

Application No: 19/0782C

Location: LAND OFF, WARMINGHAM LANE, MIDDLEWICH

Proposal: Full planning permission for the partial removal of an existing pipeline corridor and the creation of a new pipeline corridor diversion

Applicant: Gladman Developments

Expiry Date: 15-May-2019

SUMMARY

The application site lies in the Open Countryside and also partly lies within the boundary of Cheshire East Local Plan Strategy strategic allocation LPS45. The proposed pipeline diversion will remove a constraint to developing this strategic site allocated for residential development. The principle of a pipeline corridor in the open countryside has already been established by virtue of the previous planning history on the site, and no new or more significant impacts on the open countryside are anticipated by this proposal; as such the application is considered to accord with CELPS Policy PG6.

Temporary short term landscape and visual impacts are anticipated during the works although no permanent above ground infrastructure is proposed therefore no long term adverse landscape and visual impacts are anticipated. In the absence of available mitigation for receptors to the north, the proposal does not accord with the approach of CELPS policy SE4, CRMLP policies 15 and 17, and CBLP policy GR6.

The proposal includes for compensatory mitigation for any impacts on biodiversity and forestry which can be secured by planning condition and which would provide for additional vegetation and habitat creation in addition to that already provided on the site and no unacceptable adverse impacts are anticipated on protected species. Subject to satisfactory improvements to visibility being secured no adverse highways impacts are anticipated. With respect to potential for pollution, it is considered that any short term temporary impacts can be adequately controlled by planning conditions. No permanent impacts to agricultural land value are anticipated from the development and no adverse effects associated with flooding.

On this basis and given that this development will help to remove a constraint to a strategic allocation which would assist in contributing to the delivery of the Council strategic housing land requirements, the potential short term temporary landscape and visual impacts are not considered sufficient to outweigh the other benefits of the scheme. As such the proposed development accords with the overall approach of the CELPS, CRMLP, CBLP and NPPF.

RECOMMENDATION: Approve subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application site comprises 4 hectares of agricultural grassland located immediately to the south of Middlewich and situated between the River Wheelock to the west and Warmingham Lane to the east. To the south lie agricultural fields and the continuation of Warmingham Lane.

The application site is triangular in shape and runs from a point east of the River Wheelock to Warmingham Lane and the north to the edge of Middlewich urban area. The application site crosses field boundaries comprising of mature trees and hedgerows. Three ponds are also located in a linear formation to the south of the application site whilst a further two lie to the north.

In the Cheshire East Local Plan Strategy the application site is partly located within the boundary of housing allocation LPS45 (Land off Warmingham Lane West - Phase II) and partly lies within the Open Countryside.

A Local Wildlife Site (LWS) – River Wheelock is located approximately 40m west of the application site; whilst Cledford Lime Beds are located approximately 0.9km north east and Old Gorse 0.9km to the north west. The application site lies approximately 605m to the north west of Sandbach Flashes Site of Special Scientific Interest (SSSI) and lies within the SSSI impact zone. It also lies within a nitrate vulnerable zone and land directly adjacent to the application site at the River Wheelock lies within Flood Zone 3.

The closest residential properties lie approximately 40m to the north west off Whatcroft Way.

BACKGROUND AND PROPOSED DEVELOPMENT

The diagonal section of the application site running north from the river to the edge of Middlewich urban area is the current route of an underground pipeline corridor which transports brine from Warmingham brinefields to the British Salt factory at Middlewich under an extant planning permission which runs until 2042. Outline planning permission was granted in 2015 (ref:15/5840C) for residential and associated development on land to the south of Middlewich which includes the area taken up by the pipeline corridor.

This application proposes to remove any risks and constraints to development associated with that pipeline corridor by diverting it around the edge of the permitted residential development boundary. The existing 546m section of the pipeline corridor running in a north east direction from the river to Warmingham Lane would be removed and replaced by a new 670m section of pipeline corridor which would run from the River Wheelock horizontally to Warmingham Lane and then north to meet the existing pipeline corridor. The pipeline corridor would be used to house the existing three brine pipelines (two 315mm pipes and one 180mm pipe) which are constructed of high density polyethylene, along with an existing gas pipe and electric cables.

