

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 14th October, 2020

**Time:** 10.00 am

**Venue:** Virtual Meeting

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### How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

[Click here to watch the live meeting](#)

or dial in via telephone on 141 020 33215200 and enter Conference ID: 169 365 661# when prompted.

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**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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are live recorded and the recordings are uploaded to the Council's website.

### **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**

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**Please Contact:** Sarah Baxter on 01270 686462

**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk) with any apologies or request for further information

[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

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 Two Previous Virtual Meetings** (Pages 5 - 16)

To approve the minutes of the previous two virtual s held on 23 September 2020 and 2 October 2020 as a correct record.

4. **Public Speaking-Virtual Meetings**

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. **19/5934N-Approval of Reserved Matters following Outline Approval 14/4025N - Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m2 (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe, Phase 1 Basford East Land, David Whitby Way, Weston for Mr Rob Stratton, Lane End Developments** (Pages 17 - 46)

To consider the above application.

6. **19/2173W-Extension to bent farm quarry for the extraction of sand and progressive restoration,Bent Farm Quarry, Wallhill Lane, Brownlow, Congleton for Maria Cotton, Sibelco** (Pages 47 - 86)

To consider the above application.

7. **20/2162C-Proposed additional areas associated with the approved road scheme (18/5833C), referred to as the 'Middlewich Eastern Bypass' and consisting of ecological and landscape mitigation and a revised farmer's underpass, Land At, Pochin Way, Middlewich for Mr Chris Hindle, Cheshire East Council** (Pages 87 - 106)

To consider the above application.

8. **20/0860C-The proposed development is for a single industrial unit, Use class B1, B2, B8, totalling 123,000 sq. ft. which will incorporate Warehouse space, and offices on the first and second floors. The development would also incorporate:. Car parking provision. A complimentary scheme of soft landscaping;. Pedestrian access paths;. Cycle stores;. Bin store;. Self-contained service yard, Plot 63 (Phase 2), Pochin Way, Middlewich for c.o Agent (Pages 107 - 120)**

To consider the above applicaion.

9. **White Paper: Planning for the Future (Pages 121 - 146)**

To consider the above report.

**Membership:** Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

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**CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Strategic Planning Board**  
held on Wednesday, 23rd September, 2020

**PRESENT**

Councillor M Hunter (Chairman)  
Councillor S Gardiner (Vice-Chairman)

Councillors A Critchley, S Edgar, A Farrall, P Groves, S Hogben, D Jefferay,  
R Moreton, P Redstone, J Weatherill and P Williams

**OFFICERS IN ATTENDANCE**

Ms S Dillon (Planning Lawyer), Mr D Evans (Principal Planning Officer), Mr T Evans (Neighbourhood Planning Manager), Mr P Hurdus (Highways Development Manager), Mr J Owens (Development Planning Manager) and Mr D Malcolm (Head of Planning)

**23 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**24 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 17/6366C, Councillor S Hogben declared that he was a non-Executive Director of ANSA who had been consulted on the application, however he had not discussed the application or made any comments on it.

In the interest of openness in respect of applications 17/6366C and 20/2326C, Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee, who had been consulted on the application, however had not discussed the application or made any comments on it.

In the interest of openness in respect of application 17/6366C, Councillor M Hunter declared that he was the Ward Councillor and a non-Executive Director of ANSA who had been consulted on the application, however he had not discussed the application or made any comments on it.

In respect of application 20/2326C, Councillor P Williams declared that he had pre-determined the application and would exercise his right to speak as the Ward Councillor under the public speaking protocol and then leave the virtual meeting for the remainder of the application.

It was noted that all Members had received correspondence in respect of agenda item 9. Councillor S Gardiner confirmed he replied to the email to say he could not respond.

**25 MINUTES OF THE PREVIOUS VIRTUAL MEETING**

**RESOLVED**

That the minutes of the virtual meeting held on 26 August 2020 be approved as a correct record and signed by the Chairman subject to the spelling of Barton Whilmore being corrected to Barton Willmore in respect of Councillor S Gardiner's declaration of interest.

**26 PUBLIC SPEAKING -VIRTUAL MEETINGS**

**RESOLVED**

That the public speaking procedure be noted.

**27 17/6366C-OUTLINE PROPOSAL FOR A MIXED USE DEVELOPMENT INCLUDING RESIDENTIAL, CAFE, MARINA AND OTHER ANCILLARY WORKS, INTERTECHNIC UK LTD, ROAD BETA, MIDDLEWICH FOR MR PETER NUNN**

Consideration was given to the above application.

(Tasleem Shahzad, an objector attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the completion of a S106 Agreement securing the following:-

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
<b>Education</b>	For a development of up to dwellings; Secondary = £245,140 SEN = £45,500 Total = £290,640.	50% of the total education sum to be paid on the occupation of the 25 <sup>th</sup> dwelling. The next 50% of the total education sum to be paid on the occupation of the 50 <sup>th</sup> dwelling.
<b>Indoor recreation</b>	£20,540	Prior to first occupation
<b>Outdoor recreation</b>	£1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment	Prior to occupation of 50% of the dwellings
<b>Travel Plan</b>	A revised travel plan shall be submitted to include the commitment to provide first occupiers cycle and bus pass up	Prior to commencement

	to the value of £150.00 / 3 month period respectively.	
<b>Public Open Space</b>	Private Management Company  Provision of a NEAP and the open space	On first occupation  On occupation of 50% of the dwellings
<b>Highways Contribution</b>	£300,000 towards highway improvements at A54/King Street/Leadsmythy Street £50,000 to fund traffic management measures along Brooks Lane	50% of the total highways sum to be paid on the prior to the occupation of the development The next 50% of the total education sum to be paid on the occupation of the 25 <sup>th</sup> dwelling.
<b>PROW contribution</b>	£5,000 for improvements to FP Middlewich 21	Prior to first occupation
<b>NHS contribution</b>	£95,616	50% to be paid prior to occupation and 50% prior top occupation of the 50% dwelling

And subject to the following conditions:-

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3– Reserved Matters to include details of Noise Mitigation and Acoustic Assessment referred to in conditions 21 and 22 and details of the internal highways layout
4. Approved Plans
5. Phasing details to be agreed
6. The reserved matters for the proposed development shall be in general accordance with the Brooks Lane SPD
7. Reserved Matters to include plans to demonstrate that boats can turn safely into the marina from the canal (to also demonstrate the turning of craft would not impact upon visitor moorings or cause damage to the towpath was wall)
8. Canal Risk Assessment and Method Statement (structural integrity) to be submitted to the LPA for approval in writing
9. Details of appropriate mitigation measures to prevent any risk of pollution or harm to the adjacent Trent and Mersey Canal to be submitted to the LPA for approval in writing
10. No development shall take place until a scheme for the provision and implementation of a surface water drainage system to serve the development has first been submitted to and approved in writing by the Local Planning Authority
11. Reserved matters to include details of the footbridge over the marina
12. Submission and approval of a Construction Management Plan
13. Electric Vehicle Charging provision to be submitted and approved
14. Provision of low emission boilers within the development
15. Contaminated Land details to be submitted and approved
16. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved

17. Details of any soil or soil forming materials to be tested for contamination prior to being brought onto site
18. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find).
19. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
20. No infiltration of surface water drainage into the ground where adverse concentrations of contamination are known (or suspected) to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
21. Reserved Matters to include an updated noise assessment (BS4142 Assessment)
22. Reserved Matters to include an updated acoustic mitigation scheme
23. Reserved matters application to be supported a lighting strategy informed by the advise in *Bats and lighting in the UK- bats and the built environment series*, (Bat Conservation Trust, 2009).
24. Reserved matters application to be supported by proposals for the incorporation of features for nesting birds and roosting bats.
25. Reserved matters application to be supported by a management plan for the control of Himalayan Balsam.
26. No development shall take place within the area described above until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
27. Retention of trees on site unless otherwise agreed
28. Any future reserved matters application shall be supported by a Tree Survey no more than 12 months old, an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan that shall inform the design of the definitive site layout and accord with the guidelines contained within *BS5837:2012 Trees in relation to design, demolition and Construction – Recommendations*
29. The Reserved Matters shall include an assessment of the facilitation of a footpath connection from the site boundary to Booth Lane.
30. The site access arrangements shall be completed prior to the development being brought into use.
31. Construction Traffic Management Plan to be submitted and approved
32. Prior to commencement a full detailed drainage strategy to be submitted and approved
33. No development should commence on site until such time as detailed calculations showing the effects of a 1 in 100 year rainfall event plus 30%



- allowance for climate change to support the chosen method of surface water drainage have been submitted to and agreed in writing
34. Restrict occupancy of retirement apartments to the over 55s
35. First RM application to include POS provision and a NEAP (with 8 pieces of equipment and a separation distance of 30m to nearest dwellings)
36. First RM application to include a marina with at least 30 births
37. No consent given for the indicative plans

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of 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 the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Affordable Housing</b>	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
<b>Education</b>	For a development of up to dwellings; Secondary = £245,140 SEN = £45,500 Total = £290,640.	50% of the total education sum to be paid on the occupation of the 25 <sup>th</sup> dwelling. The next 50% of the total education sum to be paid on the occupation of the 50 <sup>th</sup> dwelling.
<b>Indoor recreation</b>	£20,540	Prior to first occupation
<b>Outdoor recreation</b>	£1,000 per family (2+bed) dwelling and £500 per 2+ bed apartment	Prior to occupation of 50% of the dwellings
<b>Travel Plan</b>	A revised travel plan shall be submitted to include the commitment to provide first occupiers cycle and bus pass up to the value of £150.00 / 3 month period respectively.	Prior to commencement
<b>Public Open Space</b>	Private Management Company  Provision of a NEAP and the open space	On first occupation  On occupation of 50% of the dwellings
<b>Highways Contribution</b>	£300,000 towards highway improvements at A54/King Street/Leadsmyth Street	50% of the total highways sum to be paid on the prior to the occupation of the development

	£50,000 to fund traffic management measures along Brooks Lane	The next 50% of the total education sum to be paid on the occupation of the 25 <sup>th</sup> dwelling.
<b>PROW contribution</b>	£5,000 for improvements to FP Middlewich 21	Prior to first occupation
<b>NHS contribution</b>	£95,616	50% to be paid prior to occupation and 50% prior top occupation of the 50% dwelling

(Prior to consideration of the following application, Councillor M Hunter left the virtual meeting and did not return. Councillor S Gardiner took the Chair for the remainder of the virtual meeting).

**28 20/2326C-APPROVAL OF RESERVED MATTERS (APPEARANCE) FOLLOWING OUTLINE APPLICATION 19/0529C (APPEAL APP/R0660/W/19/3234366) FOR UP TO 19,236 SQM OF EMPLOYMENT FLOORSACE, LAND AT CREWE ROAD, (RADWAY GREEN NORTH), ALSAGER FOR MRS MIRANDA BELL, COMMERCIAL DEVELOPMENT PROJECTS LIMITED**

Consideration was given to the above application.

(Councillor Phil Williams, the Ward Councillor, Town Councillor Sue Helliwell, representing Alsager Town Council, Town Councillor Derek Hough, representing Alsager Town Council, Michael Unett, an objector, Andrew Williamson, representing the applicant and Miranda Bell, the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board the application be delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chairman) of the Strategic Planning Board to resolve the outstanding issues of the Biodiversity Strategy and to allow further investigation regarding the concern from United Utilities and then approve subject to the following conditions;

1. Approved Plans
2. Cladding colour to be submitted and approved in writing and to include consultation with the Town Council.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of 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.

(The virtual meeting was adjourned for lunch from 1.50pm until 2.30pm. Councillors S Hogben and R Moreton left the virtual meeting and did not return. Councillor A Critchley left the virtual meeting).

**29 20/2877N-PARTIAL DEMOLITION AND REDEVELOPMENT AND PARTIAL REFURBISHMENT OF AN EXISTING BUILDING RESULTING IN A TOTAL OF 25,706SQ.M OF B8 FLOORSPEACE AT UNITS A AND B, 1 WESTON ROAD, CREWE FOR AEW UK CORE PROPERTY FUND**

Consideration was given to the above application.

(Alexandra Walsh, representing the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board the application be approved subject to the following conditions:-

1. Standard Time
2. Approved Plans
3. External Material details to be submitted
4. Landscape Implementation Scheme
5. Submission of a Tree Protection Scheme
6. Submission of a Arb Method Statement
7. Provision of Electric Vehicle Charging infrastructure
8. Provision of Ultra Low Emission Boilers
9. Submission of Phase II contaminated land report
10. Submission of a verification report in accordance with the remediation scheme
11. Prior approval of a soil contamination verification report
12. Development should stop if contamination is encountered
13. Development to be in accordance with FRA
14. Submission of a detailed strategy / design, associated management / maintenance plan for sustainable drainage
15. Foul and surface water to be drainage separately
16. Lighting Scheme to include existing light spill survey
17. Additional planting scheme to offset loss of trees to be submitted

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chairman) of 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.

(Prior to consideration of the following application, Councillor A Critchley returned to the virtual meeting).

**30 20/2876N-PARTIAL DEMOLITION AND REDEVELOPMENT AND PARTIAL REFURBISHMENT OF AN EXISTING BUILDING RESULTING IN A TOTAL OF 25,673SQ.M OF B8 FLOORSPEACE AT UNITS A AND B, 1 WESTON ROAD, CREWE FOR AEW UK CORE PROPERTY FUND**

Consideration was given to the above application.

(Alexandra Walsh, representing the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the following conditions:-

1. Standard Time
2. Approved Plans
3. External Material details to be submitted
4. Landscape Implementation Scheme
5. Submission of a Tree Protection Scheme
6. Submission of a Arb Method Statement
7. Provision of Electric Vehicle Charging infrastructure
8. Provision of Ultra Low Emission Boilers
9. Submission of Phase II contaminated land report
10. Submission of a verification report in accordance with the remediation scheme
11. Prior approval of a soil contamination verification report
12. Development should stop if contamination is encountered
13. Development to be in accordance with FRA
14. Submission of a detailed strategy / design, associated management / maintenance plan for sustainable drainage

- 15. Foul and surface water to be drainage separately
- 16. Lighting Scheme to include existing light spill survey
- 17. Additional planting scheme to offset loss of trees to be submitted

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of 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.

(During consideration of the virtual meeting, Councillor A Critchley left the meeting and did not return).

**31 UPDATE FOLLOWING THE RESOLUTION TO APPROVE APPLICATION 17/5070C - OUTLINE PLANNING PERMISSION (REVISIONS TO 09/2083C) IN RESPECT OF ZONES 2, 5 AND 6 TO PROVIDE UP TO 100 RESIDENTIAL UNITS (C3) PLUS CARE HOME (C2) OR 120 RESIDENTIAL UNITS, UP TO 2,600SQM OF COMMERCIAL USES INCLUDING RETAIL (A1), RESTAURANT/PUB (A3/A4) PLUS OFFICES (B1) WITH ASSOCIATED INFRASTRUCTURE AT THE FORMER ALBION CHEMICAL WORKS, MOSTON**

Consideration was given to the above report.

(Councillor J Wray, the Ward Councillor, Parish Councillor Dave Nixon, representing Moston Parish Council and Mark Krassowski, the agent for the applicant attended the virtual meeting and spoke in respect of the item).

**RESOLVED**

That the Heads of Terms for the S106 Agreement be amended and an additional condition imposed (as stated below).

That the application be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board for further details of the Spatial Design Code. The rest of the Section 106 Agreement to include the following:-

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
Affordable Housing	10% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters

		<p>stage.</p> <p>No more than 80% open market occupied prior to affordable provision in each phase.</p>
Education	<p>For a development of 100 dwellings;</p> <p>Primary £195,233</p> <p>Secondary £245,140</p> <p>SEN £45,500</p> <p>For a development of 120 dwellings;</p> <p>Primary £238,618</p> <p>Secondary £294,168</p> <p>SEN £45,500</p>	<p>50% of the total education sum to be paid on the occupation of the 25<sup>th</sup> dwelling.</p> <p>The next 25% of the total education sum to be paid on the occupation of the 50<sup>th</sup> dwelling.</p> <p>The final 25% of the total education sum to be paid on the occupation of the 75<sup>th</sup> dwelling.</p>
Indoor recreation	<p>For a development of 100 dwellings a contribution of £18,200.</p> <p>For a development of 120 dwellings a contribution of £21,450.</p>	Prior to first occupation.
Outdoor recreation	£1,000 per family dwelling or £500 per 2 bed pace (or more) apartment. Priority is that the money be spent on Canal Towpath improvements, second any other recreation/sports provision in Moston or Sandbach including Elworth Cricket Club	Prior to the occupation of the 75 <sup>th</sup> dwelling.
Allotment Contribution	£230.70 per dwelling	Prior to the occupation of the 75 <sup>th</sup> dwelling.
Public Open Space	<p>Private Management Company</p> <p>Provision of a NEAP and the open space</p>	<p>On first occupation</p> <p>On occupation of 50% of the dwellings</p>
Biodiversity Off-Setting Contribution	£30,000	Prior to first occupation.

And subject to the following conditions:-

1. Standard Outline 1
2. Standard Outline 2
3. Standard Outline 3
4. Approved Plans
5. Contaminated land – submission of a remediation strategy
6. Contaminated land – No occupation prior to the submission of a verification report
7. Contaminated land – works to stop if further unknown contaminated land is uncovered
8. Reserved Matters application to include details of existing and proposed levels
9. Each Reserved Matters application for residential development shall include an updated acoustic appraisal together with any mitigation measures.
10. Piling works
11. Travel Plan – Residential development
12. Travel Plan – Commercial development
13. Electric Vehicle Charging Provision
14. Reserved matters application for the commercial units to include a scheme of brown roofs
15. Reserved matters application to include a scheme of replacement hedgerow planting
16. The proposed development to proceed in strict accordance with the measures detailed in paragraph 5.2.5 of the submitted Preliminary Ecological Appraisal prepared by enzygo
17. Reserved Matters application for the housing to include a phasing plan
18. Development to be carried out in accordance with the submitted FRA
19. No development shall take place until a detailed strategy / design and associated management / maintenance plan of surface water drainage for the site has been submitted to and approved in writing by the Local Planning Authority.
20. Scheme to ensure that the site boundary will need to be adequately protected to ensure that any flood risk is contained and managed onsite and not transferred off site.
21. External Lighting to be submitted and approved
22. Each phase of the development hereby approved shall incorporate a mix of units of -
  - 1bed and/or 2 bed dwellings – between 10% and 30% of the number of dwellings
  - 3 bed dwellings – between 20% and 40% of the number of dwellings
  - 4 bed and/or 5 bed dwellings – between 20% and 40% of the number of dwellingand a minimum of 5 % of the units shall be bungalows or units for single storey living. The 1st reserved matters application shall provide a strategy for the distribution of all the housing across the site in accordance with these parameters. Thereafter the housing on each phase of development shall accord with the housing mix details provided unless otherwise approved in writing by the Local Planning Authority
23. The first Reserved matters application shall include a survey the trees within the grass verge and provide and implement a scheme of re-planting of tree (and removal if necessary) within the grass verge.
24. Visibility splays

25.No development shall commence until the Booth Lane improvement works have been submitted and approved. The approved works shall be carried out prior to the first occupation of the development

In order to give proper effect to the Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(It was requested it be minuted that Councillor D Jefferay voted against the officer's recommendation).

**32 STATEMENT OF COMMUNITY INVOLVEMENT UPDATE 2020**

Consideration was given to the above report.

**RESOLVED**

That the Portfolio Holder for Planning be recommended to approve the Statement of Community Involvement October 2020.

(Prior to consideration of the following item, the virtual meeting was adjourned for a short break).

**33 SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT – REVISED PUBLICATION DRAFT**

Due to the time taken to consider the previous items on the agenda, it was resolved that the item be deferred in order for an additional meeting of the Strategic Planning Board to be arranged to consider the document in isolation.

**RESOLVED**

That the item be deferred in order for an additional meeting of the Strategic Planning Board to be arranged to consider the document in isolation.

The meeting commenced at 10.00 am and concluded at 5.00 pm

Councillor M Hunter (Chairman)



## **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Strategic Planning Board**  
held on Friday, 2nd October, 2020

### **PRESENT**

Councillor S Gardiner (Chairman)

Councillors A Critchley, S Edgar, A Farrall, JP Findlow (Substitute), S Hogben, D Jefferay, J Nicholas (Substitute), P Redstone, J Weatherill and P Williams

### **OFFICERS IN ATTENDANCE**

Ms S Dillon (Planning Lawyer), Mr P Hurdus (Principal Development Manager) and Mr D Malcolm (Head of Planning)

### **34 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Groves, M Hunter and R Moreton.

### **35 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of item 4 - Site Allocations and Development Policies Document – Revised Publication Draft, Councillor D Jefferay declared that he had received an email from Peter Yates who was speaking on the item. He had acknowledged the email to say he had received it but had not pre-determined the application.

In the interest of openness in respect of item 4 - Site Allocations and Development Policies Document – Revised Publication Draft, Councillor J Nicholas declared that he had received an email from Peter Yates who was speaking on the item but had not responded.

In the interest of openness in respect of item 4 - Site Allocations and Development Policies Document – Revised Publication Draft, Councillor S Gardiner declared in addition to knowing the three Cheshire East Councillors speaking on the application he also knew Sue Helliwell, Peter Yates and Town Councillor Derek Hough who were also speaking on the item.

In the interest of openness in respect of item 4 - Site Allocations and Development Policies Document – Revised Publication Draft, Councillor P Williams declared that he was a member of Alsager Town Council and was known to Sue Helliwell and Town Councillor Derek Hough who were both speaking on the item.

In the interest of openness in respect of item 4 - Site Allocations and Development Policies Document – Revised Publication Draft, Councillor P Redstone declared that he was a member of the Conservative Committee and knew Sue Helliwell who was also a member and who was speaking on the item.

**36 PUBLIC SPEAKING-VIRTUAL MEETINGS**

**RESOLVED**

That the public speaking procedure be noted.

**37 SITE ALLOCATIONS AND DEVELOPMENT POLICIES DOCUMENT – REVISED PUBLICATION DRAFT**

(Councillor R Bailey, Councillor D Brown, Councillor B Murphy, Sue Helliwell, Elaine Mitchell, Gary Wilson, Andrea Ives, Michael Burdekin, Andrew Wilkinson, John Stewart, Kevin Whaites, Peter Yates and Town Councillor D Hough attended the virtual meeting and spoke in respect of the item).

Members welcomed the allocation of land for gypsy and travellers sites, welcomed the content of chapter four of the document, welcomed the increased robustness of viability assessments and the adjustments to policy HOU4 particularly the limitations on the number of HMO's. Concerns were raised regarding windfall sites and how such sites would provide the necessary growth, the need to retain housing development to sustain facilities and services in towns and villages and the option of removing areas of safeguarded land from the green belt which was felt to be unjustified.

It was agreed that Cabinet should be specifically recommended to look further at:-

(i) The 'soundness' of housing land supply position: whether the evidence supporting the proposed change in the revised publication draft SADPD to remove the previously proposed allocation of housing sites at LSCs was robust;

(ii) The consistency between the policies of Neighbourhood Plans and the SADPD to ensure there was no conflict on matters such as settlement and town/village centre boundaries;

(iii) The need for safeguarded land in the SADPD, with reference to robust evidence, and with a particular focus on Bollington, Disley and Prestbury.

**RECOMMENDED**

(1) The Revised Publication Draft version of the Site Allocations and Development Policies Document (Appendix 1), its Sustainability Appraisal (Appendices 2 and 2a) and Habitats Regulation Assessment (Appendix 3)

be approved for publication so that representations could be made about them over a period of six weeks.

(2) That alongside the documents listed in 2.1.1 of the report Cabinet be recommended to approve and publish the draft Plan's supporting evidence base (listed in Appendix 6), including the draft Statement of Common Ground (Appendix 8).

(3) That Cabinet consider the following matters:-

(i) The 'soundness' of housing land supply position: whether the evidence supporting the proposed change in the revised publication draft SADPD to remove the previously proposed allocation of housing sites at LSCs was robust;

(ii) The consistency of approach between the policies of Neighbourhood Plans and the SADPD to ensure there was no conflict, on matters such as settlement and town/village centre boundaries;

(iii) The need for safeguarded land in the SADPD, with reference to robust evidence, and with a particular focus on Bollington, Disley and Prestbury.

(During consideration of the item, connection was lost and the virtual meeting was adjourned from 11.15am until 11.45am. In addition Councillor A Critchley lost connection towards the end of the virtual meeting and therefore did not take part in the vote. A further adjournment took place for a short break from 1.55pm until 2.10pm).

The meeting commenced at 10.00 am and concluded at 3.27 pm

Councillor S Gardiner (Chairman)

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Application No: 19/5934N

Location: Phase 1 Basford East Land, DAVID WHITBY WAY, WESTON

Proposal: Approval of Reserved Matters following Outline Approval 14/4025N - Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m<sup>2</sup> (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe

Applicant: Mr Rob Stratton, Lane End Developments

Expiry Date: 10-Apr-2020

## SUMMARY

The site forms part of the wider Basford East Strategic Allocation under CELPS Policy LPS 2.

The principle of erecting up to 449 dwellings on this site has already been permitted under application 14/4025N. This application considers the Approval of Reserved Matters, which comprises layout, scale and appearance, landscaping and also access.

The S106 agreement secured a minimum of 15% of the dwellings of the development to be affordable homes. However, notwithstanding this, the applicant (Onward Homes), a Registered Provider, is proposing that 123 dwellings (29%) comprise affordable housing units, and therefore now just short of the 30% requirement of Policy SC5 of the CELPS

Amendments to design and layout of the proposal have been secured during the course of the application. Following the deferral by Strategic Planning Board and the provision of full and satisfactory house type details, the design and layout of the scheme is considered acceptable against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide. Strong green infrastructure around the perimeters of the site is retained and significant areas of green amenity space provided within the development. The provision of play and amenity open space accord with the requirements of Policy SE6 of the CELPS.

The impact on the wider highway network arising from the development of this site was addressed during the consideration of the outline application. The internal road network meets relevant highways design standards and adequate car parking is provided in accordance with parking standards identified in the CELPS. Added to this the proposed footway / cycleway

route from the Northern boundary to James Whitby Way via the school site provides excellent permeability through the site to ensure a future link to the South Cheshire Growth Village to the east as well as to other development within the wider Basford East allocation (LPS2).

Issues relating to amenity, ecology, flooding and drainage, or public rights of way have been addressed, subject to conditions where deemed necessary.

**Recommendation: APPROVAL subject to conditions**

This application was deferred by Cheshire East Council's Strategic Planning Board on the 26<sup>th</sup> August 2020 for the following reasons;

*"That the application be deferred for more detailed plans of house types/character; greater clarity of future school proposals/drop off area and numbers on roll; further consideration of traffic calming adjacent to the school; consideration of a different access to serve the school and a further review of the character assessment".*

## **Design**

Members raised concerns regarding the lack of detail and clarity of house types for future phases and character areas of the scheme, and essentially the reliance on a planning condition to govern the design quality of future phases of this strategic site.

In response to the above, the applicant has provided fully worked up, and detailed house type drawings for all phases of the scheme to be provided within the distinctive character areas of the development that have been defined. The Design Officer has advised that detailing of the submitted house types has been suitably refined and enhanced to incorporate greater variations in materiality and architectural features. This has included textured brickwork/render, the use of feature windows, additional fenestration and balconies.

In terms of assessment against BfL 12 criterion "Character", the scheme can now be awarded green as the architectural distinctiveness of proposed house types and apartment buildings within all phases of the development will satisfactorily reinforce the sense of place offered by the natural features and strong structure of the scheme.

On this basis, the originally proposed planning condition which required working designs to be agreed for each plot within each subsequent phase of the development is no longer necessary. It is however recommended that a condition is imposed required the submission and approval of the details and specifications of all facing materials to secure the delivery of the high quality of design throughout the scheme.

## Design Conclusion

It is considered that important issues concerning this refinement of the detailing/materiality of the future house types have been resolved. As a result the design of the scheme has therefore developed to a point where it is considered to be acceptable, when considered against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

## **School Site and Highway Issues**

In response to issues raised by Members further clarification has been provided by the Councils education team in respect of the Primary School to be provided at Basford East which will be the subject of a future planning application.

The proposed primary school would open as a 1 Form Entry School (210 places) to meet the pupil needs of the Basford development, but would include infrastructure to allow the school to grow to a 2 Form Entry (420 places) to deliver the pupil needs of the South Cheshire Growth Village. However this expansion is dependent on the timing on the delivery of South Cheshire Growth Village and also the build rates of the wider development at Basford East.

The school when designed will have sufficient on-site parking to meet its needs and the education team has advised that given economies of scale an on-site car park would be provided to serve a 2FE school. This would ordinarily provide around 15 -20 staff car parking spaces. Given the need to encourage walking and cycling and to limit the risk of accidents within the school site, pupil pick-up and drop off facilities are not usually provided within school developments.

The proposed drop-off area located on the opposite side of the estate road from the school was provided by the applicant in response to concerns raised by Weston & Basford Parish Council regarding potential traffic conflict and highway safety implications arising from the operation the school.

However, following a review of the proposals the Highway Engineer concurs with the education team and has advised that a “drop off area” is not required to be provided either within the school site, or in the proposed location on the opposite side of the estate road. Whilst it is anticipated that parking will inevitably occur along the estate road in the vicinity of the school during the morning peak and late afternoons, this will nevertheless be limited and over relatively short periods. The Highway Engineer therefore advises that in this location this will not result in highway safety or raise traffic management concerns. Furthermore the provision of an on-site staff car park of around 15 -20 spaces is normally considered adequate to serve the need of a primary school (2FE), and this can be secured as part of detailed proposals of a future planning application for the school.

Further to the comments above, and on the basis that the proposed drop-off area could itself cause safety concerns such as pupils crossing the road in close proximity to the school access and parked cars, a condition will be imposed requiring it to be omitted from the scheme.

The provision of traffic calming adjacent to the school as part of this application has also been considered by the Highway Engineer. However, given the low traffic speeds which would be expected along the estate road, the Highway Engineer does not consider traffic calming to be necessary within the vicinity of the school as it would serve little purpose and have no meaningful impact.

As regards an alternative point of vehicular access serving the school from either the eastern or southern sides the school site, this is not considered to be a viable option given

the distance from the roundabout junction and would also result in unnecessary and undesirable vehicle movements throughout a large part of the housing development. Consequently given the location of the school, the most practical point for its vehicular access remains from the main estate road on the approach to the roundabout junction with David Whitby Way.

It should be noted that the emphasis is on providing a sustainable solution where pedestrian and cycle access to the school can be maximised which is achieved by the route running east/ west through the development as well as by other pedestrian links such as that running north/south along the eastern side of the school.

## Housing

For completeness, the following clarification of the affordable housing position further from the Housing Officer is also provided.

The Housing Officer has confirmed that a satisfactory Affordable Housing Statement has now been submitted setting out full details of provision which will be secured within the development. This states that 123 affordable homes (27%) on this site, which is significantly more than the requirement specified by the S106 Agreement (15%). The unit mix and tenure is summarised as follows;

Tenure	Units	Numbers
Affordable Rent	1 Bed Apartments (50.8sqm)	34
	2 Bed Apartments (57.8sqm)	22
	2 Bed Houses (72.8sqm)	11
	<b>Total</b>	<b>67</b>
Shared Ownership	2 Bed Homes (65.6–72.8sqm)	22
	3 Bed Homes (83–86sqm)	34
	<b>Total</b>	<b>56</b>
Open Market Sale	3 Bed Homes (83–96sqm)	214
	4 Bed Homes (118–151.4sqm)	112
	<b>Total</b>	<b>326</b>
Total		449

The Statement sets out that all properties for rent will be offered through a choice based lettings scheme in accordance with The Contract for Web-Based Lettings and Services and Information between Onward Homes and Cheshire East Council.

In addition, shared Ownership properties will be marketed as part of the wider sales and marketing approach for market sale. All shared ownership applicants will need to the eligibility criteria for Shared Ownership as set out in the HE Capital Funding Guide, with a household income of less than £80,000 and be otherwise unable to buy a suitable property to meet their



needs on the open market. The tenure of the affordable units as described above is consistent with the provision of the S106 Agreement.

The application therefore remains **recommended for approval**, subject to the conditions detailed at the end of this report.

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Previously considered Committee Report below (incorporating updated recommended conditions)

### **DESCRIPTION OF SITE AND CONTEXT**

The site is redundant arable land, covering 22.46 hectares forming part of the wider Basford East Strategic Allocation under CELPS Policy LPS 2. It is subject to outline planning approval 14/4025N primarily relating to the erection of up to 490 residential dwellings, a primary school, open space provision, ecological mitigation areas, ground modelling and drainage infrastructure.

The site is bound to the north by the Stoke-on-Trent/Nottingham railway line, to the west by David Whitby Way, and to the south by the A500. Open agricultural land with the strategic green gap adjoins the eastern site boundary. Allocation LPS 8 – South Cheshire Growth Village, which relates to a future development of around 650 new homes a community centre, village square and sports and leisure facilities lies to the east.

The Crewe Green Link Road (David Whitby Way) providing access to the strategic allocation which runs between the Weston Gate Roundabout (A5020) to the north and the A500 to the south, was constructed several years ago.

Outline approval 15/1537N was granted in 2016 within the strategic allocation on the opposite (western) side of the David Whitby Way and also to the north of this site for mixed use residential and commercial development including up to 325 dwellings. Reserved Matters approval was granted last year for infrastructure including road access and a crossing over Basford Brook to facilitate the development of future phases here.

