

Application No: 18/5811M

Location: Weir, Havannah Lane, Havannah, Congleton

Proposal: A new intake structure on the west bank roughly 20m upstream of the weir, 3.5m wide and protected by a coarse screen of 150mm aperture. 30m of 1500mm dia. buried low pressure pipeline. An Archimedes Screw turbine set onto concrete foundations within a 3m-wide channel constructed from sheet steel piles. A control building above the turbine 4m x 5.5m in plan enclosing the gearbox, generator and control equipment. A short tailrace channel delivering the flow back into the downstream weirpool. A buried electrical cable running 1000m to the switchroom at the Siemens factory in Congleton. Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2m width). The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk. 250m of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works whilst avoiding the more sensitive areas of the woodland.

Applicant: Mr Mervyn Sara, Dane Valley Community Energy Limited

Expiry Date: 15-Mar-2019

SUMMARY:

The application site is located predominantly within the Open Countryside where development is only supported in certain instances to protect it for its own sake.

Policy SE8 of the CELPS supports community-led renewable energy initiatives such as that proposed, irrespective of its location, as the benefits of such schemes are recognised. In this case, the environmental benefits are the CO2 savings (around 200 tones per year) that would be created as a result of the development, there would also be benefits to the Grade II listed building through the proposed removal of tree samplings from the brick structure, the social benefits in terms of assisting in the creation sustainable communities and the economic benefits in terms of any profits being spent on local community projects.

However, Policy SE8 of the CELPS also states that consideration also needs to be given to anticipated adverse impacts such as; the impact upon the surrounding landscape, including matters of heritage, ecology and trees; the impact upon residential amenity and the impact in this case, upon Jodrell Bank.

In response, adverse impacts are identified in relation to; ecology and trees. No significant residential amenity or Jodrell Bank impacts are identified.

Balancing up the adverse impacts against the benefits of the scheme in the context of Policy SE8, whilst the weight afforded to the environmental benefits are significant, the weight afforded to the social and economic benefits are limited as there is no mechanism proposed to secure these aspects.

In consideration of the adverse impacts, whilst it is recognised that the development only relates to a relatively small portion of the Havannah Wood LWS, it is understood to be a section which is deemed particularly rich and of good quality, the loss of which would be irreversible. Furthermore, Cheshire has less than half the national average of woodland cover so its retention is particularly important. It is also a consideration that the areas of the LWS that would be impacted during construction would be greater than that of the footprint of the proposed development shown.

In consideration the adverse impact upon trees, the loss of trees is considered to be significant and will have an adverse impact on the woodland. There is also a lack of information to satisfy concerns that the development would detrimentally impact a veteran tree.

It is concluded that because of the irreversible harm that would be created to the LWS and wet woodland and the lack of information relating to possible harm upon a veteran tree, the environmental harm of the development outweighs the benefits, irrespective of the community benefits being secured.

As a result of the above reasons, it is considered that the proposal would be contrary to Policy SE8, Ecology and Tree policies of the development plan and be unacceptable in principle.

In addition to the above, given the detached location of the proposed car park, it is deemed to detrimentally impact the intrinsic character and beauty of the Open Countryside.

No significant other concerns would be created in consideration of other development plan policies, subject to conditions in the event of approval.

However, as a result of the above reasons, the application is recommended for refusal.

RECOMMENDATION

REFUSE

REASON FOR REFERRAL

The application has been referred to Northern Planning Committee at the discretion of the Executive Director – Place, due to it being submitted on behalf of a community group.

DESCRIPTION OF SITE AND CONTEXT

This application relates to Havannah Wier and adjacent land on the northern edge of Congleton, within the Countryside beyond the Green Belt (Open Countryside). Much application site also falls within one, and adjacent to another Local Wildlife Site, and partially within a Flood Zone 2 and Flood Zone 3. There are also two Grade II listed buildings within proximity of the development. Part of the access track falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

DETAILS OF PROPOSAL

Full Planning permission is sought for the installation of a mini-hydro electricity scheme in the form of an Archimedes Screw turbine and its associated supporting infrastructure and ancillary buildings. This development would be used to serve the Siemens factory approximately 850 metres to the south (as the crow flies). The elements sought for planning permission include;

