



Appeal Decision

Inquiry held on 12, 13, 14, 19, 20 and 21 November 2024

Site visit made on 15 and 21 November 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/R0660/W/24/3347883

Land east of Longridge, Knutsford, WA16 8PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dewscope Ltd against the decision of Cheshire East Council.
 - The application Ref is 21/3100M.
 - The development proposed is residential development of up to 225 dwellings and a building for Class F2 use (formerly Class D1) (with access considered).
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Decision

1. The appeal is allowed and outline planning permission with all matters reserved except for details of the main access is granted for residential development of up to 225 dwellings and a building for Class F2 use at Land east of Longridge, Knutsford, WA16 8PP in accordance with the terms of the application, Ref 21/3100M, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was submitted in outline form with all matters except access reserved for future consideration. Submitted plans for determination at this stage include the proposed main site access arrangement. There is also a Parameters Masterplan, together with an Illustrative Masterplan, Green Infrastructure Masterplan, and Testing Layout. I have taken any details on the submitted plans relating to appearance, landscaping, layout (other than that of the main site access) or scale as being indicative and have determined this appeal on that basis.
3. Prior to the Inquiry I requested under Regulation 14(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that the Secretary of State issue a Screening Directive. This was provided prior to the start of the Inquiry and determined that an Environmental Impact assessment was not required for the proposal
4. As the proposal has potential to affect European Protected Species, I have had special regard to section 40(1) of the Natural Environment and Rural Communities Act 2006 (as amended) (the NERC Act), the provisions of the Wildlife and Habitats Act 1981 and Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) which seek to ensure that protected species and their habitats are safeguarded.
5. I have received a signed general Statement of Common Ground (SoCG) between the Council and the appellants, together with separate SoCGs relating

to Ecology and Highways. In addition, I have received a document from Knutsford Residents in Over Ward (KROW) setting out specific points on which they disagree with matters agreed between the Council and the appellants within their main SoCG. I have taken these documents into account in my decision.

6. The government have initiated a consultation on amendments to the National Planning Policy Framework. The parties have had the opportunity to provide comments on the draft policy document (the consultation draft) and I have taken these into account in my decision. This notwithstanding, the document is currently in the process of consultation and the November 2023 version of the National Planning Policy Framework (the Framework) forms current Government Policy. Whilst the consultation draft may be indicative of a potential direction of travel of the government's planning policy, it does not yet constitute policy. For these reasons I have afforded limited weight to the consultation draft.
7. It is a matter of agreement between the Council and the appellants that, should I find that the construction of the main access is not inappropriate development in the Green Belt, the first reason for refusal identified in the Council's Decision Notice falls away as there is no freestanding objection on the basis of effects on biodiversity or public open space by the Council. However, the Rule 6 and other interested parties have raised concerns, particularly regarding biodiversity, protected open space and highway matters. I have considered these in turn to ascertain whether they justify the refusal of planning permission and so it will be seen that these are assessed further as main issues in this appeal.

Main Issues

8. Taking the above into consideration, the main issues in this appeal are: -
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, including any relevant effects on the openness of the Green Belt and the purposes of including land within it;
 - The effect of the proposal on biodiversity of the area;
 - The effect of the proposal on the provision of protected open space;
 - Whether the proposal would be adequately integrated with existing development in Longridge;
 - The effect of the proposal on transport networks; and: -
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

9. The proposal site encompasses land allocated for the provision of around 225 dwellings, along with public open space within the site, pedestrian and cycle linkages and a landscape buffer to Booths Mere Local Wildlife Site (LWS)

by LPS38 of the Cheshire East Local Plan Strategy 2010 – 2030 (2017) (the CELPS) (the allocation site). The proposal site, however, includes two areas of land outside of the allocation site and there is no dispute that these areas lie within the Green Belt.