The area known as Phase 3 of the Basford East Strategic Allocation which will accommodate employment uses, lies between the western boundary of this development (15/1537N) and the Crewe/Stafford/Chester railway, which links to the West Coast main railway line.

### **DETAILS OF PROPOSAL**

This application seeks approval with respect to all Reserved Matters relating to the appearance, landscaping, layout, access and scale of 449 dwellings, and associated open space and infrastructure following the approval of outline application 14/4025N. The outline application was supported by an Environmental Impact Assessment (EIA).

Vehicular access to the site is via the eastern arm of the existing roundabout on David Whitby Way.

The proposed 449 dwellings will be made up from 326 market dwellings and 123 affordable units. These will comprise of a mix of detached, semi-detached and apartment units ranging from 1-4 bed units. This large scheme is proposed to be implemented on a phased basis (comprising four separate phases) over several years.

The development will provide around 6 hectares of public open space including amenity green space and recreational and play facilities, incorporating a NEAP and MUGA in accordance with the S106 Agreement.

To accord with Condition 25 of the outline consent, this reserved matters application is accompanied with an Ecological Management Plan which include the provision of an ecological area accommodating an amphibian habitat area alongside the northern boundary

To ensure that connectivity is secured throughout the Basford East allocation a cycle/pedestrian way will run through the spine of the site from a proposed toucan crossing on James Whitby Way up to the north eastern corner of the site where a future connection can be made through to the South Cheshire Growth Village (LPS 8).

Revised plans have been received during the application process in response to issues raised by the Council, predominantly in relation to design & open space, planting/landscaping, street hierarchy and pedestrian/cycle routes.

### **RELEVANT HISTORY**

14/4025N - Outline application for the erection of up to 490 residential dwellings and a primary school - 2000m<sup>2</sup> (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modelling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe. Approved subject S106 Agreement - 08-Feb-2016

19/0652N - Application for Reserved Matters following Outline Approval 14/4025N Condition 1: Phase 1 which includes 22 number houses and associated landscape works. The appearance, layout and scale will be described for this phase. A design code and parameter plans will be submitted that will describe the whole site and future phases. Condition 31: Renewable Energy Strategy Condition 32: Existing and Proposed Levels. To Be Determined.

17/2851N - S106 Deed of variation proposal 14/4025N. Approved 04-Aug-2017

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

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

14/2485N - Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m<sup>2</sup> (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking

provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site. Withdrawn.

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

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

P96/0815 - O/A for employment development classes B1, B2 and B8. Legal Agreement. S.106. Approved 31-Mar-1999

P98/0371 - Construction of Regional Mail Distribution Centre. Approved 31-Mar-1999

P03/1046 - Erection of Four Storage and Distribution Warehouse (B8) buildings, Construction of Associated Car Parking & Servicing and Landscaping of the Site – Reserved Matters to P96/0815 – Withdrawn 04.04.05

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

LPS 2 - Basford East

PG 1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 7 - Spatial Distribution of Development

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 - Green Infrastructure

SE 8 - Renewable and Low Carbon Energy

SE 9 - Energy Efficient Development

SE 12 - Pollution, Land contamination and Land instability

SE 13 - Flood Risk and Water Management

CO 1 - Sustainable Travel and Transport

CO 2 - Enabling Business Growth Through Transport Infrastructure

CO 4 - Travel Plans and Transport Assessments

EG 1 - Economic Prosperity

EG 3 - Existing and Allocated Employment Sites

IN 1- Infrastructure

IN 2 - Developer Contributions

SC 1 - Leisure and Recreation

SC 2 - Outdoor Sports Facilities

SC 4 - Residential Mix  
SC 5 - Affordable Homes

The Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy Local Plan that still apply and have not yet been replaced. These policies are set out below.

### **Crewe and Nantwich Replacement Local Plan**

BE.1 – Amenity  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.6 – Development on Potentially Contaminated Land  
BE.16 – Development and Archaeology  
NE.5 – Nature Conservation and Habitats  
NE.7 – Sites of National Importance for Nature Conservation  
NE.8 – Sites of Local Importance for Nature Conservation  
NE.9 – Protected Species  
NE.11 – River and Canal Corridors  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
NE.21 – New Development and Landfill Sites  
TRAN.3 – Pedestrians  
TRAN.5 – Provision for Cyclists  
RT.9 – Footpaths and Bridleways

### **Weston and Basford Neighbourhood Plan**

- Made on the 16 November 2017.

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

### **Other Material Considerations**

National Planning Policy Framework 2019 (NPPF)

National Planning Policy Guidance (NPPG)

### **CONSULTATIONS**

**Strategic Highways Manager:** No objection,

**Environmental Protection:** No objection subject to conditions in respect to lighting details and noise mitigation with informatives relating to hours of construction, Piling and Dust Management. Issues relating to contaminated land and air quality are being addressed under conditions of outline approval 14/4025N.

**Strategic Housing Officer:** No objection to affordable housing provision but an Affordable Housing Statement is required to support proposals.

**United Utilities:** No objection

**Natural England :** No objection

**Historic England:** No comments.

**Sport England:** (Updated Comments) Advises that the proposals should be considered against Sport England's design guidance with further details required of the design and specification of the proposed MUGA.

**Health and Safety Executive (HSE):** No objection subject to relocation of play area from inner zone of pipeline major accident hazard pipeline ref. 1875: Audley/Crewe operated by Cadent Gas Ltd .

**Cadent:** No comments received at time of writing report

**Public Rights of Way Unit (PROW):** No objection subject to Weston FP 10 being 2m in width and details of its surfacing provided.

**Network Rail :** No objection

**CEC Flood Risk (LLFA):** No objection in principle to the reserved matters application, on the basis that drainage design is undertaken in line with the originally approved FRA under 14/4025N.

**Environment Agency:** Object;

Potential impact on white-clawed crayfish and their habitat. Insufficient information has been provided to assess the risks posed by the activity of discharging water to Basford Brook.

**Weston and Basford Parish Council :** Objects as follows;

*“- It was a requirement at outline application stage that there should be a dense planting / landscape buffer along the eastern boundary of the site to help screen this development from the adjoining Strategic Green Gap area (known as D1) along with the approach to Weston Village when viewed from Main Road. The applicants have now produced a detailed landscape scheme. Provided the species are of the order of 7 - 8 ft. in height at the time they are planted and that the whole of the landscape screening along the eastern boundary of the site is undertaken in the next planting season (Autumn 2020) prior to the commencement of any development and managed thereafter, then the Parish Council is happy with this aspect of the proposal.*

*- The scheme still lacks any details of the proposed Primary School. The potential traffic conflict, off street parking and highway safety implications which are likely to be created because of the impact of this large-scale development on the operation of the Primary School exiting and entering through a single access off David Whitby Way is considered to be a major issue. Wychwood Village is a classic case in practice which illustrates the constant problems of conflict/safety with schoolchildren and the manoeuvring/parking of residents' vehicles, school buses etc. in relation to school pick up / dropping off points – this situation*

*must not be allowed to be repeated. It is understood that the school is not only intended to serve the whole of Basford East but also the South Cheshire Growth Village and possibly also cater for overspill at Weston. The Parish Council urge the Local Planning Authority not to make any decision on these reserved matters until the full details of the school and its associated traffic circulation and parking etc. have been submitted and fully analysed.*

*- It is also noted that there still does not appear to be any off-street parking provision to serve the proposed allotments*

*- The Parish Council is still most unhappy at the lack of co-ordination and a detailed Master Plan which would provide a proper understanding of the proposed linkages between this development, the South Cheshire Growth Village and the proposed school, no details of which have yet been submitted. Also, how is all of this is going to be achieved? Of concern is the routing of the pedestrian footways /cycle ways associated with 'safe routes to school' between the two developments. The submitted plans appear to show this transgressing into the Strategic Green Gap on the eastern side of the site instead of following the edge of the boundaries of both sites, preferably via a footbridge across the Crewe to Derby Railway Line, which was specifically referred to as an option to be explored in the Local Plan*

*- The design of the layout along with the multiplicity of house types still represents nothing more than a dense urban scheme shoehorned into a rural landscape. The Parish Council's does not consider this to be in keeping with the rural character of the area around Weston Village."*

## **OTHER REPRESENTATIONS**

None received

## **APPRAISAL**

### **Key Issues–**

- Principle of development
- Housing
- Design
- Highways
- Primary School
- Landscape Impact
- Open Space
- Ecology
- Amenity
- Flood Risk/Drainage

### **Principle of Development**

The application site lies within the Basford East Strategic Site which is allocated under policy LPS 2 of the CELPS for the delivery of employment use together with the associated of up to 850 new homes. It is considered that the proposals meet the requirements of policy LPS 2 as they relate to this site.

This application relates to the acceptability of the proposed development in context of the reserved matters as the principle of erecting 449 dwelling has already been granted under outline planning approval 14/4025N. Therefore considerations of the Layout, Scale Appearance, Landscaping and Access are the principal considerations of the proposed development and the details of all relevant technical matters are discussed within the report.

The development is bound by the terms of the Section 106 agreement which secured the following:

- Affordable housing provision (15%)
- Education contribution and securing of primary school site
- Highway contributions
- Neighbourhood Equipped Area of Play (NEAP) and Multi-Use Games area (MUGA)
- Open Space provision and management

### **Housing**

The S106 agreement secured a minimum of 15% affordable housing provision due to viability concerns at this time over the delivery of significant infrastructure to serve the Basford East Strategic site, such as the Crewe Green Link Road (David Whitby Way) .

However notwithstanding this, the developer (Onward Homes), a Registered Provider, is proposing that 123 dwellings (29%) comprise affordable housing units, and therefore now just short of the 30% requirement of Policy SC5 of the CELPS for the provision of both social rented and/or intermediate housing, as appropriate.

Given the additional provision now proposed, the Housing Officer has advised that in overall terms, an appropriate mix of property sizes and tenure split is proposed with affordable units being satisfactorily distributed throughout the site. In terms of tenure 67 units are for rent, and 59 units will be available for Shared Ownership (Intermediate units). The provision includes;

- 44 - One bed units (including ground floor flats)
- 45 - Two bed units
- 34 - Three bed units

To ensure compliance with the requirements of the S106 Agreement a full affordable Housing Statement has been requested by the Housing Officer to enable these matters to be addressed. This is being prepared by the applicant. However, the delivery of additional affordable units is a significant benefit of the scheme as a whole.

Policy SC4 of the Cheshire East Local Plan requires developments to provide a reasonable mix of housing types, tenures and sizes. The 449 dwellings will be made up from 326 market dwellings and 123 affordable units. These will comprise of a mix of detached, semi-detached and apartment units ranging from 1-4 bedroom units. This large scheme is proposed to be implemented on a phased basis (comprising four separate phases) over several years.

It is considered that the proposed mix is acceptable by size, tenure and type. Therefore the proposal accords with policy SC4 of the CELPS

### **Layout / Design**

Policies SD2 and SE1 of the CELPS expect housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. BfL12 uses a traffic light system, with the aim of eliminating reds, whilst maximising the number of greens. The Council's Design Officer has undertaken a BfL12 assessment of the application, which is reflected in the commentary below.

### Connections – **GREEN**

A Single vehicular access will serve the site with emergency access off David Whitby Way. Pedestrian connection via main entrance but also via the east/west strategic cycle/pedestrian link future proofing the potential for connection to the western part of the wider site and the South Cheshire Growth Village (SCGV) to the north east of the application site

The route of the east/west green link is clearly defined and characterised as a people focused environment through street surfacing in block/setts. Whilst there is some uncertainty about connections beyond the site boundary, the application positively enables those connections. Notwithstanding those limitations, there are high levels of connectivity planned into the development with scope for wider connection designed to the wider development of Basford East and South Cheshire Growth Village.

### Facilities and services - **AMBER**

The site is presently some distance from existing facilities but forms part of a wider allocation that will include local commercial and employment development and a local centre. The site will also connect to SCGV which will also have local facilities. A primary school site is to be provided as part of this scheme, but CEC Education is responsible for the delivery of the school itself.

A variety of open space is proposed, including several areas of formalised play including a NEAP and MUGA adjacent to the school site, smaller local areas of play, allotments/community garden and trim trails and a peripheral leisure footpath around the site. The layout provides for opportunities for the provision of strategic pedestrian links to the western part of the wider CELPS site and the South Cheshire Growth Village, which are secured within the layout. If all elements come forward then a green could be awarded but considered appropriate to award amber at this stage given the phasing/timing of nearby facilities and the school.

### Public transport – **GREEN**

A bus route has been designed into the layout, penetrating to the centre of the site with 2 bus stops along the route. Bus stops on David Whitby Way are to be provided. Bus route 85 will serve the site which is hourly in both directions linking Nantwich and Newcastle-under-Lyme.



All parts of the site are readily accessible on foot to either the proposed bus route or stops within the site and those on David Whitby Way.

### Meeting local housing requirements – GREEN

A range of house types are proposed from 1 and 2 bed apartments to intermediate and larger family houses. Housing mix and tenure plans have been provided evidencing the distribution and mixing of house and tenure types and the extent of their pepper potting. Affordable homes are in the main widely spread out across the application site.

### Character - AMBER

A Design Code has been developed for the site to inform the detailed layout and character of elements. It includes a local character assessment and the Code establishes 3 main character areas.

The layout provides a framework that creates a positive structure of streets and spaces and a distinct hierarchy of street types, with the Avenue forming a north- south spine at the centre of the site, whilst the east-west pedestrian route create a key pedestrian focused axis through the site. It also provides an outward looking development overlooking the main public spaces and the countryside and landscaped edges.

However the Design Officer has advised that street design and surfacing materials are not fully in accord with the CEC design guide and further clarification to agree this issue is to be provided by will applicant.

Whilst the contemporary approach is welcomed in respect of the design of house types, concerns have been raised about the lack of architectural distinctiveness and variation given the scale of the site. The design detailing of house types needs to be refined to incorporate greater variations in materiality and architectural features throughout the site to reinforce the structure of the scheme and add to the overall quality of the development.

To address these issues and in accordance with the advice of the Design Officer the applicant will provide amended and fully worked up, detailed house type drawings for the first phase of the development. Provided these revisions are acceptable and achieve the quality of design and variety of detailing which is necessary, a planning condition is recommended requiring working designs to be agreed for each plot within each subsequent phase of the development. Such an approach is considered appropriate given the scale of development in that it will take several years to implement and ensures flexibility in finalising the detailed design of plots in later phases.

The assessment of the amended details will be reported in an update to the Committee.

### Working with the site and its context – GREEN

The main landscape features are retained and incorporated into peripheral landscape of the site.

The watercourses/ponds have been incorporated into areas of POS, supplemented by additional SUDs within the layout. The peripheral hedgerow is retained and excluded from development areas, whilst the few trees on the site have largely been retained and included into areas of open space. An ecological mitigation area including new ponds and grassland is proposed to the north of site, associated with other ecologically sensitive land in accordance with the outline approval.

The layout creates an outward looking development overlooking the surrounding countryside to the east and open space to the south between the development and the A500. Buffer tree planting is proposed to the south east and southern boundaries.

Further information is required in terms of microclimatic considerations including how the site arrangement, massing and building design responds to the passive opportunities presented by the site, particularly with the use of south facing units. Although the orientation of many streets east-west would enable a positive passive solar response. It is considered that this issue can be addressed through the detailed design of each phase of the development.

In all other respects the proposed development relates well to its context and provides a positive interface to countryside, ecological areas and landscape features and utilises those within the layout.

### Creating well defined streets and spaces – GREEN

There is a hierarchy within the street design and generally a perimeter block structure has been formed with buildings presenting active frontages onto streets and spaces, but there are certain localised issues.

In places buildings positively address corners but there were previously some concerns about the strength of corner turning designs, and whether there is sufficient emphasis on both elevations in terms of architectural quality and interest. Revised plans ensure the provision of stronger corner turners incorporating additional features to aid legibility. The quality of elevational detailing for all house types will be secured through each phase of this large scheme by a planning condition as set out in the “character” section above.

There are some localised parts of the development where there is an irregular building line adjacent to the street which could result in poorly defined and maintained space with a weaker sense of street containment and continuity would occur. This can be remedied through the introduction of further planting which would benefit the street scene and definition of its edge, particularly where higher concentrations of frontage parking are proposed. It is considered that this can be addressed on a plot by plot base through the detailed landscaping scheme for each phase of the development.

### Easy to find your way around – GREEN

There is a definite street hierarchy with the Avenue defining the main route into the heart of the site. Feature spaces are designed within the layout and scale is used in part along the Avenue to reinforce it as the primary street within the movement hierarchy.

The green east-west pedestrian route creates a defined linear route for pedestrians. The entrance into the site will be defined by the school and commercial development initially but with a strong linear avenue into the housing development.

The scheme is generally legible and revised plans have reinforced that through stronger landscaping of the principal and secondary streets.

Amended plans have been submitted for local/landmark positions within the site to satisfactorily strengthen these way marking locations within the site. In particular the apartment grouping overlooking the northern square (plots 101 -104 & 122 -125) has been enhanced through the inclusion of additional features and increased height which achieves greater presence at this prominent point..

A green is awarded, because of the strong axes and hierarchy of streets and spaces.

### Streets for all - **GREEN**

There is a distinct hierarchy to the framework of streets. The tree lined character of the primary street helps to reinforce its human scale without detracting from its function as the main vehicular route. Separation of the pavement by verges helps to maintain a pleasant pedestrian environment.

Feature spaces and Mews areas with block or sett paving are designed into the layout to calm traffic, punctuate the secondary streets with a more formal street design and help define transition points and changes in street character to highlight them as people focused spaces.

The lower tier streets and key spaces (squares) need to more closely follow the materials palettes of the CEC Design Guide. Clarification on the surfacing materials will be provided as an update.

### Car parking - **AMBER**

A mix of parking solutions is encouraged by the Design Guide to ensure that the street scene is not dominated by vehicles. Although many plots have parking spaces to the front of units, amendments have included the insertion of further landscaping and the breaking up of groups of spaces to achieve a greener street scene.

Whilst concerns have been raised in respect of the surfacing of parking courts and prominent siting of bin/cycle stores these matters can be addressed through the hard/soft landscaping details for each phases of the development .

### Public and private spaces - **GREEN**

There are 3 main areas of usable open space within the scheme;

- The entrance green space would provide informal play and open space adjacent to the boundary with the school and is connected by the peripheral pedestrian route.

- The main centre for play provision providing a NEAP and MUGA would be located to the south of the school site and directly off the main east west pedestrian access through the centre of the development, ensuring it is accessible to the entire site.
- The central green spine running laterally east/west through the site connected to the NEAP by the green pedestrian route is also connected by the peripheral pedestrian route. There is also direct connection east to enable a future link to the SCGV. Community gardens are also proposed as part of this space, where it widens out to the eastern edge of the site.

In addition there are a number of other green infrastructure (GI) elements including SUDs, the watercourse to the south, peripheral landscape and buffer planting areas and the ecological mitigation area. There is an acceptable and diverse range of space and direct and informal connectivity between those promoted as formal usable spaces, with a backdrop of other informal spaces and areas of GI.

Amendments to the area of open space including the SUDs within the southern part of the site have ensured this is more usable. In addition, enhancement of the northern square has created more of a “dwell space”. However to maximise, the potential of key feature spaces, including the northern and southern squares, a condition is recommended requiring the detailed specification of their hard and soft landscaping lighting and street furniture.

This is awarded a green.

#### External storage and amenity – AMBER

Whilst this large scheme provides sufficient private amenity space there are a small number of gardens of modest size ( e.g. plots 301 and 322) . It is unclear whether communal or private amenity space will be provided for apartment accommodation within the scheme, albeit the majority of these units will have access to open space and play provision.

The submitted Refuse Strategy Plan and Design Code states that many properties have garages which will accommodate storage, including that for cycle storage. Whilst unspecified it is stated that properties without a garage will have some form of storage in their rear garden. Waste and recycling bin storage will be provided in the rear gardens with paths giving direct access to the streets for collection.

The apartments will have communal bin storage areas in locations with easy access for refuse collection operatives. However there is little detail of cycle storage and it is recommended that this is secured through a planning condition.

#### Design Conclusions

There have been numerous amendments to the proposal which have addressed issues that have been raised with the applicant during the course of the application.

This development has the potential to be a high quality scheme and already has positive attributes, including a robust underlying structure. Considerable effort has been employed by all parties thus far , reflected in the design code and supporting information for the application. However as noted above, there are still important design and layout matters that

require further clarification to address the schemes performance against BFL 12 criteria such as the refinement of the detailing/materiality of the house types and hard surfacing materials.

The applicant has confirmed that further information will be submitted by the applicant in advance of the Committee meeting. This will be subject to final review by the Design Officer to ensure that the design of the scheme has developed to a point where it is considered to be acceptable, when considered against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

### **Highways and Accessibility**

#### Highway Infrastructure

The impact on the wider highway network arising from the development of this site with access from the Crewe Green Link Road (DavidWhitby Way) was addressed during the consideration of the outline application. The S106 agreement requires substantial financial contributions towards the provision of new infrastructure and improvements to the wider highway network to facilitate the development of the site.

The main access road serving the site connects to the existing roundabout on David Whitby Way. This roadway is 5.5m wide and minor roads are 4.8m wide. The design of the internal roads accords with the strategy of providing linked streets and minimising the use of cul-de-sacs.

The Head of Strategic Infrastructure (HSI) has advised that the proposed road infrastructure layout is acceptable and enables the site to be served by public transport. The level of off street parking for the residential units complies with CEC parking standards.

A segregated cycle link is provided through the centre of the site, this will link to an 'at grade' crossing facility (toucan) on David Whitby Way, and also provide links via a shared pedestrian/cycle path to the proposed South Cheshire Growth Village site. The remaining internal road network within the site is suitable to be used for on road cycling given low traffic speeds.

A refuse strategy has been submitted indicating the routes within the site and also the turning facilities being provided.

With regard to the school site, consideration has been given as to the position of the main school access within the site. After careful assessment an independent access in a location away from the residential roads is preferred by the Highway Engineer, and therefore the access will be located off the main access road. Details of access arrangements to the school will be subject of a separate planning application for the primary school.

In summary, the proposed highway infrastructure has been designed to meet current standards and serve the level of development proposed. As a result no objections are raised to the proposals by the Council's Strategic Infrastructure Manager.

#### Pedestrian/Cycle Route

A specific policy requirement of LPS 2 (Basford East, Crewe) is for development of pedestrian links (allowing for cycle access) to the South Cheshire Growth Village (LPS 8) to the east and the wider development with the Basford East Strategic Allocation to specifically provide a safe and secure environment for children to travel to school.

These proposals ensure that a satisfactory pedestrian/cycle link can be secured between the proposed South Cheshire Growth Village and the primary school on the Basford East site. The link will also connect the school site and this large housing scheme to future residential and commercial development to the west, as well as the existing cycleway network, via a new Toucan crossing on David Whitby Way.

The route will run through the landscaped green spine of the scheme to a point on the north-eastern boundary of the site which will enable a future connection through to South Cheshire Growth Village (LPS 8). This is the most logical and practical position given the need to avoid the ecological mitigation area as well as being the nearest point of the site to the Growth Village.

Although the Parish Council's concerns are understood, only a very short section of the route will need to pass through the Strategic Green Gap to link through to the growth village development. Furthermore this land will become landscaped green space associated with the Growth Village, and consequently the link would not constitute an unacceptable visual intrusion within the Green Gap. In addition, the route and design of the pedestrian/cycleway beyond the site boundary would be considered as part of future proposals of the Growth Village (LPS 8).

### **Primary School**

This application does not relate to the development of primary school site (1.8ha) that occupies the north western corner of the site which was subject to outline approval 14/4025N. The school site is secured through the s106 agreement and the Council's Education team have advised that proposals for a 2 Form Entry Primary School is at an early stage of preparation. However, through further to discussions with the Highway Engineer it has been determined that given the location of the school the most practical point of vehicular access is from the main access road on its approach to the roundabout junction with David Whitby Way. Importantly, Cycle and pedestrian access will also be provided from the eastern side of the school from a cycle/pedestrian link connecting to future development to the west via a toucan crossing and to the South Cheshire Growth Village to the north east.

Given the concerns raised by the Parish Council, the provision of a visitor parking/area drop-off is shown on the opposite side of the access road from the school site to minimise traffic disruption at peak periods. Although this can only reasonably be provided in conjunction with the development of the school. A condition is therefore recommended requiring details of future arrangements to secure this land to enable the drop-off area to be provided in conjunction with the future development of the school.

### **Ecology**

There are various ecology matters to consider. These are broken down into the following subsections and assessed accordingly. Additional survey information and clarification in respect of ecological issues has been provided during the course of the application.

### Statutory Designated Sites

The application site does not fall within Natural England's SSSI impact risk zones. The submitted Ecological Assessment concludes that the proposed development is not likely to have a significant effect upon Natura 2000 sites due both to the distance between the application site and the nearest designated site and the lack of similarity between the habitats and species found on the site and the designated site.

The proposed development is therefore not likely to have a significant effect on any statutory designated site.

The Council's Nature Conservation Officer advises that no further action in respect of statutory designated sites is therefore required under either the Habitat Regulations or the Wildlife and Countryside Act.

### Non-statutory Designated Sites

Mere Gutter and Basford Brook Local Wildlife Site located 50m from the application site. This Local Wildlife Site supports one of few remaining populations in Cheshire of White Clawed Crayfish in Cheshire. This species is very sensitive to changes in water quality.

Based upon the submitted drainage strategy the proposed development would not discharge directly into Basford Brook, but surface water from the development would discharge into Basford Brook via SUDS features .

The Council's Nature Conservation Officer and the EA (Ecology) raised concerns that although a "treatment train" for the surface water discharge is proposed, sufficient information had not been provided to demonstrate that this will be enough to prevent longer-term water quality deterioration of Basford Brook.

To minimise contamination of the Local Wildlife Site it is considered that the SUDS scheme for the site must be designed to incorporate three levels of SUDS treatment, such as an attenuation pond, surface flow wetland and swale. Confirmation has now been received from the applicant to confirm that these measures are included with the submitted drainage strategy.

The submitted Ecological Assessment recommends that a Construction Environmental Management Plan is produced to safeguard aquatic environments on and off site. A condition is recommended to require this.

### Trees with bat roost potential

An oak tree within Group 15 has been identified as having High potential to support roosting bats. Three bat survey visits have been undertaken of this tree to establish the presence/absence of roosting bats. No evidence of roosting bats was recorded during the survey and the Nature Conservation Officer advises that on balance roosting bats are not reasonably likely to be affected by the removal of this tree.

### Barn Owls

An oak tree within G15 was identified as having potential to support barn owls during the updated ecological assessment.

The submitted ecological assessment concludes that barn owls are breeding at this tree. Barn owl are a priority and protected species and hence a material consideration.

This tree would be lost as a result of the proposed development. The Nature Conservation Officer considers that the loss of roost associated with this tree is likely to have a significant adverse impact upon barn owls. As the tree is located within the centre of the proposed residential development it would not be possible to retain this tree as part of the proposed development under the current layout.

However the Nature Conservation Officer has advised that a suitable mitigation strategy for the loss of the roost has been submitted as part of the submitted Ecological Management Plan.

As anticipated at the determination of the outline application, the proposed development would result in the loss of a small area of suboptimal barn owl habitat. The applicant is proposing to compensate for this loss through the payment of a commuted sum amounting to £3,000 that could be used to fund offsite habitat creation for barn owls in partnership with the local barn owl group.

### Lighting

Bat activity recorded during earlier ecological surveys at this site was relatively low. Additional lighting associated with this proposed development could however have a localised adverse impact upon foraging and commuting bats. A condition is recommended requiring any additional lighting to *Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK)* to be agreed with the LPA.

### Badgers

An updated badger survey has been undertaken. Two setts were recorded during the survey. Both setts can be retained, however, works are proposed within 30m of one of the two setts, which may result in it being disturbed during the works. The applicant's ecologist has therefore indicated that this sett would be closed under licence from Natural England if found to be active prior to disturbing works taking place. The submitted method statement proposes that a 30m buffer be marked off around each sett prior to the commencement of works.

The Nature Conservation Officer advises that the proposed development will result in the reduction of the available foraging habitat for the resident badger population. This is likely to result in a moderate impact upon the local badger population. Fruit trees have been incorporated be incorporated into the ecological mitigation area to provide a seasonal food source for badgers to go a small way towards compensating for the habitat lost.

As the status of badgers on site can change it is recommended that a condition be attached which requires the submission of an updated badger survey and mitigation method statement prior to the commencement of development.



## Great Crested Newts

Great Crested Newts have been identified at a number of ponds in close proximity to the proposed development. In the absence of mitigation the proposed development would result in a moderate adverse impact upon great crested newts as a result of the loss of terrestrial habitat and the risk of great crested newts being killed or injured during the construction phase.

## **Important**

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The development relates to a substantial part of the Basford East Strategic site allocated within the Cheshire East Local Plan Strategy which is necessary to meet housing and employment needs within the Borough. The development of the site is therefore in the overriding public interest, and there are no other suitable alternative sites which are capable of delivering this scale of development in accordance with the objectives of the Local Plan Strategy.

In order to compensate for the loss of ponds on site 5 new ponds are proposed within a substantial ecological mitigation area (1.65 Ha) sited alongside the northern boundary of the site.

In order to mitigate the risk of newts being killed or injured during the proposed works the applicant is proposing to undertake works further than 250m from the identified breeding pond under a method statement of Reasonable Avoidance Measures.

Land within 250m of the pond would be cleared of great crested newts prior to works commencing under the terms of a Natural England license using standard best practice methodologies with newts transferred to the ecological mitigation area.

The Nature Conservation Officer advises that the proposed mitigation/compensation is adequate to maintain the favourable conservation status of great crested newts. A condition is required to ensure the implementation of the submitted great crested newt mitigation and compensation measures which are detailed in the Ecological Management Plan.

## Common toad

Common toad is a priority species and a material consideration. No evidence of this species was recorded during the submitted survey however the species is known to occur in this locality. It is advised that the proposed mitigation area and replacement ponds would be sufficient to address the potential impacts of the proposed development upon this species.

## Reptiles

Slow worm is known to occur on the railway embankment to the north of the application site. An updated reptile survey has been undertaken in support of this application. which confirm the continued presence of this species on site.

This species was recorded within the part of the site proposed to be used as an ecological mitigation area. The proposed development would have an adverse impact upon this species as a result of the loss of small areas of suitable habitat and the risk of animals being killed or injured during the construction phase.

However, The Nature Conservation Officer advises that the construction of the ecological mitigation area will compensate for the loss of habitat for this species and proposals have been submitted as part of the Ecological Management Plan to minimise the risk of this species being killed or injured during the works.

#### Broadleaved Woodland

The updated Ecological Assessment refers to small areas of broadleaved woodland being present on site. Broad-leaved woodland is a priority habitat and hence a material consideration.

The proposed development will result in the loss of two small areas of woodland/scattered trees. This would result in a minor adverse impact that was anticipated at the time of the determination of the outline consent.

#### Hedgerows

Native species hedgerows are a priority habitat and hence material consideration. In addition, Hedgerow H8 has been identified by the submitted ecological assessment as being Important under the Hedgerow Regulations. H8 is retained as part of the proposed development.

The proposed development will result in the loss of two short sections of hedgerow. A significantly greater length of new hedgerow planting is proposed as part of the submitted landscape plan in relation to that lost. The hedgerow losses associated with the development are therefore adequately compensated for.

#### Ponds

The proposed development will result in the loss of three ponds. Compensatory ponds are shown on the submitted plans. The Nature Conservation Officer advises that in the event that planning consent is granted the loss of the existing ponds would be adequately compensated for.

A condition is however recommended to secure detailed designs for the proposed ponds.

#### Breeding and wintering Birds

A number of bird species including some species considered to be a priority for nature conservation, have been recorded on site. Breeding and wintering birds would be affected by the loss of habitats on site, this impact would however in part be compensated for through the creation of the ecological mitigation area.

Conditions for the safeguarding of nesting birds were attached to the outline planning permission at this site.

Proposals for the provision of bird and bat boxes have been included at Appendix 5 of the submitted Ecological Management Plan. The submitted proposals are welcomed and are sufficient to discharge Condition 36 of the outline consent.

#### Hedgehogs

No evidence of hedgehogs was recorded during the submitted surveys however the habitats on site may be suitable for this species. The submitted ecological assessment includes proposals for the re-location of any hedgehogs encountered during the works. A condition is recommended to ensure that features for hedgehogs are provided within the development.

#### Landscape and habitat management plan

Condition 18 of the outline permission requires the production of a Landscape Management Plan and Condition 25 requires the submission of an Ecological Management Plan.

Specific proposals for the Ecological Mitigation Area have been provided within the submitted Ecological Management Plan, whilst proposals for the remainder of the site are included with the submitted Landscape Management and Maintenance Plan.

The Nature Conservation Officer has raised a number of queries in respect to the contents of the Ecological and Landscape Management plan in respect of the long term management required under condition 25. It is considered that these can be dealt with through the relevant discharge of conditions application (19/4087D).

The Ecological Management Plan includes proposals for the mitigation of the impact of the proposed development upon protected species. A condition is recommended to secure the Ecological Mitigation Measures.

### **Landscape**

The key landscape requirement within LPS 2 is the retention of trees and woodlands on the edges of the site, with new planting to re-enforce boundaries with the A500 to the south and alongside the eastern boundary with open countryside of the green gap, which is specifically required by Condition 16 of the outline approval.