- A new intake structure on the west bank roughly 20 metres upstream of the weir, 3.5 metres wide and protected by a coarse screen of 150 mm aperture.
- 30 metres of 1500mm diameter buried low pressure pipeline.
- An Archimedes Screw turbine set onto concrete foundations within a 3 metre-wide channel constructed from sheet steel piles.
- A control building above the turbine 4 metres x 5.5 metres in plan enclosing the gearbox, generator and control equipment.
- A short tailrace channel delivering the flow back into the downstream weirpool.
- A buried electrical cable running 1000m to the switchroom at the Siemens factory in Congleton.
- Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2 metres width). The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk.
- 250 metres of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works.
- A car park close to the junction between Havannah Lane and Macclesfield Road

RELEVANT HISTORY

18/0773M - A new intake structure on the west-bank River Dane roughly 20m upstream of the weir protected by a coarse screen of 150mm aperture. ·· 30m of 1500mm dia. buried low pressure pipeline ·· An Archimedes Screw turbine set onto concrete foundations within a 3m-wide channel constructed from steel sheet piles. ·· A small control building above the turbine, 5m x 5.5m in plan, enclosing the gearbox, generator and control equipment. ·· A short tailrace channel delivering the flow back into the downstream weirpool. ·· A buried electrical cable running 1000m to the switchroom at the Siemens factory on Varey Rd, Congleton, CW12 1PH. ·· 250m of temporary access track from the A536 through an adjacent field to the intake and turbine locations, providing construction access to the hydro works – Withdrawn
1st June 2018

ADOPTED PLANNING POLICIES

The aspects of the Cheshire East Council Development Plan that are relevant to the application proposals include; Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan (MBLP). The specific policies are detailed below.

Cheshire East Local Plan Strategy (CELPS)

MP1 - Presumption in favour of sustainable development
PG1 - Overall Development Strategy
PG2 – Settlement Hierarchy
PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
IN1 – Infrastructure
IN2 - Developer contributions
EG1 – Economic Prosperity
EG2 – Rural Economy
SC3 – Health and Wellbeing
SE1 – Design
SE2 - Efficient use of land
SE3 - Biodiversity and geodiversity
SE4 - The Landscape
SE5 - Trees, Hedgerows and Woodland
SE6 - Green Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon Energy
SE9 - Energy Efficient Development
SE12 - Pollution, Land contamination and land instability
SE13 - Flood risk and water management
SE14 – Jodrell Bank

Macclesfield Borough Local Plan (MBLP)

NE3 – Landscape Conservation
NE8 – Promotion and Restoration of Woodland
NE9 – Protection of River Corridors
NE11 – Nature Conservation
NE12 – SSSI's, SBI's and Nature Reserves
NE13 – Sites of Biological Importance
NE14 – Nature Conservation Sites
NE15 – Habitat Enhancement
BE2 – Preservation of Historic Fabric
BE15 – Listed Buildings
GC14 – Jodrell Bank
RT7 – Cycleways, Bridleways and Footpaths
RT8 – Access to the Countryside
DC3 – Design (Amenity)
DC8 – Design (Landscape)
DC9 – Design (Tree Protection),
DC10 – Design (Landscaping and Tree Protection)
DC13 and DC14 – Design (Noise)
DC17, DC19 and DC20 – Design (Water Resources)
DC21 – Design (Temporary Building uses)

Other material planning policy considerations

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

CONSULTATIONS (External to Planning)

Environment Agency – No objections

Head of Strategic Infrastructure (HSI) – No objections, subject to a condition preventing the use of the proposed temporary access track being implemented until the Congleton Link Road works at the eastern end completed and a condition requiring the removal of the track upon completion of the works. Concerns are raised about the location of the long-term parking facility and its distance from the development.

Environmental Protection (Cheshire East Council) – No objections, subject to a condition requiring the implementation of the submitted noise mitigation measures

United Utilities – No objections, subject to a condition requiring the prior submission/approval of a surface water drainage scheme and condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan

Canal and River Trust – ‘No comment’

Jodrell Bank – No comments received at time of report

Flood Risk Manager – No objections

Public Rights of Way (PROW) - No objections, subject to a condition regarding how the existing PROW should be treated

Eaton Parish Council – Have the following concerns/make the following suggestions;

- Highways – Concerned about the proposed temporary access as they may conflict with the Congleton Link Road works. Also suggest no parking of vehicles or access from Havannah Lane. Recommended that upon construction completion, the site access should be re-seeded and returned to field. Any parking proposed parking spaces on Havannah Lane for the use of the scheme post construction must be minimised and controlled with no use by other parties.
- Potential legacy issues – Suggest an agreement to safeguard the long term interests of the local community in the event that the project assets are sold off
- Suggest a condition that the site be de-commissioned upon its cessation of use

OTHER REPRESENTATIONS:

