

Application No: 22/3283M

Location: Costain Compound Land South Of, LYMM ROAD, LITTLE BOLLINGTON

Proposal: Variation of Conditions 1 & 2 on approval 20/4682M for Variation of Conditions 1 & 2 on approval 18/3219M for proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works

Applicant: Miss Kayleigh Healey, Pegasus Group

Expiry Date: 16-Nov-2022

## **SUMMARY**

This application, which has been amended during its consideration, seeks to continue the use of this site for a compound, although it is now unused and some of the buildings have been removed.

The proposed development would constitute inappropriate development in the green belt which by definition would be harmful. In addition, in the absence of any proposed mitigation there is considered to be landscape harm.

There are no objections on the grounds of amenity, ecology, highways or flood risk.

Whilst it was considered that very special circumstances existed when the site was granted temporary consent to be used as a compound for the M56 Smart Motorway works, the arguments now being put forward are not considered to carry any significant weight, and it is not considered to outweigh the substantial harm to the green belt by virtue of the inappropriate nature of the development.

## **RECOMMENDATION**

**Refuse**

## **SITE DESCRIPTION**

This application relates to a former contractors compound located on the south side of the A56 Lymm Road adjacent to the Bowdon Roundabout, close to the newly constructed A556 in Little Bollington, but close to the Trafford MBC boundary.

The compound extends to an area of some 6 hectares and consists of two broad areas. To the east, adjacent to the Bowdon Roundabout, is an extensive area of hardstanding last used for parking, and the location of a series of mobile low (but long) flat roofed buildings that were used for office accommodation and welfare facilities. These buildings are now understood to have been removed. In the centre and to the west of the site is an area marked as "laydown" and top soil storage on the plans where there was a

mound of earth which has grassed over. The site is accessed from the A56 sharing the Cheshire Lounge access road, which forms the eastern boundary. The site has both wooden and metal security fences to the boundaries.

The site sits within open countryside, with open fields to the south and west, but with woodland belts along the road side to the north. The nearest buildings consist of two farms and the Cheshire Lounge, but all are some distance from the site boundary.

The site lies entirely within the North Cheshire Green Belt.

## **PROPOSAL**

This Section 73 application seeks to vary two conditions attached to the already amended planning consent granted in 2021 (the original consent was granted in 2018), to continue the use of this temporary contractors compound.

A compound was originally erected for use in connection with the A556 Knutsford to Bowdon Improvement Scheme. The works were done as a nationally significant infrastructure project, and in 2014 the A556 Knutsford to Bowdon Improvement Development Consent Order was granted by the Secretary of State, which included the compound in question to be used by Highways England as a site compound.

Planning permission was granted in 2018 to retain the compound for the forthcoming M56 smart motorway works, a significant national infrastructure project in its own right. The proposed smart motorway works would start at Junction 8 on the M56 close to this site and run to Junction 6 adjacent to Manchester Airport. The smart motorway works were at the time, anticipated to begin in early 2019 and run to the end in 2020-2021. Galliford Try was the appointed contractor by Highways England. Planning permission was granted to extend this permission in 2021.

This planning permission expired in 31 December 2022, and this application seeks to extend this permission. Initially the application sought to justify the extension of the compound use for a further 5 years, on the following grounds:

- 1) M56 Smart Motorway Programme Delays and Contingency
- 2) HS2 Hybrid Bill Second Reading Complete and GI 2nd Package Award Imminent
- 3) Additional Construction Compound Requirements in Addition to HS2 Main Compound.

The application sought to amend condition No. 1 & 2 on the 2021 permission as follows:

Condition 1: "The use hereby permitted is temporary. It shall discontinue and the land returned to agricultural use, with all existing hardstanding and structures removed from the site, on or before 31st December 2027. The land shall be restored in accordance with a scheme of work submitted to and approved by the Local Planning Authority"

Condition 2: " The development hereby approved shall be carried out in accordance with the Proposed Site Compound Plan 001 Rev 10, with no structures or material storage exceeding a maximum of 4m in height."

Subsequent to this, the application has been amended. The applicant (in Sept 2023) wrote:

“As you may be aware, following the completion of the M56 Smart Motorway project and the completion of this phase of ground investigation surveys; the site is no longer in use as a compound by Highways England’s contractor (Galliford Try Infrastructure) and HS2 Ltd.’s contractor Balfour Beatty.