This is achieved within the amended landscaping proposals with enhanced tree planting provided along the eastern site boundary. Significant areas of planting and landscaping earth bunding wrap around the southern side of the development with A500 and James Whitby Way in addition to the substantial ecological mitigation area located alongside the northern site boundary. Although the development will involve the loss of two small areas of woodland/scattered trees this will be compensated by the proposed planting scheme and furthermore the majority of hedgerows within the site are also retained in accordance with one of the site specific principles of development listed under LPS 2.

The proposals incorporate a street hierarchy, with avenues and tree lined streets. Updated tree planting details and landscape plans (hard and soft) have been received during the application process to reflect the changes made in response to design and open space concerns. These include enhanced planting within areas of POS and the amendments to the layout to ensure sufficient space is available to enable successful roadside tree planting.

Although as set out above, to maximise the potential of key feature spaces including the northern and southern squares, a condition is recommended requiring details of the specification of hard and soft landscaping, lighting and street furniture.

Areas of landscaping and open space are subject to management arrangements secured under the S106 agreement and need to accord with a management plan required by Condition 18 as well as a five year landscape establishment plans under Condition 19 of the outline approval.

### **Open Space**

The S106 Agreement accompanying 14/4025N requires the provision of formal and informal recreation areas, green space, a Neighbourhood Equipped Play Area (NEAP) and Multi-Use Games Area (MUGA) within the development. As set out below the proposals comply with these S106 requirements.

Policy SE 6 of the CELPS sets out the open space requirements for housing development which are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure (GI) connectivity 20sqm

The proposal for 449 dwellings triggers a requirement for 8,980sqm of formal and informal play provision in line with policy SE6 of the CELPS. This will be met by the provision of a NEAP and multi-use games area (MUGA) which are proposed adjacent to the school site with several small play areas and informal play features provided within areas of green space.

To address the requirements of the HSE a small play area (LAP) has been relocated away from their inner zone of a High Pressure gas main. In addition, a small informal play feature has been omitted from within a surface water attenuation basin (No.2) further to concerns raised by the Flood Risk Officer.

The Council's ANSA Open Space Officer and Sport England have raised no objection to the proposed play facilities subject to the design and specification of the proposed MUGA and play areas being secured through a planning condition.

The submitted landscape proposals indicate that over 1.34 ha of amenity greenspace will be provided, together with significant areas of green infrastructure (3.15 ha). This shows that there will be an over provision of amenity greenspace, and a significant over provision of green infrastructure over that required by Policy SE.6.

In terms of allotments, the requirement of Policy SE.6 is 5 sq.m per family dwelling. For 449 dwellings this would amount to 2,245 sq. m of allotment space. No financial contributions were secured for allotments at the time of the outline planning permission, and therefore it is a requirement for them to be provided on site. To meet this requirement Community Gardens are proposed with POS adjacent to the eastern site boundary, and which are shared growing spaces as opposed to traditionally secured private plots. In terms of the maintenance of the

area this is anticipated to be a shared responsibility of the Management Company (required by S106 Agreement) and residents using the space.

This approach has the advantage of having a less visual impact than traditional allotments and achieve a satisfactory relationship with the adjacent Ecological Mitigation Area and route of the pedestrian /cycle link. However given the limited details provided, and the need for some dedicated parking provision, a condition is recommended requiring full details to be provided of the layout and design of the Community Gardens. Whilst there is an under provision of allotments in terms of areas on a plan, the proposed approach is considered to be acceptable in principle.

Overall, the proposed development is sited within a robust network of green open spaces ensuring easy access for residents. Play areas, MUGA and Community Gardens have been provided within the open space and strategically located along the key pedestrian and cycling links and also accessible from informal footpaths passing through green space.

The proposals are therefore considered to comply with the open space requirements of LPS2 and policy SE 6 of the CELPS.

### **Amenity**

There are no residential properties close to the site. Consequently the siting and design of the development will have no adverse on the residential amenities of existing dwellings.

In consideration of amenity for future occupiers of the proposed development, the layout adheres to, or closely adheres with, the recommended separation standards within CEC Design Guide to ensure the future occupiers of the proposed development are not detrimentally impacted in terms of loss of light, or privacy, or an overbearing impact from each other.

In particular amended plans have been received which satisfactorily improves the relationship of two blocks within the Mews Court (plots 177 -184) avoiding an overbearing impact on the rear gardens and elevations of the dwellings sited directly behind through the reduction in their size and height to 1.5 storey.

Although some of the proposed gardens are a little small in size, notwithstanding this, it is deemed that they are sufficient in order for the future occupiers to enjoy normal activities e.g. sitting out, hanging washing, BBQs etc. Furthermore, large areas of shared public green space are provided within the development.

Environmental issues associated with this development in terms of noise, air quality and contaminated land were considered as part of the outline application and a number of planning conditions are attached to the outline consent to safeguard residential amenity.

However In relation to road traffic noise, the site lies north of the A500 and alongside David Whitby Way and a Noise Impact Assessment (NIA) has been submitted in support of these proposals. This recommends the following measures to ensure that future occupants of the properties are not adversely affected by transportation noise;

- Acoustic fencing fully surrounding the gardens ( plots 213 and 281)
- Landscaped bunding running alongside the boundary of the site with the A500 and David Whitby Way. The proposed 4m high bunding along the southern boundary is necessary given that the A500 is elevated above the site, whilst there is scope for this height to be reduced to 3m along David Whitby Way. Some of the necessary bunding is already in place along the site boundary with David Whitby Way as part of works associated with the construction of this road .
- Acoustic trickle vents at properties
- Standard thermal double glazing

The Council's Environmental Protection Officer has advised that the mitigation details submitted are acceptable, Additional information provided by the applicant has also satisfactorily addressed noise impact from proposed pumping and substations.

### **Flood Risk and Drainage**

The site is predominantly situated within Flood Zone 1, which is deemed to have a low probability of flooding. A small part of the site lies within Flood Zone 2.

Drainage and flood risk issues were addressed at the outline stage. It was considered that the Flood Risk assessment was acceptable and surface water would be dealt with by appropriate SUDs techniques. The proposed drainage strategy includes such SUDs features including attenuation storage in swales and basin/ponds, with discharge to the off site water course through an existing wetland on the western side of James Whitby Way.

The Council's Flood Risk Manager has raised no objections in principle to the Reserved Matters Application, and proposed Drainage Strategy. Although detailed issues are required to be addressed in respect of the design of elements of the drainage system, these matters are controlled by Conditions 4, 6 and 29 imposed on the outline approval. Drainage details are being considered by the Council under a discharge of conditions application (19/5902D). Furthermore, any alterations to an existing ordinary watercourse will be subject to a Land Drainage Consent application under Land Drainage Act 1991.

An informal play feature (boulders) located within attenuation basin 2 has now be omitted given concerns raised by the flood Risk manager and ANSA.

United Utilities raised no objections on the outline application and again have raised no issues in relation to the current application. Other than the concerns raised by the EA's Ecologist which are addressed above, the Environmental Agency have raised no objections to the development.

The application proposals are therefore deemed to adhere with Policy SE13 of the CELPS.

### **CONCLUSION**

The application site lies within the Basford East Strategic Site which is allocated under CELPS policy LPS. It is considered that the proposals meet the requirements of policy LPS 2 as they relate to this site.

The principle of the erection of 449 dwellings on this site has already been permitted under application 14/4025N. This application considers the Approval of Reserved Matters, including; layout, scale and appearance, landscaping and also access.

The S106 agreement accompanying the outline approval secured a minimum of 15% of dwellings to be affordable homes. However, notwithstanding this, the applicant (Onward Homes), a Registered Provider, is proposing that 123 of the dwellings (29%) are affordable housing units, and therefore just short of the 30% requirement of Policy SC5 of the CELPS.

Amendments to the design and layout of the proposals have been secured during the course of the application, although further clarification is awaited on some detailed design and layout issues. This information will be subject to a final review by the Council's Urban Designer to ensure that the design of the scheme has developed to a point where it is considered to be acceptable when considered against the requirements of policies SD2 and SE1 of the CELPS, and the CEC Design Guide.

Strong green infrastructure around the perimeters of the site is retained and enhanced, and significant areas of green amenity space provided within the development. The provision of play and amenity open space accord with the requirements of Policy SE6 of the CELPS.

The impact on the wider highway network arising from the development of this site )was addressed with during the consideration of the outline application. The internal road network meets relevant highways design standards and adequate car parking is provided in accordance with parking standards identified in the CELPS. Added to this the proposed footway / cycleway route from the Northern boundary to David Whitby Way via the school site provides excellent permeability through the site to ensure a future link to the South Cheshire Growth Village to the east as well as to other development within the wider Basford East allocation.

Issues relating to amenity, ecology, flooding and drainage, or public rights of way have been addressed and are subject to conditions where deemed necessary.

Air quality and contaminated land matters were addressed at the outline stage, and the current reserved matters application raised no further points of concern on these matters.

The application is therefore recommended for APPROVAL, subject to the receipt of further consultation responses.

## **RECOMMENDATION**

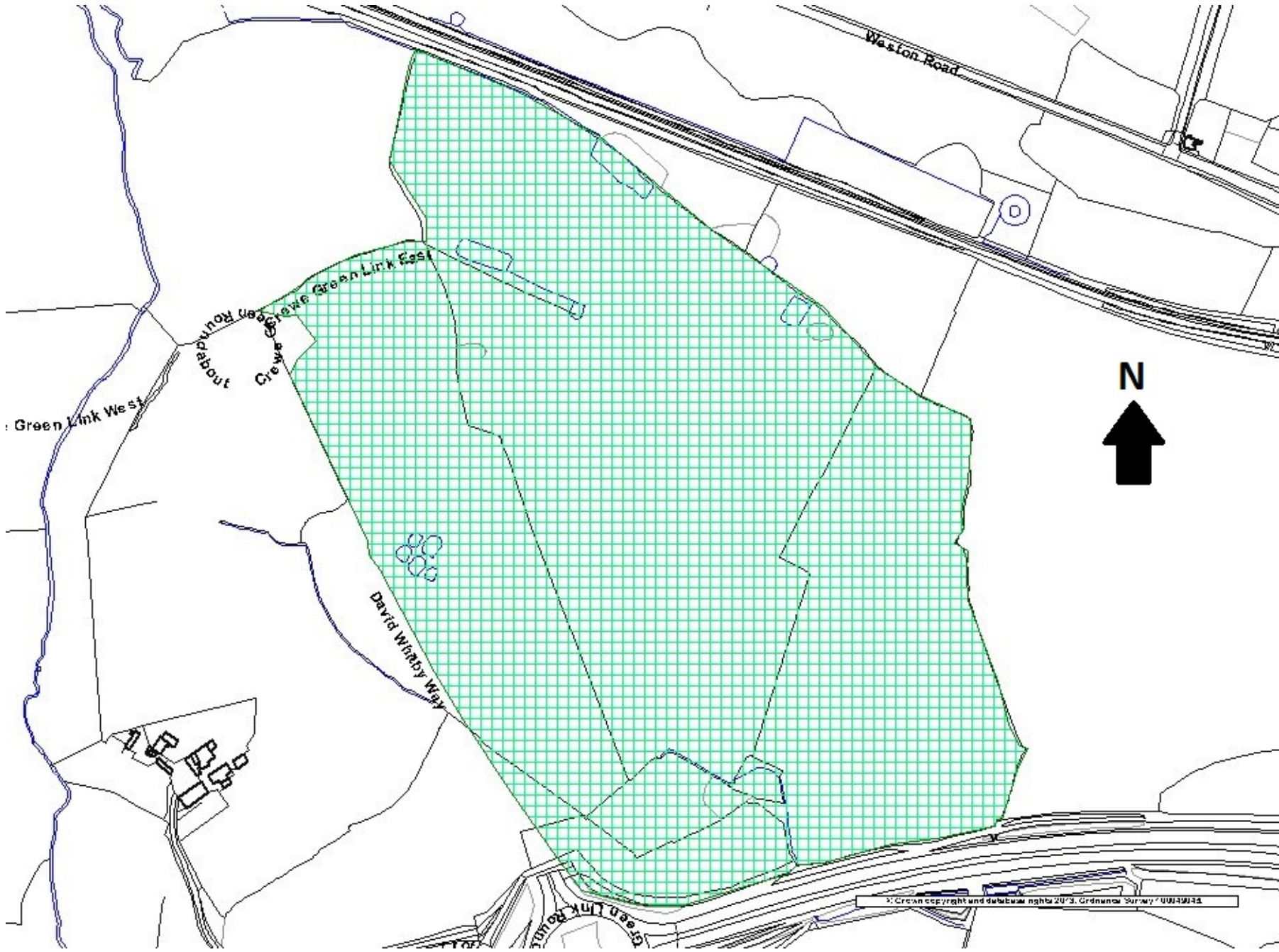
### **APPROVE, subject to the following conditions;**

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials Implementation of highway surfacing treatment

4. Submission/approval of detailed specification of hard/soft landscape scheme for feature squares and spaces, and courtyards including surfacing treatment, lighting and street furniture for each phase
5. Specification of planting along secondary streets on a plot by plot basis within each phase
6. Submission of details of landscaping for each phase
7. Implementation of landscaping
8. Details of construction and specification of landscaped bunding
9. Details of boundary treatment and retaining gabion walls
10. Noise mitigation – Implementation
11. Implementation of ecological mitigation detailed in the Ecological Management Plan
12. Updated badger survey to be submitted prior to commencement.
13. Hedgehog mitigation measures– Implementation
14. Submission of CEMP for the safeguarding of water courses during the construction phase.
15. Submission of detailed designs of the ponds.
16. Details of lighting – minimize impact on bats
17. Details of Community gardens including parking provision
18. Design detail, specification and implementation of MUGA, NEAP and play area/features
19. Arrangements to enable future provision of school drop-off area
20. Cycle storage details – Apartments
21. Details of specification, surfacing and lighting of pedestrian /cycleway and PROW
22. School drop-off area to be omitted from scheme

***In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.***





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Application No: 19/2173W

Location: BENT FARM QUARRY, WALLHILL LANE, BROWNLOW, CONGLETON, CHESHIRE, CW12 4HW

Proposal: Extension to bent farm quarry for the extraction of sand and progressive restoration

Applicant: Maria Cotton, Sibelco

Expiry Date: 11-Sep-2019

**SUMMARY:**

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

The economic benefits of the proposals are clear and considered to be significant. The application would release a substantial amount of nationally significant mineral reserve which occurs in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. It would help contribute towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. In addition the proposal would release reserves of construction sand contributing to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products. As such the proposal meets the requirements of the NPPF, policies MP1 and SE10 of the CELP, and CRMLP Saved Policies 45 and 54

The principle of further extraction at Bent Farm Quarry and on this site has already been demonstrated as acceptable through the allocation of the majority of the land as a Preferred Area in the CRMLP and the proposed extension to the site accords with saved policy 54 of CRMLP; and exceptional circumstances have been demonstrated in respect of Saved Policy 47 regarding the identification of additional land for aggregate reserves.

The scheme also provides other benefits, including the restoration back to agricultural use, and provision of a range of habitats that present an overall net gain for biodiversity. Any localised impacts from the proposal including those associated with the prolonged timescales for mineral operations at the site such as visual effects, loss of trees and hedgerows, impacts on agricultural land, noise, dust and traffic generation, and can however be controlled and adequately mitigated through planning conditions. As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

**RECOMMENDATION: Approve subject to conditions**

## **SITE DESCRIPTION**

The application site is located approximately 1.3km from the south western edge of Congleton urban area. The planning application boundary covers an area of 58.1ha which comprises the plant processing site within the existing Bent Farm Quarry boundary east of Wallhill Lane (17.9ha) and an area of agricultural land (40.2ha) to the west of Wallhill Lane which would be used for the new quarry extension.

The proposed quarry extension is bounded to the west by Pitcher Lane, to the north by the A534, to the east by Wallhill Lane and to the south by agricultural fields and Holford Farm. The plant processing is bounded to the north by agricultural fields and beyond that A534, to the east and south by land used in connection with the quarry, and by Wallhill Lane to the west.

Three receptors lie on the site boundary, one on the junction with A534 (Wallhill Cottage), one adjacent to the southern boundary of the processing plant (Quarryside Bungalows) and one on the southern boundary of the proposed extension area (Holford Farm), with a further two located within 20m of the site, and three located between 100m and 400m away.

The majority of the proposed extension area is identified in the Cheshire Replacement Minerals Local Plan as an area of preferred extension to Bent Farm Quarry (Policy 54). The site is also located in the open countryside and partly located in the Jodrell Bank consultation zone.

Newbold Astbury Footpath 6 lies to the south of the proposed extension area whilst Newbold Astbury Footpath 10 lies to the north of Bent Farm plant processing site.

## **RELEVANT HISTORY**

There are no records of any planning applications on the land identified for the new quarry extension area. Relevant planning applications records for the existing Bent Farm Quarry site include:

- 19/2151W - Prior Notification for replacement tanker wash – approved May 2019
- 18/5890W – application for continued extraction of Industrial Sands (and progressive restoration) until December 2023, mineral processing until December 2024 and final restoration of the whole site by 2026 – awaiting determination;
- 18/1403W - The erection of four additional storage silos and one further stockpile tower – approved May 2018
- 16/3427W - Prior Notification for Storage Structure – approved August 2016
- 15/0429W - Prior Notification for Storage Structure – approved February 2015
- 15/1529W - Removal of Condition 29 on Application 8/08/0375/CPO to allow sand importation – awaiting determination
- 8/08/0375/CPO - Proposed extension to Silica Sand Extraction with Progressive Restoration – Approved Dec 2009
- 8/07/1023/CPO - Erection of bag storage shed - Approved Oct 2007
- 8/29697- Extension to existing sand quarry – Approved Apr 2000

- 8/23176 - Extension to existing silica sand quarry - Approved Jul 1992

## **DETAILS OF PROPOSAL**

The applicant seeks planning permission for an extension to Bent Farm Quarry with progressive restoration and use of the existing quarry processing area. The proposal also includes for the use of the existing processing area for sand soil processing along with the importation of processed sand for drying and the creation of additional storage bays.

### **Quarry Extension**

The quarry extension area would comprise a northern and southern extraction area, along with temporary soil and overburden storage areas, corridors for internal access roads, conveyors and pipelines, and areas which would remain undisturbed by the works. The proposed extraction and restoration would comprise the following:

#### **Site establishment**

The initial 6 months of site establishment works would include soil stripping, soil screen bund formation on the site boundary and around extraction areas, conveyor installation, advanced tree planting, perimeter hedgerow gap planting, and pond creation.

#### **Access**

Two new vehicular access points would be constructed either side of Wallhill Lane opposite the existing processing plant to allow mobile plant to cross between the extension area and the processing plant site in one movement. The western access point would connect to a 75m internal access track across the site. The new access points would necessitate the removal of 5m of hedgerow either side of Wallhill Lane, along with some dense scrub, two oak trees and a section of the existing screen bund. An existing workshop building in the processing area would also be demolished.

Six mobile plant machines would be required for soil and overburden movements. The majority of mobile plant would stay on the extension area during each period of soil movements, however the front end loader would travel to and from the existing quarry at the beginning and end of each day.

A temporary conveyor tunnel would be constructed under Wallhill Lane to the south of the proposed access points to transport sand to the processing plant. This would be excavated using 'cut and cover' process and would be formed from pre-cast concrete box culvert sections. Part of the existing screen bund at the processing area would be removed in order to accommodate the conveyor route.

#### **Method of working**

Following the removal of soils and overburden, sand extraction would progress in two areas with concurrent progressive restoration. The groundwater would be lowered to allow the sand to be extracted dry, reflecting the existing approach on the quarry. Sumps in the lowest section of the extraction areas would collect any water which would be pumped via a pipeline under Wallhill Lane into the existing water management system on the existing quarry.

The sands would be extracted by a front end loader and deposited on the conveyor for onward transportation to the processing plant site east of Wallhill Lane. The maximum depth

of excavation would be approximately 15 metres. Overburden and soils would be used as part of the restoration of the extraction areas.

### Phasing

Mineral extraction would be carried out in five phases commencing with the site preparation works and extraction in the southern pit. Extraction would continue in an anticlockwise direction during phases 2 and 3 with progressive restoration as the quarrying continues using the soils stored on site in mounds. During phase 4, soil screen and overburden mounds would be established to the north and west, the conveyor would be re-aligned to serve the northern extension area and extraction would commence in the northern pit. The final phase would comprise continued extraction of the northern extension area in a southerly direction, and final restoration of the southern extension and conveyor route.

The northern extension area would be restored back to original land levels and returned to agriculture with hedgerows, trees and ponds. The southern section would be restored to a mixture of a large 5.5ha lake with islands, mosaic habitats, marginal planting, woodland, hedgerows and agricultural grassland.

The restored land would be managed for 5 years following restoration to ensure successful establishment. The processing plant site would be restored to a mix of hedgerow, woodland, trees, natural grassland as per the consented scheme.

It is anticipated that all mineral extraction in the extension area would be completed in 8 years, with a further 2 years to complete restoration of the extraction areas, and the restoration of the processing plant site completed within 2 years of completion of sand extraction in the extension area.

The proposed hours of operation would accord with those of the existing quarry namely:

- 0700 to 1900 hours Monday to Friday and 0700 to 1500 hours Saturday - quarry operations
- 0700 to 1900 hours Monday to Friday and 0700 to 1800 hours Saturday - plant/vehicle maintenance
- 0730 to 1900 hours Monday to Friday and 0730 to 1300 hours Saturday – soil/overburden handling, soil screen construction, restoration works
- 0600 Monday to 1300 hours Saturdays inclusive – operation of processing plant
- Loading, unloading and movement of HGVs – any time (other than Christmas Day, Boxing Day, New Years Day).

### Traffic generation and access

No changes are proposed to the existing transportation arrangements. All product would be transported from the plant processing area through the existing vehicular access onto Wallhill Lane and north to the A534 (Sandbach Road). There would be no increase in HGV movements directly as a result of the proposed quarry extension, and the average number of HGVs would remain at 36 per day (or 72 HGV movements). The existing night time limits on HGV movements on the current mineral permission would continue to apply namely;

- HGV movements between midnight and 0600 hours Tuesday to Saturday inclusive would not exceed 27 per day when averaged over any four week period

- HGV movements between 2200 to 0400 Saturdays and Mondays would not exceed 10 when averaged over any four week period.

### **Sand soil processing**

Following the anticipated closure of Dingle Bank Quarry in December 2020, the applicant proposes to relocate the current sand soil blending operations to Bent Farm Quarry plant processing site. It would utilise space in the south of the existing processing plant site which is well screened by a number of quarry workshop buildings, machinery and infrastructure.

Sands, soil and compost would initially be blended together on the ground and then fed through hoppers via a conveyor to shred and blend the material to produce a sand/soil mix, which would be stockpiled in the processing plant area awaiting export to customers. This would involve the creation of a concrete hardstanding area, erection of four 3m high storage bays with steel posts and pre-fabricated concrete panels, modification of the existing screen bund to accommodate the works, and the extension of the screen bund around the southern and eastern boundary of the sand soils area along with the provision of a 1.8m high acoustic fence.

The process would result in the importation of approximately 17,000 tonnes per annum (tpa) of sand, 5000tpa of compost and the export of 29,000tpa of sand soil product.

The screening operations would be undertaken between the hours of 0730 to 1800 hours Monday to Friday and 0730 to 1200 Saturdays, with no operations on Sundays, Bank or Public Holidays. Any plant maintenance or vehicle movements and unloading associated with this activity would be within the existing quarry hours of operation.

### **Import of additional sand for drying and bagging**

The application also proposes to import an additional 78,000tpa of processed sand for drying, bagging and storage ready for export to customers utilising the existing processing plant at the quarry. Three additional 3m high storage bays are proposed to be constructed from steel posts and pre-fabricated concrete panels in the north east of the processing plant area.

### **Traffic movements**

The proposed sand soil operations and importation of processed sand for drying/bagging would generate an additional 40 HGV movements per day (20 in and out) over and above that generated by current quarry HGV movements.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 11, concerning sustainable development and paragraphs 203, 205, 207 and 208 with regard to planning for minerals, particularly industrial minerals.

### **Development Plan:**

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.

Development Plan comprises the Cheshire East Local Plan Strategy 2010-2030 adopted July 2017 (CELPS), saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CRMLP) and the saved policies of the Congleton Borough Local Plan First Review (CBLP).

The relevant policies of the **Cheshire East Local Plan Strategy (CELP)** are:

MP1 Presumption in favour of sustainable development  
PG6 Open countryside  
EG2 Rural economy  
SC3 Heath and well being  
SD1 Sustainable development  
SD2 Sustainable development principles  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The landscape  
SE5 Trees, hedgerows and woodland  
SE7 The historic environment  
SE10 Sustainable provision of minerals  
SE12 Pollution, land contamination and land instability  
SE13 Flood risk and water management  
SE14 Jodrell bank  
CO1 Sustainable travel and transport  
CO4 Travel plans and transport assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

#### **Cheshire Replacement Minerals Local Plan (CRMLP)**

Policy 2 Need  
Policy 9 Planning applications  
Policy 10 Geological content of planning applications  
Policy 12 Conditions  
Policy 13 Planning obligations/Legal agreements  
Policy 15 Landscape  
Policy 16 Plant and Buildings  
Policy 17 Visual amenity  
Policy 20 Archaeology  
Policy 21 Archaeology  
Policy 25 Ground water/surface water/flood protection  
Policy 26 - 27 Noise  
Policy 28 Dust  
Policy 31 Cumulative impact  
Policy 32 Advance planting  
Policy 33 Public rights of way  
Policy 34 Highways



Policy 37 Hours of operation  
Policy 39 Stability and support  
Policy 41 Restoration  
Policy 42 Aftercare  
Policy 45 Sand and gravel landbank  
Policy 46 Future sand and gravel extraction  
Policy 47 Sand and gravel area of search  
Policy 54 Future silica sand extraction

**Congleton Borough Local Plan First Review (CBLP)**

PS8 Open Countryside  
PS10 Jodrell Bank Radio Telescope Consultation Zone  
GR6 Amenity and Health  
GR7 Environmental Effects  
GR9 Access  
GR10 Traffic  
GR14 Cycling  
GR15 Pedestrians  
GR18 Traffic Generation  
NR3 Habitats  
NR4 Non Statutory Wildlife Sites  
NR5 Habitat Conservation  
NR6 Reclamation of Land

**Astbury and Moreton Neighbourhood Plan (AMNP)**

P9 Scale, design, amenity  
P11 Countryside and open views  
P12 Woodland, trees and hedgerows  
P13 Open countryside  
P17 Buffer zones and wildlife corridors  
P18 Historic environment  
P19 Footpaths  
P21 Traffic  
P23 Public rights of way  
P26 Landscape quality

**Other Considerations:**

National Planning Practice Guidance (NPPG)  
Cheshire East Local Aggregate Assessment 2018  
North West Aggregates Working Party Annual Monitoring Report 2016 (NWAAMP)  
BGS Mineral Planning Factsheet Silica Sand 2020  
'Collation of the results of the 2014 Aggregate Minerals Survey for England and Wales' British Geological Survey/DCLG 2014  
EC Habitats Directive  
Conservation of Habitats and Species Regulations 2017

**CONSULTATIONS**

**Nature Conservation**

No objections. Request provision of a 25 year habitat management period following completion of the restoration of each phase and revisions to the restoration scheme. Also recommend restricted public access. Recommend conditions in respect of:

- Implement protected species mitigation and submit specification for protection fencing around retained pond;
- Detailed lighting scheme;
- Updated badger survey prior to the commencement of each phase;
- Nesting bird protection;
- Scheme for translocation of invertebrates, vegetation and soils from pond 7 to receptor pond and provision of additional pond where necessary;
- Habitat management plan and ecological monitoring strategy;
- Implement dust and water management strategies;
- Detailed habitat creation method statement for ponds, wildflower grassland, bat and bird boxes, heathland and acid grassland, woodland planting, new hedgerows, sand martin bank, and gravel islands

**Forestry** – no objection. Note the visibility splays would conflict with existing trees including a large mature TPO protected tree however the use of a banksman and speed restrictions is proposed to avoid tree removal. The removal of ‘Important’ hedgerows under the Hedgerow Regulations hedgerows is a material consideration which should be afforded significant weight. If clear overriding reasons are demonstrated to permit the development and such impacts are unavoidable, the officer is satisfied that the proposed hedge planting would result in a net gain in hedgerow provision and is reasonable in respect of the overall reinstatement plans.

The extent of tree and hedge loss would be significant although it is accepted that replacement planting is proposed in mitigation as part of the overall restoration scheme. If the losses are deemed unavoidable, conditions are required to secure:

- An Arboricultural Method Statement (with key stage arboricultural supervision and monitoring
- Tree Protection Scheme
- Landscape mitigation scheme with replacement tree and hedgerow planting
- Management strategy for retained vegetation and landscape enhancement.

**Public Health Unit** - no objections raised. Key issues are what impact in noise and air pollution the additional imported materials and extension of the site would have. The receptor to the south may require greater noise mitigation. Temporary noise mitigation for construction works should be considered and the need for long term mitigation during site operations. Vehicle noise outside of normal working hours should be kept below accepted thresholds. The proposed activities will release dust particles. Weather conditions will influence the levels of “dust” created and extent to which adjacent properties are impacted. Note that no comments are raised by CEC Environmental Health.

**Highways** - No objection. The small additional traffic generation can be accepted on the network. The proposed new access locations are acceptable and adequate visibility is provided. Note that the new accesses will only be used in small numbers at the start and end of the day and a banksman will be used. Recommend replicating the planning conditions on

night time movements from the existing consent. Advise a S278 Agreement will be required for the box culvert under Wallhill Road.

**Landscape** No objection. Satisfied that the proposals will not result in any significant landscape and visual impacts. Consider that the sensitivity of a number of the receptors identified in the visual assessment is greater than indicated, however do not consider that this would significantly change the visual assessment.

**Flood Risk Management** No objection. Support conditions requested by Environment Agency regarding future surface water monitoring arrangements and licensing. Any alterations to existing ordinary watercourses will be subject to Land Drainage Consent applications under Land Drainage Act 1991.

**Spatial Planning** – no objections. Note that not all of the application site lies within Preferred Area and is not located in an area of search, therefore exceptional circumstances need to be demonstrated to justify the development. Advice provided in respect of consideration of the quality of sand and the use to which the mineral is put, market justification, relationship to existing consented reserves, consented sand importation and justification for proposed increase in importation, along with the impacts on timescales for final restoration.

**Built Heritage** - No objections

**Archaeology** no objection. A sufficient written scheme of investigation has been outlined in order to address the archaeological conditions on site and works can commence subject to implementation of the agreed mitigation.

### **Environmental Health**

Noise. No objection. Noise levels from temporary operations and restoration are all below NPPG recommended levels. Noise limits for surface extraction in NPPG are exceeded by up to 3 dB in all phases apart from phase 3; however as the depth of extraction increases, and benefits from additional shielding, the extraction noise levels will be lower than those predicted and the processing plant noise levels are also likely be around 5 to 10 dB lower than predicted; therefore the extraction noise levels are considered unlikely to exceed the limit set out in NPPG.

Conditions recommended for setting noise levels, noise monitoring scheme, implementation of the noise mitigation, provision of a bund and acoustic fence, orientation of the powerscreen, timing of works for phase 5 and limits on operational hours for screening.

Air Quality. No objections. The HGV numbers are below the threshold for requiring an air quality assessment.

**Public Rights of Way** No objections. Proposal does not affect a public right of way. There is an opportunity to improve walking, cycling and equestrian facilities, reflecting the aims of the Council's statutory Local Transport Plan, Cycling Strategy and Rights of Way Improvement Plan Local Plan Strategy. Note a suggestion has been logged on the Council's statutory Rights of Way Improvement Plan for an off-road link between Newbold Astbury Public Bridleway No. 7A to Brereton Restricted Byway No. 23, running along the northern boundary of the site, off-set from the A534 and private third party properties. This could be included

within the restoration proposals and could include securing the agreement of adjacent landowner(s) and financing of the physical creation of the route outside of the application boundary. Recommendations are made regarding maintenance of this route, and recommend consideration is given to alerting drivers of presence of vulnerable non-motorised road users on Walhill Lane.

**Environment Agency** On the basis that Natural England consider the hydrogeological impacts on SSSI are acceptable, the original objection to the scheme is withdrawn. The original recommendation of a limited dewatering depth was proposed in order to maintain some flow towards the SSSI and also maintain some groundwater gradient towards Arclid Brook. If the developer maintains the full dewatering depth is necessary, the assessment of any deprivation of baseflow in Arclid Brook and mitigation required will be addressed separately under the Water Transfer License which will have to be obtained from the Environment Agency. The updated water features detail submitted provides better confidence that most of the surface water features may remain perched, above groundwater, although some may lose part of their surface catchment to the earthworks.

Planning condition recommended for a fully enclosing network of monitoring boreholes to be established prior to any excavation, and its maintenance throughout the development, with groundwater levels and levels in the sump at 2 month frequency. Advice is provided in respect of the scope of the proposed monitoring programme.

**Natural England** No objection. The proposal will not impact on Brookhouse Moss SSSI and no concerns over impacts on River Dane SSSI and Midland Meres and Mosses Phase 1 and 2 Ramsar/SSSI. Note the requirements of NPPF in respect of 'best and most versatile' (BMV) agricultural land. Satisfied that the proposals meet the requirements for sustainable minerals development in NPPG particularly regarding restoration and aftercare. Confirm that it would be appropriate to specify agriculture as an afteruse, and that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture. Satisfied that the Soils and Agricultural Land Classification Report constitutes a record of the pre-working physical characteristics of the land within the application site boundary. Conditions recommended in respect of safeguarding soil resources and restoration. Advice is provided in respect of soil handling, reclamation of mineral sites, and protected species.