The pipeline corridor would be constructed using open trench techniques. Topsoil would be stripped and stockpiled adjacent to the section of the pipeline being excavated. A tracked excavator would be used to dig out a trench with battered sides. The trench would typically be 0.6m wide and 1m deep. On its completion a granular bedding material would be laid in the base of the trench and the pipes would be laid. Material would then be backfilled around the pipes comprising either screened excavated material or imported granular backfill. Subsoils

and topsoils would then be placed to the original levels. Any temporary stoned areas in the working corridor would also be removed and any areas which have become compacted by plant and machinery would be mechanically ripped/ploughed and topsoil replaced.

In order to accommodate the works and equipment, the construction working corridor would be approximately 38m in width; reducing to approximately 17m on the section parallel to Warmingham Lane and also reduced in sensitive locations such as waterbodies and hedgerows. Access to the pipeline corridor would be obtained via the existing track off Warmingham Lane to the north east of the application site. A construction compound would be established in the north east corner of the field close to the access point which would be removed on completion of the works and land reinstated. The compound would contain the staff welfare facilities, materials laydown area, pipe storage, security cabin and vehicle parking. Materials would not be stockpiled on site in large quantities in order to avoid the need for large temporary lay-down compounds.

Construction plant would consist of large tracked excavators and dumper trucks/tipper HGVs. The main HGV movements would be associated with delivery of pipeline materials and removal of redundant pipeline. The total construction works are anticipated to be carried out within one month. The proposed hours of construction works are 0700 to 1900 Monday to Friday and 0700 to 1300 Saturday.

RELEVANT HISTORY

The pipeline corridor was initially granted planning permission in 1973 (Ref: 3/1/1510; 3/5/12233; 4/5/9294 and 5/4/7834) and an updated set of conditions issued in 1999 (ref: 4/35250; 7/P99/812 and 8/31379) and 2017 (Ref: 14/5678W) under the Environment Act.

Several other mineral permission are relevant to this application which include:

- 8/32157 - Underground mains to replace existing water, brine and mud (waste) pipes, plus provide additional pipes for water, brine, mud, gas, product, duct, electricity and telemetry cables - granted
- 4/35250; 7/P99/812; 8/31379 – application for determination of conditions for the continued solution mining of brine – granted 1999
- 7/P00/0550 - Underground mains to replace existing water, brine and mud (waste) pipes, plus provide additional pipes for water, brine, mud, gas, product, duct, electricity and telemetry cables - granted 2002
- 7/2006/CCC/12 – variation of condition of Planning Permission 4/36367, 7/P00/0550 and 8/31257, Installation of Cross Country Mains from British Salt Factory Chedford, Middlewich and the Brinefield at Hill Top Farm and Hole House Farm, Warmingham.
- 7/2007/CCC/13 - Brine extraction and underground gas storage together with gas processing plant, pipelines, link to National Gas Transmission System and associated infrastructure - granted 2008
- 7/2008/CCC/15 - Extension of Gas Processing Plant and link to National Gas Transmission System, electricity and manifold compounds, conversion of 10 brine cavities to gas storage and associated infrastructure - granted 2009
- 13/1052W - pipeline corridor comprising of three pipes between the brine field at Warmingham and the salt factory at Middlewich and four pipes and a fibre optic cable link between the salt factory at Middlewich and the chemical works at Lostock; including

a pipe bridge, buffer tanks, pumping station and settlement tanks; and other associated ancillary development - granted 2013.

- 14/5678W - application for determination of conditions for the continued solution mining of brine – granted 2017

Non-mineral related permissions:

- 15/5840C - Outline planning permission for 235 residential dwellings, structural planting/landscaping, informal public open space, and children's play area, community facility, surface water flood mitigation and attenuation, vehicular access point from Warmingham Lane and associated ancillary works – granted January 2019.

POLICIES

National Policy

National Planning Policy Framework

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development
PG6 Open Countryside
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 Historic Environment
SE10 Sustainable Provision of Minerals
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
Site LPS45 – Land off Warmingham Lane West (Phase II), Middlewich.