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. In response, letters of representation have been received from 27 interested parties. Of the letters/comments received, the majority (26) are in support of the proposals for the following reasons;

- Provision of renewable energy and the knock on benefits (incl less reliance of fossil fuels and reductions in CO2)
- Scheme conceived by a community group to generate funds for local causes/community projects
- Community collaboration benefits
- Enthuse educational activities – science, technology and environmental matters
- Benefits local business in terms of energy costs keeping it competitive (Siemens)

To date (08/01/2019), 1 letter of objection has been received, raising the following concerns;

- Loss of wildlife
- Loss of trees
- Amenity – noise pollution, disturbance during construction (6 months)
- Highway safety – parking for staff of development on highway

OFFICER APPRAISAL

Principle of Development

The main aspect of the development site is designated as being within the Countryside beyond the Green Belt as defined by the proposals map within the Macclesfield Borough Local Plan (MBLP).

Policy PG6 of the CELPS refers to Open Countryside development and refers to instances where development is permitted in such locations. The policy states that only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

There are exceptions listed to this, but none of these exceptions apply in this case.

The proposal does not clearly fall into any of these policy exceptions therefore consideration needs to be given as to whether the proposals represent an *‘other use appropriate to a rural area.’*

Policy SE8 refers to renewable and low carbon energy. The policy states that proposals such as the application scheme, which is community-led, together with ancillary buildings and infrastructure will be positively supported and considered in the context of sustainable development and any impact on the landscape.

The policy states that weight will be given to the wider environmental, economic and social benefits arising from renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively upon;

- I. *The surrounding landscape including natural, built, historic and cultural assets and townscape; including buildings, features, habitats and species of national and local importance and adjoining land uses; and / or*
- I. *Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access; and / or*
- II. *The operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope.*

The above matters shall be considered in turn below;

Wider social, environmental and economic benefits

The proposal is a community-led hydro-electric power scheme predicted to generate 250,000 kWh per year for the Siemens factory in Congleton. That would be the equivalent to the electrical consumption of over 60 average households and a saving of 200 tonnes of Co2 per year from UK coal-fired power stations.

It is advised that the proposals are 'non-for profit' as any additional income generated by the development (predicted to be up to £5,000 per annum) would be used to fund community projects. Despite the positives of this particular aspect, there is currently no planning mechanism proposed which secures this. As such, only limited weight can be afforded to this benefit.

It is advised within a submitted 'summary document' that in partnership with Eaton Bank Academy and local primary schools, the site will provide a sustainable education programme relating to science and engineering, environment and sustainability, aquatics, bio-diversity, business management etc.

It is further advised that the scheme will rely on local volunteers to undertake day-to-day tasks, although these are not expanded upon. Nonetheless, this would add the community benefits of the project.

As such, the proposal would offer significant environmental benefits in terms of the saving of CO2. The social benefits created with regards to assisting in creating sustainable communities and the economic benefits in terms of creating funds to invest in local community projects are only afforded limited weight as there is no mechanism to ensure these benefits are realised.

I. Impact upon surrounding landscape (incl Ecology and Heritage)

Landscape

The site is adjacent to the River Dane much of which is covered with broadleaved woodland, beyond which is agricultural land, across which part of the temporary access track from the

A536 will cross. The site is designated as a non-statutory Grade C Site of Biological Importance (SBI), for its riparian deciduous woodland, and ground flora species indicative of Ancient Woodland.

The proposals will require a temporary access track across the field adjacent to the A536, approximately 250m long, this track will drop down the plateau above the intake and turbine locations, providing access to the hydro works.

The submission includes an Existing Tree Survey Plan, Proposals Earthworks Plan and a Cut and Fill Plan. The Council's Landscape Officer has advised that whilst the proposals will result in some tree loss and some temporary landscape and visual impacts, he does not consider that these will be significant and would offer no objections to the proposals on landscape grounds.

Trees

The application is supported by an Arboricultural Assessment. The report identifies 29 individual trees and 11 groups of trees that form part of the woodland on the western bank of the River Dane. The majority of trees have been designated as Moderate (B) Category under the categorisation for tree quality assessment (BS5837:2012). The woodland has been described as a wet-woodland comprising of Alder, Ash, Oak, Sycamore, Hazel, Elm and Hawthorn.

The woodland is not designated as Ancient Woodland and is currently not protected by a Tree Preservation Order nor does the site lie within a Conservation Area.

Two Oaks (T4 and T23) have been identified within the report as being of High Quality (A category specimens) landscape value and designated as Veteran status.