The development provides opportunities to secure biodiversity net gain for nature and local communities. Natural England encourage the protection and enhancement of wetland habitats and associated terrestrial habitats into the proposals, and the use of the Defra Metric to measure biodiversity impacts.

**Manchester Airport** - No aerodrome safeguarding objections to the proposal

**Health and Safety Executive** - No concerns with the proposals

**Public Health England** - No comments received

**Cheshire Wildlife Trust** - No comments received

**Jodrell Bank** – verbally confirmed no comments to make

**Highways England** - No objection

**Historic England** - No comments

**Cadent Gas** – no objections. The mineral extraction will not affect the pipeline. The restoration scheme will impact the pipeline and Cadent Gas will liaise with the applicant on the matter. The impact should be minimal, with the possibility the pipeline in question is no longer required, dependent upon future plans for the site. The Council may want to consider if the restoration plan deals sufficiently with the pipeline being left in-situ.

### **Views of Town/Parish Council**

Newbold Astbury cum Moreton - No objections. Request a condition for site restoration and mitigation for biodiversity whilst work progresses. Note exceeded noise levels at properties on site boundary and request improved sound barrier mitigation for these properties as proposed mitigation does not seem to be sufficient. The application must support Neighbourhood Plan Policy 5 and respect the light mitigation in the local area. The current lighting is causing complaints from the local residents.

Smallwood Parish Council  
Support the proposal

### Other representations

- Dissatisfied that each time there is an extension at the site, there are more of the unsightly quarry buildings and infrastructure because not enough thought is given to screening with evergreen vegetation.
- Existing lighting at the quarry shines too brightly into neighbouring houses. It would be possible to redesign this to remove this problem.
- The majority of sand in the extraction area is not suitable for high end foundry uses and evidence should demonstrate how it differs from construction sand.
- Reference is made to the current importation of sand and associated 38 HGV movements under application 15/1529W despite the application not yet being determined. Concern that this application could result in further changes to the approved development without complying with planning conditions and increasing detrimental effects this could present.
- No consistency between all the current applications at the site in terms of the tonnage of minerals sold at the quarry over the next few years. This will have a significant effect on the number of HGVs using the site.
- There is no information on how they will dispose of tailings brought onto the existing quarry via conveyor which will generate a large amount of waste which needs to be disposed of.

### **Applicants supporting information**

The application is supported by a Planning Statement, including drawings and appendices containing a number of schemes, technical assessments, and an Environmental Statement and addendum, and a Non-Technical Summary.

### **OFFICER APPRAISAL**

### **Principle of Development**

The CRMLP identifies 'Preferred Areas' for new additional silica sand and 'Areas of Search' for sand and gravel from where new reserves should be secured, unless exceptional circumstances prevail (saved policies 54 and 47). The application site lies within a Preferred Area for silica sand aside from one small parcel (1ha) and does not lie within an Area of Search for sand and gravel. In respect of satisfying the exceptional circumstances required by these policies, the applicant has identified the following considerations:

- The quarry has significantly less than the 10 year minimum reserves of silica sand required by planning policy. This proposal would help contribute towards the steady and adequate supply of industrial silica sand from this site. Even with the addition of this extra area included, the reserves would still be below the 10 year policy requirement.
- It would also contribute to the sand and gravel landbank which is also below the 7 year minimum requirement set out in NPPF and CELPS policy.
- The small additional area contains viable silica sand reserves which are likely to be sterilised if omitted, which would be contrary to Paragraph 203 of the NPPF.
- This is a relatively small addition outside of the Preferred Area allocation and forms a natural progression of extraction in the southern area.
- The additional area has similar environmental characteristics to the Preferred Area which was considered suitable to be allocated in the CRMLP. It is not designated, nor does it have any environmental significance but comprises a significant mineral resource which can be worked and then restored to provide some environmental benefits.
- The extraction of minerals from this area is consistent with the policies of the NPPF and the approach to sustainable development.
- There is a further Preferred Area for silica located directly to the south of the existing quarry however the applicant does not currently have the land agreements in place to make an application on this land.

It is also noted that the applicant submitted the application area in the Council mineral Call for Sites exercise in 2014, and the Council Minerals Sites and Areas Assessment Report 2015 recommends that this site is defined as a Preferred Area. These exceptional circumstances are considered sufficient to meet the requirements of CRMLP saved policies 47 and 54.

### **Development in Open Countryside**

CELP policy PG6 and CBLP saved policy PS8 applies. In the open countryside development will only be permitted if it is for one or more of the purposes listed within the policy unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and works by public services/statutory undertakers, or other uses appropriate to a rural area. Minerals development is considered appropriate in the open countryside; the Preferred Areas for future silica sand and Areas of Search for sand and gravel identified in the CRMLP are all located within the open countryside. As such it is considered that the development does not conflict with policies PG6 and PS8.

### **Need for Industrial (Silica) Sand and Aggregates**

The NPPF (paragraph 203) identifies that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource and can only be worked where they are found,

NPPF states that it is important to make the best use of them to secure their long-term conservation. Paragraph 205 requires LPA's to give great weight to the benefits of mineral extraction, including to the economy.

Silica sand is recognised in the NPPF as an important industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted. Silica sand is therefore treated differently from more general construction aggregate materials in terms of mineral planning.

Silica sand occurs in only a limited number of locations within the UK and is unevenly distributed. It is used in a range of specialist (non-aggregate) applications. The characteristics of silica sand deposits vary at different locations with respect to sand grain size distribution, grain shape and sharpness, chemical purity and the presence of contaminants. The application and use of silica sand from a given deposit therefore cannot always be substituted by other deposits.

Cheshire East contains nationally important deposits of silica sand which are of economic importance, and the British Geological Survey identifies that Cheshire's silica sand resources are some of the most important in the UK accounting for approximately 40% of total output in Great Britain (BGS, 2020).

CELPS Policy SE10 and the NPPF Para 208 states that Minerals Planning Authorities (MPAs) should plan for a steady and adequate supply of industrial minerals (which includes silica sand) and ensure these are maintained. NPPF Paragraph 208 states that reserves *at individual industrial silica sand sites* should be *at least* 10 years, and at least 15 years where significant new capital is required. Likewise, saved Policy 54 of the Cheshire Replacement Minerals Local Plan 1999, seeks to maintain landbanks of at least 10 years *at each silica sand site* throughout the plan period.

The applicant identifies that, at the time of submission of the application, there was approximately 1,090,000 tonnes of consented mineral reserves remaining at the quarry, which based on their estimated sales would equate to a 6 year supply remaining (with consented reserves being depleted by 2024). This is significantly below the policy requirement of at least 10 years at each silica sand site identified in the NPPF and CELPS policy SE10.

The NPPF (paragraph 207) also requires mineral planning authorities to plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand & gravel. All the operational silica sand sites in Cheshire East also produce some aggregate sand & gravel as a by-product of silica sand production in varying quantities. The Cheshire East Local Aggregate Assessment (LAA) (covering January to December 2018) identifies that the aggregate sand and gravel landbank is at 4.87 years (based on the 10 year sales average + 2% annual growth figure), which falls short of the at least 7 years required by the NPPF and CELPS Policy SE10.

There are currently five operational silica sand quarries in Cheshire East all providing feedstock for a diverse range of industrial uses and customer specifications, including glass,

ceramics, sports use, horticulture and casting industries. This includes two sites operated by the applicant; one at Rudheath Lodge (granted consent in 2019) which has recently commenced operations and is a cross boundary site with Cheshire West and Chester Council securing approximately 3.3 Mt of mineral resources including silica sand and aggregate sand; and the second (Dingle Bank Quarry) is nearing completion and is due to close in December 2020. Arclid Quarry has also recently been granted consent for an extension to the site to secure 4,500,000 tonnes of silica sand which would also provide a nominal amount of aggregate sand. Even with these additions taken into account however, further reserves of sand and gravel across the authority are required to maintain the 7 year landbank required by planning policy.

Borehole data submitted with the planning application confirms the existence of a further 1,100,000 tonnes of mineral resources in the proposed extension area; with approximately 770,000 tonnes of silica sand and approximately 330,000 tonnes of sand suitable for construction uses. In total, when combined with the existing permitted reserves at Bent Farm Quarry, this would provide approximately 7.82 years supply of sand, based on forecasted future sales which would help contribute towards the 10 year industrial (silica) sand requirement, and provide a contribution towards the 7 year landbank required for sand and gravel in Cheshire East.

#### Mineral Resource Assessment

NPPG requires calculations of mineral reserves to have regard to the quality of sand and the use to which it will be put. CRMLP Saved Policy 10 also requires applications to be supported by adequate evidence to demonstrate both the quality and quantity of the mineral reserve, whilst CRMLP Saved Policy 5 emphasises that an application for mineral extraction will not be permitted where it would involve the use of high quality materials for low grade purposes.

Silica sand is defined as sand which normally has a silica content of more than 95% (British Geological Survey (BGS) minerals planning factsheet, 2020). The submitted mineral resource assessment identifies that the site has a silica sand resource of 98.5% which meets the accepted definition of silica, and sample analysis shows that the sand displays the necessary physical and chemical characteristics suitable for a range of specialist industrial markets enabling the production of glass, metal castings (foundry), ceramics and adhesives required by the applicants customer base.

The applicant states that the vast majority of the mineral would be used in industrial processes and, whilst approximately 30% of the reserves are identified as being used as aggregate, this is a conservative estimate in order to provide a realistic worst-case scenario. The proportion going into particular sectors would be determined by market demand, however it is more likely that the proportion of sand being used in the aggregate sector will be comparable to the proportions currently sold from Bent Farm Quarry, which are low and would likely be used in the production of concrete. As such this accords with CRMLP Saved Policies 5 and 10, and the approach of the NPPF.

Concern has been raised by objectors regarding potential inconsistencies in the mineral reserves and sales figures quoted in the application. The anticipated future average sales from Bent Farm Quarry (based on current reserves and those proposed in the application) are c.280,000 tonnes per annum (tpa). This has been estimated using the average sales from



the last 5 years and forecasting for the next 10 years. The various technical assessments submitted in support of the application have however used a worst case scenario of sales of 380,000 tonnes per annum. This takes into account the addition of the proposed sand/soil blending operations and proposed additional imported sand for processing which also forms part of this application, and which amounts to an additional 100,000 tonnes per annum in sales.

With respect to any impacts of this proposal on the application for the proposed extension to the timescale for operating Bent Farm Quarry (ref: 18/5890W) which is still awaiting determination; it is noted that, should the time extension application (18/5890W) be refused, the proposed extension area could be worked independently as there is no intention to blend the sands from both sites and the plant processing site is included within the boundary of this planning application and could therefore serve the extension site. The implications on the overall timescales for extraction in the extension area would mean a slight drop from 8 years to approximately 6 years as the overall sales would reduce, however the programme of rolling restoration would ensure that the extension area is completed at the earliest possible opportunity after cessation of mineral extraction. As such, any approval of this application is therefore not dependent on the approval of 18/5890W.

#### Justification for sand soil blending and additional importation of processed sand

With respect to the choice of site for the relocated sand soil operation following the closure of Dingle Bank Quarry site (10 miles to the north) the applicants highlight the following considerations:

- Sand produced at Bent Farm Quarry would be one of the materials used in the production of sand soil products, so the co-location of the facility on this site provides a logical alternative.
- Rudheath Quarry in Goostrey (also operated by the applicant) would also provide sand for this facility; however the space restrictions at the plant site make this location unviable.
- The end use for the sand soil operations would be sports and leisure industry, principally for sports pitches, equestrian facilities and golf courses with the customer base being facilities within the north of England.
- The other alternative sand soil blending facility operated by the applicant is located in Surrey, which is not sustainable to serve all of the applicants customer base given that many are located in the north and the site does not have the spare processing capacity to meet existing customer demand.

Given these considerations, and subject to all other associated environmental impacts being considered acceptable as assessed in the relevant sections of this report, the co-location of this facility on an existing quarry in this location is considered sustainable and acceptable, and is supported by the NPPF and CRMLP saved policy 16 which states that plant and machinery will not be permitted unless it meets criteria which include that the primary use is associated directly with the mineral extracted at the site.

With regards to the proposed increase of imported processed sand for drying, the principle of importing processed sand for drying has already been accepted by virtue of the resolution to grant planning application ref. 15/1529W. The applicant also notes that:

- The demand for dried sand, bagged sand and sand/soil blends will remain following the closure of Dingle Bank Quarry;
- Rudheath Quarry does not have sufficient space for a drying plant,
- It would make the best use of spare capacity at the existing drying plant already located at Bent Farm Quarry
- The sand imported would be used for industrial purposes and would be an important part of the company's strategic re-organisation of regional operations and processes,
- It would allow the company to maintain their current supply and specification of industrial sand to customers.
- It would allow for the sustainable use of existing mineral infrastructure, preventing the need to develop elsewhere.

These points are accepted. Given that the imported sand would utilise existing spare capacity in the drying plant, no adverse impacts on the overall timescales for processing mineral extracted from Bent Farm Quarry is anticipated. Subject to all associated environmental impacts being considered acceptable as assessed in the relevant sections of report, it is considered that this additional increase in importing processed sand would provide a sustainable means of utilising existing mineral infrastructure which would accord with NPPG, and CELPS Policy SE10.

### **Control of Pollution**

#### **Noise and vibration**

Noise from site set up works such as soil stripping and bund formation; and from the operational activities including extraction, earthworks, processing and handling of materials all have the potential to impact upon nearest sensitive receptors. The proposal would also result in the processing plant being in use for a longer timescale than currently permitted, and there is the potential for cumulative impacts associated with existing mineral extraction activities at the quarry.

Noise impacts from temporary activities such as soil stripping activities, bund formation and site restoration works would remain well within limits recommended in National Planning Practice Guidance (NPPG) at all receptors. At a worst case, vehicle noise on Wallhill Lane (north of the quarry entrance) would be 1.2 decibels higher than present levels which is assessed as having a low impact; whilst on A534 west of Wallhill Lane it would be 0.3 decibels higher, which is assessed as having a very low impact.

Noise from the processing plant activities would remain within NPPG recommended limits at all receptors aside from at one property (Quarryside Bungalow) situated adjacent to the processing area which would be 1 decibel higher; however material stockpiles would frequently be located in between the plant and receptor which would reduce screening plant noise levels by up to 10 decibels and bring noise emissions below the NPPG limits.

With the proposed soil screen bunds in place, noise levels from mineral extraction are predicted to remain within NPPG noise limits at all receptors with the exception of two properties during some phases of the development. At Quarryside Bungalow, the operational noise level is met during extraction in phase 3 but exceeded by up to 3 decibels when working the other phases. As the depth of extraction increases, the degree of noise shielding from extraction operations will increase and so the noise levels will be lower than predicted.

Additionally the proposals include for a 1.5m high bund with a 1.8m high fence above on the plant site boundary adjoining this property. Equally during phase 5 only, noise levels are predicted to be 4 decibels higher than recommended NPPG levels at Wallhill Cottages (on the northern extension site boundary). The noise assessment recommends that phase 5 is undertaken outside of summer months when residents are less likely to be using outdoor spaces or have windows open which can be controlled by planning condition. Best practice noise management measures are also proposed to be implemented on site to assist with controlling noise impacts from the proposal. With the implementation of mitigation, the noise assessment identifies that the operational noise effects would be negligible.

The Environmental Health Officer raises no objections to the proposal and acknowledges that it is not always possible to position the mineral workings in areas that will give rise to no noise impacts as minerals can only be worked where they are found. In addition to the planning conditions above, the following is recommended to be secured by condition:

- Setting maximum noise levels in line with guidance in NPPG.
- Scheme of noise monitoring identifying the method, location and frequency of monitoring and reporting
- Orientation of the powerscreen to face away from the property and line-of-sight to the property is screened by the plant itself.
- Control on operational hours for sand soil blending to 07:30 and 18:00 Monday to Friday and between the hours of 07:30 and 12:00 on Saturday, with no activities undertaken on Sundays and Bank Holidays.

On the basis of the conditions recommended by the Environmental Health Officer and the conclusions of the noise assessment it is considered that the potential for noise and disruption during the proposed development would be controlled to an acceptable level and would not result in significant adverse impacts on local receptors, and no cumulative adverse impacts from existing and proposed operations are anticipated. This would accord with CELPS policy SE12 and CRMLP policy 26 which states that noise emissions from mineral developments should will not be permitted where it would give rise to unacceptable levels of noise pollution; and would accord with the approach of CBLP policy GR6 and GR7.

## **Air quality**

### Vehicle emissions

The proposal is located within 2.5km of the nearest Air Quality Management Area adjacent to West Road, Congleton. The majority of vehicle movements would travel west along the A534 towards the M6 motorway, and a large proportion of these movement are already generated on site at present. As such, road traffic emissions are not anticipated to generate significant impacts, and no concerns are raised by the Air Quality Officer.

### Dust

Large sized particles make up the greatest proportion of airborne dust generated by mineral activities and due to their size, they tend to settle out within approximately 500m of the source. No adverse impacts are anticipated on Brookhouse Moss SSSI given its location 1.4km to the west. There are a number of residential properties within 250m of the application site boundary, and public rights of way within 400m.

Without mitigation, operations at the proposed extension area and processing plant has the potential to increase dust deposition and airborne particulate matter concentrations at receptors located close to the operational works, particularly during bund creation, extraction and plant operation.

The air quality assessment identifies that implementation of a range of good practice measures will be sufficient to control emissions to ensure there are no significant effects on nearby receptors, and no significant cumulative adverse dust impacts are anticipated with operation of both proposed and existing activities given the distance from the proposed extraction area and existing measures in place on the plant site to control dust emissions.

It is also noted that the processing area, on-site transport routes and stockpile areas have been in existence in this location throughout the operation of the quarry, and there are no reported dust impacts on nearby receptors during that time. Long term quarry dust monitoring also shows that the average deposition rates remain below the threshold where complaints are likely. The proposed additional imported material to the plant site would be stored in 3m high concrete bays; and due to the prevailing wind direction and distance to receptors, any escaping fugitive emissions are unlikely to create a nuisance.

A dust management plan is proposed which outlines all mitigation to be implemented on site to control emissions to an acceptable level, along with procedures to check the effectiveness of dust controls and complaints procedures.

Mitigation includes:

- Phasing of extraction and careful site design to locate dust generating activities away from sensitive receptors
- Avoiding soil stripping/restoration works during dry and windy conditions
- Use of screening bunds
- Covered conveyor in close proximity to receptors
- Wheel wash, damping down and regular use of water bowser
- Storage of dry material in sealed silos in the processing plant area

Monthly dust monitoring is also proposed (to reflect existing quarry monitoring arrangements) with results reported periodically to the Council, and procedures for implementing additional mitigation where appropriate. The dust mitigation above can be secured by planning condition. The Environmental Health Officer raises no concerns or objections to the proposed development.

NPPG states that if there are residential properties in close proximity to a source of emission then consideration should be given to the impacts on human health from concentrations of fine dust particles suspended in the air. The level of long term background concentrations is anticipated to be well below recommended levels set in technical guidance and thus any effects are unlikely to present a significant effect on human health. The Council Public Health unit also advise that the size of airborne dust particles produced by mineral activities means that they do not generally penetrate deep into the lungs and as such do not constitute a significant health risk to nearby receptors.

On the basis of securing the implementation of the measures set out in the dust management plan and continuation of the dust monitoring that is currently undertaken on site for the

duration of the development, it is considered that the proposal accords with CBLP policy GR6 and CELPS policy SE12 which requires new development to ensure it does not result in a harmful or cumulative impact on air quality. It would also accord with CRMLP policy 28 in that it would minimise dust emissions during the operational life of the site, and the approach of the NPPF.

### **Lighting**

Objectors have referenced light pollution to nearby receptors from the existing plant site. The applicant has confirmed that directional lighting would be placed on the storage bays as a replacement for the existing lighting on poles in the proposed sand soils area which would offer an improvement over the existing situation. Concerns over existing lighting arrangements can be addressed directly with the operator through the community liaison meetings and a planning condition for approval of any new lighting as part of this proposal could be secured.

### **Highway impacts**

No amendments are proposed to the current planning conditions which allow HGV movement and loading/unloading over 24 hours a day, 7 days a week (with no movements on Christmas Day, Boxing Day or New Years Day) and night-time HGV movements are restricted to an average of 27 per day permitted between 00:01 and 06:00 hours Tuesday to Saturday; and 10 per day between 22:00 and 04:00 Saturday to Monday. Despite these provisions, it is noted that the quarry does not operate the HGV weighbridge outside of 0600 and 2200 hours for HGV arrivals and departures.

The export of sand would continue to be via the existing entrance to Bent Farm Quarry off Wallhill Lane which is designed with suitable width to accommodate simultaneous HGV arrivals and departures. Additionally, there is a 7.5 tonne weight limit on Wallhill Lane south of the quarry entrance so HGVs from the site are directed towards A534. The proposed use of a conveyor and pipe to transport mineral under Wallhill Lane to the processing plant would result in the mobile plant largely remaining on the extension area for the duration of the works in each phase.

The proposed additional new vehicular access between the proposed extension area and the processing plant site would enable the front end loader and other plant/site vehicles to cross directly over Wallhill Lane without travelling along the highway to the existing quarry entrance, and would be constructed with visibility splays that are considered acceptable to the Highways Officer. A tree protected by a Tree Preservation Order would obstruct the northern visibility splay for this access. Given that the proposed access is temporary and would have limited use (at the beginning and end of each working day only), a banksman is proposed to facilitate the crossing of Wallhill Lane in order to ensure the protection of the tree. The applicant highlights that this frequency of movements is a worst-case scenario; as the mobile plant is likely to be frequently stored within the extension area, rather than being brought back and forth each day. Additionally, the use of a banksman will form part of the quarry's Safe Operating Practice; and the Site Manager will be responsible for ensuring that all site operations are carried out in accordance with this to meet Health and Safety requirements on site throughout the works. The Highways Officer is satisfied with the proposed arrangements and the use of a banksman can be secured by planning condition.

It is noted that the traffic calming measures secured by the Congleton Link Road scheme include lowering the speed limit to 40mph on Wallhill Lane and narrowing part of the carriageway to provide one-way running which would also assist with the safety of quarry vehicles crossing over the carriageway.

### Vehicle movements

The proposal would not increase the overall extraction rates from the quarry, therefore vehicle movements associated with processed sand originating from the site would remain at approximately 72 HGV movements a day (36 in and 36 out). Equally the existing 38 HGV movements (19 in and 19 out) generated by importing sand which is already taking place would also remain the same. With regards to new vehicle movements, the proposed sand soil operations and additional importation/export of processed sand would generate approximately 40 HGV movements per day (20 in and out).

The majority of existing HGVs arrive and depart the site from the west along the A534 to Junction 17 of the M6. The HGV flows from the proposed development represents a low percentage (0.7%) of total traffic flows on the A534, and in the peak periods represents a low percentage (0.53%) of total flows. Equally, with respect to the impact of the proposal on the Congleton Link Road, this will represent a low percentage (1%) of the total flows on the A534.

Overall the effect of the continued sand extraction along with the additional proposed HGV movements is not anticipated to have any adverse impact on the capacity or safety of the highways network. The Highways Officer advises that the small additional traffic generated can be accepted on the network. On the basis of the identified level of impacts on the highways network and the views of the Highways Officer, and subject to the imposition of planning conditions to replicate the existing restrictions on HGV movements, secure use of banksman and require new access and associated visibility splays to be implemented prior to commencement of phase 1 works, it is considered that the proposals accord with CELPS policy SD2, CRMLP policy 34 and CBLP policy GR18.

### Sustainability

In terms of the sustainable movement of staff and products and use of alternative modes of transport, there are no changes to the number of staff employed (apart from 4 additional temporary staff during overburden removal) and as such, a travel plan is not considered necessary. Products that would be produced at this site could only be delivered to the expected wide range of customers by road (HGV) as there are no nearby rail freight heads or wharfs. The above highway considerations demonstrate there would be no significant increase in movements on the highway network or any adverse highway impacts, and as such the proposals are considered acceptable from a sustainability perspective.

### **Forestry**

The proposed extension area has 5164sqm of hedgerows, 148 trees and 4 groups of trees; whilst the plant processing area has a further 34 trees and 3 groups of trees. There are a number of trees on the wider quarry site which were not part of the survey. Six oak trees subject to Tree Preservation Order are located on the eastern verge of Wallhill Lane adjacent but outside of the application site.

The proposals would result in the loss of 1397m of hedgerow. The proposed extension area and the conveyor route would result in the loss of 30 trees including 4 identified as requiring

removal due to their poor condition. The construction of the new access point would require the potential removal of two oak trees on the eastern side of Wallhill Lane and a section of woodland scrub across the existing bund; along with the loss of 9m of hedgerow on the western side of Wallhill Lane. The proposed southern bund, storage bays and acoustic fence would also result in the loss of 13 trees, and a section of a group of trees.

The use of a banksman to facilitate crossing of the new access on Wallhill Lane in order to protect one tree subject to a tree preservation order which obstructs the northern visibility splay is considered acceptable by the Forestry Officer. Aside from the works to the access point, the majority of tree loss would occur during the later stages of the development by which time progressive restoration of the earlier phases would be on-going. Trees and hedgerows would be removed on a phased basis, with new planting undertaken progressively, therefore the total loss at any one time would be mitigated.

The proposals include for increased woodland and hedgerow planting, hedgerow planting of standard trees and gap filling which would connect existing tree and hedge features with native species as part of the progressive landscape restoration scheme. This would provide an overall net gain in tree provision with 208 trees being retained or provided. In addition, approximately 1.5ha of woodland planting is also proposed as part of the restoration scheme. In respect of hedgerow provision, approximately 1896m would be progressively restored as part of the proposals, which would result in a net gain of 526m.

The arboricultural assessment recommends a range of mitigation to protect trees and vegetation on the site, the implementation of which can be secured by planning condition. This includes an arboricultural method statement for any works in close proximity to tree roots to define appropriate construction methodology. Other potential mitigation identified includes:

- micro-siting of the access point to limit impacts within root protection zones
- undertaking tree remediation/management works in advance of construction
- detailed tree protection measures
- arboricultural supervision of works
- control construction works in proximity to the affected trees,
- undertaking hand pitting and manual construction to reduce impacts during fence post installation

In addition, the Forestry Officer recommends conditions in respect of:

- Detailed tree protection scheme
- fully specified landscape mitigation scheme with replacement tree and hedgerow planting
- management strategy for retained vegetation and landscape enhancement.

Subject to these measures being secured no objections are raised by the Forestry Officer to the proposals.

### Hedgerow Regulations

95% of the hedgerows within the proposed extension area are classified as 'Important' under the Hedgerow Regulations 1997. Approximately 3794 m (73%) of these would be retained, and 1370 m (27%) would be removed. Whilst compensatory hedgerow planting is proposed,

the significant loss of hedgerows are a material planning consideration. CELPS Policy SE5 requires proposals which would result in the loss hedgerows that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, to demonstrate that there are clear overriding reasons for allowing the development and no suitable alternatives. Where such impacts are unavoidable, development proposals must also satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

In respect of these considerations, it is noted that the proposals provide for an overall net gain of hedgerow, the replacement hedgerows would be on their original alignment where possible and would be of 'species rich' quality rather than 'species poor' as is currently the case at the site. The strategic overriding economic reasons for the development are set out above and it is considered that there are no suitable alternatives given that silica sand is a finite resource which can only be worked where it is found and the proposal has maximised hedgerow retention as far as possible whilst also seeking to maximise mineral exploitation. As such it is considered that the proposals accord with CELPS Policy SE5.

### **Heritage**

There are 4 grade II listed buildings within 730m of the site, the closest located c.520m to the north. Given the distance to these heritage assets, the proposal is not anticipated to have any discernible effect on their setting. The Conservation Officer agrees with the assessment and raises no concerns over the proposals. As such the proposals are considered to accord with CELPS Policy SE7, CRMLP policy 24 and CBLP policy BH5.

With respect to buried remains, there are no designated heritage assets recorded within the site or in the immediate locality. A non-designated post-medieval agricultural feature has been recorded immediately to the east of Wallhill Lane within the site boundary; however the recorded feature has been destroyed by subsequent mineral extraction.

A Scheduled Monument (the Roman Camp) is located 350m to the east and another two Scheduled Monuments are located c.1.3km to the east. The application site to the east of Wallhill Lane has already been subject to significant ground disturbance from previous mineral extraction with no archaeological activity revealed, and the setting of the heritage asset has already been largely modified, therefore this proposal will not affect its setting.

The proposed mineral extraction area is on undisturbed land approximately 750m to the west of the Roman Camp. It is likely that features of post medieval agricultural activity and small scale post medieval mineral extraction could be found within this area; however these are anticipated to be of only local value and the overall archaeological potential of this area is considered to be low.

The proposed groundworks have the potential to encounter unrecorded archaeological remains (post-medieval agricultural and mineral extraction). In accordance with the archaeological assessment, the applicant has submitted a Written Scheme of Investigation for an archaeological watching brief during topsoil stripping. The Archaeological Officer considers this is acceptable and its implementation can be secured by planning condition. As such the proposal would accord with CELPS policy SE7 which seeks to ensure that all new development conserves the character, quality and diversity of the historic environment and



does not harm heritage assets, along with policies 20 and 21 of CRMLP, CBLP policies BH11 and BH12.

**Public rights of way**

CRMLP saved policy 33 states that mineral development would not be permitted unless:

- i) it would not have an unacceptable adverse impact on public rights of way within, adjacent to and abutting the proposed development;
- ii) it would not lead to a net loss of public right of way;
- iii) the restoration would where appropriate make a positive contribution to the public right of way

No public rights of way (PROW) within or adjoining the application boundary would be adversely affected by the development, and there would be no net loss as a result of the development. No PROW are proposed in the restoration scheme however there are a number of footpaths/bridleways in the immediate locality around the site and directly adjoining the northern boundary of the processing plant site. The PROW officer notes that a suggestion has been logged on the Council Rights of Way Improvement Plan for the creation of an off-road link between the Newbold Astbury bridleway 7A on the northern processing plant boundary running along the northern boundary of the extension area to connect with Brereton Restricted Byway No. 23 in the north west; with the link off-set from the A534/private third properties, included within the restoration proposals for the site and its implementation and maintenance secured through any planning permission. The PROW officer notes that developments such as this present an opportunity to deliver and improve walking, cycling and equestrian facilities which meets the aims of the Council Local Plan Strategy and CELPS Strategic Priority 2.

In response the applicant highlights that there is no net loss or adverse impacts on the public right of way network. They also highlight that the operator does not have control of the land required in order to facilitate a connection between Newbold Astbury Bridleway 7A and Brereton Restricted Byway No.23. The link would be located predominantly outside of the application boundary on farmland in third party ownership, and as such they consider that the suggested improvement is not deliverable as part of the proposed development. It is also noted that the land in the north of the extension area is to be restored back to agriculture and would be handed back to the landowner to continue farming, as such the long term operational requirements of the farmer and any third party landowners must be taken into account.

With respect to any potential additional public access, the Nature Conservation Officer advises that the value of the restored quarry for breeding and wintering birds will depend to a large extent on whether any public access is made available to the restored quarry, and advises that in order to maximise the nature conservation gains from the restoration, public access should be limited. Mineral planning policy requires a positive contribution to public access 'where appropriate'; but also requires there to be a positive contribution to nature conservation; clearly a delicate balance needs to be achieved between any public access and the protection of sensitive wildlife habitats. In this instance, given the biodiversity value of the site both now and on completion of the restoration, and the habitat management measures proposed which would ensure long term delivery of a significant net gain for biodiversity, and the positive effect the proposals are anticipated to have on a number of habitats identified to

be of local importance, and also taking into account the advice of the Nature Conservation Officer, it is considered that it is not appropriate in this circumstance to require further public access due to the potential adverse impact on biodiversity on the site. As such the proposal is considered to accord with CRMLP saved policy 33.

The Public Rights of Way officer also notes that Walhill Lane is currently used by horse riders and cyclists accessing the existing bridleways and increased use of the road by quarry traffic will have a negative impact on that use; therefore consideration may wish to be given to appropriate means of alerting drivers to this use in order to ameliorate that impact and maintain road safety for non motorised users. Walhill Lane has historically been in use by quarry traffic for a long time and whilst there would be more vehicle movements as a result of this development, no concerns have been raised by the Highways Officer over impacts to vulnerable road users.

### **Soils agricultural land**

CRMLP policy 30 states that developments for silica sand extraction will not be permitted on Best and Most Versatile (BMV) agricultural land unless it can be demonstrated that the restoration will ensure the minimum irreversible loss of the amount and quality of agricultural grade of the land; and on completion the land is capable of sustaining an agricultural use. All development will be expected to avoid the permanent loss of agricultural land quality of 1, 2 or 3a BMV unless the strategic need overrides the issue (CELPS Policy SD2).

The area of BMV land subject to disturbance on the extension site is c.23.7ha comprising 7.6ha of Grade 2a, 11.3ha of Grade 3a and 4.8ha of Grade 3b. The northern section of the site would be restored back to agriculture and the soil profiles created would have the physical characteristics of BMV land. There would be a loss of BMV land overall due to the creation of the lake in the south of the site, however surrounding areas of current non-BMV land on the site would be enhanced to create the soil profiles necessary for BMV quality. Overall c.13.5ha of the worked areas would be restored to agricultural land, all of which would be restored to Grade 2a quality, and it is noted that all the restored agricultural land on the site would be of a higher quality than the majority of the land at present.