Cheshire Replacement Mineral Local Plan (CRMLP)

Policy 15 Landscape
Policy 17 Visual Amenity
Policy 21 Archaeology
Policy 25 Groundwater/surface water/flood protection
Policy 26/27 Noise
Policy 28 Dust
Policy 29 Agricultural land
Policy 34 Highways
Policy 37 Hours of Operation
Policy 41 Restoration

Congleton Borough Local Plan (CBLP)

PS4 Towns
PS8 Open Countryside

GR6/7 Amenity and Health
GR9 Accessibility, Servicing and Parking
GR18 Traffic Generation
GR21 Flood Prevention
NR2 Statutory Sites
NR3 Habitats

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Middlewich Town Strategy

Middlewich Neighbourhood Plan

The Middlewich Neighbourhood plan was subject to a local referendum which returned a no vote and therefore carries no weight.

Moston Neighbourhood Plan

LCD1: Design and Landscape Setting
LCD2 – Dark Skies (lighting)
INF3 – Surface Water Management
ENV1 - Biodiversity
ENV2 – Trees, Hedgerows and Watercourses

CONSULTATIONS (External to Planning)

Nature Conservation: no objection subject to planning conditions in respect of:

- Development to proceed in accordance with the mitigation identified in the ecological appraisal and subsequent correspondence from the applicant unless varied by a subsequent Natural England license.
- Provision of hedgerow replacement planting
- Measures to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland occur in close proximity to the proposed development during the construction phase.
- Safeguard nesting birds

Forestry: no objection subject to planning conditions in respect of:

- A detailed access facilitation tree pruning/felling specification;
- A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan;
- Arboricultural method statement with key stage arboricultural supervision;
- Scheme of mitigation tree and hedgerow planting.

Environmental Health: no objection. Advice provided in respect of contaminated land.

Flood Risk Management: no objection. Advice provided in respect of any works which could affect the flow or stability of any ordinary watercourses.

Strategic Infrastructure Manager – Given the number of vehicle movements proposed and temporary 1 month period, the highways impacts would be minimal.

The access currently serves a farm and farmhouse and has operated safely for the last 5 years. To the north of the access visibility in excess of 40m is achievable. To the south of the access, the applicant proposes to trim the hedge back to provide a visibility splay in excess of 65m. The access is considered acceptable and no objection is raised.

Health and Safety Executive: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Cadent Gas: no objection

Natural England: no objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Environment Agency: no objection subject to condition regarding unexpected contamination

Cheshire Brine Subsidence Compensation Board: no comments received

VIEWS OF THE PARISH COUNCIL

Middlewich Town Council: no comments received

Moston Parish Council: no objection

OTHER REPRESENTATIONS

3 representation has been made. A summary of the issues raised is as follows:

- Concern over potential for disruption/closure to Warmingham Lane during the works which should not be allowed given it is a main entry to the town and access/exit to the majority of housing in the area.
- The new pipe next to Warmingham Lane should be positioned much further back from the road in case access is required in the future.
- As the work is only required to enable a further residential scheme to be built, the full costs of this works should be submitted in any housing applications for this site for section 106 negotiations so that it is clear how much the developer has been happy to spend in order to make this site viable so that the community will not be 'short changed' in the section 106 agreement amount.
- Application could be a precursor to a revised layout for the housing site increasing the housing density, removing the open space and play area identified on 15/5840C and affecting sense of space in conflict with Council green space strategy. This would also be detrimental to visual amenity of the area and impact on the enjoyment of existing residential properties. Concern expressed over the extent of infrastructure required

given the level of housing built and proposed; concern that sufficient contributions from new development are not being secured to deliver this. Also concern over loss of open space from 15/5840C application and impact on the newt protection zone identified in 15/5840C. Open space supports people's well-being in line with Council 'live well' policy, contributes to the amenity of the area and supports sense of pride in the area. The availability of local open space will reduce the need to travel and reduce carbon footprint. Should permission be granted, a condition should be imposed requiring that the provision of open space, habitats or recreation identified in 15/5840C is not changed.