The report states that trees mainly feature on the mid-upper woodland slopes, close to the weir race and pool and adjacent to Havannah Lane and are described as valuable to the overall age structure and their importance in landscape value and biodiversity. Particular reference is made to mature Alders as being important part of the wet woodland habitat.

The Report identifies two areas of tree loss within the woodland; within the operational area along the river edge and the proposed vehicular access route (described as Route A).

Sixteen individual trees, 3 groups and part of 3 groups (comprising a total area of 0.14 ha), assessed as moderate category specimens, are proposed to be removed to accommodate the development. The Council's Tree Officer advises that the loss of these trees is considered to be significant and will have an adverse impact on the woodland.

It should also be noted that the Report states that the extent of tree removals within Tree Group G9 cannot be determined (and only indicative) as the extent of removals can only be determined once the road alignment has been set out. In the light of the above, the Council's Tree Officer advises that the extent of harm cannot be fully determined or mitigation fully assessed against any further impacts.

A Woodland Management Plan is recommended in the D & A statement, however the Council's Tree Officer advises that this alone cannot be seen as substantive evidence for mitigation of tree loss and impacts on landscape character.

Veteran Trees

Current standing advice recommends that ancient and veteran trees are afforded RPAs of 15 x stem diameter (which is referred to in the Tree Survey). Such buffer zones should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.

Oak (T23) has been assessed as a Veteran Tree with the access (Route A) encroaching within its Root Protection Area (RPA). The revised NPPF 2019 (Para 175), refers to the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient and veteran trees which should be refused unless there are wholly exceptional reasons. In this regard, the Council's Tree Officer advises that it is important to consider that Veteran trees are likely to be less tolerant of root loss than trees of other age classes, and particularly within a woodland setting may have less symmetrical root systems. It is also important that Veteran trees should be considered as complex ecosystems with associate species/invertebrates which may extend beyond the tree.

It is noted that the Report makes reference to appropriate design solutions, construction methods and protection measures, and recommends using minimal dig, and above ground construction and cell web (para 6.17). Having regard to the standing advice, the Council's Tree Officer considers such design solutions are inappropriate and would represent a deterioration of an associated habitat.

Para 6.17 of the report further suggests that the access track will have minimal impact on the RPA of Groups G3, G4, G8 and G9 by employing minimal dig and above ground construction methods. Given the challenging topography of the site and reference to the submitted cut and fill profile sections provided in support of this application, it is suggested that there will be works within the vicinity of retained trees and their RPA's. Details of retaining structures are referenced on the cut/fill drawings and are not considered in any detail in the Arboricultural report and may potentially impact upon the rooting environment of retained trees.

In the light of the above, the Council's Tree Officer objects to the proposals and the development is deemed contrary to Policy SE5 of the CELPS and Policy DC9 of the Macclesfield Borough Local Plan.

Ecology

The application is supported by ecology reports. The ecology matters are broken down as follows;

Local Wildlife Sites (LWS) - Havannah Wood and River Dane (Congleton to Peak Park)

It should be clarified at this juncture that LWS's are also known as Site's of Biological Importance (SBI's), as referred to in the applicant's Ecology Survey.

The proposed development site falls within a particularly rich section of the Havannah Wood LWS and adjacent to the River Dane LWS. The woodland habitat on site is also listed on the national inventory of 'Priority Habitats' and is a material consideration under local planning policy.

The Council's Nature Conservation Officer considers that the proposed development would have a serious adverse impact upon the Havannah Wood LWS.

The Council's Nature Conservation Officer advises that avoidance of any impacts upon Local Wildlife Sites in accordance with the mitigation hierarchy should be the first consideration of harm. If avoidance is not possible, then and only then, an appropriate level of compensatory measures relative to the damage/disturbance/loss of habitat should be proposed/considered.

The applicant proposes compensatory measures in the form of a Woodland Management Plan. As part of this plan, the applicant proposes to; plant further trees, include tree protection measures during construction, create habitat piles, remove Himalayan balsam and creates glades.

In response to the compensation measures, the Council's Nature Conservation Officer has advised that the woodland is already in a good condition and does not require management to enhance it. There are existing, naturally formed dead wood piles (habitat piles) and open canopy sections (glades). The extent of woodland available to be put into a management programme is relatively small meaning the potential benefits to the woodland are limited. The Council's Nature Conservation Officer advises that Cheshire is a poorly wooded county with less than half the woodland cover of the national average, therefore all woodland habitat is important. It should also be recognised that the harm would not just be confined to the areas where development is proposed as harm would also be created over a much wider area during construction.