It is accepted within the CRMLP that the scale and depth of most silica sand workings in the authority means that it is inevitable that some agricultural land will be lost but should be kept to a minimal as far as possible; and the loss of significant areas of BMV land in order to facilitate silica sand extraction on this site has been accepted by the designation of this area as a 'Preferred Areas' for future silica sand. Additionally with respect to the NPPF, it is the loss of 'significant' areas of BMV land which is of principal concern, and the accepted definition of 'significant' in this context is the loss of over 20ha of BMV; therefore the proposed loss of c.10.2ha is not considered as significant under this definition.

The amount of agricultural land provision in the restoration scheme has been maximised as far as possible given the geological and hydrological conditions on site, and the restoration scheme is predominantly agricultural led albeit also providing important areas of habitat provision and enhancement. Whilst there would be a net loss in terms of the quantity of BMV land provided, there would an increase in the quality of BMV land provided which should help offset any loss of productive capacity of the agricultural unit. It is considered that the proposed scheme provides an appropriate balance of land uses taking into account the need to maximise a nationally significant mineral resource, landowner requirements and other

factors such as biodiversity and landscape provision. As such the loss of BMV land is considered acceptable in this context and the proposal is considered to accord with CELPS policy SD2 and CRMLP saved policy 30.

Natural England raise no objection and are satisfied that the physical characteristics of the land on restoration would be returned to what they were when it was last used for agriculture. They recommend a range of conditions in respect of soil movement, handling and replacement which reflects current practices adopted on the site at present. The applicant has submitted details of measures to safeguard soil resources and achieve satisfactory standard of agricultural restoration which accords with Defra guidance, the implementation of which can be secured by planning condition. The soils would be stripped, stored and re-laid according to best practice and the restoration of the site will be achieved with all soils on site. Soils not required for the agricultural restoration would be used within woodland planting areas and around the lake margins, and the restored land would be subject to 5 year aftercare to ensure the full rehabilitation of the restored soil profiles. As such, the proposals accord with CELPS policy SD1, SD2 and SE2 and CRMLP saved policy 30.

### **Land stability**

#### Potential for failures during sand extraction

The geotechnical assessment identifies that the design of the excavation slopes (comprising overburden on higher slopes and sand on lower slopes) is acceptable to ensure against instability during excavation. Any potential small scale erosion of the slope towards the site boundary prior to restoration would be limited to 2 or 3 metres and, as the limits of excavation are a minimum of 25 metres from the boundaries of the nearest properties, the effects of this would be well contained within the site.

There is also an extremely low risk of internal erosion from groundwater inflows. Two surface water features to be retained are in close proximity to the southern pit however the clay overburden in both locations will provide a barrier that will control flows from the waterbodies to rates which will be unlikely to cause a problem to the stability of the excavation. Additionally, regular quarry inspections are required under the Quarries Regulations which would identify any instances of excessive water ingress and internal erosion and allow remediation measures to be identified.

#### Post restoration failures

##### *Southern pit slope failure and wave erosion*

With regards to instability risk on completion of the restoration, the southern pit slopes would be backfilled which would provide lateral support to prevent slope failure and the slope stability analysis demonstrates an acceptable level of safety. The slopes would be formed from compacted clays overlain by topsoil and planted with appropriate vegetation which is considered sufficient to prevent significant erosion of the slope by wave action from the large waterbody.

##### *Northern pit*

The northern pit would be restored to agriculture and as such there will be no risk of instability towards and beyond the site boundary. Good engineering practice would ensure that any settlement is avoided, and a geotechnical specialist would be required under relevant quarry legislation to carry out regular inspections, in addition to those carried out by the mineral

operator, to check for unexpected ground conditions and where necessary identify remedial measures.

Effects of groundwater level changes (during sand extraction and post restoration)

Dewatering to extract the mineral would lower water levels beyond the limits of the extraction area and site boundary, with the maximum effects occurring along the northern boundary of the northern pit, and this can result in settlement at the surface as the underlying soils consolidate. The geotechnical investigations identify that the ground conditions on site have low compressibility potential and the risk of surface settlements caused by the groundwater lowering is extremely low. Given that there are residential properties close to the proposed northern and southern pits, a scheme for surface movement monitoring stations has been submitted which proposes a number of surface movement monitoring stations to be located close to those properties so that any surface movements can be recorded and monitored. It also includes for:

- Monitoring to be carried out at least 12 months prior to sand extraction operations starting on site, with monitoring to continue until 2 years after restoration is complete or groundwater levels stabilise.
- Surveying of monitoring stations with data reviewed by a geotechnical specialist every 3 months;
- an annual review of the data, and a review of the monitoring frequency and need for additional monitoring stations carried out.
- Identification of triggers for increased monitoring frequency, additional monitoring stations in locations where there is ground movement

Given the geological and hydrological conditions on site, the proposed approach to extraction and restoration, and the proposed monitoring scheme, the geotechnical assessment concludes that the risk of land instability is very low. The Health and Safety Executive (HSE) Quarry Inspector has considered the proposals and raises no concerns in respect of land instability. It is also noted that land stability is covered by HSE legislation and the site would be independently regulated by HSE. Subject to securing the monitoring scheme by planning condition, the proposal is therefore considered to be acceptable and not anticipated to give rise to adverse impacts from land stability, and accords with NPPF, CELPS policy SE10 and CRMLP saved policy 39.

**Jodrell Bank**

The northernmost parts of the proposed quarry extension and the existing processing plant site fall within the Jodrell Bank consultation zone. Planning permission has previously been granted for various developments and provision of additional plant and machinery at the processing plant over recent years, most recently in 2018 with no objections raised by the observatory. The observatory have been consulted on the application and have confirmed verbally that they do not intend to comment on the application. As such no adverse harm to Jodrell Bank observatory is anticipated.

**Water Resources, Water Quality and Land Contamination**

The proposed extension area lies within the catchment of the River Croco. It is bounded by a drainage ditch which is a tributary of the River Croco to the south west. The River Dane is located 2.5km to the north; whilst Loach Brook and Arclid Brook are located 400m and 1km to the east and west (respectively). There are a number of rainwater fed ponds/depressions

within and surrounding the site, along with a number of other waterbodies in the area including a fishing pond 1.3km south-east of the site and Astbury Lake is located 1.7km to the east. Groundwater levels are fairly deep across the extension area and are greatest to the north and east of the site. Groundwater depths range from 0.1 to 11m below ground levels and flows westwards and south-westwards across the site.

Within the extension area there is no active water management at present. The existing quarry manages groundwater from the extraction areas by pumping it to settlement lagoons at the processing plant where the water (and any surface water runoff) is discharged to Loach Brook under a discharge consent regulated by the Environment Agency. Water in the quarry lagoons is also used for mineral washing before being returned via a series of silt lagoons back to the lagoon for reuse which allows time for sediment to settle out of suspension.

#### Impacts on groundwater

During extraction, groundwater would be pumped to just below the quarry floor level (“dewatering”) which would result in groundwater levels being lowered both in the extraction area and beyond the limits of the excavation. The effects of this would decrease with increasing distance from the excavation and would extend to distances of up to 150m and 190m from the southern and northern pits respectively. During periods when both pits are extracted simultaneously, there could be increased groundwater drawdown in the area between the two pits. Additionally there would be some increased groundwater drawdown in the area between the southern pit and the existing quarry due to both being excavated simultaneously.

Once extraction ceases, groundwater levels would largely recover to their natural pre-development levels. A water management plan is proposed (mirroring provisions already in place on the existing quarry) which outlines proposals for monitoring water levels throughout the extraction and post restoration until levels recover and includes measures for implementing mitigation should adverse effects be identified. This is described further below.

#### Impacts on surface water features, abstractions and designated sites

The site does not lie within a source protection zone and there are no groundwater or surface water abstractions within the zone of influence of the dewatering.

The Environment Agency initially objected to the proposal as the Brookhouse Moss SSSI is a groundwater dependent terrestrial ecosystem and, whilst it was established that the proposed dewatering could not physically draw water from the SSSI, there was still potential for the amount of groundwater feeding towards it to diminish. They recommended the dewatering base should remain above 80mAOD to protect the SSSI, but also recognised that it was for Natural England, as the responsible designating Authority, to determine whether any change in rate of through-flow of water might have a bearing on the condition of this wetland. Natural England have since reviewed the modelling data and are satisfied that there will be no adverse impact on the SSSI and also raise no concern with the proposed dewatering depth. On this basis and given that management of the drain and vegetation on the SSSI may regulate water and evapo-transpiration losses from the SSSI, their objection is withdrawn.

With respect to impacts on nearby ponds/depressions, these are considered to be rainwater fed and very unlikely to have any interaction between surface water and groundwater; and in some locations are underlain by a thick layer of glacial till with a clay composition which

isolates the surface water from the underlying aquifer. No adverse effects are therefore anticipated on these waterbodies as a result of quarry dewatering. The Environment Agency raise no objection in respect of this issue.

### Impacts on watercourses

Groundwater is not anticipated to be a significant contributor to flow within nearby waterbodies and watercourses as groundwater levels are typically 4-5m below ground level in the vicinity of the watercourses around the site, and clay-rich glacial till directly underlies the watercourses. Any lowering of the groundwater in the area is therefore not anticipated to present adverse impacts on the flow of these watercourses. Whilst the tributary of the River Croco lies within the radius of influence of the proposed groundwater dewatering, any reduction in baseflow as a result of the transfer of water from the River Croco Catchment to the Loach Brook catchment is considered likely to have a minimal impact in the context of the catchment as a whole, as the baseflow comprises a small proportion of flow within the tributary of the River Croco.

The discharge of water into Loach Brook would be regulated by a permit from the Environment Agency to ensure no adverse impacts to the brook during dewatering. A maximum dewatering depth was originally recommended by the Environment Agency in order to assist in limiting the deprivation of baseflow to Arclid Brook and maintain some groundwater gradient. The applicant however maintains that the full proposed dewatering depth of 80mAOD is necessary, and the Environment Agency are content with this, as there is other legislation which can control this impact because any deprivation of baseflow in Arclid Brook will need to be addressed as part of the applicant's water transfer licence application to the Environment Agency for the proposed dewatering.

### Impacts of evaporation from the creation of the lake

Local groundwater losses could be expected through open water evaporation as a result of the creation of the 8.8ha lake however the proposed area of open water is relatively small in comparison to the surrounding catchments and effects of additional groundwater losses are assessed as negligible.

### Monitoring and mitigation

A water management plan (WMP) has been submitted which identifies the monitoring, reporting and mitigation proposals to ensure that any adverse effects on water resources are identified and remediated in an appropriate manner. The Environment Agency has recommended additional measures which can be incorporated into an updated WMP and secured by planning condition. This will include for:

- A fully enclosing network of monitoring boreholes to be established prior to excavation commences, which shall be maintained throughout the development. Restrictions on working below the water table to take place until a full site plan is provided for inclusion within the WMP and is submitted for approval to the MPA
- Water levels in monitoring boreholes and the sump reported to the Council at 2 month intervals throughout the development. This will include information on the monitoring points, borehole logs, construction details and data report with:
  - data tables and hydrographs,
  - information identifying loss/repairs and any significant changes observed;
  - dewatering volumes and rates, and discharges to Loach Brook

- Quarterly water quality sampling undertaken on site and between the extension area and the Brownlow closed landfill site
- Stream flow monitoring of Dairy Brook and Loach Brook over the lifespan of the extension area activities;
- The instantaneous recording of off-site discharge and daily total values as required by the current discharge consent for the quarry to be continued over the operational life of the extension area
- any borehole or gauge board found to be lost, damaged, or inoperable to be repaired or replaced before the next monitoring round
- maintain the dewatering base above 80mAOD

Monitoring data would be analysed in an annual report and submitted to the relevant technical consultees and the Council which will include an impact assessment to determine if any observed parameters have deviated from baseline conditions. Where necessary, proposals for additional monitoring and mitigation will be identified as appropriate. The monitoring and mitigation measures would be reviewed biennially with the relevant technical consultees and the Council.

### Flood Risk from the current site

The extension site is located within flood zone 1 and not identified at risk of reservoir or groundwater flooding, and there is no evidence of historical flooding. Sand extraction is a 'water compatible' land use in the NPPG so is appropriate for this location in flood risk terms. There are some pockets of risk of surface water flooding mainly associated with depressions and ponds present across the site, however the proposed stripping of overburden could increase the potential for infiltration which will reduce the risk of surface water ponding. The proposal would not result in any temporary or permanent loss of floodplain storage and no additional impermeable areas are proposed.

The proposal has the potential to increase flows to the River Croco (with related flood risk downstream). During extraction, the quarry water management system would ensure that all water collected and discharged is controlled. The surface water runoff rates would be 28% below the current greenfield rates due to the decrease in area of open land caused by the creation of the excavations. Likewise on completion of the restoration, the large catchment area and depth of the proposed lake would mean that there would be ample capacity for attenuation for any storm water runoff prior to infiltration to ground, with corresponding runoff rates being 14% lower than current greenfield rates which satisfies the requirements of the NPPF.

The design of the restored lake would ensure that all attenuated runoff would be infiltrated to ground to ensure it retains good connection to the underlying groundwater and the restoration scheme incorporates some sustainable urban drainage measures including a combination of ponds and vegetation.

The Council Flood Risk Management Officer raises no objection and supports the advice of the Environment Agency.

### Water quality and Land Contamination

There is the potential for release of elevated concentrations of suspended solids in off-site runoff during the operational phase and several ponds would be retained throughout the

development which are rainwater fed and therefore more susceptible to water quality deterioration. Areas of vegetation would be retained throughout the works which would act as enlarged filter strips to reduce sediment loads in runoff to ponds and seeding of mounds immediately following their formation will also assist in improving water quality. Water used in the mineral washing process would be retained in separate settling lagoons with no connexion to surrounding surface streams and the quality of water being discharged off-site to Loach Brook would continue to be monitored in accordance with the discharge consent. Contaminants would also be stored in accordance with best practice guidance and any spillages would be managed in accordance with relevant guidelines.

With respect to land contamination the Contaminated Land Officer notes that there will be no import of material for restoration purposes and only site won material is to be used which would be stockpiled on site during the quarrying process. The area is to be restored to its current use, agriculture, as such the sensitivity of the site remains as it is now. Historical mapping indicates that small ponds on site may have been infilled or dried up and a watching brief is recommended for potential infill materials. No objections are raised subject to planning condition in respect of dealing with unexpected contamination.

## **Nature Conservation**

### Designated sites

Three international and nationally designated sites are located within 10km of the application site (Brookhouse Moss 1.3km away, and Midland Meres and Mosses phase 1 and 2 Ramsar/SSSI located at 2.9km and 8.4km). Five non-statutory local wildlife sites are within 2km of the site. There are also 3 Priority Habitats of County level importance (ponds, reedbeds and hedgerows) within the site boundary and two within 250m of the site.

The closest designated site lies outside of the zone of influence for dust, and outside of the radius of influence for dewatering, and the SSSI does not contain any ecological features which would be effected by noise, therefore no significant adverse effects are anticipated and the need for an Appropriate Assessment is not considered necessary due to the distance to the designated site and the lack of habitat connectivity or hydrological pathways. Natural England advise that they are satisfied that the proposal would not impact on the Brookhouse Moss SSSI and have no concerns about any impacts on the other designated sites.

### Other habitats

#### *Waterbodies, hedgerows, ditches and agricultural land*

The proposals would result in the loss of 4 ponds (covering 0.21ha) however 0.39ha of waterbodies would be retained, and a further 5.81ha created by the proposed large lake and 5 new ponds; resulting in a total waterbody provision of 5.82ha which would represent an overall net gain of 5.22ha. The replacement ponds would be created in advance of the proposed development and located adjacent to existing habitat to provide connectivity. The Nature Conservation Officer considers this provision adequate.

There would also be a net gain of 526m of hedgerow which the Nature Conservation Officer considers sufficient to compensate for any loss. To mitigate any initial temporary loss of habitat, all retained hedgerows, mature trees and vegetation would be subject to temporary protection measures, along with a 10m buffet outside the working area. Advance planting of hedgerows would also fill any gaps. 5 hedgerows within the extension area are classified as 'Important' ecologically under the Hedgerow Regulations 1997. 73% of the 'Important'



hedgerows would be retained in the proposal and c.1896m of new hedgerows would be provided as replacement. The assessment of loss of the hedgerows against CELPS policy SE5 is set out above under the consideration of forestry implications and the conclusions reached apply equally to ecology.

23.4ha of grassland would be removed, 16.2ha would be retained and 13.5ha created, resulting in a total provision of 29.8ha overall which would comprise an overall net loss of 9.5ha. In respect of ditches, a total of 1213m would remain on completion of the restoration, resulting in a net loss of 277m.

#### Impact on species

##### *Reptiles*

Overall the site is considered to be of negligible suitability for reptiles and no reptiles are recorded within 2km of the site.

##### *Great Crested Newts*

There are records of Great Crested Newts in ponds in the vicinity of the site and a small sized population was identified within a pond to be retained on site. The proposals would result in the loss of some poor quality terrestrial habitat at the on-site pond and pose the risk of killing or injuring any newts present within the footprint of the development when works commence.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations.

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 2017 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 being 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 economic benefits of mineral extraction in maintaining supplies of locally and nationally important reserves and contributing to the required mineral landbanks are set out above and have previously been accepted in the grant of the current mineral permissions at this quarry. Whilst there may be some disturbance or harm to small numbers of the population; any such harm could be appropriately managed and mitigated. Given this, the proposal contributes to meeting an imperative public interest, and that interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside the proposed mitigation that can be secured.

### **Alternatives**

There is an alternative scenario that needs to be assessed which is no development on the site. In this case, the mineral can only be worked where it is found and as such there is no alternative.

### **Detriment to the Maintenance of the Species Population**

The majority of habitats temporarily lost would be low quality and any loss would be phased as extraction progresses. No breeding ponds at and directly adjacent to the site would be directly impacted by the proposal, and ecological connectivity to the local and wider areas would be maintained throughout the works with the implementation of precautionary working measures to protect the species and their habitat.

On restoration, there would be an increase in habitat quality and connectivity through the creation of 5 ponds and associated habitats. The Nature Conservation Officer advises that the proposed compensation would be adequate to maintain the favourable conservation status of the affected Great Crested Newt population subject to implementation of the conditions set out below. Additionally the biodiversity metric calculations show a significant positive gain for this species with aquatic and terrestrial habitats being created which would provide continued connectivity for the existing population as well as improved food sources for amphibians.

### ***Aquatic Invertebrates***

A number of uncommon species were recorded in the ponds on site, including a nationally scarce species at a pond within the extension area that would be lost as a result of the proposals. The majority of field margins and hedgerows on site would however be retained and provide some suitability for this species, and one pond identified as important for invertebrates would be retained. The Nature Conservation Officer disagrees with the assessment of the site as being of 'site importance only' for aquatic invertebrates and advises that this is an underestimation of the sites importance for this species group. The Officer recommends that, in an attempt to retain the nationally scarce species, proposals are submitted for the translocation of vegetation and soils from the pond to be removed as part of the proposals and, if the mitigation ponds created as part of the consented restoration are already established by this phase, then a new additional pond is provided. This could be secured by planning condition.

### *Birds*

The diversity of breeding bird species present qualifies the site as a Local Wildlife Site (and is therefore considered to be of County importance) and the extension area is identified as being of Local value for breeding birds. A number of priority bird species, which are a material consideration for planning, are present on site which would be adversely affected by the loss of habitats. With respect to wintering birds, a number of Local Priority species were recorded on site and the wider quarry meets the section criteria for designation as a Local Wildlife Site.

Embedded mitigation proposed such as retaining vegetation and phasing of works would minimise the amounts of potential nesting habitat removed. The Nature Conservation Officer also highlights that conditions created during quarrying often inadvertently provide temporary additional habitats for other birds; and the proposals would potentially deliver suitable habitat for birds including the lake, ponds, reedbeds, woodland and hedgerow which would replace the existing less varied habitat of heavily grazed agricultural grassland.

Whilst some of the mitigation such as the new hedgerows and reed beds would take a period of time to reach their target condition; the Nature Conservation Officer advises that sufficient compensatory habitat is proposed to compensate for any impacts and this has been demonstrated through the Defra biodiversity metric calculations, therefore no objections are raised. Conditions are recommended in respect of protection of breeding birds.

### *Bats*

The buildings are of negligible to low suitability for roosting bats, and the trees are of low suitability and the Nature Conservation Officer advises that roosting bats are not reasonable likely to be present or affected by the proposed development. The variety of habitats at the site provide some foraging and commuting opportunities for a number of bat species including some considered to be a priority for conservation. The proposal would result in the loss of bat foraging habitat; however the site is only of low/moderate value for bats and the loss is not likely to be significant enough to amount to an offence under the habitat regulations. The habitat created on restoration would compensate for that lost but would not be complete for a number of years; however the phased nature of the restoration would reduce this effect and the restoration proposals include for a range of habitat provisions. No objections are raised by the Nature Conservation Officer and planning conditions to control lighting are recommended.

### *Badger*

The site supports suitable foraging and sett-building habitat for Badgers; however limited evidence of badger activity was recorded on site. One feature that may potentially be used by badgers in the future was identified. Any works within close proximity of an active sett would require a licence which would secure mitigation habitat for the species and control timing of works in proximity to their habitat. No objections are raised by the Nature Conservation Officer however given that the status of badgers on site can change over time, planning conditions requiring updated badger surveys prior to the commencement of each phase of the scheme are recommended.

### *Water Voles*

There is no evidence of water voles on the extension area and a lack of records in the area, along with poor quality habitats present and limited ecological connectivity to suitable

watercourses. As such, it is considered unlikely that water voles would colonise the site prior to the completion of the development. Only one water vole survey has been carried out which is not consistent with best practise guidance; however the Nature Conservation Officer notes the lack of evidence of water voles recorded and the fact that the habitats on site for the most part appear unsuitable for this species; therefore it is advised that, on balance, this species is not reasonable likely to be present or affected by the proposed development and no objections are raised.

#### *Other Species*

The Nature Conservation Officer advises that sufficient compensatory habitat is proposed for Ringlets which are a Priority butterfly species recorded on the site, and the development is not likely to have a significant long term impact upon this species.

There are records of otters, polecat, brown hare and hedgehog activity within 2km of the site, although no evidence of activity was found on site, and the habitats at the site are considered to be of moderate suitability for these species. The proposal would result in the loss of habitat for these species however the Nature Conservation Officer advises that adequate compensatory habitat is proposed which would be likely to compensate for any impacts on the species.

#### *Restoration proposals and habitat management*

Throughout the works approximately 40% of the extension area would remain undisturbed either in agricultural use or as ponds. The phased extraction and rolling restoration would minimise the net habitat losses at any point in time, and protection of retained habitats throughout the works would help to maximise retention of ecological value during the operations.

The proposed restoration scheme seeks to, where possible, ensure that habitats lost are replaced on a like for like basis; or different habitats and features of at least equal ecological value are provided. The Nature Conservation Officer notes that the biodiversity offset metric calculations demonstrate that the scheme would provide a positive effect on a number of habitats all of which are of local importance and will deliver a significant net gain for biodiversity. The proposed restoration scheme includes for:

- new mosaic habitat marginal planting of 2.8ha
- provision of 5 ponds and a new large lake of 5.8ha. The lake would incorporate shingle islands and provision of shallow water on the lake margins covering 15% of the lake area to provide additional habitat
- hedgerow provision of 1896m
- tree provision resulting in an overall net gain of 30 trees
- Broad-leaved woodland providing a net gain of 1.53ha
- Mosaic habitat providing a net gain of 2.7ha
- Reedbeds providing a net gain of 0.15ha

The Nature Conservation Officer recommends that the restoration scheme includes heathland, habitat for nesting sand martins, and the removal of scattered trees/woodland planting. The final planting and habitat provisions will be reliant on the soil and slope characteristics on completion of the extraction; and the detailed proposals for habitat creation can be agreed by planning condition at the appropriate stage.

### Habitat management

Five years of aftercare management is proposed for each phase of the site on completion of the restoration. This would be informed by detailed habitat management plan and ecological monitoring strategy throughout the aftercare period which could be secured by planning condition.

The Nature Conservation Officer requests a 25 year period of habitat management and monitoring to ensure that the proposed habitats are retained in the long term; noting that the reed beds, woodland and hedgerows proposed will take time to achieve a higher condition (up to 25 years in the case of woodland).

Aftercare is required to '*ensure that, following site restoration, the land is brought up to the required standard which enables it to be used for the intended afteruse*' (NPPG); which in this case is primarily to agriculture with some provision for nature conservation uses. Planning legislation makes it clear that mineral planning authorities cannot require any steps to be taken after the end of a statutory 5 year aftercare period without the agreement of the minerals operator. Saved policy 42 of CRMLP also reiterates this requirement, advising that that the Council will require mineral development to be subject to a programme of aftercare management for a period of up to five years following the completion of restoration.

Taking the legislative and policy requirements into account, the applicant considers that a five-year period of aftercare is appropriate and proportional in this case; noting that:

- 74% of the proposed restoration scheme is to agricultural use, and this habitat type does not need extended management as the ongoing land use provides long term management;
- The proposed lake (the second largest habitat established) and the majority of remaining habitats proposed (mosaic habitat and marginal planting) would also not require any long term ongoing management beyond the five years proposed;
- the progressive restoration would mean that the earlier phases (particularly the southern pit area) would enter the five year aftercare period prior to sand extraction being completed in the northern pit; and so these habitats would be established and managed for longer than the five years required by planning policy and legislation.

They also note that there is no planning policy basis or precedent that requires a 25 year management plan; and given the limited impact of the proposed development and significant level of mitigation proposed, consider this request is disproportionate.

The points made by the applicant are accepted, and it is noted that based on the proposed five years of aftercare management, the biodiversity offset metric calculations still identify that there would be an overall net gain for biodiversity delivered by the proposal. In view of this and the requirements of planning policy, it is not considered that a 25 year management period could be justified given the planning policy requirement.

In addition to the conditions above, the Nature Conservation Officer recommends planning conditions in respect of:

- Habitat management plan and ecological monitoring strategy.

- Detailed habitat creation method statement including detailed design of ponds, creation of wildflower grasslands, provision of bird and bat boxes, heathland and acid grassland, sand martin bank, design and construction of gravel islands and planting specification for woodland planting and new hedgerows.
- Implementation of the Great Crested Newt Mitigation strategy, and a detailed specification for amphibian protection fencing around the retained pond being submitted prior to commencement

On the basis of the above considerations and subject to the planning conditions being imposed, the proposal is considered to accord with CELPS policy SE3, SE10, CRMLP policy 22, 23, 41 and 42, CBLP policies NR3 - NR6 and AMNP policies P12 and P17

### **Landscape and visual**

The application site does not lie within any landscape designations. Mineral extraction activities are not a wholly uncharacteristic element in the landscape having been present at the quarry site for a significant length of time and given the nature of the quarry operations, landscape impacts are unavoidable.

It is recognised that the proposals would result in the plant processing site being in use for a longer period than currently permitted, however the vegetative and bund screening on the site boundary would remain in place during the lifetime of the development to partially mitigate any impacts. Whilst landscape effects during extraction are assessed as medium to adverse at a site level, impacts on the wider landscape character area are expected to be small to medium and on restoration, the site would incorporate elements of the wider landscape character with new grassland, hedgerows and trees. The agricultural areas would retain open aspects across the site whilst long distance views towards the ridgelines would be retained. Upon restoration, the effects on the wider landscape area are assessed as neutral.

Those receptors with a high sensitivity to any change in visual effects are identified as being the properties on the application site boundary and Wallhill Lane, and users of footpath FP6. Overall the landscape and visual assessment concludes that there would be no significant adverse effects from the development on any of the receptor viewpoints. Some effects may be borderline significant during operational periods and but would change to beneficial upon completion of the restoration. With respect to those properties closest to the site the assessment concludes:

- Holford Farm, on the southern site boundary, would have direct views northwards towards the extraction area, whilst views northwestwards and westwards would be screened by inter-lying farm buildings. The soil bunds and early planting of a temporary alder hedgerow along the site boundary would screen views from the ground level and the visual effects are assessed as moderate/major but would reduce with duration to become non-significant. This property would also provide partial screening for the adjacent property at Old Reeves Farm to the south, which would experience only filtered and partial views due to the inter-lying mature trees, hedgerows, bunds and buildings. As such, the overall visual effect is predicted to be moderate.
- Properties to the north on Wallhill Lane would have restricted views of the operations as a result of the soil bunds and hedgerows. The visual impacts during the operational

period would be moderate-major at worst and upon completion of the restoration, would have minor effects overall with some beneficial visual impacts.

- Cottages on the northern site boundary have low level close board fence on the site boundary. A temporary alder hedgerow would be planted along that boundary to provide a visual screen during the works. Distant parts of the proposed development would be partially visible in the early stages but the hedgerow and bunds around the extraction area would partly screen the operations and the impacts are assessed as moderate to major at worst. On restoration the impacts would be neutral.
- Quarryside bungalow adjacent to the plant site would be screened by the existing mature vegetation and screen bund and would benefit from screening provided by the addition of the proposed acoustic fence.

A range of embedded mitigation measures are incorporated into the proposals to limit the landscape and visual impacts which include:

- retention of peripheral hedgerows and trees as far as possible throughout the works
- screen mounds in locations on the site periphery and around extraction areas which is formed from soils stripped on site
- progressive working and restoration will limit the amount of open disturbed land at any one time
- planting of woodland, hedgerows and trees (including infilling gaps at key locations) at the earliest opportunity
- planting of temporary alder hedgerow in locations close to receptors on the site boundary to allow an effective temporary visual screen to be established quickly (4m height within 5 years)

The Landscape Officer is satisfied that the proposals and restoration scheme would not result in any significant landscape and visual impacts and no objections are raised to the proposals. Subject to securing the proposed mitigation it is considered that the proposals would accord with CELPS policy SE4 and SE12, CRMLP policy 15 and 17, CBLP policy GR6 and AMNP policies P11 and P26.

### **Other considerations**

With respect to objectors concerns that the disposal of tailings has not been considered and could generate more vehicle movements, there are no changes proposed to the existing measures in place at Bent Farm Quarry. Silts and fines generated by mineral processing would be deposited in the settlement pond adjacent to the plant site and the water circuit would allow the silts to settle, with clean water fed back into the freshwater lagoon. Minerals would be sent back to the quarry to settle and, once dry, would form part of the restoration. As this is an internal process no vehicle movements are required.

With respect to concerns raised regarding the carrying out of development in advance of any decisions issued on applications 15/1529W and 18/5890W, and the potential for future changes to permitted schemes, each application has to be considered on its individual merit, and any future development would be assessed in accordance with relevant planning policy as and when applications are made.

The additional built infrastructure proposed on site would be appropriate in design terms given the context of the site. The impacts on public health and cumulative impacts of the

development have been considered as part of the relevant technical assessments and no adverse impacts are anticipated.

## **CONCLUSION**

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

Since minerals are a finite resource and can only be worked where they are found, and where there is land available to work them, this limits the locations available for extraction at any point in time. It is therefore important to make the best use of them in order to secure their long-term conservation, and Local Planning Authorities should give great weight to the benefits of mineral extraction, including to the economy, and as far as practical, provide for the maintenance of landbanks.

The economic benefits of the scheme are therefore clear and considered to be significant. The proposal would release a substantial amount of nationally significant mineral reserve which occurs in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. It would help contribute towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. In addition the proposal would release reserves of construction sand contributing to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products. As such the proposal meets the requirements of the NPPF, policies MP1 and SE10 of the CELP, and CRMLP Saved Policies 45 and 54

The principle of further extraction at Bent Farm Quarry and on this site has already been demonstrated as acceptable through the allocation of the majority of the land as a Preferred Area in the CRMLP and the proposed extension to the site accords with saved policy 54 of CRMLP. Exceptional circumstances have also been demonstrated in respect of Saved Policy 47 regarding the identification of additional land for aggregate reserves.

The scheme also provides other benefits, including the restoration back to agricultural use, and provision of a range of habitats that present an overall net gain for biodiversity. Any localised impacts from the proposal including those associated with the prolonged timescales for mineral operations at the site such as visual effects, loss of trees and hedgerows, impacts on agricultural land, noise, dust and traffic generation, and can however be controlled and adequately mitigated through planning conditions.