- Area is rich in biodiversity, potential irreversible impacts on delicate ecosystem.
- Potential for disturbance to contaminants as a result of the works to the pipeline which could be a health hazard. No attempt to address this risk has been considered. This questions the validity of the need for the application, given that the disturbance of pipelines could create damage from contamination, whereas leaving this in-situ would prevent damage.
- The planning statement seems to confirm an intention to construct on this land, shown as a football pitch in 15/5840C and contrary to previous communications regarding the outline plan. Surely the whole purpose of a planning process is to have a clear plan for development and understand potential constraints before committing to this type of costly work.

OFFICER APPRAISAL

Principle of Development

The proposal would remove a potential constraint to future development of a strategic site allocated for residential development in the Cheshire East Local Plan Strategy (LPS 45 - Land off Warmingham Lane West (Phase II) and thus contribute to the delivery of the Council strategic housing land requirements.

The application site partly lies within the Open Countryside. CELPS Policy PG6 restricts the type of development that may be permitted and makes it clear that particular attention should be paid to design and landscape character so the appearance and distinctiveness of the countryside is preserved and enhanced. The proposal would involve engineering works and other associated activities for approximately one month which would present some short term adverse impact on the openness of the countryside; however once completed, there would be no above ground infrastructure and no long term adverse impact on the appearance of distinctiveness of the countryside. The principle of a pipeline corridor in the open countryside has already been established by virtue of the existing pipeline corridor as well as a number of historical permissions for pipelines on the site, most recently the cross boundary application for the pipeline corridor between Warmingham brine field and Lostock works granted consent in 2013 (Ref:13/1052W). The proposed development is not considered to present any new or more significant impacts in terms of open countryside considerations than has already been considered and deemed acceptable previously. The application is considered to accord with CELPS Policy PG6.

Agricultural Land

The application site lies within agricultural land which is classified as grade 3 BMV (best and most versatile). An agricultural land survey has not been submitted to determine whether the land is subgrade 3a – good quality or subgrade 3b (moderate quality). The works are however

temporary in nature lasting approximately one month, after which the site would be restored and subject to aftercare which could be secured by planning condition to ensure the land is returned to its original condition. Following completion of the restoration there would be no above ground infrastructure as such no significant effects on agricultural land are anticipated and the proposal would accord with CELPS policies SD2 and SE2 and CRMLP policy 29.

Forestry

The proposals would require the removal of four oaks trees and one group of elm trees which were assessed as diseased and requiring removal, along with the removal of 9 trees and one group of trees (category B and C) which are situated at points where the new and redundant pipeline routes intersect or where the pipeline route crosses field boundaries. In addition 185m of hedgerow would be removed by the development, of which 70m is identified as Important under the Hedgerow Regulations 1997 and therefore a material consideration. The applicant proposes to replace all trees lost and proposes a total of 370m of replacement hedgerow planting to mitigate for that lost as a result of the development. With respect to the proposed improvements to visibility splay, the trimming back of the hedgerow could be undertaken without resulting in any extensive damage to the hedgerow along Warmingham Lane.

No objections are raised by the Forestry Officer however concerns are expressed over the width of the working corridor. In response the applicant advises that the working corridor widths are as narrow as possible and have been determined based primarily on health and safety requirements in order to safely allow the excavation works, pipeline storage, soils storage and vehicle access to take place, whilst minimising the impact on the established hedgerow along Warmingham Lane. It is also noted that the proposed working corridor width is similar to that approved for the brine pipeline corridor under permission 13/1052W.

The Forestry Officer also questioned the requirements to manage excess soil generated by the development. The applicant advises that only small amounts of soil are expected to be generated as the pipe sizes are very small and if there is any excess, it would be removed from site to suitable treatment/disposal facility.

A scheme of tree and hedgerow planting can be secured by planning condition to ensure that any loss is adequately compensated for on site and additional planning conditions are recommended in respect of:

- A detailed access facilitation tree pruning/felling specification;
- A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan;
- An arboricultural method statement with key stage arboricultural supervision;

Subject to securing these conditions, it is considered that there would be no adverse impacts on trees and hedgerows and it would provide an overall improvement to vegetation provision. As such the scheme would accord with Moston Neighbourhood Plan policies LCD1 and ENV2, CELPS policy SE5 which requires development to provide a net environmental gain to trees and hedgerows through appropriate mitigation or compensation; CRMLP policy 15 and the NPPF.