For the above reasons, it is considered that the compensation is unlikely to address the impacts/level of harm and the proposal is deemed contrary to the ecology aspect of Policy SE8 in addition to Policy SE3 of the CELPS and Policies NE11, NE12, NE13 and NE14 of the MBLP.

Bats

The submitted *Preliminary Ecological Appraisal* (Peak Ecology, 12/02/2018) observed that the stone archway on site offers low-moderate potential for bats and as such, requires further assessment. The submitted survey recommends the submission of an endoscope survey for further review prior to commencement of development.

During the application process, discussions were held between the Council's Nature Conservation officer and the applicant's representative. The result of these conversations are that it was identified that the stone arch is located outside the red line of the application and will not be effected by the development. On that basis no further bat survey work will be required.

In the event of approval, the Council's Nature Conservation Officer recommends that it be conditioned that no construction works take place on site after dark.

Breeding Birds

In the event of approval, the Council's Nature Conservation Officer recommends a condition to protect nesting birds.

'Other' protected species

While no evidence of an active sett was identified during the survey there was evidence that the other protected species were using the site for commuting/foraging. The report recommends a pre-works check to confirm continued sett absence. The Council's Nature Conservation Officer recommends that in the event of approval, this survey be conditioned.

Schedule 9 Species (Invasive species)

Himalayan Balsam and American Signal Crayfish are present on the proposed development site. Prior to the use of any building materials on site, the Council's Nature Conservation Officer recommends that an invasive species management plan should be submitted for prior approval as a planning condition.

Ecology Conclusions

As a result of the severe adverse impact of the development upon the Havannah Wood LWS, the Council's Nature Conservation objects to the proposed development. The development is therefore deemed contrary to the ecology elements of Policy SE8 of the CELPS, Policy SE3 of the CELPS and Policies NE11, NE12, NE13 and NE14 of the MBLP.

Heritage & Design

Havannah Wier is a Grade II listed building located within close proximity to the proposed development. The listing states;

'Weir. Early/Mid C19. Stone segmentally coved and stepped. The weir originally provided power for a cigar manufactory.'

Havannah Bridge, also Grade II listed lies approximately 35-40 metres to the south of the development and within close proximity to where the proposed cabling would extend.

Policy SE7 of the CELPS (Historic Environment) seeks to conserve and enhance the character, quality of the historic built environment, including the setting of assets and where appropriate, the wider historic environment.

Policy SE1 (Design) of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that development should contribute positively to an areas character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale,

form, grouping, choice of materials, design features, massing and impact upon the streetscene.

There proposal includes;

1. A new intake structure on the west bank - It is advised that this would be 3.5 metres wide, will be set into the upstream riverbank and will be built 1.5 metres inland from the edge of the river. Bank strengthening 3 and 5 metres in each direction once structure is in place
2. An Archimedes Screw turbine - of steel fabrication supported by a tank and the top and a concrete pad at the base. It will sit at a 28 degree angle within a 3.2-metre wide sloping channel formed out of steel sheet piling.
3. A short (8-metre) tailrace channel delivering the flow back into the downstream weirpool
4. A control building/shed – This would be located above the turbine and would measure approximately 4 metres x 5.5 metres in plan enclosing the gearbox, generator and control equipment. It is advised it will be constructed in blockwork with larchwood cladding and a green profiled metal sheet roof. It will have double-doors and a small viewing window both facing the hillside
5. Upgrading of the existing 'angler's footpath' with a post-and-beam raised boardwalk (1.2 metres width) – This would extend approximately 70 metres from Havannah Lane to the proposed temporary access track adjacent to the proposed turbine. The armoured power cable running across to Havannah Lane will be fixed beneath the boardwalk.
6. 250 metres of temporary access track coming from the north, off the A536 through an adjacent field and down to the plateau above the intake and turbine locations, providing construction access to the hydro works. A turning head is also proposed of a size suitable for staff parking within the field just to the north of the woodland. It is advised that the access track would be established using a combination of heavy duty HDPE panels and laid hard core.

Turning to heritage considerations, within the submitted Design and Access Statement, the only reference to the heritage assets is within section 4.3 where it is stated that the proposal would not directly impact the assets and that some remedial work will be undertaken to remove self-seeded trees which are causing damage to the structure. It is also noted that a minimum water depth of 60mm will be maintained over the Weir during hydro-extraction.

The proposals have been reviewed by the Council's Heritage Officer who advises that that the development would not detrimentally impact the heritage assets or their significance. The proposal to remove self-seeded trees from the Weir structures is welcomed.

