherwise agreed in writing with the Local Planning Authority.	To allow development of Phase 1 before submission of the details of Phase 2 required by the condition.
	Reason: To protect potential archaeological sites and finds within the development site in accordance with Policy BH12 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To protect potential archaeological sites and finds within the development site in accordance with Policy BH12 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 22 – Travel Plan	The occupier of each of the buildings hereby approved shall, within 6 months of occupation, prepare and submit a travel plan	The occupier of each of the buildings hereby approved shall, within 6 months of occupation of Phase 2 development , prepare and	To allow development of Phase 1 before submission of the details

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
	for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.	submit a travel plan for approval in writing by the Local Planning Authority. The travel plan shall be based upon staff travel survey data and include targets and an action plan. Each occupier shall nominate a member of staff to act in the role of travel plan co-ordinator to liaise with the Highway Authority and oversee implementation of the travel plan.	of Phase 2 required by the condition.
	Reason: In order to ensure the use of more sustainable modes of transport, in accordance with Policy GR10 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: In order to ensure the use of more sustainable modes of transport, in accordance with Policy GR10 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 23 – External Lighting	Prior to first occupation of any unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.	Prior to first occupation of any Phase 2 unit a scheme detailing all external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be implemented in strict accordance with the approved details.	Clarification that Phase 2 will be the only phase with buildings to be occupied.
	Reason: To protect the amenity of neighbours in accordance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To protect the amenity of neighbours in accordance with Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 24 – Flood	Prior to the occupation of Unit 101 hereby approved, the flood attenuation associated with Phase 1 of the development shall be	REMOVE CONDITION	Condition 24 is to be removed, as it is not now needed as it is part of

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
Attenuation	constructed in accordance with the plans approved under application number 07/0323/OUT for the storage lagoon reference numbers CL(50)01 and CL(50)05 and the Midpoint 18 Phase III Flood Risk Assessments Volumes one and two dated April 2007.		Phase 2 development and covered in Condition 25 below
	Reason: To safeguard against the risk of flooding in accordance with Policy GR21 of the adopted Congleton Borough Local Plan First Review 2005.		
Condition 25 – Flood Attenuation	Where identified in the Environmental Statement submitted with application number 07/0323/OUT, flood attenuation schemes for each other building shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.	Where identified in the Environmental Statement submitted with application number 07/0323/OUT, flood attenuation schemes for each of the phase 2 buildings shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.	To allow development of Phase 1 before submission of the details of Phase 2 required by the condition.
	Reason: To safeguard against the risk of flooding in accordance with Policy GR21 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To safeguard against the risk of flooding in accordance with Policy GR21 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 26 – Foul and Surface Water Disposal	No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in	No Phase 2 development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and	This relates to building development and hence phase 2, thus allowing development of Phase 1 before submission of the details of Phase 2

Condition	Existing Condition	Proposed Variation to Condition (highlighted in bold)	Reason for Variation
	accordance with the approved plans.	completed in accordance with the approved plans.	required by the condition.
	Reason: To ensure a satisfactory means of drainage in accordance with Policy GR20 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To ensure a satisfactory means of drainage in accordance with Policy GR20 of the adopted Congleton Borough Local Plan First Review 2005.	
Condition 28 - storage, handling, loading and unloading of fuels, oils, chemicals or effluents	No development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.	No Phase 2 development approved by this permission shall be commenced until a scheme for the storage, handling, loading and unloading of fuels, oils, chemicals or effluents has been approved in writing by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and programme.	To allow development of Phase 1 before submission of the details of Phase 2 required by the condition.
	Reason: To prevent the discharge of contaminated drainage or accidental spillages to underground strata or surface waters in accordance with Policy GR20 of the adopted Congleton Borough Local Plan First Review 2005.	Reason: To prevent the discharge of contaminated drainage or accidental spillages to underground strata or surface waters in accordance with Policy GR20 of the adopted Congleton Borough Local Plan First Review 2005.	







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