Ecology

The proposed diversion would move the route of the pipeline away from the River Wheelock LWS, improving its current alignment and avoiding any direct impacts on the watercourse and LWS. The route of the pipeline crosses areas of improved and species poor semi improved grassland which is assessed as being of limited ecological value and the temporary loss of this habitat is not assessed as significant and would be reinstated on completion of the works. The Nature Conservation Officers advises that measures should be secured to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland in close proximity to the proposed development during the construction phase which can be secured by planning condition. With respect to the Sandbach Flashes SSSI, Natural England advise that the proposal would not have any likely significant effects on this statutorily protected site and no objections are raised.

Bats

There are records of bats in the area and the natural features on and around the site provide suitable habitat for foraging bats and connectivity to other habitat. The majority of hedgerows would be retained and would provide linkages to offsite/adjacent habitats; however some sections of hedgerows would be lost to access the pipeline corridor. None are identified as being of value for roosting bats and therefore it is anticipated that impacts on potential bat roosts within any of these habitats would be negligible. One tree on site contains a minor roost of a common bat species. The Nature Conservation Officer's preference is that this is retained however the applicant advises that this would need to be removed to accommodate the pipeline corridor. The applicant proposes a range of mitigation for bats which could be secured by planning condition which the Nature Conservation Officer considers acceptable; this includes:

- provision of three compensatory bat boxes;
- a range of operational working practices to ensure a careful approach to works on trees of low bat roost potential and to minimise the risk of bats being harmed when the tree is felled;
- enhance retained hedgerows on site through gapping up of the hedgerows and hedgerows placed under a sympathetic managed regime to ensure the maintenance/enhancement of potential commuting and foraging corridors for bats;
- Replacement of lost hedgerow with native species hedgerow planting along with additional compensatory hedgerow planting to connect to existing habitat.

Great Crested Newts

Populations of Great Crested Newts (GCNs) have been recorded in ponds lying adjacent to the existing pipeline and adjacent to the proposed diversion. The ponds lie outside of the working corridor and should be unaffected by the proposed works.

In order to mitigate the risk of newts being killed or injured during the construction phase the applicant proposes to remove and exclude animals from the footprint of the development using standard best practice methods under the terms of a Natural England license. The temporary loss of terrestrial habitat would be compensated for through the provision of additional enhanced habitat features such as hibernaculum and log piles.

Habitat Regulations Test

Since two European Protected Species has been recorded on site (bats and great crested newts) and these are likely to be adversely affected by 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 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

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

Test 1: Overriding Public Interest

The proposal would ensure that the constraints associated with the presence of the pipeline on land identified as Strategic Site 45 ‘Land off Warmingham Lane West (Phase II)’ in the Cheshire East Local Plan Strategy are removed and this strategic allocation can be brought forward. The provision of mitigation would also assist with the continued presence of GCN and bats, and maintain a favourable conservation states of both species concerned. Whilst the proposals may result in 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 the interest is sufficient to override the protection of, and any potential impact on bats and great crested newts, setting aside the proposed mitigation that can be secured.

Test 2: No satisfactory alternative

The alternative option is a ‘do nothing scenario’. Should no development take place the specialist mitigation and additional habitat provision for both species would not be provided which would be of benefit to the species.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

The proposal would not result in the loss of any great crested newt ponds and all newts would be removed and excluded from the working areas. Any temporary loss of terrestrial habitat during the proposed works would be mitigated by the provision of additional enhanced habitat features such as hibernacular and log piles. The Nature Conservation Officer advises that in the absence of mitigation the proposed development would have a low level adverse impact on great crested newts as a result of the temporary loss of terrestrial habitat and risk that animals would be killed or injured during the construction process.