In consideration of general design matters, the development proposals would include structures required to make the scheme operational which would be constructed from

materials suitable for the purpose they would serve. In the event of approval, it is recommended materials choices be conditioned.

It is considered that the proposals would adhere with the heritage and design aspects of Policy SE8 and policies SE1, SD2 and SE7 of the CELPS and Policy BE15 of the MBLP.

II. Residential amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby properties or sensitive uses in terms of; privacy, overbearing effect, loss of light or environmental matters.

The main elements of the proposal, the screw turbine and associated infrastructure, would be located over 40 metres away from the closest impacted residential dwellings which comprise of; Riverside Mill to the south and The Old Mill to the south-east. Given this distance from these properties and the nature of the development, it is not considered that the proposals would detrimentally impact the occupiers of this development in terms of privacy, overbearing effect or loss of light.

In consideration of environmental matters, which relate primarily to noise in this instance, the application is accompanied by a noise report. This report has been reviewed by the Council's Environmental Protection Team who advise that they are satisfied with the mitigation measures it provides and as such, in the event of approval, it should be conditioned to be implemented. Environmental Protection have provided no other comments other than for the recommendation of an informative advising of hours of construction.

III. Jodrell Bank

The application site lies on the edge of the Jodrell Bank Consultation Outer Consultation Zone. Jodrell Bank have not to formerly commented on the application. However, due to a combination of the nature of the development, its distance from the telescope and importantly, the topography of the site, as the proposal would lie within a river valley, although there is likely to be a degree of harm, it is not considered that the impact upon the efficiency of the telescope would be significant to warrant refusal of the application.

Principle conclusions

Policy SE8 of the CELPS supports community-led renewable energy initiatives such as that proposed, irrespective of its location, as the benefits of such schemes are recognised. In this case, the environmental benefits are the CO2 savings (around 200 tones per year) that would be created as a result of the development, there would also be benefits to the Grade II listed building through the proposed removal of tree samplings from the brick structure, the social benefits in terms of assisting in the creation sustainable communities and the economic benefits in terms of any profits being spent on local community projects.

However, Policy SE8 of the CELPS also states that consideration also needs to be given to anticipated adverse impacts such as; the impact upon the surrounding landscape, including matters of heritage, ecology and trees; the impact upon residential amenity and the impact in this case, upon Jodrell Bank.

In response, adverse impacts are identified in relation to; Open Countryside, ecology and trees. No significant residential amenity or Jodrell Bank impacts are identified.

Balancing up the adverse impacts against the benefits of the scheme in the context of Policy SE8, whilst the weight afforded to the environmental benefits are significant, the weight afforded to the social and economic benefits are limited as there is no mechanism proposed to secure these aspects.

In consideration of the adverse impacts, whilst it is recognised that the development only relates to a relatively small portion of the Havannah Wood LWS, it is understood to be a section which is deemed particularly rich and of good quality, the loss of which would be irreversible. Furthermore, Cheshire has less than half the national average of woodland cover so its retention is particularly important. It is also a consideration that the areas of the LWS that would be impacted during construction would be greater than that of the footprint of the proposed development shown.

In consideration the adverse impact upon trees, the loss of trees is considered to be significant and will have an adverse impact on the woodland. There is also a lack of information to satisfy concerns that the development would detrimentally impact a veteran tree.

It is concluded that because of the irreversible harm that would be created to the LWS and wet woodland and the lack of information relating to possible harm upon a veteran tree, the environmental harm of the development outweighs the benefits, irrespective of the community benefits being secured.

As a result of the above reasons, it is considered that the proposal would be contrary to Policy SE8, Ecology and Tree policies of the development plan and be unacceptable in principle.

Other Matters

Open Countryside

During the course of the application, it became clear that a long-term car park is proposed close to the junction between Havannah Lane and Macclesfield Road to provide parking for engineers and volunteers. This element of the scheme is considered too detached from the proposed development and would have a detrimental impact upon the intrinsic character and beauty of the Open Countryside.

Highways

As part of the proposed development, a temporary access track for construction vehicles is proposed from the A536 Macclesfield Road.

The Council's Head of Strategic Infrastructure (HSI) has advised that there are no highway concerns regarding the proposed development although the proposed location of the access has restricted visibility. The HSI advises that the introduction of the Congleton Link Road (CLR) will have the effect of reducing vehicle approach speeds in this area of Macclesfield Road and also the geometry changes that will take place.