As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

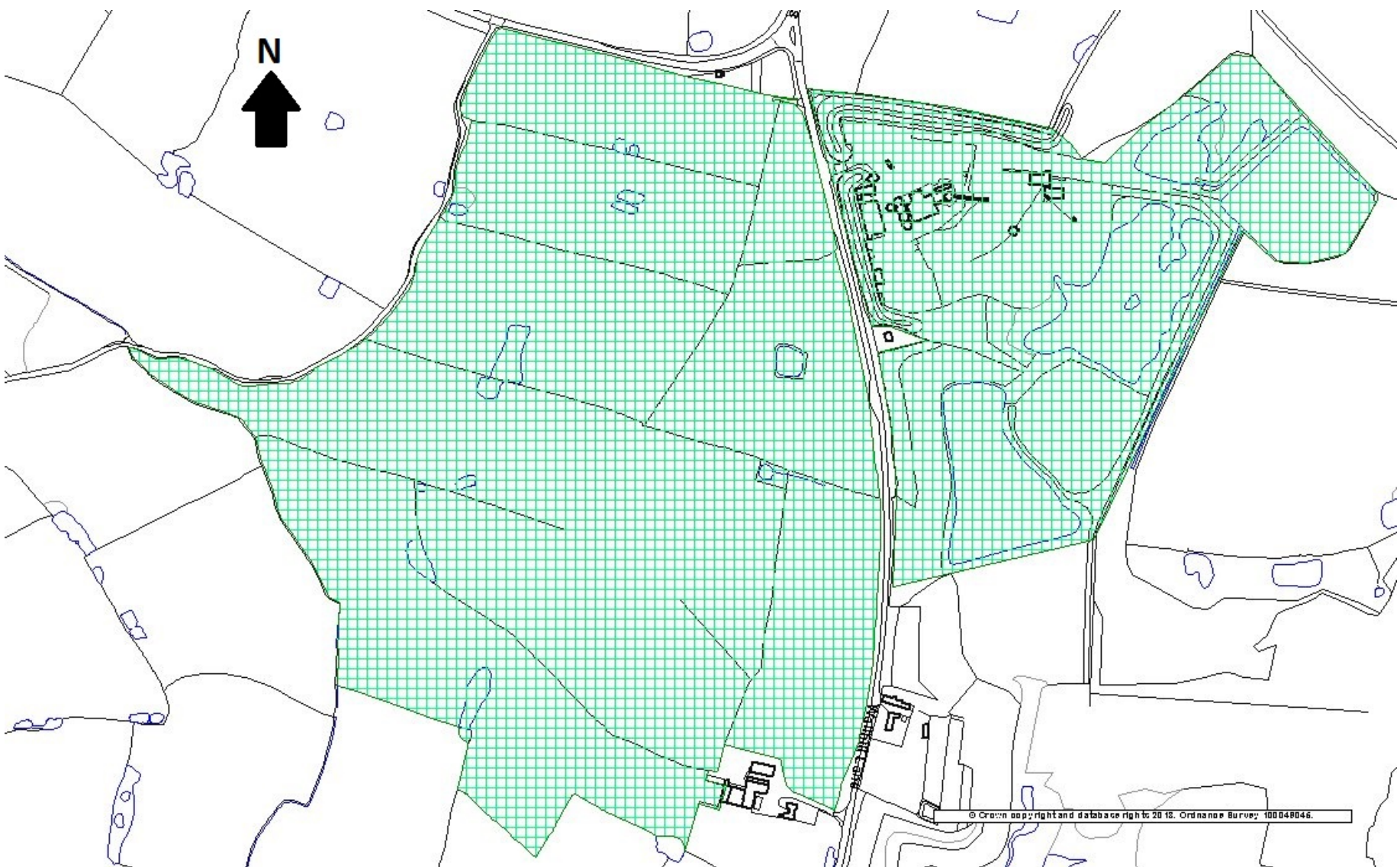
## **RECOMMENDATION**

**That the application be APPROVED subject to the following conditions:**

1. Timescales for commencement and notification of commencement
2. Approved Plans



3. Restrictions on depth of working
4. Limits on timescales for extraction and restoration
5. Hours of working
6. Vehicles arriving and leaving the site restricted to using the existing access only, and maintenance of a notice advising drivers to turn right out of the site
7. Wheel cleaning and no deposit of material on the highway
8. Sheeting of vehicles
9. Restrictions on HGV numbers and timing of movements, and records kept of vehicle movements
10. Restrictions on the import of material and restrictions on the quantity of material imported for processing
11. Provision of new quarry access prior to commencement of phase 1, requirement for its use by all vehicles, plant and machinery accessing the extension area and use of a banksman at all times
12. All mineral to be transferred to processing plant by conveyor tunnel
13. Soil handling as per the method statement and MAFF guidance
14. No soil export without prior approval of the LPA
15. Advanced planting within first planting season
16. Set noise limits for all activities
17. Noise monitoring scheme
18. Implementation of noise mitigation including provision of bund and acoustic fence, orientation of plant and restrictions on timing of works in phase 5 at Wallhill Cottages
19. Maintenance of plant and machinery
20. Implementation of dust management plan including dust monitoring
21. Implementation of archaeological watching brief
22. Network of monitoring boreholes established prior to excavation comments and maintained during the development; and updated water management plan incorporating recommendations from hydrological assessment and Environment Agency.
23. Control on storage of contaminants
24. Method to deal with unexpected contamination
25. Implementation of flood risk and drainage strategy
26. Implementation of surface movement monitoring scheme
27. Tree protection and arboricultural method statement including provision for landscape mitigation, replacement planting, management strategy for retained vegetation and landscape enhancement
28. Translocation method statement for invertebrates
29. Protection of nesting birds
30. Updated badger survey prior to commencement of each phase
31. Detailed proposals for habitat creation and habitat creation method statement
32. Implementation of great crested newt mitigation strategy and detailed specification of amphibian protection fencing
33. Details of any proposed lighting to be agreed
34. Site restored in accordance with restoration plans
35. Provision of aftercare and habitat management plan within 12 months of the date of the permission and implementation of aftercare for 5 years



Application No: 20/2162C

Location: Land At, POCHIN WAY, MIDDLEWICH

Proposal: Proposed additional areas associated with the approved road scheme (18/5833C), referred to as the 'Middlewich Eastern Bypass' and consisting of ecological and landscape mitigation and a revised farmer's underpass

Applicant: Mr Chris Hindle, Cheshire East Council

Expiry Date: 28-Aug-2020

## **SUMMARY**

**This application relates to a number of relatively minor changes to the consented scheme for the Middlewich Eastern Bypass, and requires a separate application as the proposals fall outside its site edged red. The works are largely associated with areas of alternative ecological mitigation and are concentrated towards the southern areas of the road scheme, especially north of the railway line.**

**Objections have been raised from a landowner, concerned that the works will impact on the delivery of some of the employment land in LPS44, but as set out in the report, this application proposes alternate areas of mitigation, and have less overall impact on overall provision of employment land than the originally consented scheme.**

**Overall the proposals have no significant impact on Landscape, Ecology, Flood Risk, and Contaminated Land. Whilst no significant impact on trees and hedgerows is considered likely, this will be confirmed in an update report to Members.**

**The proposals are reflected to be acceptable and are in accordance with Development Plan policy. As such the application is recommended for approval subject to conditions.**

## **RECOMMENDATION**

**APPROVE with conditions**

## **SITE DESCRIPTION**

This application relates to areas of land lying to the east of Middlewich, along the consented route of the Middlewich Eastern Bypass. The sites can be broken down as follows:

- Small areas to be added at the northern end of the road scheme to extend a pond and area of embankment.
- A small area required for a re-positioned underpass on land to the north of Cledford Lane.
- More sizable additional areas of mitigation alongside the road just to the north of the railway line.
- A strip of land north of the canal to provide access to an attenuation pond.

The first three areas consist of open relatively flat farmland, the latter utilizes an existing track. The farmland is mainly used for grazing, and is bound by hedgerows and some trees.

## **PROPOSAL**

This application accompanies a revised application (20/2064C) for amendments to the approved Middlewich Eastern Bypass (18/5833C), and proposes additional works which fall outside the original site edged red, hence the need for a separate planning application.

The additional areas required are described as being:

1. Vertical alignment changes – 2m strip of land added to road envelop (0.021 ha) for hedgerow planting/fence following minor scheme change.
2. Changes to farm underpass location & cutting under road (0.061 ha).
3. Changes to badger set location, and changes to habitat creation locations (1.082 ha).
4. Changes to badger set location, and changes to habitat creation locations (0.518 ha).
5. Changes at southern end where Lesser Silver Diving Beetle ponds and habitat relocated (2.717 ha).
6. Vertical alignment change – part of drainage pond C (0.02 ha)
7. Vertical alignment change – access to drainage pond (0.11 ha)

The majority of the changes, and certainly those involving most land are towards the southern area of the scheme, especially just to the north of the railway line.

The changes are considered necessary following negotiations with landowners, as a result of District Licensing for Great Crested Newts and changes identified by the appointed contractor.

The application is accompanied by an Additional Areas Environmental Assessment Report, and is considered alongside the Environmental Assessment Report submitted with the amendment to the approved Middlewich Eastern Bypass application. A standalone Environmental Statement is not required for this development.

## **SCHEME HISTORY**

A previous bypass scheme for Middlewich was partially completed a number of years ago and which currently passes from the A54 and into the Midpoint 18 Business Park. The partially completed route, called Pochin Way, currently serves several commercial units. In 2008, planning permission was

granted for the remaining part of this proposed Middlewich Bypass, i.e. to connect Pochin Way to the A533 and for several commercial units of the remaining part of the Midpoint 18 site. A five-year extension to the planning permission was then granted in July 2011, but it was not implemented.

In June 2016, Section 73 consent was subsequently granted to vary certain planning permissions that were attached to the previous 2011 planning permission extension, in order to keep it valid. This latter permission enabled the former proposed bypass scheme to be considered as part of the 'options process' for a new Middlewich Eastern Bypass, which also now needed to take account of CEC's aspiration to enable further expansion of the existing Midpoint 18 site, as well as meeting different strategic needs to those which existed when the previous bypass proposals were developed.

An options assessment was undertaken as part of the Outline Business Case (OBC) development, which identified a further seven potential routes for the bypass. An Options Assessment Report was produced which covered the initial sifting of options, and two options were taken forward for further design and assessment. The historic option (with planning permission and renamed as Option 1A) and a new alignment, connecting at its northernmost extent to Pochin Way (passing through open, largely farmland) and connecting into the existing A533 in the south (named as Option 2A), were taken forward for further design and assessment in 2017. The two route options were independently assessed on the key objectives, costs and economic benefits, and environmental impacts for the OBC.

Option 2A had a number of significant benefits compared with Option 1A including higher design speed/reduced journey times, lower flood risk, and improved connectivity potential with Cledford Lane. Whilst being the higher cost option, the OBC was approved by DfT with Option 2A in November 2017 as the preferred scheme due to its broader benefits.

Option 2A was therefore taken forward for further design and development in advance of this application for planning permission and was the subject of the Preferred Route Public Consultation in March/April 2018.

As set out above full approval was granted for the Middlewich Eastern Bypass in July 2019. A revised application for some relatively minor changes to the consented scheme was recently approved under reference 20/2064C.

## **RELEVANT PLANNING HISTORY**

The approved scheme for the MEB is:

18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works - Land At, POCHIN WAY, MIDDLEWICH APPROVED July 2019

There are numerous other applications affecting the site in question, but of particular relevance concerning the road schemes are:

16/3242C Reserved Matters application relating to Planning Condition No. 2 of Planning Permission 16/2006C - submission of a landscaping scheme. A full ES was submitted in relation to the original planning application (07/0323/OUT). Still live.

11/0899C 2011 Extension to Time Limit - 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.) APPROVED July 2011

07/0323/OUT 2005 Midpoint 18 Phase3: proposed development for B1, B2 and B8 employment uses, appropriate leisure and tourism (including hotel) uses, completion of the southern section of the Middlewich Eastern Bypass and associated landscaping, mitigation and enhancement works.

08/0557/REM 2009 Midpoint 18: Phase 3A: Landscaping Reserved Matters Application for the Middlewich Eastern Bypass, Unit 101 and Advanced Planting (to the North of Unit 101) following outline permission 07/0323/OUT

As referenced above, this application accompanies an application for changes to the scheme:

20/2064C Variation of condition no. 2 (approved plans) on planning approval 18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the 'Middlewich Eastern Bypass', together with associated highway and landscaping works. Land At, POCHIN WAY, MIDDLEWICH

## **POLICIES**

### **Cheshire East Local Plan Strategy – 2010-2030**

PG6 – Open Countryside  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
CO1 – Sustainable Travel and Transport  
CO2 – Enabling Business Growth Through Transport Infrastructure

LPS44 – Midpoint 18, Middlewich

### **Congleton Local Plan (Saved policies)**

PS8 - Open Countryside  
PS12 - Strategic transport corridors  
GR6 – Amenity and health  
GR7 & GR8 – Amenity and Health  
GR11 – Development involving new roads and other Transport Projects  
GR13, GR14, GR 15 & GR 16 – Public transport/cycling/footpaths  
GR18 – Traffic Generation

DP10 - New Road Schemes  
NR2, NR3, NR4 & NR5 - Nature Conservation  
BH4 – Heritage Assets

**Neighbourhood Plans:**

The proposed bypass is largely located with Middlewich, although a small element to the south is located in Moston.

**Middlewich Neighbourhood Plan:** The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'.

**Moston Neighbourhood Plan:** Made following a referendum on 14 February 2019.

LCD1 – Design and Landscape Setting  
LCD2 – Dark Skies  
INF3 – Surface Water Management  
ENV1 – Wildlife Habitats, Wildlife Corridors and Biodiversity  
ENV2 – Trees, Hedgerows and Watercourses  
REC1 – Footpaths, Bridleways, Cycleways and the Canal Towpath  
HER1 – Heritage

**Other Material Considerations**

The National Planning Policy Framework  
National Planning Practice Guidance  
Cheshire East Infrastructure Delivery Plan  
EC Habitats Directive  
Conservation of Habitats and Species Regulations 2017

**CONSULTATIONS (External to Planning)**

**Environment Agency:** Have no objections to the scheme, but agree with Environmental Protection that this proposal may require contaminated land pre-commencement conditions to be included as part of any subsequent planning approval.

**Natural England:** No objections

**Heath and Safety Executive** – Draw to our attention the high pressure gas main and therefore the need to consult the on-line advice..

**United Utilities:** No objections but asked that they be involved in further discussions and that the approved scheme must be in line with United Utilities' document 'Standard Conditions for works adjacent to pipelines'. A condition requiring a method statement to be submitted to protect UU assets was required.

**Cadent Gas:** No comments received.

**Network Rail:** Only comment as follows:

“The following note - which is repeated twice on the General Arrangement drawing, is incorrect and must be removed: ‘Existing level crossing to be used by construction vehicles’

Network Rail will not allow the use of the level crossing for construction vehicles.”

The applicant is aware of this

**Canal And Rivers Trust:** Have no comments to make.

**Cheshire Wildlife Trust:** No comments received.

**Cheshire Brine:** *“As the proposed development doesn’t appear to include foundations the board would not normally make any comments.”*

**Cheshire West and Chester Council:** No comments received.

**CEC Head of Strategic Infrastructure:** There a number of additional areas proposed as part of the approved MEB scheme. In regard to highways there are very minor changes to the embankments in some areas which raise no design concerns.

The revisions are considered acceptable and there are no objections to the application.

**CEC Public Rights of Way:** “The application does not appear to further affect any public rights of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.”

**CEC Environmental Health:** No comments made in relation to Amenity, Noise and Air Quality, but conditions are recommended in relation to Contaminated Land.

**CEC Flood Risk Manager:** “Our previous comments under application 18/5833C, would remain the same. However, prior to further approval a detailed drainage strategy will need to be submitted and approved in line with previously approved FRA. Conditions are recommended.

**Cheshire Archaeology:** No comments are made, but refer to the previous need for an archaeological condition.

## **VIEWS OF THE TOWN/PARISH COUNCILS**

**Middlewich Town Council:**

No Objections

**Moston Parish Council:**

No comments received

## **OTHER REPRESENTATIONS**



An agent has written on behalf of a landowner (on both this application and the associated revised plans application 20/2064C), whilst fully supporting the scheme in principle, have raised the following issues:

“Magnitude Land LLP do have further comments with regards to point Ai) and B.

**Additional Ecological Mitigation**

Point B at table 2.2 refers to ‘other changes to environmental mitigation’. Point Bi) and Bii) refer specifically to changes of proposed badger sett locations and changes to habitat creation locations (into land to be owned and controlled by CEC) due to land assembly considerations.

Having reviewed the submitted plans, Area 4 (required for grassland habitat creation) and Area 5 (required for grassland habitat creation and badger sett,) are partially located on land within Magnitude Land LLP’s control. This area of land is located within the LPS 44 allocation and has historically been referred to as ‘Phase 3’. Phase 3 land benefits from planning permission for a mixed use, employment-led development (original outline planning permission reference 07/0323/OUT). The indicative masterplan shows a large employment building labelled as Unit 101 (59,260 sqm) on this land. Should the ecological mitigation be approved as proposed, the delivery of Unit 101 would no longer be achievable.

Similarly, point Biii) of table 2.2 refers to Area 6 (required for additional grassland habitat creation and proposed Lesser Silver Water Beetle ponds) to the east of the MEB alignment. This land is controlled by Magnitude Land LLP and whilst it does not currently benefit from planning permission, it is deliverable employment land allocated for employment within LPS 44.

Magnitude Land LLP strongly oppose the introduction of Area 4, Area 5 and Area 6 for use as ecological mitigation for the following reasons:

1. All the land referenced above is located within the LPS44 strategic employment allocation which seeks to deliver up to 70 hectares of employment land within the plan period (up to 2030) and therefore the land forms part of CEC’s employment land supply. The Local Plan states ‘the site delivers a significant contribution to the Local Plan Strategy. The introduction of the additional ecological mitigation and infrastructure associated with Magnitude Land LLP 20/2162C on land allocated for employment use undermines the objectives of the Local Plan and specifically Policy LPS 44.
2. Areas 4 and 5 are located on land which is subject to planning permission (original outline planning permission reference 07/0323/OUT) for an employment-led mixed use development and the use of this land for ecological mitigation would result in a significant reduction in the amount of floorspace able to be delivered as part of this planning permission. With reference to the Indicative Masterplan, the additional ecological mitigation would prevent the delivery of Unit 101;
3. Magnitude Land LLP have recently undertaken a master-planning exercise for the LPS44 allocation which was shared with CEC officers and all of the land proposed for ecological mitigation is considered to be developable employment land. This would make a significant contribution towards CEC’s Overall Development Strategy (Policy PG1) which is for ‘provision to be made for a minimum of 380 hectares of land for business, general industrial and storage and distribution uses over the period 2010 to 2030 to support the growth of the local economy’

In view of the above, Magnitude Land LLP strongly oppose the additional ecological mitigation proposed as part of 20/2162C and request that CEC considers the impact approving these changes would have on the deliverability of the LPS 44 allocation and wider Local Plan objectives.

Impact at Phase 4B (point Ai)

Point A refers to changes to the vertical alignment of the MEB and point Ai) specifies that there are minor changes to the MEB footprint on a section of the northern alignment.

It states that a minimum of 1.5m is required between the top of the earthworks and redline for hedgerow and fences, which results in a strip of land up to 2m wide beyond the boundary of the approved MEB scheme. This area of land is partially within the red line boundary for Phase 4B (planning application reference 20/0901C), albeit it is identified as CEC mitigation and therefore will have no impact on the proposals.

### Summary

Overall, Magnitude Land LLP raises no objection to the principle of the proposed MEB, acknowledging that one of the scheme's primary objectives is to assist in the delivery of employment floorspace at the Magnitude (formerly Midpoint 18) strategic employment site. However, we have some significant concerns about amendments to the scheme proposed by planning application references 20/2064C and 20/2162C.

Magnitude Land LLP also strongly oppose the additional ecological mitigation proposed by 20/2162C which would have significant impacts on the amount of employment floorspace that can be delivered as part of the LPS44 strategic employment allocation. "In view of the above we request the following changes are considered by CEC before the planning applications are determined:

- i. Remove and relocate the proposed drainage pond on Plot 4A;
- ii. Remove and relocate the proposed drainage pond and field access to the south west of the Cledford Lane roundabout;
- iii. Remove and relocate the proposed pond to the south of the southernmost roundabout;
- iv. Remove and relocate the proposed additional ecological mitigation area identified as Areas 4 and 5 because it will stifle deliverable allocated employment land within LPS44 and land which already benefits from planning permission (Phase 3);
- v. Remove and relocate the proposed additional ecological mitigation area identified as Area 6 because it will stifle deliverable employment land within LPS 44.

Magnitude Land LLP and its technical team are willing to work with Officers to identify more appropriate locations within LPS 44 or within close proximity to the MEB for infrastructure and ecological mitigation to support the MEB which will not stifle deliverable allocated employment land and in particular, employment land which already benefits from planning permission."

## OFFICER APPRAISAL

### Principal of Development

The principle of the development for the road is established by the consent granted which is still extant, and mitigation works form part of those works. For completeness from the original report:

Within the Local Plan Strategy (LPS), Middlewich is identified as a 'Key Service Centre' and paragraph 15.491 states:

"The timely delivery of the Middlewich Eastern Bypass is key to ensuring that Middlewich realises its full sustainable growth potential as a Key Service Centre and also contributes to the prosperity of the borough as a whole. The completion of the bypass should be delivered alongside new developments."

A number of sites within Middlewich are identified, including LPS 44 Midpoint 18, Middlewich, which is allocated for the phased delivery of up to 70 hectares of employment land and the:

“provision of and where appropriate, contributions to the Middlewich Eastern Bypass”.

Whilst the line of this proposed road scheme has now changed, the principle has been established by the previous consents granted (see planning history above) and is clearly supported by the LPS and saved policies of the Congleton Local Plan. The Middlewich Neighbourhood Plan again supports the principle of the eastern bypass, although given the plan was rejected at referendum the weight this can be given is uncertain.

As well as the scheme being embedded in the adopted LPS for Cheshire East, the scheme is consistent with Cheshire & Warrington Local Enterprise Partnerships’ (LEP) Strategic Economic Plan and is a key element of the High Speed 2 (HS2) Growth Strategy for the Northern Gateway & Constellation Partnership.

All the falls within the Midpoint 18 allocation.”

The issue then is what difference do the changes make to the overall delivery of the road scheme and to the delivery of LPS44. This is also considered again at the end of the report in reply to representations made.

## **Contaminated Land**

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of a variety of commercial and industrial use in places, and therefore the land in these areas may be contaminated.
- As part of the Environmental Statement, submitted in support of the previous planning application for the site (18/5833C), a Phase I Preliminary Risk Assessment for land contamination was appended (Report Ref: BRJ10403, Jacobs, 12 October 2018). We reviewed this, the Soils chapter (Chapter 11) in the Environmental Statement, and also the Human Health chapter (Chapter 15) as this is relevant to land contamination as well.
  - o With regards to Section 2.6.3 (c), when we provided our search response in 2016, the search area used was different to that of the current application area. We would suggest that an updated search would be beneficial, especially for the south west of the application area.
  - o A Phase II ground investigation has been proposed in order to further assess identified contaminant linkages. We are in agreement with this proposal, and appropriate sampling/monitoring should be undertaken within these works.
  - o Some assessment should be provided on how the proposed scheme may mobilise or change the regime of contaminants within the soil (for example increasing impacts upon water bodies or creating preferential pathways for migration), or in the example of ground gases, how the scheme may alter the gassing regime on infilled sites. This could be undertaken once the Phase II ground investigation has been completed, and more information is known.

- The contaminated Land team would expect the changes and additional areas detailed within this application to be taken into account in any updated Phase I report (if necessary) and the subsequent Phase II ground investigations upon which this is based.

Conditions are recommended.

### **Highway Implications**

As set out above Highways do not believe there are any proposed changes to the scheme that have any significant highways considerations and raise no objections.

### **Public Rights of Way/Cycle routes:**

As the PROW team do not believe these proposed changes to the scheme have any impact on footpaths they raise no objections.

### **Landscape**

The Council's Landscape Architect does not consider that the inclusion of the additional areas will result in any significant landscape or visual impacts and offers no objections.

### **Trees**

Comments from the Council's Tree Officer are outstanding at the time of writing this report, and will need to be picked up in an Update Report to Members.

That said although additional areas are affected by the proposed development, most are areas of ecological mitigation, and there is no indication that there will need to be any significant impacts on trees and hedgerows as part of this application.

### **Ecology**

The two applications (the section 73 revisions to the approved road scheme and this application) combined, involve a number of revisions to the consented scheme both within the existing red line of the consented scheme and within additional land located outside the red line. A number of protected species surveys have been updated to inform the applications. The following comment deal only with those impacts that result directly from the proposed changes to the consented scheme.

Changes in the impacts of the proposed scheme upon habitats

Impacts on broad leaved semi-natural woodland are broadly the same as consented scheme. There is a reduction in the permeant loss of species rich hedgerows of 141m, but an increase in hedgerows temporarily lost to the scheme of 118m. There is an increase in the loss of species poor hedgerows permanently lost but a reduction of over 1000m of hedgerows temporarily lost. There is a reduction of neutral grassland permanently lost amounting to 0.47 ha but a very similar increase in neutral grassland temporarily lost.

Compensatory habitat is provided to address all of these losses, with a greater area of compensatory habitat provided in relation to that lost. A total of seven ponds are proposed to compensate for those

lost. The submitted Biodiversity Metric shows that the proposed development would deliver an overall net gain for biodiversity. This is discussed further below.

#### Culverts

A number of the culverts proposed under the scheme will be increased in size as a result of the proposed revisions. This change may result in a minor benefit for wildlife.

The submitted Environmental Assessment states that Culvert 4 is being replaced with a 900mm pipe. The applicant has however confirmed that is was an error in the report and no culverts are to be replaced by pipes.

#### Bats, Barn owl and Lesser Silver Diving Beetle

Two additional ponds have been identified as supporting breeding Lesser Silver Diving beetle. The loss of breeding ponds resulting from the revised scheme is however unchanged in relation to the consented scheme. The cumulative effect of the bypass scheme and an adjacent proposed development may result in change of land use in the vicinity of a pond known to be used by this species. The change in land use may lead an additional impacts resting in the deterioration of this pond. The current application includes measures to mitigate this effect and additional compensatory habitat in the form of an additional replacement pond have been provided. Due to the importance of this species in the national context, and the uncertainty associated with the mitigation and compensation measures proposed, the impacts of habitat loss and habitat degradation on this species is assessed as being significant at the regional level. This is the same level of impact anticipated by the consented scheme.

If planning consent is granted it is advised that a condition should be attached to require the submission of a detailed Lesser Silver Diving Beetle Mitigation method statement informed by the outline measures detailed in the submitted Environmental Assessment.

Fewer trees with bat roost potential will be lost in relation to the consented scheme. The vertical alignment of the road has changed, with much of the road now in a cutting. This will reduce the risk of road traffic collisions for species including bats, lesser silver diving beetle and barn owl.

Compensatory habitat for foraging and commuting bats has been relocated following the identification of constraints with the originally proposed location for the proposed habitat. The location of the proposed compensatory habitat is shown on the revised EMP (revision 5) Included with the submitted Planning Consultee Comments Response – Ecology report dated 18th September.

The updated bat survey identified an additional bat roost located at tree T6. The applicant has now confirmed that this tree would be retained. The applicant recommends that the CEMP should include measures to avoid disturbance of any trees with bat roost potential. This may be dealt with by means of a condition.

The changes to the alignment of the road mean that some wildlife tunnels and underpasses secured as part of the existing consent cannot now be provided. The total number of underpasses has been reduced from 6 to 3 with one relocated. Mammal ledges are now however proposed at three culverts and the farmer's underpass will assist with facilitating some connectivity under the road meaning each badger social group will have access to one underpass.

The submitted Environmental Assessment advises that the reduction in the number of underpasses will result in an increase in badger mortality associated with collisions with traffic. The impacts of the scheme on badgers are considered to be negative at the local level, which is the same assessment as the consented scheme. Under the consented scheme an artificial badger sett would be provided to compensate for the loss of setts to the development. The proposed location of the sett has been changed with two potential alternative locations now proposed. If planning consent is granted it is recommended that a condition be attached to ensure that the location of the artificial sett be agreed prior to the commencement of development. A condition to secure the detailed designs of the culvert and mammal tunnels is also required.

#### Great Crested Newts (GCN)

The consented road scheme would result in a significant adverse impact upon this protected species and a package of mitigation and compensation measures was agreed in respect of the consented scheme.

#### EC Habitats Directive

Conservation of Habitats and Species Regulations 2017

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 2017 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 provision of mitigation would assist with the continued presence of Great Crested Newts (GCNs), and as noted above the bypass is seen as a very important piece of infrastructure bringing significant public benefits.

## Alternatives

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

### No bypass

Without any development, specialist mitigation for GCNs would not be provided which would not be of benefit to the species.

The applicant's ecological consultant has now indicated an intention to enter the proposed development into Natural England's district licencing scheme. As a result of this the originally proposed GCN mitigation ponds and associated habitats have been removed from the scheme.

It is advised that in the event that planning consent was granted entry into the district licencing scheme would be sufficient to maintain the favourable conservation status of the species.

If planning consent is granted a condition is required to ensure the development is entered into Natural England's District Licensing Scheme for Great Crested Newts.

### Common Toad

Whilst Great Crested Newt mitigation ponds have been removed from the scheme a purpose designed common toad breeding pond has been provided to compensate for the potential impacts of the scheme upon this priority species.

area. If planning consent is granted it is recommended that a condition is attached to secure the detailed design of this feature.

### Biodiversity Net Gain

Local Plan Policy SE3 requires all developments to seek to contribute positively to the conservation of biodiversity. The application is supported by a Biodiversity metric calculation. This calculation is used to determine whether the proposed development would lead to a net gain for biodiversity as required by this policy. The metric calculation has been discussed with Cheshire Wildlife Trust and Jacobs and the metric calculation has been amended accordingly.

The Biodiversity metric demonstrates that the proposed development would deliver a net gain for biodiversity.

### Implementation of proposed environmental Mitigation and compensation measures

Condition 2 of the existing consent for which variation is being sought secures implementation of the development in accordance with the ES and ES addendum.

In the event that planning permission is granted for the variation of this condition, the condition wording must be amended to reflect the recommendations of the latest Environmental Assessments. The conditions should state that mitigation and compensation detailed in the ES and addendum ES be implemented unless varied by this latest assessment (Environmental Assessment Report May 2020 (BRJ10612-E-DOC-026, Rev No.0) in respect of 20/2064c and BRJ10612-E-Doc-032 dated May 2020 in respect of 20/2162c.

## **Built Heritage/Structures**

The proposals have no more impact on heritage features than the approved scheme, and there are no new structures proposed, the changes only affecting embankments/water body designs.

## **Flood Risk/Drainage**

This matter is fully considered in the supporting Environmental Statement, and the Councils Flood Risk team have raised no issues, subject to conditions/informatives. Similarly the Environment Agency have raised no objections subject to a number of conditions.

## **Issues raised by representation – loss of developable land**

This issue raised on behalf of one of the landowners is that the proposals now been considered (over and above the approved scheme) will result in a reduction of developable areas for these important employment sites in Midpoint 18.

The applicant's agent has done a full response to the concerns raised, but in summary:

- A. Ecological mitigation is an integral part of LPS44 not just for the road scheme but also for future development proposals in this area. The proposals are therefore considered to be in accordance with the LPS. Additionally the land required by these proposals, albeit different from the original approved scheme, has less land- take.
- B. They question whether the planning approval referenced is still extant – granted in 2008, and that scheme was dependant on the earlier design of the MEB being implemented. This is not now possible, and the scheme cannot now be carried out as originally approved and would need to be revised. A revised scheme could address ecological issues in a different way.
- C. The master-planning exercise has no status, and ecological mitigation would still need to be fully considered.

Finally they question whether the landowner has an interest in all the land discussed, as it is not the agents understanding from land discussions on the road scheme.

These comments are acknowledged and largely endorsed. The planning approval referenced 07/0323/OUT formed part of a proposal for the original line of the Middlewich Bypass, to which it was closely associated, which is no longer being progressed. The master-planning exercise has indeed been shared with the LPA but there are no “workings” behind it and certainly no information has been shared on ecological assessments etc. It is a useful exercise to further discussions, but has no weight in the determination of this application. There is no reason to question the technical requirements for the changes proposed in this application, as set out elsewhere in this report.

The Middlewich Eastern Bypass is an integral part of the development of LPS44, and ecological mitigation (the main land-take requirement) is an important component of the road scheme. These proposals change the mitigation works but as set out above actually use less land, which frees up more land for development, than the consented scheme. Following negotiations with landowners it is also considered more deliverable. It is therefore not accepted that the changes undermine the delivery of LPS 44, in fact they help deliver more development overall.



## **Environmental Assessment**

The submitted report looks at the application, read in conjunction with wider road scheme, but also considers this as a stand alone application – which is not in itself EA development.

In conclusion it states that there would be significant impacts on one land interest (land south of Cledford Lane) although this would not significantly compromise the viability of farm business, and an insignificant adverse effect on other land interest (Kinderton Lodge). The land take would also cause an insignificant adverse on development land. No other significant effects have been identified.

These matters are largely considered in the report above, but matters of impacts on businesses would need to be addressed through compensation discussions with landowners, and any subsequent Compulsory Purchase Order.

## **CONCLUSIONS**

This application relates to relatively minor changes to the consented scheme for the Middlewich Eastern Bypass, and requires a separate application as the proposals fall outside its site edged red. The works are largely associated with areas of alternative ecological mitigation and are concentrated towards the southern areas of the road scheme, especially north of the railway line.

Objections have been raised from a landowner, concerned that the works will impact on the delivery of some of the employment land in LPS44, but as set out in the report, this application proposes alternate areas of mitigation, and have less overall impact on overall provision of employment land than the originally consented scheme.

Overall the proposals have no significant impact on Landscape, Ecology, Flood Risk, and Contaminated Land. Whilst no significant impact on trees and hedgerows is considered likely, this will be confirmed in an update report to Members.

The proposals are considered to be in line with the policy requirements are considered acceptable and as such the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

**Approve subject to the following conditions;**

- 1. 5 year start date**
- 2. Development to proceed in accordance with the approved plans/report recommendations.**
- 3. Landscaping**
- 4. Landscape implementation & maintenance (5 years)**
- 5. Submission of proposals for the safeguarding of LWS quality habitats located adjacent to permanent and temporary works. Updated protected species surveys and mitigation method statements for felling of any trees with bat roost potential lost as a result of the scheme and for otter, badgers and Lesser Silver Diving beetle. Mitigation and compensation proposals to be informed by the proposals included with the ES.**
- 6. Notwithstanding the proposals detailed in section 2.1 of the submitted Appendix K.2: Landscape and Ecology Supporting Information a Habitat Creation method statement is to**

be submitted for the creation of the species rich grassland and the grassland mitigation areas.