As a result, much of the site has been cleared with materials and office/staff welfare buildings having been removed. The hardstanding remains on site along with the following;

- Substation and associated housing;
- Some signage with associated signage poles;
- Smoking/vaping shelter;
- CCTV pole; and,
- Other associated above ground works including barrier housing and wooden planters (marking the location of the water main).

## Proposal

Given the change in circumstance since the application was submitted, we would like to alter the application plan and propose that the compound of physical buildings/structures across the site, including the majority of those referred to earlier, but seek to retain the hardstanding and associated boundary fencing for security and substation / substation housing for a period of time to be agreed. For the reasons set through our original submission and later in this letter, it is requested that this should be for a minimum of 2 years, although 5 years would be preferable and provide the necessary certainty.

In order to minimise the impact of retaining the hardstanding and fencing on the Green Belt; alongside the final clearance of existing structures, it is proposed that some of the existing topsoil mounds are relocated in order to screen views into the site from the A556 and the public right of way that exists to the western boundary of the site. A plan (DRWG No: P17-2486\_EN\_0001) showing this proposal, including the areas of hardstanding that would be retained along with the retained two substation /substation housing.

This plan, subject to your comments, could be approved and the works carried out, including the removal of outstanding structures, in order to secure the reduced impact on openness and visibility of the site.

This additional temporary period would allow for the retention of the hardstanding but no actual use of the site as a compound. This would allow the passage of time so that there is a much clearer understanding of the infrastructure and compound needs of the significant infrastructure projects that are discussed in the following subsection. In the event that there is no requirement for the compound at the end of this period, the site would be returned to its previous state with all hardstanding and fencing removed.”

The submission goes onto to justify the retention of this effectively “mothballed” compound on the basis of:

1. HS2 compound (in addition to those already allocated)
2. HyNet North West Hydrogen Pipeline project

Since this time of course HS2 has been cancelled, and as such only the HyNet use can be considered. This is described in the submission as:

“HyNet is a highly regarded, government funded project with over 40 organisations signed up to decarbonise the region through HyNet. HyNet will provide infrastructure to produce, transport and store low carbon hydrogen across the North West and Wales. The project will enable industry to switch from the fossil fuels they currently use to a low carbon alternative – hydrogen which has been produced in the North West by Vertex Hydrogen and distributed by Cadent’s pipeline network. Its extent is such that there is a pressing requirement for site compounds in accessible locations adjacent to the North West’s Motorway Network with priority being around the M56 and M6 to facilitate east-west and north south movements.”

A letter of support has been received from HyNet, “to consider the possibility of utilising the site going forward.”

Very recently, a further supporting statement has been received setting out further justification:

“1.The Network North document<sup>1</sup>, published alongside the announcement of the cancellation of HS2 Phase 2, confirms that the western leg (phase 2b) safeguarding will not be amended now, but by summer 2024, in order to allow for any safeguarding needed to deliver Northern Powerhouse Rail. The Millington, Rostherne and Ashley area is unique as the area where infrastructure was always planned to be shared between Manchester Piccadilly and Manchester Airport.

2. To ensure what is now the UK’s most important infrastructure project is achieved, despite the announced cancellation the High Speed Rail (Crewe-Manchester) Phase 2B Bill<sup>2</sup> has been carried into the next parliamentary session.

3.The King’s Speech did not introduce plans to revoke the Phase 2a bill. It is known that major public and private sector partners are seeking to raise private finance to deliver a southern extension of NPR to link to Birmingham via Crewe.

4.It is now clear that there is local and national political consensus to deliver NPR via Warrington and Manchester Airport which can therefore only come through this narrow gap in Cheshire East.

5.Therefore it is clear there will be future potential future compound needs associated with Northern Powerhouse rail surveys and construction albeit delayed.”

## **RELEVANT PLANNING HISTORY**

18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works Costain Compound, Land South Of, LYMM ROAD, LITTLE BOLLINGTON APPROVED

20/1321M Non material amendment to application 18/3219M - Costain Compound, Land South of LYMM ROAD, LITTLE BOLLINGTON APPROVED April 2020

20/4682M Variation of conditions 1 and 2 on approved application 18/3219M - Proposed continued use of construction compound including associated access, car parking, construction vehicle storage, portacabins and other associated works Costain Compound Land South Of, LYMM ROAD, LITTLE BOLLINGTON APPROVED Jan 2021

The Development Consent Order referenced above is a National order not one granted by Cheshire East Council.