Therefore, the HSI raises no objections to the application subject to a condition preventing the temporary access track being implemented until the CLR works at the eastern end have been completed. In addition, a condition requiring the removal of the access track is proposed upon completion of the construction works.

A further update will be provided to committee on the acceptability of any alternative arrangements proposed in relation to the car park proposals sought for engineers and volunteers, should they be received.

Flood Risk and Drainage

The main element of the proposed development would lie adjacent to the River Dane, partially within areas of Flood Risk Zone 2 and 3.

The application is supported by a Flood Risk Assessment (FRA).

The flood risk elements have been reviewed by the Environment Agency who have advised that they raise no objections.

The Council's Flood Risk Manager has reviewed the proposals and advised that they raise no objections.

In consideration of drainage matters, United Utilities have reviewed the submission and also raise no objections subject to a number of conditions including; the prior submission/approval of a surface water drainage scheme and condition requiring the prior submission/approval of a sustainable drainage management and maintenance plan.

Public Rights of Way (PROW)

Public Byway No. 9, Eaton, as recorded on the Definitive Map of Public Rights of Way, runs along Havannah Lane itself and appears to be the only location that any aspect of the development would intersect a PROW. At this juncture, the submitted plans show the proposed cabling of the development would pass through this point.

The PROW team have advised that an advisory should be added to any permission in the event of approval, reminding the applicants/developers of their responsibilities in terms of not interfering with it. Also, it is recommended that the applicant/developer is advised that any variation to the above will require the prior consent of the PROW Unit.

The reference to an Angler's path and construction of a boardwalk appears to be a private path and is not a recorded public right of way.

CONCLUSIONS

The application site is located predominantly within the Open Countryside where development is only supported in certain instances to protect it for its own sake.

Policy SE8 of the CELPS supports community-led renewable energy initiatives such as that proposed, irrespective of its location, as the benefits of such schemes are recognised. In this case, the environmental benefits are the CO2 savings (around 200 tones per year) that would be created as a result of the development, there would also be benefits to the Grade II listed building through the proposed removal of tree samplings from the brick structure, the social benefits in terms of assisting in the creation sustainable communities and the economic benefits in terms of any profits being spent on local community projects.

However, Policy SE8 of the CELPS also states that consideration also needs to be given to anticipated adverse impacts such as; the impact upon the surrounding landscape, including matters of heritage, ecology and trees; the impact upon residential amenity and the impact in this case, upon Jodrell Bank.

In response, adverse impacts are identified in relation to; ecology and trees. No significant residential amenity or Jodrell Bank impacts are identified.

Balancing up the adverse impacts against the benefits of the scheme in the context of Policy SE8, whilst the weight afforded to the environmental benefits are significant, the weight afforded to the social and economic benefits are limited as there is no mechanism proposed to secure these aspects.

In consideration of the adverse impacts, whilst it is recognised that the development only relates to a relatively small portion of the Havannah Wood LWS, it is understood to be a section which is deemed particularly rich and of good quality, the loss of which would be irreversible. Furthermore, Cheshire has less than half the national average of woodland cover so its retention is particularly important. It is also a consideration that the areas of the LWS that would be impacted during construction would be greater than that of the footprint of the proposed development shown.

In consideration the adverse impact upon trees, the loss of trees is considered to be significant and will have an adverse impact on the woodland. There is also a lack of information to satisfy concerns that the development would detrimentally impact a veteran tree.

It is concluded that because of the irreversible harm that would be created to the LWS and wet woodland and the lack of information relating to possible harm upon a veteran tree, the environmental harm of the development outweighs the benefits, irrespective of the community benefits being secured.

As a result of the above reasons, it is considered that the proposal would be contrary to Policy SE8, Ecology and Tree policies of the development plan and be unacceptable in principle.

In addition to the above, given the detached location of the proposed car park, it is deemed to detrimentally impact the intrinsic character and beauty of the Open Countryside.

No significant other concerns would be created in consideration of other development plan policies, subject to conditions in the event of approval.