The provision of bat boxes would increase the availability of roosting potential for bats in the local area and the additional hedgerow and enhancements to existing hedgerows would offer improvements to their habitat. The Nature Conservation Officer advises that the loss of the bat roost would have a low level impact upon the species of bat concerned and the mitigation measures identified would be sufficient to maintain the favourable conservation status of the local population of bats. Therefore it is considered that the proposal meets the third test in respect of both species.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there is no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts and bats, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Other species

The proposed works are sufficient distance away from the river to not present adverse impacts to otters and water voles, and pollution control measures would ensure that there is no potential for adverse direct or indirect impact on these species or their habitat arising from the works around the pipeline corridor. Equally the retention of the ponds and prevention of excavation works within close proximity to these ponds without a prior survey would protect against adverse harm to water voles and their habitat. With respect to badgers, no setts are currently present within the site and badgers are not identified as posing a constraint to development however the ecological assessment recommends controls over the use of open excavations to protect any active badgers in the area. Suitable habitat is also present for polecat and hedgehogs. Given that the areas of woodland and hedgerows would largely be retained and unaffected by the proposal, no adverse impacts to these species are anticipated in the ecological assessment and recommendations are provided in respect of any removal of vegetation to protect against any harm to these species. The mitigation identified in the ecological assessment could be controlled by condition. Additionally the Nature Conservation Officer recommends planning conditions in respect of protecting nesting birds, use of lighting around trees, and retention of waterbodies and replacement planting.

On the basis of the above and the detailed mitigation being secured by planning condition, the proposals are considered to accord with Moston Neighbourhood Plan policy ENV1, CELPS policy SE3 which requires new development to positively contribute to the conservation and enhancement of biodiversity and the approach of the NPPF (paragraphs 170 and 175).

Pollution Control

The proposed works are in close proximity to a watercourse and also within 40m of residential receptors, whilst the indicative location of the construction compound is approximately 75m from the nearest residential property on Sproston Place. There is potential for temporary adverse effects to those receptors located in close proximity to the existing access track off Warmingham Lane including the new housing development on Whatcroft Way, Sproston Place and Stanthorn Place as a result of vehicle movements and works which could present noise and dust impacts during the construction works.

Any adverse effects would be limited to the one month construction period anticipated for the works. The applicant proposes a construction environmental management plan (CEMP) which could be secured by planning condition. The CEMP would identify measures to reduce and manage environmental effects through appropriate construction methods and best practice; recommend mechanisms to reduce risks of environmental damage occurring and undertake ongoing monitoring and assessment during construction to ensure environmental objectives are achieved. This would include details concerning:

- mitigation measures in respect of noise and disturbance during the construction phase to ensure there are no adverse impacts on nearby receptors
- dust suppression measures and the methods to monitor emissions of dust arising from the development.
- Use of vehicles with appropriate silencers and no abnormal noises
- measures to ensure that the potential for release of pollutants is minimised and appropriate storage arrangements are secured on site
- Vehicle parking
- Lighting
- Storage of plant and materials

No objections are raised by the Environmental Health Officer to the proposal but it is recommended that the proposed hours of operation are reduced to 8.00 to 18.00 hours Monday to Friday and 8.00 to 14.00 Saturday given the proximity of residential receptors along with a communication strategy with local residents (in the form of a letter drop) providing detailed information on the proposed works, timescales and contractor site contact details on site to enable residents to raise any issues. This can be secured by planning condition.

With respect to any risk of pollution of the watercourse, the construction environmental management plan would detail the measures to be adopted to ensure that the potential for release of pollutants is minimised and there are appropriate storage arrangements on site. This could be secured by planning condition. Top soil would be also stripped and stored in accordance with DEFRA guidelines and normally be stored adjacent to the section of pipeline being trenched, and would be stored separately away from excavated subsoils to prevent contamination of the soils.

Contaminated land

There is a requirement on the residential planning permission (15/5840C) for updated contaminated land investigations to be carried out on land which includes part of the area comprising this application site prior to the housing development being commenced. With respect to implications of potential contamination in the ground being disturbed by this development however, the Contaminated Land Officer advises that there are no viable receptors within the application boundary, apart from groundworkers (who would be regulated

by separate health and safety legislation enforced by the Health and Safety Executive) and any potential harm from disturbed contamination on future viable receptors such as new residents would be assessed under the contaminated land assessment required for the housing scheme. No objections are raised and advice is provided to the applicant in respect of dealing with unexpected contamination which would ensure that the contractors report any adverse ground conditions and if necessary take appropriate action to address the issue. The Environment Agency also recommend planning conditions for dealing with unexpected contamination which can be secured by planning condition.