## **POLICIES**

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

PG3 – Green Belt

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

IN 1 - Infrastructure

SE 1 - Design

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 13 - Flood Risk and Water Management

CO2 – Enabling Business Growth Through Transport Infrastructure

### **Site Allocations and Development Policies Document**

ENV 3 Landscape character

ENV 5 Landscaping

ENV 14 Light pollution

ENV 16 Surface water management and flood risk

INF 3 Highway safety and access

### **Little Bollington Neighbourhood Development Plan**

HLD1 – Landscape character;

HLD2 – Views and setting;

HLD3 E – Landscaping/surface water;

HLD4 – Heritage; and,

NE1 – Wildlife Habitats, Wildlife Corridors and Biodiversity.

### **Other Material Considerations**

The National Planning Policy Framework

Planning Practice Guidance

The A556 (Knutsford to Bowdon Improvement) Development Consent Order 2014

## **CONSULTATIONS**

**CEC Highways** – No objections

**CEC Public Rights of Way** – No objections subject to an advice note.

**CEC Environmental Protection** – No objections are raised, subject to an informative limiting the hours of operation.

**The National Trust** – Continue to object to the application and do not consider its continued use can be justified.

## **VIEWS OF THE PARISH COUNCILS**

**Little Bollington Parish Meeting** – express concerns based on:

1. Excessive and unnecessary extension
2. Inappropriate use of temporary planning consent
3. Absence of Justification
4. Flood risk
5. Light pollution / disturbance of residential spaces
6. Harm to the land
7. Loss of green belt
8. Successive temporary applications to achieve permanent change

## **OTHER REPRESENTATIONS**

A number of comments have been received from residents of both Cheshire East, and Trafford including the Bowdon Conservation Group. These can be summarised as follows:

- Loss of Green Belt land and impact on the character of the countryside
- The use was only supposed to be temporary.
- When the M56 motorway works are finished the compound should be removed.
- Concerns about impacts on Nature Conservation.
- The application is simply a bridgehead for a commercial development.
- Ugly intrusion into the landscape
- Justification for the uses no longer applicable, and alternatives need to be considered.
- Causes traffic congestion.
- Concerns about light pollution.

## **OFFICER APPRAISAL**

### **Principal of Development/Green Belt/Alternative sites**

The NPPF continues to afford the Green Belt significant protection, stating at para 148:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

New buildings are defined as being inappropriate in the Green Belt unless listed in the exceptions. Whilst it is understood that most buildings have now been removed, some minor structures remain, and as they are not one of the exceptions listed under para 149 therefore constitute inappropriate development which is by definition harmful to the Green Belt. At Para 150 certain other forms of development are not considered to be “inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it”. Within this list is:

“c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;”

However, whilst this may have been applicable to the smart motorway works, it is not considered it includes a compound, and as such it is considered the compound and its associated buildings constitutes inappropriate development in the Green Belt.

The question then is whether very special circumstances (VSC's) exist to outweigh the harm caused. The applicant's case has changed during the lifetime of this application as circumstances have evolved, and whilst there is no specific mention of VSC's in the latest submissions, they seek to justify the continued retention of the compound site (minus most buildings) on the basis that there is "ongoing and planned regionally/nationally significant infrastructure construction projects in the local area, there will be significant demand for construction compounds such as exists on site in the short and medium term"., with specific reference to HyNet as referenced above. The logic being that:

"The removal of the current unused hardstanding that exists on the site would reduce opportunities to meet this future construction compound requirement and instead require an alternative greenfield site to accommodate their needs. Notwithstanding the cost implications for any such contractors, the removal of hardstanding and other necessary connections (e.g. water/electricity) would be unsustainable and unnecessarily create carbon emissions from the construction vehicles, including vehicles required to take the hardstanding materials away, only for this to need to be relocated somewhere in the local area in the short-term resulting in further increases to carbon emissions and use of materials."

Whilst this is understood, planning permission was granted – on a temporary basis, based on the fact there was actual proven need for the M56 motorway works, and that a compound had to be found to serve these works. It was therefore accepted that an existing site was preferable to finding an alternative site which would undoubtedly also be a greenfield site in the green belt. These VSC's were accepted on the basis of a temporary consent.

