

SOUTHERN PLANNING COMMITTEE – 11th September 2024

UPDATE TO AGENDA

APPLICATION NO.

23/2353C

LOCATION

Land at Centurion Way, Middlewich

UPDATE PREPARED

Mineral background/policy context

The site is not identified in the existing Cheshire Replacement Minerals Local Plan 1999 as an area for future mineral extraction.

The NPPF requires mineral resources to be safeguarded by defining Mineral Safeguarding Areas; and requires LPAs to adopt policies that prevent sterilisation of mineral resources by non-mineral development. It also supports the prior extraction of minerals where practical and environmentally feasible, if non-minerals development is necessary.

CELPS policy SE10 states that minerals in Cheshire East will be safeguarded through the definition of Mineral Safeguarding Areas, which will be defined in the Site Allocations and Development Policies Document and within these areas, mineral resources will be protected from unnecessary sterilisation by other development.

The SADPD however does not define any mineral safeguarding areas or include any policies on mineral safeguarding as it was intended that these would be included in the new Minerals and Waste Plan. Whilst the emerging draft Minerals and Waste Plan does identify the site as within a sand and gravel safeguarding area, no weight can be applied to this plan as progress has only reached regulation 18 stage. Therefore, at present Cheshire East does not currently have any mineral safeguarding areas or specific policies for safeguarding aside from the general provisions set out in the CELPS.

Submitted Minerals Resource Assessment (MRA)

As noted in the main report the Councils Mineral and Waste Officer requested an updated Minerals Resource Assessment (MRA). This has now been provided.

A MRA identifies that the site is underlain by sand and gravel deposits. It reports the results of three borehole records positioned outside of the site which identify a band of sand and gravel with a thickness varying between 0.3m to 3.8m at a depth varying from 0.3m to 4.10m below existing ground

level. It also reports a much deeper band of mineral in the bedrock. The borehole records identify that the groundwater table in the area is generally relatively shallow at approximately 1.75m below ground. A further set of 5 sample boreholes have been established within the application site down to a maximum depth of 4m below existing ground level. These boreholes identify sand and gravel deposits in all 5 boreholes down to the maximum borehole depth of 4m. It also identifies groundwater seepage in the boreholes at around 1m to 1.8m.

Based on these results and taking into account the predicted groundwater depths, the MRA estimates there would be 21,669 tonnes of mineral available at the application site.

A buffer of 100m -200m from residential dwellings and 10m from roads has been applied to account for environmental constraints, and on this basis the assessment identifies that this would result in the sterilisation of up to 45% of the total site area which is cited to have a potentially significant impact on the commercial viability of extracting mineral at this site.

Comments of the Councils Minerals and Waste Officer

The MRA addresses part of the information recommended in the established guidance referenced in SADPD policy MID2 (Minerals Safeguarding Practice Guidance v1.4 (2019, The Mineral Products Association & The Planning Officers Society).

There remain some shortcomings in the submitted mineral resource assessment in addressing the feasibility of prior extraction and the sterilisation potential that the proposed development will have on any future extraction. However, CELPS Policy SE10 is clear in that minerals are to be safeguarded through the definition of mineral safeguarding areas and it is within these areas that mineral resources will be protected from unnecessary sterilisation.

The application site is not within a safeguarded area and the Council have not defined any mineral safeguarding areas in the current adopted plans. As such it is considered that it would be difficult to conclude that the proposal does not accord with policy SE10 of the CELPS.

Public Open Space (POS)

The Councils POS Officer has raised some concerns regarding the amount and quality of POS on site suggesting that Neighbourhood Equipped Area for Play (NEAP) should be provided.

Officer comment

In this instance the proposed masterplan is only indicative at this stage as layout is a reserved matter. However, it is clear that the site is large enough to accommodate a NEAP as there is an exceedance of green infrastructure

connectivity which could be converted to form POS. This could therefore be addressed at reserved matters stage.

Recommendation

APPROVE subject to the completion of a **S106 Agreement** with the following Heads of Terms:

S106	Amount	Triggers
Affordable Housing	30% on site provision (65% affordable/social rent and 35% intermediate tenure).	In accordance with phasing plan.
Education	£26,717 per secondary pupil place generated by the development. £74,920 per SEN pupil place generated by the development.	To be paid prior to the occupation of the 20th dwelling
NHS	1 bed – £713 2 bed – £1019 3 bed – £1426.50 4 bed – £1783 5 bed – £2445.50	To be paid prior to the occupation of the 40th dwelling
POS	Provision of Open Space, and a NEAP and a scheme of management. Allotment/food growth contribution: £562.50 per dwelling Outdoor sport facilities contribution: £1564.54 per family (2+ bed) dwelling and £782.27 per bed space to a maximum of £1564.54 per apartment.	Open Space Scheme and scheme of management to be submitted and approved prior to the commencement of development. Contributions to be paid prior to the occupation of the 40 th dwelling
Highways	Middlewich Eastern Bypass/ Leadsmithy Street works £6,329.23 per property	50% be paid prior to the occupation of the 20th dwelling. 50% be paid prior to the occupation of the 40th

		dwelling
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AND the following conditions:

- 1) **Standard Condition – time limit submission of the Reserved Matters**
- 2) **Standard Condition – time limit implementation of development**
- 3) **Standard Condition – submission of the Reserved Matters (to include the internal road network)**
- 4) **Approved Plans**
- 5) **Sustainable surface water drainage scheme and a foul water drainage scheme**
- 6) **The access works shown on plan J32-5520-PS-001 should be complete prior to first occupation (this includes off-site highway works, the crossing points, bus stops and the combined footway/cycleway)**
- 7) **Construction Management Plan should be submitted and approved which provides details of contractor and construction vehicle parking, loading/unloading locations, storage areas, and details of wheel wash facilities.**
- 8) **Reserved matters to include features for nesting birds.**
- 9) **Reserved matters to include lighting scheme.**
- 10) **Reserved matters application must be accompanied by a habitat creation method statement; ecological monitoring strategy and a 30 year habitat management plan for the retained, enhanced and newly created habitats for that phase of the development.**
- 11) **Reserved matters application should be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development.**
- 12) **Prior to occupation, full details and cross sections of all drainage strategy assets must be provided to and agreed by the LPA.**
- 13) **Drainage design, excluding cross section detail, must proceed in accordance with Causeway Flow report.**
- 14) **Reserved matters application shall be supported by a hedgerow assessment and include a plan which confirms intentions regards retention/removal of hedgerows and a scheme for protection measures during any construction period**
- 15) **Prior to occupation of the development, the developer shall submit information confirming that all installed gas-fired boilers**
- 16) **Noise mitigation measures to be submitted and approved as part of the Reserved Matters application.**
- 17) **Contaminated land – risk assessment**
- 18) **Contaminated land – verification report**
- 19) **Contaminated land – soil importation**
- 20) **Contaminated land – unexpected contamination**
- 21) **Prior to commencement of development, a written scheme of archaeological investigation**

- 22) Prior to the occupation/use of the hereby approved development, a programme for post-excavation assessment/reporting and (where required), analysis, publication, and archiving.
- 23) Development to proceed in accordance with details and measures in the ecological assessment.
- 24) At least 30% of the dwellings in housing developments should comply with the requirements of M4(2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings.
- 25) At least 6% of the dwellings in housing developments should comply with the requirement m4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
- 26) The Reserved Matters application shall include a statement to confirm that all dwellings comply with the NDSS.
- 27) Low emission boilers
- 28) 10% of energy needs to be from renewable or low carbon energy

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

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