7. Timing of works to Safeguard Nesting Birds.
8. Method statement for the reinstatement of habitat for Little Ringed plover following the removal of the Temporary Works Compound. Method statement for the creation of species rich grassland
9. Time table for the implementation of habitat creation measures.
10. Grampian condition to secure off site barn owl habitat provision and management.
11. Confirmation of the location of the proposed artificial badger sett prior to commencement of the development.
12. Submission and implementation of an ecological monitoring strategy. If any deficiencies in the agreed ecological mitigation/compensation then revised proposals are to be submitted to the LPA for agreement and then implemented in full.
13. Submission of a 25 year habitat and landscape management plan. To include proposals for the management of woodland planting, species rich grassland ponds, lesser silver diving beetle, non-native invasive plant species, hedgerows and the control of non-native invasive plant species. The management plan should also include a strategy to secure the long term future of the created habitats such as transfer to an appropriate body such as the Land Trust.
14. Prior to the commencement of development a Construction Environment Management Plan is to be submitted and approved – to include dust suppression measures & measures to avoid contamination of the canal.
15. Great crested newts – entry into Natural England's District Licensing Scheme.
16. Submission of a reptile mitigation method statement.
17. Contaminated land remediation strategy to be submitted.
18. No infiltration of surface water drainage into the ground/ measures to avoid contamination of the canal
19. Verification report for contaminated land.
20. Works to be carried out in accordance with the FRA
21. Detailed strategy/design of surface water runoff to be agreed
22. Method statement to be submitted to protect UU assets was required.
23. Archaeology
24. Works to be carried out alongside approved works under application 20/2064C except ecological mitigation works which need to be carried out in advance.

Informatives;

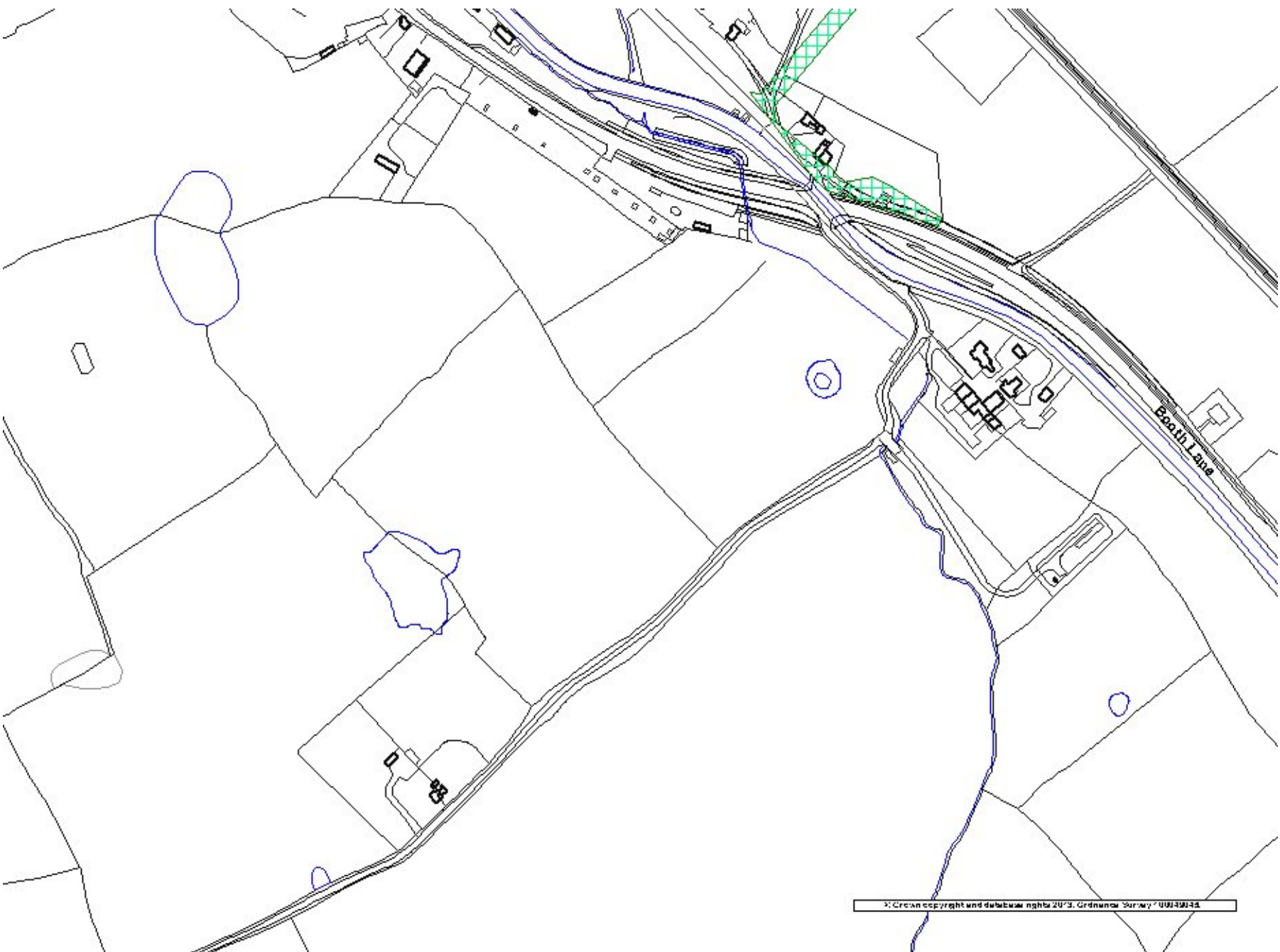
- Contaminated Land











Application No: 20/0860C

Location: PLOT 63 (PHASE 2), POCHIN WAY, MIDDLEWICH

Proposal: The proposed development is for a single industrial unit, Use class B1, B2, B8, totalling 123,000 sq. ft. which will incorporate Warehouse space, and offices on the first and second floors. The development would also incorporate:. Car parking provision. A complimentary scheme of soft landscaping;. Pedestrian access paths;. Cycle stores;. Bin store;. Self-contained service yard

Applicant: c.o Agent

Expiry Date: 15-Jun-2020

## SUMMARY

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses.

The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to a contribution to the to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

It is considered that the development would not prejudice the delivery of a railway station for Middlewich as set out in LPS 43 (Brooks Lane)

The proposals are considered to be in accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

**RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement to provide a contribution of £337,260.00 to the Middlewich Eastern Bypass and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane and conditions.**

## **SITE DESCRIPTION AND CONTEXT**

The application site comprises 2.96 hectares of land on the Midpoint 18 employment site in Middlewich. It is an allocated Strategic Site in the Cheshire East Local Plan Strategy (LPS 44 – Midpoint 18, Middlewich).

The site would be accessed from Pochin Way and is bound by a railway line to the west, part of Pochin Way to the east and to the south there is a resolution to approve 8 buildings for B2/B8 use. This is subject to the completion of a Section 106 Legal Agreement.

## **DETAILS OF PROPOSAL**

The proposed description of development is for a single industrial unit, Use Class B1, B2, B8, totalling 11,242sqm. It will incorporate warehouse space, and offices on the first and second floors. The development would also incorporate, Car parking provision, a scheme of soft landscaping, pedestrian access paths, cycle stores, bin store and a self-contained service yard.

It should be noted that as of 1st September 2020, Class B1 (Business) of the Use Classes Order is revoked and replaced with Class E(g) (Commercial Business and Service). This application was submitted prior to this being brought in and therefore the use classes in effect prior to 1st September 2020 are the ones that should be used until the end of July 2021.

## **RELEVANT HISTORY**

- 31584/1 – Employment uses (B1, B2 and B8), open space along Sanderson's Brook and continuation of the Middlewich Eastern Bypass – approved 29<sup>th</sup> April 2002
- 34743/3 – Development without compliance with condition 11 of application No. 31584/1 – Approved 2<sup>nd</sup> September 2002
- 37737/3 - Modifications of conditions of outline planning permission 8/31584/1 – approved 12<sup>th</sup> October 2004
- 07/0323/OUT – Midpoint 18 Phase 3 – employment, leisure and tourism and completion of MEBP – Approved 3<sup>rd</sup> June 2008
- 09/0738W - Erection of energy from waste facility with associated buildings, car parking and hard standing areas – Refused 29<sup>th</sup> April 2010 – Appeal dismissed 20<sup>th</sup> July 2012
- 11/0899C – Extension of time to 07/0323/OUT – Approved 12<sup>th</sup> July 2011
- 16/2006C – Variation on conditions on Application No. 11/0899C – Approved 22<sup>nd</sup> June 2016



18/1182C - Hybrid Planning Application for the construction and operation of 8 No. B2/B8 Units (total GIA 22.918 M2) comprising two phases :-

Phase 1 - An application for Full planning permission for site re-profiling, new site access off Pochin Way and construction of 2 B2/B8 Units totalling 9.266M2 (GIA) floorspace with associated infrastructure (including hard and soft landscaping); and

Phase 2 - An application for Outline planning permission (with All Matters Reserved) for site re-profiling and construction of 6 No. B2/B8 Units totalling 13.652M2 with associated infrastructure (including hard and soft landscaping).

**Resolution to approve subject to the completion of a Section 106 Agreement to secure a contribution to the Middlewich Eastern Bypass**

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

### **Development Plan:**

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy (CELP), the Revised Publication Draft Site Allocations and Development Policies Document (SADPD) and the saved policies from the Congleton Borough Local Plan First Review (2005).

## **POLICIES**

### **Development Plan**

#### **Cheshire East Local Plan Strategy (CELPS)**

PG1 – Overall Development Strategy  
PG7 – Spatial Distribution of Development  
PG2 – Settlement Hierarchy  
EG1 – Economic Prosperity  
EG3 – Existing and Allocated Employment Sites  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerows, Woodland  
SE9 – Energy Efficient Development  
SE12 – Pollution, Land Stability and Land Contamination  
SE13 – Flood Risk and Water Management  
IN2 – Developer Contributions  
Site LPS 44 – Midpoint 18, Middlewich

#### **Revised Publication Draft Site Allocations and Development Policies Document (SADPD)**

## INF 6 – Protection of Existing and Proposed Infrastructure

**It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27<sup>th</sup> July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.**

### **Congleton Borough Local Plan First Review (CBLPFR)**

PS4	Towns
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
NR3	Habitats

The local referendum for the **Middlewich Neighbourhood Plan** was held on 14<sup>th</sup> March 2019 and returned a 'no vote'. As such it carries no weight.

### **Other Material Considerations**

Cheshire East Design Guide

Cheshire and Warrington Local Enterprise Partnership (LEP) – Mid-Cheshire and Middlewich Rail Study.

### **CONSULTATIONS:**

#### **Highways:**

No objection subject to a contribution of £337,260.00 to the Middlewich Eastern Bypass.

#### **Natural England:**

No objection.

#### **Flood Risk Management:**

No objection subject to conditions relating to floor levels and drainage.

#### **Environmental Health:**

No objection subject to conditions/informatives relating to air quality, contaminated land and noise and disruption.

#### **Environment Agency:**

No objection.

#### **Middlewich Town Council:**

None received at the time of report writing.

#### **Network Rail:**

Originally objected to attenuation ponds adjacent to the railway boundary, subsequently further information has been submitted by the developer that clarifies that the ponds will be 30m away from the Network Rail boundary. They also have advice relating to several technical points. These are matters between the developer and Network Rail and not material planning considerations.

**United Utilities:**

No objection subject to drainage conditions.

**Health and Safety Executive**

No objection.

**Cheshire Archaeology Planning Advisory Service:**

No objection subject to a condition requiring a programme of archaeological work in accordance with a written scheme of investigation.

**REPRESENTATIONS:**

None received at the time of report writing.

**APPRAISAL:**

**Principle of Development**

The site is located within an existing employment area within the Middlewich Settlement Boundary and forms part of the Cheshire Local Plan Strategy Strategic Site 'LPS 44 Midpoint 18'. In respect of this the CELPS identifies that the development will be achieved with (amongst other things) phased delivery of up to 70 hectares of employment land, including the development of existing undeveloped sites: Midpoint 18 (Phases 1 to 3).

Policy EG1 of the CELPS also states that proposals for employment development (use classes B1, B2 and B8) will be supported in principle within key service centres (which includes Middlewich) as well as on employment land allocations in the Development Plan.

At a national level the NPPF also requires Local Planning Authorities to: *“create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”*

The proposal is therefore acceptable in principle subject to compliance with other relevant considerations.

**Design and Landscape**

Policy SE1 of the CELP advises that the proposal should make a positive contribution to their surroundings in terms of sense of place, design quality, sustainable architecture, livability/workability and safety.

The character of the Midpoint 18 employment site is one of industrial premises of designs in keeping with their use. The building is uniform and utilitarian in appearance and are designed for functionality rather than form. It would be finished in a mixture of composite and built up profiled cladding walls coloured Anthracite at the top, grey aluminium centrally and silver at the bottom and the roof would be profiled roof cladding in Goosewing Grey. The proposed building is similar in design and size to other units in the vicinity, and it is considered that it will not appear as an alien or incongruous feature within the street-scene.

Currently the land is open with industrial buildings to the east on Brooks Lane, the Cheshire Policy custody suite to the north and similar buildings approved but not yet constructed to the south and the west.

Detailed landscaping plans have not been submitted but there is adequate space for some screen planting at the front of the site adjacent to the access and some planting on the perimeter of the site. Planting adjacent to the railway should be of species recommended in Network Rail's recommended planting species. Detailed landscaping plans should be controlled by condition should the application be approved.

### **Amenity**

Policy GR6 of CBLP and Policy SE12 of CELP require development to ensure that there would be no unduly detrimental effects on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking. Policy SE12 also requires development to ensure that it is designed and located so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 103 of the NPPF and the Government's Air Quality Strategy.

The area is predominately industrial in character being positioned on the edge of Midpoint 18. There are no residential properties in the immediate vicinity of the site and as such, no significant adverse impacts are anticipated in respect of noise and disruption, visual intrusion and loss of daylight/sunlight or privacy subject to appropriate conditions.

A full detailed air quality assessment has been submitted in support of the application. Environmental Protection originally recommended refusal of the application due to lack of information in this regard. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- 2017 Verification;
- Opening year do-minimum (DM) (predicted traffic flows in 2020 should the proposals not proceed); and
- Opening year do-something (DS) (predicted traffic flows in 2020 should the proposals be completed, with the addition of traffic generated by the proposed development).

The assessment concludes that the impact of the future development on the chosen receptors will be negligible with regards to both NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. None of the receptors are predicted to experience greater than a 1% increase relative to the AQAL, although some of the receptors are located within the town's AQMA's and it is this department's opinion that any increase in concentrations within an AQMA is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

There is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related

emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be worse than predicted.

Middlewich has two Air Quality Management Areas and, as such, the cumulative impact of developments in and around the town is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. The report also recommends the installation of electric vehicle charging units and ultra-low NOX emission boilers which Environmental Protection Officers are in agreement with.

The Contaminated Land team has no objection to the application subject to conditions relating to assessments and investigations for contamination on the land.

Informatives are recommended in relation to construction hours, piling, floor floating and dust management.

### **Energy Efficiency**

Policy SE 9 (Energy Efficient Development) of the CELPS requires that non-residential development over 1,000sqm will be expected to secure at least 10% of its predicted energy requirements from decentralised and renewable or low carbon sources, unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable. This matter can be controlled by condition.

Policy SE 9 also refers to district heating networks for developments of 10,000sqm or more installing a site wide district heating network. In the case of this site there is no district heating network, nor is there one planned in the near future. The policy goes on to say that where a district heating network does not yet exist, applicants need to demonstrate that the heating and cooling equipment installed is capable of connection to a network at a later date. This matter can also be controlled by condition.

### **Highways**

#### Background

Phases 1 and 2 for commercial development have been approved with access taken from Pochin Way, this application is for Phase 3 which is directly adjacent to Phases 1 and 2

#### Access

The access to Phase 3 is taken from Pochin Way with separation from the existing approved access to Phases 1 and 2. The access is 9m wide with 12m radii and provides adequate visibility for the 30 mph speed limit. The access design is a suitable standard to serve a commercial development with HGV movements.

#### Car Parking

There are a total of 116 car parking spaces provided that includes 4 disabled spaces and 11 electric vehicle charging points. Cycle parking for 24 cycles is also provided. Parking for 35 HGVs is provided in a separate area to the north and west of the building.

The car parking provision is below current CEC standards for B2/B8. The standards for B1 use require 1 space per 30sqm, for B2 use the first 235sqm there should be 1 space per 30sqm and then 1 space per 50sqm and for B8 use for warehouse storage 1 space per 80sqm with 1 lorry space per 200sqm and for warehouse distribution 1 space per 60sqm and 1 lorry space per 200sqm. (For a B8 use the standard would equate to 140 spaces). It should be noted that these standards are recommended levels and can be varied according to site circumstances. The applicant has undertaken vehicle parking accumulation assessments that indicate that 116 spaces would be sufficient. It is considered that the level of car parking is sufficient for the proposal and given the location of the site, any possible on-street parking would not cause any highway problems.

#### Development Traffic Impact

As with Phases 1 and 2 the trip generation for Phase 3 has been derived from Trics database for both all vehicles and HGV vehicles in both am and pm peak hours 08.00 -09.00 and 16.00 – 17.00.

The network assessment for this application has been limited to the one roundabout junction at the A54/Pochin Way/B5309 Centurion Way, the capacity assessment being at 2025 with and without the MEB. In all scenarios the roundabout junction would not produce excessive queuing that would result in an objection on capacity grounds.

As indicated on the Phase 1 and 2 application, the major concern of the Highway Authority is the level of congestion that occurs in Middlewich at the Leadsmithy Street/Kinderton Street signal junction and causes extensive queues in some cases affecting the operation of the A54/Pochin Way/B5309 Centurion Way roundabout. This application along with the previous phases will increase traffic through Middlewich and it is therefore important that mitigation measures are provided either to improve the operation of the existing Leadsmithy/A54 signal junction or to remove traffic from the junction by means of the Middlewich Eastern Bypass.

#### Summary

This application is for a further phase of development in addition to the existing phases which were deemed acceptable subject to providing a contribution for mitigation measures either for the Middlewich Eastern Bypass or to improve the A54 corridor through Middlewich.

Therefore, the same level of contribution applied to previous phases should also be provided on this application and this is based upon the calculated level of £30 per sq. m. of gross floor area.

The application is considered acceptable in highway terms subject to the financial contribution as detailed above for either the MEB or the A54 being secured via a S106 Agreement.

#### **Nature Conservation**

##### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones. Natural England has been consulted and raised no objection to the proposals in respect of SSSIs. No further action in respect of statutory designated sites is therefore required.

#### Non-statutory Designated Sites

The proposed development is located adjacent to Cledford Lane Limebeds Local Wildlife Site (LWS). It is considered that the proposed development would be unlikely to result in any long term adverse impacts upon the features for which the LWS was selected.

#### Otter and Water Vole

Only a single survey visit undertaken for Water Vole has been undertaken rather than the two visits required by current best practice. Water Voles have not however been recorded on Sanderson's Brook for a number of years and so this species is unlikely to be present. It is therefore considered that a satisfactory amount of surveys has been undertaken.

Whilst Otters have been recorded on Sanderson's brook in the past there is no evidence of this species having been present for several years.

In addition the proposed development retains an undeveloped buffer of semi-natural habitat against the brook, which would reduce the potential impacts on these species if they were present. It is therefore considered that neither of these species is reasonably likely to be present or affected by the proposed development.

If planning consent is granted a condition would however be required to secure the submission and implementation of proposals to safeguard the brook corridor during the construction phase.

#### Nesting Birds

The application site is likely to support a number of breeding bird species, potentially including more widespread priority species which are a material consideration for planning. The site is however unlikely to be of significant importance overall for breeding birds.

If planning consent is granted a condition is required to safeguard nesting birds.

#### Lighting

Whilst the application site offers limited opportunities for roosting bats, bats are likely to commute and forage around the site to some extent, particularly along the railway corridor. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the Local Planning Authority.

#### Badgers

No Badger setts were recorded during the most recent surveys. Evidence of Badgers being active on site was however observed. It is considered that based on the current status of this species on site, the proposed development is not likely to have a significant adverse impact. However, as the status of Badgers on a site can change within a short timescale, it is recommended that if planning consent is granted a condition be attached which requires the submission of an updated Badger survey prior to the commencement of development.

#### Great Crested Newts

Whilst Great Crested Newts are known to occur in this locality the known breeding ponds within 250m of the site are isolated from the application site by roads and running water. It is therefore

considered that Great Crested Newts are not reasonably likely to be present or affected by the proposed development.

#### Reptiles

Whilst reptiles are known to occur in Middlewich the habitats on site are not particularly suitable for this species group. It is therefore considered that reptiles are not reasonably likely to occur on this site.

#### Habitat Creation Area

The proposed layout includes a habitat creation area in the northern corner of the application site. Details of this should be provided as part of the Ecological Enhancement Strategy discussed below.

A further condition requiring the submission and implementation of a 25 year habitat management plan would also be required to secure the long term viability of the newly created habitats

#### Biodiversity Net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. It is recommended that the applicant undertakes and submits an assessment of the residual ecological impacts of the proposed development using the Defra biodiversity offsetting 'metric' methodology.

An assessment of this type would both quantify the residual impacts of the development (after identified potential impacts have been avoided, mitigated and compensated for in accordance with the mitigation hierarchy) and calculate in 'units' whether the proposed development would deliver a net gain or loss for biodiversity.

This planning application also provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

A condition should be attached which requires the submission of an ecological enhancement strategy.

### **Flood Risk and Drainage**

The Council's Flood Risk Manager has assessed the application and is satisfied that, subject to conditions, the proposal is acceptable in flood risk terms.

United Utilities have no objection subject to drainage conditions.

### **Archaeology**

Further to previous recommendations from the Cheshire Archaeologist, more supporting documentation has been produced which has allowed them to re-assess the archaeological requirement of this proposed development.

This supporting documentation is the Metal Detector survey report produced by Salford Archaeology which outlined the findings of the recommended metal detector survey and identifies a moderate potential for the surviving of below ground remains relating to the Roman period within the proposed development area.



Subsequently, given this new supporting information and the information from the Desk Based Assessment, there is a reasonable potential that the ground works for this proposed development may impact these below ground remains.

Therefore, a programme of targeted archaeological trenches should be considered in order to identify and record any below ground features. These targeted trenches should be no more than 10m x 10m to cover specific areas and the locations of these trenches should be informed by the artefact concentrations shown within the results of the Metal Detector survey. A smaller targeted trench of no more than 5m x 5m may be situated within the pond area of the proposed environmental section to the North of the site to ensure there are no further archaeological remains that will be disturbed by the excavation of the pond feature. There should also be an experienced Metal Detector present to scan the spoil to ensure the collection of any additional causal loss items. This work can be secured by condition.

### **Other Matters**

Figure 15.49 of the CELPS identifies a broad area in which a future railway station will be sited in Middlewich. Policies for the strategic allocations to either side of the rail line in this area, LPS 43 'Brooks Lane' (point 7) and LPS 44 'Midpoint 18' (point 3), seek the provision of land for a new station.

LPS 43 (Brooks Lane) refers to development achieved through a masterplan led approach that will determine the precise nature and quantum of development that is appropriate for this strategic location. Cheshire East Cabinet on the 8 September 2020 approved the Brooks Lane (Middlewich) Development Framework (Masterplan) as a Supplementary Planning Document ("SPD"). The SPD is now a material consideration in decision making. This in its illustrative masterplan indicates that a potential new railway station, at Middlewich, and associated infrastructure could be delivered to the north of the site and the police custody suite

Policy INF 6 of the SADPD requires that development will only be permitted where it is unlikely to adversely impact on existing infrastructure or the delivery of proposals for new and improved infrastructure in the borough. This includes a railway station in Middlewich. Although this document is yet to be adopted and carries limited weight, it is a material consideration to consider the impact of this proposal on the delivery of infrastructure indicated in the SPD.

The LEP prepared a Strategic Outline Business Case (SOBC) following a request by the Department for Transport with a view to identifying government funding to progress the project. The LEP commissioned consultants WSP to carry out a feasibility study into the re-opening of the line for passenger services and the provision of a station. The report was published in 2019. A follow up study has not been published as yet.

It is considered that as the future railway station has now been included within the LPS 43 (Brooks Lane) allocation and the fact that there would be space for infrastructure to the north of the site, that the proposal would not prejudice the delivery of this in the future.

The applicant has provided an overlay plan showing the proposed development in relation to the siting of the future railway station. This shows that the development would be highly unlikely to

prejudice the delivery of the station at some point in the future. This plan is included in the key plans pack.

### **S106 contributions:**

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the contribution to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The trigger for payment should be first occupation of the building.

### **CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new jobs within an established industrial park where the local plan allocates such uses.

The proposal is compatible with the surrounding development and the design, scale and form of the building would sit comfortably with those within the locality.

The impact on neighbouring residential amenity would not be significant.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network subject to a contribution to the to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane.

The ecological impacts of the development can be satisfactorily mitigated.

Issues of air quality and contaminated land can be controlled by conditions.

It is considered that the development would not prejudice the delivery of a railway station for Middlewich as set out in LPS 43 (Brooks Lane)

The proposals are considered to be in accordance with both the Development Plan and the guidance of the National Planning Policy Framework. Paragraph 11 of the above Framework stipulates that proposals that accord with the Development Plan should be approved without delay. As such, the application is recommended for approval subject to conditions.

The proposal is therefore found to be economically, socially and environmentally sustainable.

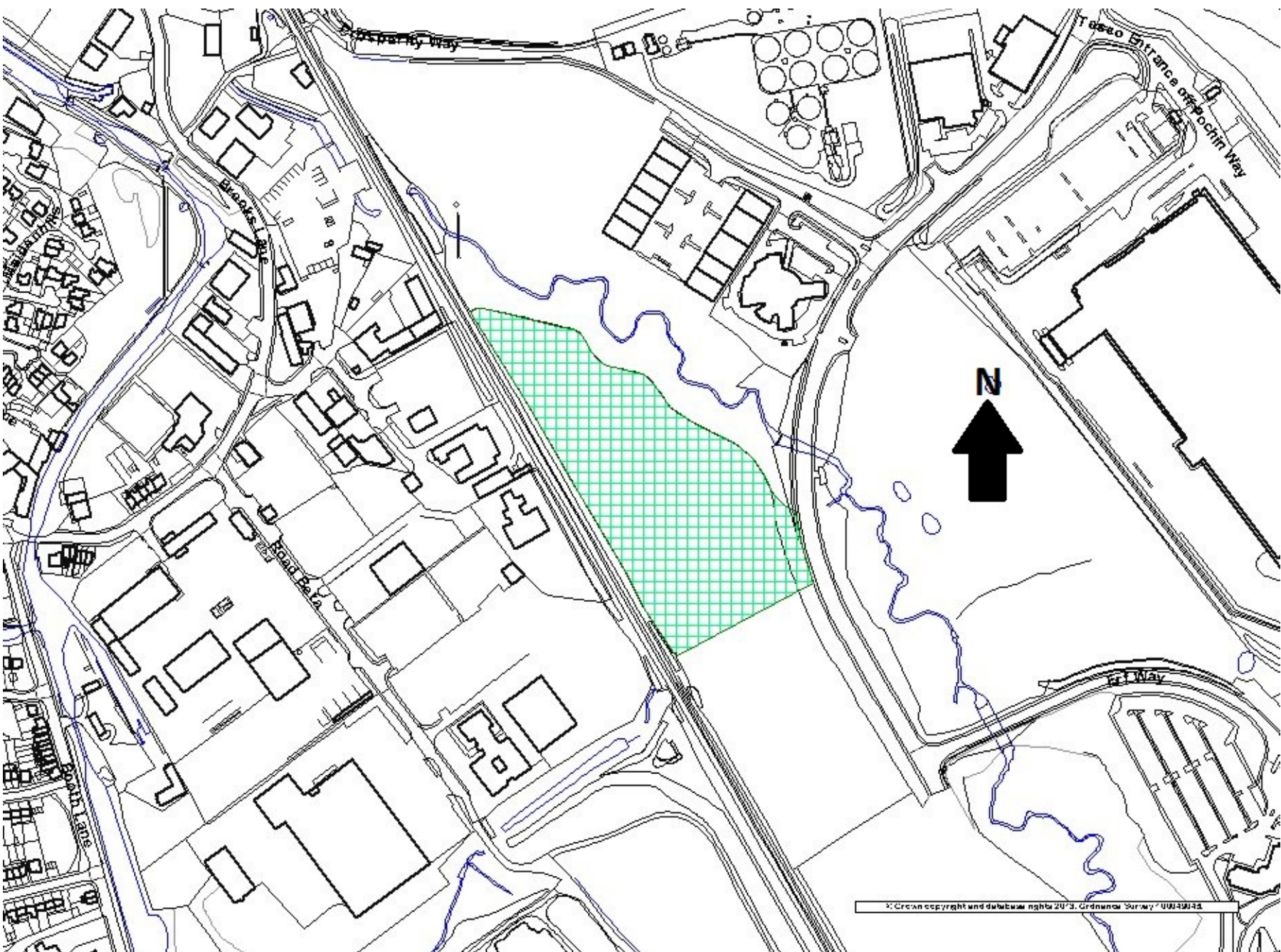
### **RECOMMENDATION:**

**Approve subject to the completion of a Section 106 Agreement to secure a contribution of £337,260.00 to the Middlewich Eastern Bypass in priority and/or transport schemes to Town Bridge, the A54 corridor and Croxton Lane and the following conditions:**

- 1. Time limit (3 years)**
- 2. Development in accordance with the approved plans**
- 3. Implementation and retention of the recommended mitigation set out in the Noise Impact Assessment**
- 4. Submission and implementation of an Electric Vehicle Infrastructure plan**
- 5. Submission and approval of details ultra low emission boilers**
- 6. Submission of Phase I Preliminary Risk Assessment and if required, a Phase II ground investigation and risk assessment, if Phase II indicates remediation is necessary, submission of a remediation strategy**
- 7. Submission and approval of a verification report in accordance with the remediation strategy**
- 8. Testing of soil and soil forming materials to be brought on to the site**
- 9. Ceasing of works if during the course of development, contamination not previously identified is found**
- 10. Development to be carried out in accordance with the submitted Flood Risk Assessment**
- 11. Submission of detailed drainage strategy**
- 12. Submission and approval of details of ground levels and finished floor levels**
- 13. Submission and implementation of a detailed landscape plan**
- 14. Submission and implementation of proposals to safeguard the Sandersons brook corridor during the construction phase**
- 15. Protection of nesting birds**
- 16. Submission and approval of external lighting details**
- 17. Submission of an updated Badger Survey prior to commencement of development**
- 18. Submission and approval of a 25 year habitat management plan**
- 19. Submission and approval of an ecological enhancement strategy**
- 20. Submission and implementation of a programme of archaeological works**
- 21. Provision of a minimum of 10% of the predicted energy requirements of the development from decentralised and renewable or low carbon sources**
- 22. Submission of details that demonstrate that heating and cooling equipment is capable of connection to a district heating network in the future**
- 23. Restriction of uses under the new Class E of the Use Classes Order to E(g)(i) (Offices), E(g)(ii) (Research and Development) and E(g)(iii) (industrial processes)**

**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, in consultation with the Chair (or in their 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 in consultation with the Chair (or in their absence the Vice Chair) 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.**



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*Working for a brighter future together*

## **Strategic Planning Board**

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**Date of Meeting:** 14 October 2020

**Report Title:** White Paper: Planning for the Future

**Senior Officer:** Frank Jordan, Executive Director of Place

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### **1. Report Summary**

- 1.1. This report is a briefing on the governments proposed changes to the planning system published in the white paper: Planning for the Future. The report outlines the main changes proposed in the white paper and includes a draft consultation response for consideration at Appendix 1.

### **2. Recommendations**

- 2.1. That the Strategic Planning Board:
- 2.2. Note the draft consultation response that will be finalised in consultation with the Head of Planning and the Portfolio Holder for Planning, prior to submission by the 29<sup>th</sup> October 2020.

### **3. Reasons for Recommendations**

- 3.1. There is no statutory requirement for the Council to respond to this consultation; there is also no formal decision to be taken by this committee. However, responding to the consultation may help shape future changes to the planning system.

### **4. Other Options Considered**

- 4.1. The Council is under no obligation to respond to the consultation. Responding to the consultation is important to ensure the Council takes the opportunity to potentially shape the outcome of the process.

### **5. Background**

- 5.1. The proposed changes put forward in the governments Planning for the Future White Paper represent a very significant re-modelling of the planning

system which will fundamentally change the way that local plans and individual planning decisions are made.