The difference now is that there is no certain occupier of the site, with the only identified user being HyNet and they are only "considering the possibility" of using the site, and there no firm timescales associated with this. Looking at the provisional timetable for HyNet their website states: Expected construction - 2025 to 2027, but this is understood to be subject to a number of challenges so is not certain. More recently the applicant's agent has set out further potential users for the site, essentially the Northern Powerhouse Rail project, however again this is a "potential" user, with no firm timescales associated with it. It is therefore very difficult to give any significant weight to these arguments, and it is not considered that this can outweigh the harm to the green belt. Again, some weight can be given to the argument that decommissioning the site, only to (possibly) have to re-instate it in the future is a waste of resources, and have consequences for carbon emissions, however it is only considered that limited weight can be attached to this, and again it will not outweigh the harm to the green belt.

In conclusion the development constitutes inappropriate development in the green belt and the VSC's put forward do not outweigh that harm.

## **Landscape Impact**

The Council's Landscape officer objects to the application.

The application site has had 'temporary' works associated with the site over a prolonged duration, to such a degree that to the untrained eye, one might believe this area is in use over a more permanent agreement. The Landscape Officer believes that successive applications add cumulative landscape visual effects which must now be considered and mitigated against. Very little in the way of landscape



mitigation has been carried out either onsite site or adjacent to reduce the landscape and visual effects upon the surrounding area.

p.124 of GLVIA III, particularly para.7.17 (by the Landscape Institute):

‘There are many different types of cumulative landscape and visual effects that might need to be considered. These include:

Point 5: temporal effects, referring to the cumulative impacts of simultaneous and/or successive projects that may affect communities and localities over an extended period of time’

Unfortunately there is no Landscape Mitigation Plan or Strategy to reduce the effects of the proposal included in this application. The cumulative effects upon the site and there impacts on both landscape and the visual have not been assessed either.

However, should this application be recommended for approval, the Landscape Officer proposes that a condition requiring a landscape visual assessment which informs a substantial landscape mitigation plan. The proposals should aim to drastically improve the edges of this site including the planting of a tree lined boundaries, hedgerows and other landscape mitigation proposals to soften and help screen the proposals (irrespective of their temporary nature) from the surrounding area.

Whilst the Landscape Officer’s comments were received prior to the removal of some of the buildings on the site, and it being vacated it is still considered that there is landscape harm in addition to green belt harm, and whilst mitigation planting could help mitigate this harm, it will take time to have any impact and is not proposed as part of this application.

### **Amenity**

The nearest residential properties, two farms, are some distance from the site and it is not anticipated that there will be any amenity concerns with the proposals. A resident has raised the issue of light pollution from the site but Environmental Protection have raised no objections subject to conditions.

### **Ecology**

The Council’s ecologist has raised no objections to the continued use of this compound site.

### **Highway Implications**

Highways raise no objections to the continued use of the site for a contractors compound as there are no highway implications associated with this proposal, as pedestrian and vehicular access to the site remains unchanged. It is also noted, that there have been no reported Personal Injury Accidents associated with the site access during the last five year period of data availability (2017 to 2021).

### **Public Right of Way**

The property is adjacent to public footpath no.15, Millington as recorded on the Definitive Map. It appears unlikely, however, that the proposal would affect the public right 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.



## **Flood Risk/Drainage**

Whilst this issue has been raised due to concerns that the hardstanding and use of the site will exacerbate flooding of the nearby River Bollin, there is no evidence this is the case.

## **CONCLUSIONS**

This application, which has been amended during its consideration, seeks to continue the use of this site for a compound, although it is now unused and some of the buildings have been removed.

The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. In addition, in the absence of any proposed mitigation there is considered to be landscape harm.