Subject to planning conditions to control the hours of operation, submission of a construction environmental management plan and dealing with unexpected contamination, it is considered that any short term adverse impacts associated with environmental pollution or impacts on amenity could be controlled to an acceptable level and would accord with Moston Neighbourhood Plan policy LDC2, CELPS policy SE12, CRMLP policies 25, 26, 27 and 28, and CBLP policies 6 and 7.

Highway safety and traffic generation

The proposal would generate vehicle movements from construction plant namely large excavators and dumper trucks/tipper HGVs used in connection with the stripping of soil, trench excavation and delivery of materials. The applicant identifies that the proposal would generate approximately 5 vehicles per day (10 two-way movements) and approximately 3 cars/vans per day for construction workers. The level of movements would not be dissimilar to that generated by an agricultural farm use which the access already serves. The applicant proposes a construction highways management plan which would include details of a system to time HGV movements and prevent simultaneous two-way movements along the access track; the details of which could be secured by a planning condition. No concerns are raised by the Strategic Infrastructure Manager in respect of the impact on highway capacity given that the proposed number of vehicle movements are minimal and temporary.

With respect to the use of the existing access track off Warmingham Lane, this currently serves a farm and farmhouse and has operated safely for the last 5 years. Warmingham Lane is subject to a 30mph speed limit to the north and visibility in excess of 40m is achievable which meets the required standard. To the south, Warmingham Lane has a 60mph speed limit and the current visibility achieved is far less than the standard required for a road of this speed. The applicant notes however that vehicles travelling northbound approaching the access are likely to be reducing speed as they enter a built up area and a change in speed limit. In order to address this, the applicant proposes to trim the hedgerow which would provide a visibility splay in excess of 65m. This could be secured by planning condition and the Strategic Infrastructure Manager advises that subject to these measures being secured along with the construction highways management plan, the proposals are acceptable and no objections are raised. As such it is considered that the proposal would not present any adverse impacts on the highway network or highway safety and would accord with CRMLP policy 34 and CBLP policy GR18.

Landscape

There would be temporary short term landscape and visual impacts associated with the works. The existing vegetation on the field boundaries would provide an element of screening, particularly for receptors to the south and east. There would however be open views of the

working corridor for those receptors directly to the north which would be difficult to effectively screen. On completion however there would be no above ground infrastructure and there would be no long term adverse impact on the landscape character of the area. It is noted that temporary landscape and visual impacts in this location have been accepted by virtue of the grant of permission 15/5840C, and the temporary impacts associated with the development of pipeline corridors has previously been considered acceptable given the mineral planning history on the site.

In view of the lack of available mitigation for residential receptors to the north of the application site and potential for temporary adverse landscape and visual impacts, the proposal does not accord with the approach of CELPS policy SE4, CRMLP policies 15 and 17, and CBLP policy GR6.

Flood Risk

CELPS policy SE13 and NPPF requires new developments to ensure that flood risk is not increased elsewhere. The application site is not located within flood zones 2 or 3 and is classified as being in flood zone 1 which is the lowest probability flood zone. The NPPF clarifies that site specific flood risk assessments (FRA) are required for development proposals of 1hectare or more in Flood Zone 1. Whilst an FRA has not been submitted with this application, given the nature of the development proposed the applicant notes that the surface water would not require managing. The Council Flood Risk Management Officer also advises that an FRA is not required in this instance and raises no concerns subject to the development not having any effect on the flow or stability of the nearby watercourse which the applicant confirms would be the case. No concerns are also raised by the Environment Agency.

On the basis of the above, whilst the absence of an FRA would not meet the requirements of the NPPF, the consultees advise that the development would not increase flood risk elsewhere and would have no adverse effect on the flow or stability of the river, which would accord with Moston Neighbourhood Plan policy INF3, the approach of CELPS policy SE13 and the overall approach of NPPF.

Impact upon the Hazardous Installations/pipelines and high pressure pipelines

The application site lies within the consultation distance of a major accident hazard site at British Salt and major accident hazard pipeline which is located to the south of the application site.