- 5.2. The core aims of the reforms are to speed up the planning system, secure delivery of 300,000 homes per year and drive a more joined-up national approach through a focus on digital information.
- 5.3. There are many important and significant proposals being put forward and a more detailed response on individual matters within the White Paper is presented at Appendix 1. At its core, the White Paper seeks to make the planning system more responsive and efficient primarily by:
  - 5.3.1. Re-focusing public engagement away from the planning application stage to the development of the local plan.
  - 5.3.2. Changing the way local plans are written, focusing on clear development standards rather than local plan policies (that rely more heavily on the exercise of planning judgement).
  - 5.3.3. Defining three development zones within local plans: growth zones (areas for significant new development); renewal zones (existing developed areas) protection zones (areas of heritage, countryside, green belt, national parks etc).
  - 5.3.4. Speeding up the development process by ensuring that land allocated as a growth zone will benefit from outline planning permission on the adoption of the local plan, with any reserved matters to be dealt with primarily by professionals (not planning committees);
  - 5.3.5. Speeding up the production of local plans through reducing and removing the evidential burden placed on plan making and significantly reducing the scope to write local development management policies. Housing targets will be established nationally, taking into account local constraints; the duty to co-operate will be removed; the approach to sustainability appraisal and environmental impact assessments will be revised and reduced; and most development management policies will be established at a national level. The reduced plan-making burden is expected to speed-up the process and there will be a statutory requirement to produce plans within 30months.
  - 5.3.6. Creating a focus on quicker consent routes for good design, supported by local design codes (either within the local plan or through the neighbourhood planning process).
  - 5.3.7. Replacement of S106 and CIL with an 'Infrastructure Levy' that authorities can spend widely and lend against.

- 5.4. The proposals represent fundamental changes to the system but rest on existing concepts that are already well understood such as the concept of local plans; outline planning permission; and public engagement.
- 5.5. Inevitably, at this first stage of consultation, much of the detail of how the proposals will work in practice is yet to be presented therefore the response given here is subject to such detail, and in many instances it is difficult to support the proposed measures without further information that may help clarify the impact
- 5.6. The white paper sets out some positive ambitions but, overall, what is proposed takes away some significant and important features of the current system, and without assurance that what is lost will be sufficiently mitigated for, it is difficult to lend the proposals full and open support at this stage.
- 5.7. Most importantly, for LPAs to deliver the proposals Councils must be fully resourced to do so and through the infrastructure levy, must be able to capture at least the same uplift in land value as is possible now (arguably a new system should capture more). If Local Planning Authorities are not resourced to deliver it, and cannot secure the right resources from it, the proposed planning system will not achieve its ambitions.
- 5.8. Therefore, because of the lack of detail, worked examples or specific mechanisms that will be used to calculate housing requirements or infrastructure levy receipts (amongst other matters); and without any clear detail on how the reduced democratic oversight will be enhanced through the local plan process, or how cross boundary matters will be resolved; it is very difficult to reach a strong view on much of what is proposed. Whilst much of what is proposed could be positive if additional measures are put in place to secure positive outcomes, more information is needed on what those measures may be.
- 5.9. There are serious concerns over how transparent and democratically accountable the proposed system could be and whilst reducing the evidential burden on plan-making may be a reasonable approach to ensure the resource dedicated to this part of plan making is proportional, there is no reassurance as to how fundamental issues will be accounted for in plan preparation. Very significantly the removal of the duty to co-operate (without an alternative mechanism being proposed) leaves a gap in regard to how authorities will be required to demonstrate cross boundary co-operation on a range of issues from infrastructure planning, growth strategies and environmental issues (particularly in regard to flooding).
- 5.10. The response attached at Appendix 1 recognises the lack of detail provided in the White Paper itself and accordingly, it is a cautious response that seeks further information, upon which a clearer view can be reached.



## **6. Implications of the Recommendations**

### **6.1. Legal Implications**

6.1.1. None at this time.

### **6.2. Finance Implications**

6.2.1. Unknown at this stage but the implications of any new and significant legislative changes may bring financial pressures for additional resources.

### **6.3. Policy Implications**

6.3.1. None in the short term. Potentially significant in the longer term.

### **6.4. Equality Implications**

6.4.1. None relevant.

### **6.5. Human Resources Implications**

6.5.1. Unknown at this stage but the implications of any new and significant legislative changes may require additional resources for implementation

### **6.6. Risk Management Implications**

6.6.1. None.

### **6.7. Rural Communities Implications**

6.7.1. None.

### **6.8. Implications for Children & Young People/Cared for Children**

6.8.1. None.

### **6.9. Public Health Implications**

6.9.1. None.

### **6.10. Climate Change Implications**

6.10.1. None

## **7. Ward Members Affected**

7.1. All Wards. The implications of the proposals are relevant to the whole of Cheshire East.

## **8. Consultation & Engagement**



8.1. There is no requirement to formally consult on a response to a government consultation.

## **9. Access to Information**

9.1. Key Documents:

9.1.1. Appendix 1: Draft CEC Response to the Planning for the Future White Paper

## **10. Contact Information**

10.1. Any questions relating to this report should be directed to the following officer:

Name: Tom Evans

Job Title: Neighbourhood Planning Manager

Email: [Tom.Evans@Cheshireeast.gov.uk](mailto:Tom.Evans@Cheshireeast.gov.uk)



## APPENDIX 1

**PLANNING FOR THE FUTURE: WHITE PAPER**  
**DRAFT CHESHIRE EAST COUNCIL RESPONSE**

**Summary of Proposals:**

The proposed changes put forward in the governments Planning for the Future White Paper represent a very significant re-modelling of the planning system which will fundamentally change the way that local plans and individual planning decisions are made.

The core aims of the reforms are to speed up the planning system, secure delivery of 300,000 homes per year and drive a more joined-up national approach through a focus on digital information.

There are many important and significant proposals being put forward and a more detailed response on individual matters within the White Paper is presented at Appendix 1 but at its core, the White Paper seeks to make the planning system more responsive and efficient primarily by:

1. Re-focusing public engagement away from the planning application stage to the development of the local plan.
2. Changing the way local plans are written, focusing on clear development standards rather than local plan policies (that rely more heavily on the exercise of planning judgement).
3. Defining three development zones within local plans: growth zones (areas for significant new development); renewal zones (existing developed areas) protection zones (areas of heritage, countryside, green belt, national parks etc).
4. Speeding up the development process by ensuring that land allocated as a growth zone will benefit from outline planning permission on the adoption of the local plan, with any reserved matters to be dealt with primarily by professionals.
5. Speeding up the production of local plans through reducing and removing the evidential burden placed on plan making and significantly reducing the scope to write local development management policies. Housing targets will be established nationally, taking into account local constraints; the duty to co-operate will be removed; the approach to sustainability appraisal and environmental impact assessments will be revised and reduced; and most development management policies will be established at a national level. The reduced plan-making burden is expected to speed-up the process and there will be a statutory requirement to produce plans within 30 months.
6. Creating a focus on quicker consent routes for good design, supported by local design codes (either within the local plan or through the neighbourhood planning process).
7. Replacement of S106 and CIL with an 'Infrastructure Levy' that authorities can spend widely and lend against.

The proposals represent some fundamental changes to the system but rest on existing concepts that are already well understood – the concept of local plans; outline planning permission; and public engagement.

Inevitably, at this first stage of consultation, much of the detail of how the proposals will work in practice is yet to be presented therefore the response given here is subject to such detail.

### **General Comments**

The planning system as an indispensable tool to co-ordinate and shape the built environment toward positive spatial goals that support communities to thrive, secure infrastructure and increasingly will be used to improve the natural environment and mitigate, and reduce, the impacts of climate change.

A clearer understanding of how the current proposals will be resourced is important. Measures that will make the planning system more simple, efficient and quicker are welcome and to deliver these benefits local authorities must be appropriately resourced. Reducing the evidential burden in local plan preparation will help authorities achieve the 30 month time-frame for plan production but all authorities are different and for large unitaries such as Cheshire East, the volume of information required at plan making stage will inevitably be larger than for smaller councils, with an implication in regards the staff resource required. Under the current system application fees support the staff resource required to process applications and in the current proposals there is no reference to how this arrangement may be altered in the future. Some mechanism must be introduced to ensure fees from planning applications are set appropriately and support both plan-making and determination of other planning applications.

Many of the tests included in the current local plan process are onerous and often do not secure the outcome that they were originally designed to achieve. Therefore it is welcome that the role of the duty to co-operate, sustainability appraisal and environmental impact assessments are under review. To ensure local plans do fully address the impact of development on the environment and do not conflict with the ambitions of neighbouring authorities and beyond, removing these tests entirely may be counterproductive to achieving sustainable development on a larger than local basis. Aside from reference to 'joint plans' the current proposals make little reference to how authorities in a geographic or city regions may be required to demonstrate how their plan will support delivery of a wider strategic goal.

Other parts of the current local plan process that are being removed may also yield benefits but further detail on the approach is needed to inform a position. Many development management issues are similar across the country and there is much scope to rely on a nationalised version of development management policies/standards. However, each locality is different and there is legitimately a case for local authorities to retain the ability to introduce specific development management measures in response to local circumstances.

Local plan housing debates are always framed by the question of ‘how much and where?’ If the ‘where’ is reserved for the local planning authority and the ‘how much’ is taken out of local debate and established nationally, much time can be saved in the plan-making process. However, the relevant factors that inform the national approach are not set out clearly at this stage other than to reference that local constraints will be considered alongside housing affordability when establishing an areas requirement.

It would be helpful to understand the range of indicators that will be used to inform national distribution of housing and whilst housing affordability is an important indicator of demand in an area, demand can shift (and be created through strategic policy) and an approach that relies too heavily on indicators of affordability may hold back authorities (and regions) that wish to instigate strategic growth plans based on new infrastructure and employment investment beyond their own borders.

The white paper includes a lot of positive ambitions but, overall, what it is proposing to take away from the current system is significant; and without assurance that what is lost will be sufficiently mitigated for, it’s difficult to lend it open support. Most importantly, for LPAs to deliver the proposals they must be fully resourced and through the infrastructure levy, must be able to capture at least the same uplift in land value as is possible now (arguably a new system should capture more). If LPAs are not resourced to deliver it, and cannot secure the right resources from it, the proposed system will not achieve its ambitions.

Finally, planning is an art based on science and a fundamental concept within the current system is the exercise of planning judgement - the interpretation of planning policy by professional decision makers in response to the often unique circumstances of each development site. The current proposals to speed-up the system are a move toward science and data but must reserve room for planning judgement. In particular, in a shift toward a process that relies more heavily on demonstrating compliance with definitive and clear rules, local authorities must have the ability to ensure that development does deliver positive outcomes, including better design and environmental improvements. Hence, local authorities must be fully resourced to deliver improvements to the system and also to enforce against development that does not comply with a clear set of rules set out at the consent stage.

Because of the lack of detail, worked examples or specific mechanisms that will be used to calculate things like housing requirement and infrastructure levy receipts; and without any real detail on how the reduced democratic oversight will be enhanced through the LP process, it’s very difficult to reach a strong view on a lot of it. There are serious concerns over how transparent and democratically accountable the proposed system could be and whilst reducing the evidential burden may be entirely reasonable in terms of its proportionality, there’s no reassurance as to how fundamental issues around the environment in particular will be accounted for in plan preparation. Very significantly the removal of the duty to co-operate (without an alternative mechanism being proposed) leaves us wondering how authorities will be required to demonstrate cross boundary co-operation on a range of issues from

infrastructure planning, growth strategies and environmental issues (particularly in regard to flooding).

**Q1: What three words do you associate most with the planning system in England?**

**Answer:** Essential, regulatory, positive

**Additional statement:** n/a

**Q2 (a): Do you get involved with planning decisions in your local area? [Yes / No]**

**Answer:** Yes

**Additional statement:** n/a

**Q2(b): If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]**

**Answer:** n/a

**Additional statement:** n/a

**Q3: Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]**

**Answer:** Social media; online news; other - direct email/text message etc

**Additional statement:** n/a

Many councils already employ digital services to consult on and promote their planning functions. We agree that a greater focus on digital services will make planning matters more accessible to the general public but there remains a need to engage in non-digital ways to ensure all sectors of our communities are able to participate. A proportion of the population still do not use or have access to the internet, for example, in 2019, 7.5% of adults had never used the internet and, and some groups with protected characteristics are less likely to access digital services than others (notably women, older age groups and disabled people). There is therefore a need to ensure that groups are not excluded from participation on the basis of not using computers / 'smartphones' or accessing the internet.

(<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2019>)

A move which focuses more on digital information will have benefits and local authorities must be appropriately resourced to deliver new process and systems should there be new requirements that mean consistency/linkages with other national digital systems that are not currently in place. The creation of new software to manage planning matters will require a significant financial investment and whilst LPAs are currently using digital services extensively, for the wide variety of local

systems to talk to one another efficiently it will require investment which local authorities by and large do not have the current resources to deliver.

**Q4: What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]**

**Answer:** The environment, biodiversity and action on climate change; Supporting the local economy; / More or better local infrastructure. All of the above are important and valuable, ranking these issues does not reflect the value of each.

**Additional statement:** n/a

**Q5: Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

Simplification of the Local Plan process is an admirable ambition and the shift towards looking at outcomes rather than process is to be welcomed. Some of the objectives being sought could be achieved through national intervention, such as mandated standards through building regulations and environmental protection legislation, which would alleviate the pressure on the planning system to control matters (usually through conditions) better dealt with under alternative arrangements.

The proposed zoning approach is similar to existing plan making however given the complexity of different land use types some mechanism should be retained to sub-divide the defined zones, for example exempting areas from permitted development rights that may otherwise fall into a zone which is permissive. Some degree of granularity is needed to successfully manage development in this proposed approach.

The exercise of planning judgement has been a fundamental feature of the planning system for decades and reflects the need to treat individual sites on their own merits. No two sites are the same and the impact of development is always different – hence the need to exercise a judgement on important issues arising from planning decision. Clearer rules are always helpful but flexibility to respond to the unique circumstances of each site will remain important in any future system.

Of the alternatives proposed, alternative one is not supported and offers little means to control development that otherwise be harmful. Alternative option two, is our preferred approach a substantial role for the development management function that is more likely to reduce potential harmful affects of development that might otherwise occur under an extended permitted development regime.

**Q6: Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

Creating a national suite of development management policies that align to the proposed zones would improve national consistency and reduce the scope of plan-making, therefore improving the efficiency of that process. However, it remains important for LPAs to be able to establish localised policies that respond to the specific circumstances of the local area, in specific circumstances (such as for conservation areas).

The proposed alternative option would require a far more extensive local process and has the potential to create a complicated monitoring system to consider which sites should be brought forward and when (outside of the defined local plan process). Retaining the tests of deliverability are preferred, the current process in this regard may be improved increasing the emphasis on site promoters to provide consistent and accurate information on the deliverability of their sites. Local authorities cannot control the deliverability of third party sites and under the alternative option, it is difficult to understand how site promoters would be incentivised to deliver – would they lose permission (and be forced to wait for the next local plan process) if a site is not built out by a specified time? Without the detail of the mechanisms through which reserve sites would be required to come forward it is difficult to support this alternative proposal.

**Q7(a): Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

To make this work, each site submission must include clear information, presented in a consistent format that enables the local authority to assess the ability of a site to meet the new sustainability tests. Such a test should include a measure of reliance on/ability to provide relevant infrastructure and an assessment of the deliverability and viability of the site. Standardised tests would be welcome on this matter but should recognise that each site is different and allow for adjustments to be made outside of any standardised approach. Any replacement tests must include sufficient analysis of cross boundary matters related to the environment, and in particular, to flooding which is a complex matter that requires co-operation beyond administrative boundaries.



**Q7(b): How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

**Additional statement:**

Some form of national and or regional strategic plan would enable LPAs to align to the larger than local issues that inevitably arise through the local plan process. This could provide a framework for LPAs, setting out national and regional development priorities, infrastructure development and cross boundary matters such as commuter flows and environmental issues such as flooding.

**Q8 (a): Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure.**

**Answer:** Not sure

**Additional statement:**

The national setting of housing requirement is a blunt instrument but would remove a large part of the discourse at local plan examinations and therefore be an important component of ensuring plans could be prepared within 30months. In establishing housing requirements it will remain important to consider the role of commuting patterns, employment, and retail planning and the effects of this on increasing or depressing housing need in the local area.

Housing need is disaggregated in subcategories and therefore it is important to be clear whether this will also be undertaken nationally or reserved for local planning authorities to deliberate on. For example, how would the approach to gypsies and travellers, travelling show people, older people and affordable housing / starter homes be addressed?

To avoid lobbying, bias and the politicisation of this issue, any national system of distributing housing need must be fully transparent and it is also important to understand what mechanism will exist to deliver residual housing need that cannot be accommodated by local authorities in constrained locations. Will the need here simply be re-apportioned to the nearest unconstrained local authority? OR perhaps inform the approach to new settlements through the NSIPs regime?

The proposed alternative option is very similar to the existing process and, in the context of introducing a statutory time scale of 30 months within which to prepare a local plan, would force the substantial local debate into a shortened timeframe. Retaining this approach, and introducing a 30 month time limit to prepare plans would likely mean that many authorities would fail the new statutory test being considered.

**Q8(b): Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** No

**Additional statement:**

There are multiple other factors to consider when establishing housing need and proceeding on this basis will continue to focus investment in already successful places. The suggested approach does not account for longer term strategic change that may be brought about by ambitious local plans and will inevitably result in an intensification of development around existing areas that are considered successful rather than the 'levelling up' of towns and regions that have faced years of under funding from central government and need support from both ambitious policies and plans but also from infrastructure funding to deliver their full potential.

**Q9(a): Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

Democratic oversight and community input into planning decisions is a key feature of the planning system since its inception and must be retained. The proposal offers efficiencies, but this must not be at the expense of local community ability to input, shape and determine the development of an area. Without sight of the mechanisms that will be introduced to ensure democratic oversight is retained, it is difficult to support this proposal in principle.

If sufficiently meaningful community input is retained, then the approach does offer efficiencies but LPAs must be given sufficient time/resources to investigate sites to an extent equivalent to an outline permission. Clear guidance would also be required as to whether local authorities could charge land promoters through the local plan process (perhaps through planning performance agreements) to ensure appropriate resourcing of the system and that appropriate engagement is achieved. Authorities would also need very clear guidance on the level of information required to support the establishment of growth areas, and the sites they were comprised of, so that the process does not become 'over engineered' in order to minimise risk of future legal challenge.

**Q9(b): Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

The approach set out is similar to that already in place, in that within an existing developed area, the presumption is generally in favour of development. Reference to small sites in rural areas, within or on the edge of settlements is concerning. If a presumption in favour of development existed for undefined sites at the edge of villages this would potentially undermine the clarity brought by zoning.

**Q9(c): Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

This approach would support the delivery of housing to meet the national need and would help to accommodate the residual need that cannot be hosted by local planning authorities with significant environmental or other constraints in their land supply. A key concern is the mechanism and process to bring about new settlements and the level of involvement that host local authorities and local communities can expect to be involved. Transparency of approach is essential to create a fair delivery mechanism and assist local planning authorities to manage development and the effects of such decisions on their own plan-making.

**Q10: Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

The increased reliance on digitally standardised processes is welcome and will help improve consistency of approach across the planning system.

Negotiations take time and LPAs should not be punished for delays that they cannot control across the multiple parties involved in the process. The punitive measures proposed to be placed on local authorities are unfair and assume that delays are the fault of local planning authorities alone. This is not the case. LPAs may have a very good reason for not determining an application in time, for example because of a prolonged need to engage with a developer on specific issues or a developer being unable to secure agreement with their client. There is also a requirement for applicants to submit correct information upfront, if this does not happen or pre-application advice is not sought which results in changes to applications once submitted, it is not the fault of the local authority that a delay has been introduced. It is therefore important to be clear on what type of application such measures would apply to, and to retain appropriate mechanisms that allow delays to the process to be agreed by all parties.

Under current arrangements, there is a clear conflict between 'working with an applicant to help gain approval' (which takes time) and targets in regard to timely decision making. A mandatory pre-application process may help identify and resolve many issues that only come to light once an application is submitted but simply introducing a deemed consent approach where applications are not determined within a defined time frame is likely to result in poor decision making. The proposed rebate of planning application fees will incentivise applicants to appeal, if this is introduced local authorities should be similarly re-imbursed where a refusal is upheld (perhaps through the automatic application of costs). This seems a measure to

punish local authorities where they refuse applications, which may well be based on perfectly legitimate grounds.

**Q11: Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

To ensure standardisation between different authorities there will need to be clear guidance on standards for the web-based infrastructure used. Standardisation and compatibility across local authorities would offer significant efficiencies and detailed pilot schemes will need to be employed to test approaches prior to roll-out. The resource required to implement a vast and nation wide digital plan making system must not be underestimated and if local authorities are to have a role in implementing such a system, it has to be recognised that additional resources will be needed beyond what is available now.

**Q12: Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** No

**Additional statement:**

There is insufficient detail provided to offer support for this proposal. The broad approach appears to be to narrow the scope of plan making, reduce the evidential burden and reduce the local / democratic oversight. What is proposed is a shrinking of the current system, understandably to try and focus on its core purpose. However, it is important to be aware of what could be lost in this trade-off and without any assurance that the measures being taken away will be meaningfully and proportionally replaced, it is impossible to support his proposal.

In addition, each local authority area is different in size and the scope of plan making required, which means each area will need to tackle a different range of planning matters, and take variable time in doing so. If a 30month timescale is introduced the obligations on plan making must be reduced and LPAs must be sufficiently resourced to meet this requirement. The resource required must not be underestimated – in a large unitary authority a call for sites and assessment of such sites on the basis of granting outline planning permission through growth zones, is a huge undertaking requiring a review of hundreds of development options. If a plan making process is to be carried out that delivers genuine sustainable development, the assessment methodology of sites must be rigorous and be completed over an appropriate timeframe that ensures full due diligence is undertaken. The time and test necessary to ensure cross boundary co-operation must also be recognised – important matters such as flooding must be fully considered in the plan making process and inform site selection and the overall plan strategy; there remains a need

for larger than local discussion on important matters that should not be lost and should be curtailed by a unnecessarily restrictive timeframe.

Local plans are the backbone of an areas development and economy and the processes, checks and balances, and public scrutiny are purposefully built into the system to secure positive outcomes.

Some of the processes required by local planning legislation have evolved to be onerous and the outcomes they generate are perhaps no longer proportionate to the resources needed to prepare them, however they exist for good reason and without detailed assurance that the meaningful alternatives will be implemented in any new system, it is not possible to support the proposals as they stand.

Alternative option one would likely create significant challenges for inspectors in managing requests to be heard, and in applying discretion, may result in perception of unfairness and even legal challenge. Picking and choosing who gets to speak will inevitably lead to disagreement and could potentially undermine the process.

Alternative option two would require a different type of resource for local authorities and would potentially result in each local authority holding their own form of informal examination process to conclude a local plan, but with no recourse to an independent and external adjudicator. Inevitably, local plans that do not satisfy stakeholders, will be subject to a variety of challenge aimed at the local authority itself and perhaps through the courts. The independent testing of local plans is a cornerstone of the planning system and brings with it national consistency and a means to definitively resolve problematic issues. Any future system should retain this means to properly arbitrate interests.

**Q13(a): Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

Neighbourhood plans have the potential to ensure local communities are able to meaningfully input into the planning system and can be an important vehicle to help communities shape development in their areas. The vast majority of neighbourhood plans successfully pass their referendum and consideration should be given to this process including a review of the circumstances under which a referendum is necessary. For example there is a case to be made that plans which are largely uncontentious and do not allocate development sites should not be subject to a referendum. Instead an enhanced test related to their preparation, in regard to ensuring that a representative cross-section of the area has been involved in preparing the plan, could be employed.

**Q13 (b): How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

**Answer:** n/a

**Additional statement:**

Currently neighbourhood plans have a wide scope and are produced in a style and format determined by each qualifying body. There is a case to be made for some standardisation of plans that would reduce the burden on qualifying bodies and simplify this tier of plan making, ensuring consistency across the country. Standardisation of scope and style would offer opportunities to improve the digital services that can be used to prepare plans and engage communities on their preparation.

Neighbourhood plans are already a very useful tool to establish design preferences at a very local level and this can be built on to ensure that design codes become a fundamental component of this tier of plan-making. However, introducing plans at the geography of a single street would increase the complexity of local plans and if this is to be introduced, the scope within which such micro plans could be prepared must be very clearly defined in regulations. This approach may be appropriate in areas already defined in local plans (conservation areas for example) but defining new, small boundaries is likely to be resource intensive, problematic and difficult to secure buy-in from all residents in a small area.

**Q14: Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:**

**Additional statement:**

Yes, planning is an important enabling process but the market determines build out of developments. If the Consolidated Infrastructure Levy is brought in to apply on the completion of development then measures to support build out will be important.

**Q15: What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn't been any / Other – please specify]**

**Answer:** Other

**Additional statement:**

Cheshire East is a very large area with a wide variety of design typologies and quality. We host examples of exceptional design and that which is unremarkable, could be better, but is found acceptable in planning terms. To secure better design local authorities need sufficient resources, stronger national policy and a recognition that the parameters of viability testing are often the reason that better outcomes are not secured.

**Q16: Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open**



**spaces / Energy efficiency of new buildings / More trees / Other – please specify]**

**Answer:** More green and open spaces  
Energy efficiency of new buildings

**Additional statement:**

In terms of energy efficiency, the planning system is a limited tool and much more emphasis must be given to the building regulations regime that can ensure compliance with higher standards than can be secured through the planning system.

**Q17: Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

Design codes can be a useful tool to efficiently secure appropriate design. The best codes employ a degree of flexibility to ensure site specific response can be implemented. As proposed, a lot of design codes may need to be included upfront with the Local Plan and its allocations, especially in growth zones. This approach would have a significant resource implication, and local authorities must be sufficiently resourced to deliver this ambition.

**Q18: Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

If design codes are introduced as described, clear guidance and support across the industry will be needed to secure a positive impact and therefore a body that champions design and actively supports authorities and builders to deliver good design, would be positive.

The creation of statutory role in local authorities would elevate design as a consideration but it is important to understand how such a role is defined and how it would sit alongside existing equivalent chief planning officer roles – would this be a role that would become part of a chief planning officers role for example? Without clarity on what this role might entail and what responsibilities it would discharge, it is not possible to support the proposal. Any obligation for a local authority to employ a statutory role such as this must be reflected in the resources made available from government to create the role.

**Q19: Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

As the government's primary agent for the delivery of new homes, it would be appropriate for the agency to align to government ambitions to improve design quality and set a high quality standard.

**Q20: Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

An over-reliance on permitted development ignores the complexities of individual sites and can result in poor quality development. Without the detail of how such an approach would be implemented it is not possible to support the proposal. IT is necessary to provide assurance that the assessment requirements that local authorities will be required to undertake are appropriately resourced (will this route require any review by the LPA, and if so what it is the scope for that assessment?) and it is vital that LPA are empowered and resourced properly to enforce against development that has been delivered under this arrangement, but which does not live up to the requirements of design codes. IF there is to be a move toward more deemed consent routes, the loss of oversight at the consent stage should be balanced by an increased emphasis on enforcement against poor development that does not deliver as expected.

**Q21: When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]**

**Answer:** More or better infrastructure  
Design of new buildings  
Green Space

**Additional statement:**

Whatever approach to development is taken, it must be joined up to create a place where housing, employment and services complement each other to reduce travel times, promote walking and cycling and enhance the environment

**Q22(a) : Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure**



**Levy, which is charged as a fixed proportion of development value above a set threshold? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

Recent experience of the Infrastructure Levy suggests that in poorer areas where viability is an issue there may not be any money generated and the irony of this is that these are the places where improvements are required. S106 can become complicated as parties struggle to agree on terms and at least superficially it would seem to offer a certain degree of efficiency to consolidate the two mechanisms. However, without the detail of how this proposal would work including the factors that would be taken into account in setting the rates, it is not possible to support the proposal at this time. More detail is required, including worked examples to demonstrate that local authority funding that is secured through the existing mechanisms, is not reduced, especially in regard to the provision of affordable housing, primarily secured through S106.

The idea of a 'standard rate' could be considered a blunt instrument and not reflective of local market conditions. There is a risk that authorities end up with a low rate that is insufficient to meet infrastructure (including Affordable Housing) needs and requirements. In addition, because of the wider purposes it can be spent on could lead to a dilution of spend or infrastructure not paying for the need created by development.

The relatively simple concept of CIL has seen a proliferation of exemptions and rule amendments over time which has led to an overly complicated system, care must be taken to ensure that any new system does not suffer the same fate.

**Q22(b): Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]**

**Answer:** Nationally at an area-specific rate

Land values and development costs vary significantly across the country and therefore a mechanism that levies contributions to infrastructure and other planning obligations must be responsive to local conditions. Even if set nationally and adjusted locally, it may still be necessary to build in a mechanism that allows local authorities to adjust the approach in their own area, related to their local objectives.

**Additional statement:**

**Q22( c): Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]**

**Answer:** More value

**Additional statement:**

In making changes to the current s106 and CIL framework it is essential that local authorities secure at least the same amount of funding that is brought forward now. These mechanisms are a vital part of the funding stream that secures and delivers physical and community infrastructure and a lot of services that are highly valued by communities are provided this way including highways, schools, green and recreation spaces, and affordable housing. There is an appetite for more investment in all of these essential community services and any reducing in the ability of local authorities to provide them cannot be supported, however proposals that simplify the existing s106 and CIL mechanisms are welcome, especially where consistency and compliance can be emphasized.

There seems little advantage to introducing option 2, which appears simply as a means to force local authorities to adopt the infrastructure levy by removing the ability to apply S106 (only meaningful reason not to adopt the infrastructure levy). However, the ability to set local rates would offer flexibility to authorities, which is positive to support delivery.

To make alternative option two work, the tests of viability would need to be changed in order for the infrastructure levy to be made an absolute requirement, that is not adjustable or negotiable. Instead the sale of developed land would presumably then need to reflect the added cost of paying the infrastructure levy. The benefits of this approach would be to fully deliver infrastructure, but it may have the unintended consequence of either a) forcing a local authority to reduce the scope and ambition of its proposed infrastructure to ensure sites are deliverable or further increasing the cost of housing as land owners recoup their costs.

**Q22(d): Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

In principle, borrowing against future infrastructure levy receipts would enable local authorities to play a greater role in infrastructure delivery but may expose local authorities to financial risk where they are reliant upon development that does not come forward. Very clear guidance and legislation should be put in place that ensures that local authorities can support growth and development through infrastructure provision, whilst at the same time, anticipates and insulates against potential risk of doing so.

**Q23: Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

Especially in a system that enables additional permitted development to take place through a zoning approach, it is essentially that sizeable development (over a minimum threshold of floorspace) contributes to the impacts of that development. Rates should be set at different values depending on the change of use/development and to reflect the impacts of that type of development. For example, should an office building be converted into residential development, the impact on highways, schools and green space needs (amongst others) are potentially considerable and without an appropriately set levy, a funding gap is likely to emerge, ultimately leading to an under provision of services to meet the demands of the new development.

**Q24(a): Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

Yes, at least the same amount of Affordable Housing should be captured via the levy. Re: on-site Affordable Housing, this could be circumstantial – for the majority of sites, on-site is preferred, however it would be ideal to have the ability to be more prescriptive in types of Affordable Housing. For example, a reduced on-site provision, but with greater prevalence of bungalows, larger family accommodation, single-person accommodation. A mechanism to allow local flexibility, even at site specific geographies, would be beneficial and whilst the levy should secure at least the same provision of affordable housing as S106 does now, there is a risk that the purpose of the levy (to fund infrastructure) is diluted if affordable housing is brought into it. There is a case to be made for the retention of S106 (or similar) to deal specifically with affordable housing.

**Q24(b): Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Not sure

**Additional statement:**

Out of the two options, secured as 'in-kind' payment towards the Infrastructure Levy seems to work best for Cheshire East.

No real detail is provided around the 'right to purchase' method, and the developer retaining the ability to determine which units are to be offered as affordable could impact pepper-potting and neglect affordable housing to the poorest parts of sites. Whilst this is typically the case, LPA's currently have the ability to amend/alter this through the planning process. Whilst this approach would seem to secure the required numbers of affordable homes, together with a greater focus on zoning, permitted development and reducing the consent process the place-making aspect of distributing affordable housing across sites will be lost under these provisions.

Further guidance is need in regard to the forms and tenures of on-site provision – how is the provider nominated, and against what criteria? Is it the developers choice? If so, there could be consequences for Registered Providers looking to pick up new development opportunities. Some developers currently have ‘preferred providers’ who get first refusal of S106 opportunities.

**Q24(c): If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

Yes, this seems sensible. Proposed contracts via Government which will prevent developers claiming overpayments seems appropriate.

**Q24(d): If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

The planning process (especially relating to design) may help to filter out poor quality affordable design which should mitigate some of this risk and the most common feedback we receive from providers are that bedrooms are too small. In focusing on better design, the requirement for minimum space standards would help address this.

**Q25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

Yes, but there needs to be a mechanism (such as the Infrastructure Delivery Plan) or a ‘live’ dataset which sets out transparently what the infrastructure priorities are, their costs and the cumulative spend against them. This information is important in order to engage with other infrastructure providers / statutory consultees and bring forward necessary infrastructure.

**Q25(a): If yes, should an affordable housing ‘ring-fence’ be developed? [Yes / No / Not sure. Please provide supporting statement.]**

**Answer:** Yes

**Additional statement:**

To ensure the purpose of the infrastructure levy is not diluted (and therefore put at risk infrastructure delivery) it is important to recognise the affordable housing contributions are a separate resource for a specific purpose. In some instances it is necessary to forego an element of affordable housing provision to achieve a positive outcome (for example where sites are funding an important piece of infrastructure in an area where viability is marginal) and the retention of a flexible mechanism that would allow this trade-off would have advantages.

**Q39: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

Whilst an increased focus on digital services is beneficial on a number of measures, there must be an awareness that some groups with protected characteristics are potentially disadvantaged by a planning system that only works through digital means. Women, disabled people and older people are all less likely to have access to and use digital services and awareness of this, and measures that improve these groups ability to access digital services, is essential to ensure a planning system that is open to participation by all is achieved.

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