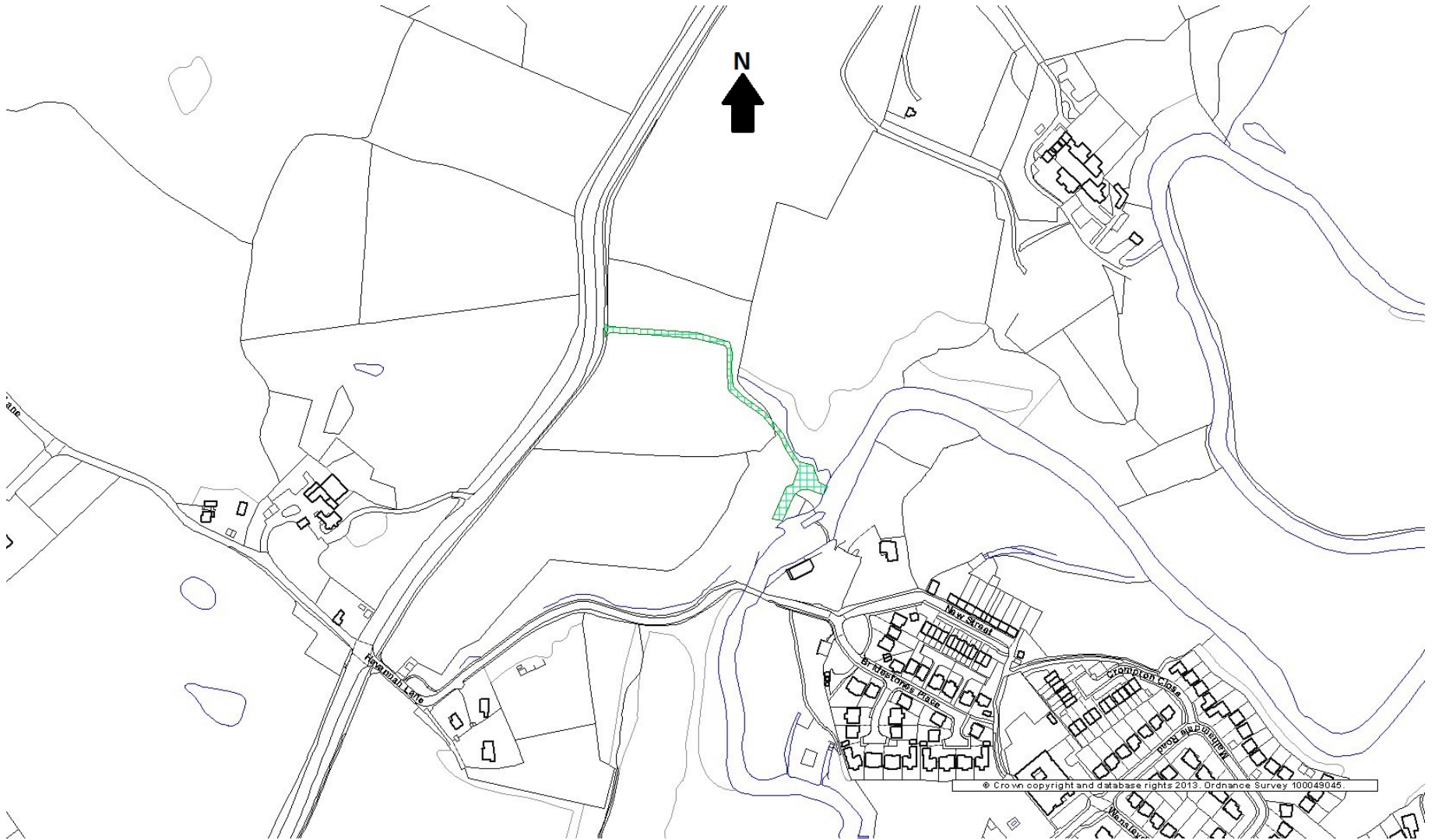
However, as a result of the above reasons, the application is recommended for refusal.

RECOMMENDATIONS

REFUSE for the following reasons;

- 1. The proposed development would have a significant adverse impact upon the Havannah Wood Local Wildlife Site. The proposed compensatory measures are not deemed sufficient to outweigh the harm. In addition, the proposal would have a significant impact upon the woodland as a result of tree loss. Furthermore, insufficient information has been provided to assess the impact of the development upon a veteran tree. Harm would also be created to the intrinsic character and beauty of the countryside as a result of the siting of the proposed car park. It is not considered that other material considerations are sufficient to outweigh the environmental harm that would be created as a result of the development. The application is therefore deemed contrary to policies; PG6 (Open Countryside), SE8 (Renewable and Low Carbon Energy), SE3 (Biodiversity and Geodiversity) and SE5 (Trees, Hedgerows and Woodland) of the Cheshire East Local Plan Strategy and policies; NE11 (Nature Conservation), NE12 (SSSI's, SBI's and Nature Reserves), NE13 (Sites of Biological Importance), NE14 (Nature Conservation Sites) and DC9 (Tree Protection) of the Macclesfield Borough Local Plan.**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



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