HSE do not advise, on safety grounds, against the grant of planning permission and Cadent Gas also raise no objection in respect of the impacts of this proposal on the high pressure pipeline.

Other matters

Concern has been raised in letters of representation regarding the potential for this development to remove a constraint on the land which in turn will then enable further built development to take place of an intensity and scale which is over and above that already consented under permission 15/5840C and result in the loss of open space, recreation and

habitat delivered under permission 15/5840C which could impact on residential amenity, health and quality of life.

With respect to these concerns, this application has to be considered on its merits and these matters are not material to this application. Any amendments to permission 15/5840C would be assessed separately as part of a new planning application. Furthermore it is noted that permission 15/5840C is an outline consent with only access approved at this stage; all other matters including layout would therefore need to be assessed separately under an application for approval of reserved matters.

Conclusion

The proposed pipeline diversion will remove a constraint to developing a strategic site allocated for residential development in the Cheshire East Local Plan Strategy. The principle of a pipeline corridor in the open countryside has already been established by virtue of the existing pipeline corridor as well as a number of historical permissions for pipelines on the site. The proposed development is not considered to present any new or more significant impacts in terms of open countryside considerations than has already been considered and deemed acceptable previously and the application is considered to accord with CELPS Policy PG6.

The proposal includes for compensatory mitigation for any impacts on biodiversity and forestry which can be secured by planning condition and which would provide for additional vegetation and habitat creation in addition to that already provided on the site and no unacceptable adverse impacts are anticipated on protected species. Subject to satisfactory improvements to visibility being secured no adverse highways impacts are anticipated. With respect to potential for pollution, it is considered that any short term temporary impacts can be adequately controlled by planning conditions. No permanent impacts to agricultural land value are anticipated from the development and no adverse effects associated with flooding.

Temporary short term landscape and visual impacts are anticipated during the works, particularly for receptors to the north who are likely to have open views of the site due to the absence of significant boundary screening. No permanent above ground infrastructure is proposed therefore no long term adverse landscape and visual impacts are anticipated; and this nature of impact has been previously accepted by virtue of the grant of permission 15/5840C, and the historical permissions for the development of pipeline corridors on the site. In the absence of available mitigation for receptors to the north, the proposal does not accord with the approach of CELPS policy SE4, CRMLP policies 15 and 17, and CBLP policy GR6.

Given that this development will help to remove a constraint to a strategic allocation which would assist in contributing to the delivery of the Council strategic housing land requirements and given the mitigation and additional habitat provision proposed by this application, the potential short term temporary landscape and visual impacts are not considered sufficient to outweigh the other benefits of the scheme. As such the proposed development is considered acceptable and accords with the overall approach of the Moston Neighbourhood Plan, CELPS, CRMLP, CBLP and NPPF.

RECOMMENDATION

Approve subject to the following conditions:

1. Standard timescales for implementation;
2. Approved drawings;
3. Scheme of aftercare submitted prior to completion of the works;
4. All land to be restored in full and land subject to 5 years of aftercare;
5. Scheme of tree, hedgerow and vegetation planting submitted prior to completion of the works;
6. A detailed access facilitation tree pruning/felling specification prior to commencement of development;
7. A detailed scheme of tree and hedge protection measures with a tree and hedge protection plan prior to commencement of development;
8. An arboricultural method statement with key stage arboricultural supervision prior to commencement of development;
9. Implementation of ecological mitigation identified in ecological assessment and letter from FPCR prior to and throughout the proposed works;
10. Scheme of measures to safeguard semi natural woodland, ponds, the river Wheelock and species rich grassland in close proximity to the proposed development during the construction phase submitted prior to the commencement of development;
11. Protection of nesting birds throughout the development;
12. Scheme of lighting prior to commencement of development;
13. Retention of waterbodies throughout the development;
14. Construction environmental management plan submitted prior to development commencing;
15. Construction highways management plan submitted prior to development commencing;
16. Hours of operation;
17. Scheme for communication strategy submitted prior to development commencing;
18. Implementation of improvements to visibility splay prior to development commencing;
19. Measures to deal with unexpected contamination throughout the development.

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 Development Management has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