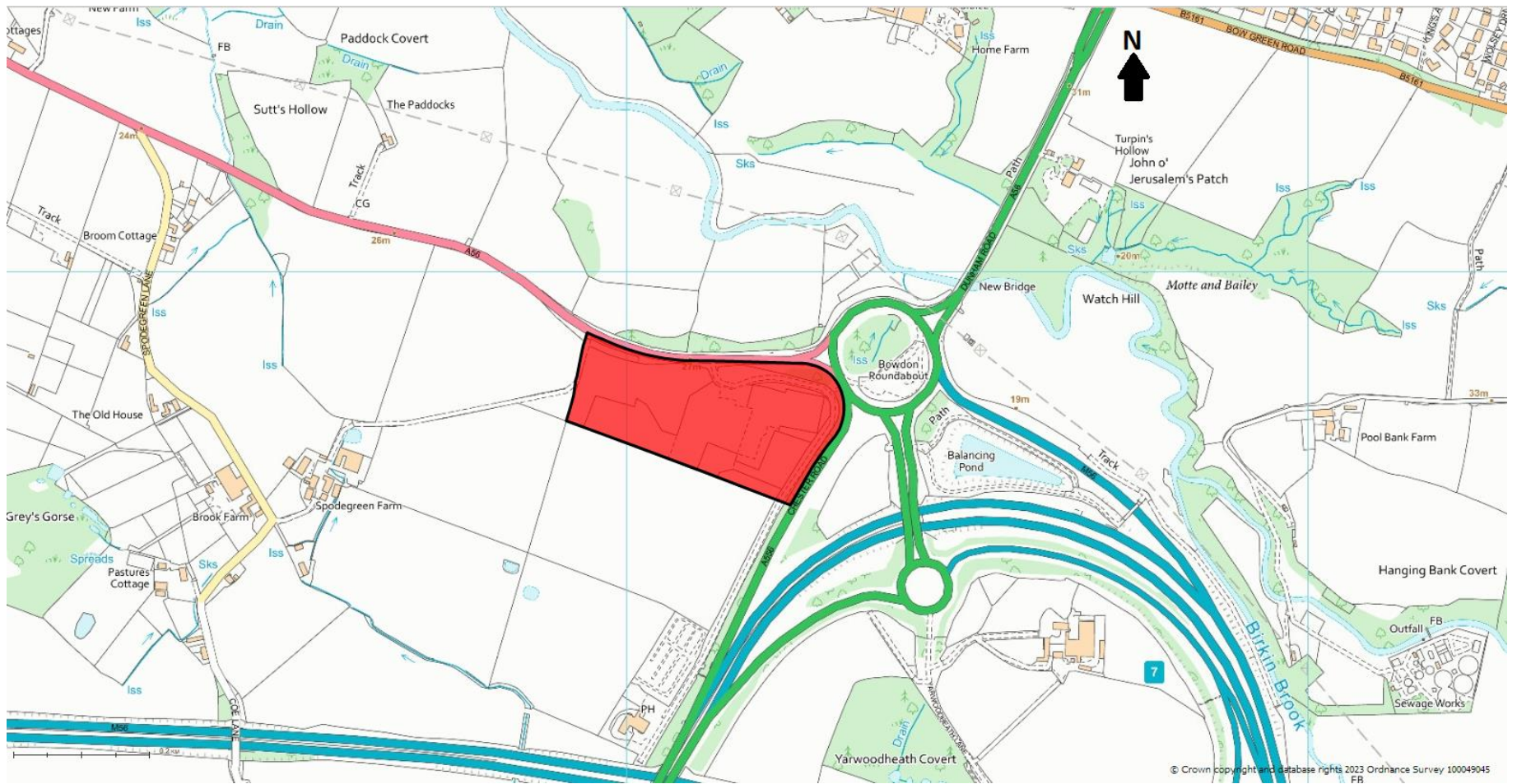
There are no objections on the grounds of amenity, ecology, highways or flood risk.

Whilst it was considered that very special circumstances existed when the site was granted temporary consent to be used as a compound for the M56 Smart Motorway works, the arguments now being put forward are not considered to carry any significant weight, and it is not considered to outweigh the substantial harm to the green belt by virtue of the inappropriate nature of the development.

## **RECOMMENDATION**

### **Refuse for the following reason:**

1. The proposed development would constitute inappropriate development in the Green Belt which by definition would be harmful. The very special circumstances put forward are not considered to outweigh this harm. In addition, there is considered to be landscape harm with no proposals to mitigate this. The proposal is therefore considered to be contrary to para's 147-150 of the NPPF, Policies PG3 Green Belt & SE 4 The Landscape of the LPS, and Policy ENV 5 Landscaping of the SADPD.



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