10. The larger of these areas lies to the north-east of the proposal site and would provide areas of public open space and, to facilitate access, informal paths through the area would be provided. The appellants identify that the detail of the route and construction of any paths in this area will be determined through the reserved matters application (RMA). However, they do not accept that there will necessarily be any "development" as defined in Section 55 of the Town and Country Planning Act 1990. The Council and the appellants agree that, should there be a requirement for any "engineering operations" to construct footpaths, this, in regard to the application of paragraph 155(b) of the National Planning Policy Framework (the Framework), would not be inappropriate development. This is because they would be "engineering operations" that would preserve openness whilst not conflicting with the purposes of including land within the Green Belt. I have no substantive evidence before me to dispute this.
11. However, there is dispute between the parties regarding whether, or not, the works within the second, smaller area of land within the Green Belt, are inappropriate development within the Green Belt, and, if they are, whether very special circumstances exist so as to justify the proposed development.
12. A length of road would be constructed from the public highway to enter the site about 70 metres away, through a hedge on its south-western boundary. The road would comprise a carriageway flanked by a footway and a footway/cycleway, having a total paved width of 10.5 metres. The access would have street lighting and would be tree lined. The Framework seeks to ensure that new streets, such as this, are tree-lined. Given that the site is a cul-de-sac there would be minimal need for road signage.
13. The Framework, at paragraph 155(c) identifies that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate development provided that it preserves its openness and does not conflict with the purposes of including land within it.
14. The proposed access within the smaller parcel of Green Belt land clearly provides transport infrastructure. However, it must be demonstrated that there is a requirement for its Green Belt location.
15. During the course of the Inquiry, it was identified that there is a narrow strip of land on the frontage of the site, owned by the Council, that is subject to a restrictive covenant (RC) requiring that the land is kept and maintained as open space and "to leave the same unbuilt upon save for any buildings which may from time to time be required in connection with or ancillary to the use thereof as an open space". I am satisfied on the basis of the evidence that the building of a road to access the proposed housing development, rather than an open space, would be precluded by the terms of the RC.
16. It is further apparent from the evidence before me that there are numerous beneficiaries of the RC. If the RC is enforceable, and it is a point of agreement between the Council and the Appellants, who have both taken independent

Counsel's opinion, that it is, all of the beneficiaries would need to be identified and provide their consent to the discharge of the RC.

17. Whilst Knutsford Town Council (KTC), following the discovery of the RC and its implications for delivery of the site, offered to assist in identifying the beneficiaries and negotiate with them in order that the RC would be discharged, there is no substantive evidence of progress in this regard, despite the passing of several years.
18. Given the above there is no realistic prospect of discharging the RC so as to provide road access into the allocation site across it, particularly given the widespread opposition to the proposal by residents of Longridge, some of whom are beneficiaries. This is the agreed position of both the Council and the appellants, and there is no substantive evidence before me to demonstrate that any alternative access to that proposed is possible. The government places great emphasis on a plan-led approach to development and so, I find that the proposal would be local transport infrastructure which can demonstrate a requirement for a Green Belt location as there is no other identified option to provide access and deliver the allocated site. However, this notwithstanding, the effect of the proposal on openness and the purposes for including land within the Green Belt must be considered, so as to satisfy the requirements of paragraph 155(c) of the Framework.
19. Any transport infrastructure would, by its presence, be likely to have an effect on openness and the purposes for including land within the Green Belt. It follows, therefore that, for the exception in paragraph 155(c) to have any meaning, there must be a threshold in regard to these effects, below which development is not inappropriate, but, if crossed, would make the development inappropriate. This threshold is clearly to be taken having regard to the context of the proposed development and is, thus, specific to any individual proposal.
20. Having regard to the proposal before me, the land within the Green Belt that is to be developed for this access is currently an open, grassed area used as amenity green space. Further, it is adjacent to an existing road which exhibits all of the paraphernalia associated with edge of settlement suburban roads, such as street lighting, telegraph poles, signage, kerbing and other associated features. Thus, the character of the land to be developed and its surroundings are already, to a degree, urbanised. I have no evidence before me to demonstrate that the scale of the proposal is excessive beyond that needed to provide a road to access 225 dwellings. There are already comings and goings along the road and I note that the road in the locality of the access has a bus stop and, further, is used by vehicles picking up and dropping off from a local school during which activity in the area increases.
21. Against this background the comings and goings on the proposed road link would have minimal effect on openness other than by extending the land over which the public pass into a previously grassed area which is used as amenity green space. The built form would be predominantly two dimensional but with associated features, such as the street lighting columns and street trees, which would have a degree of vertical presence. This built form, which would contain nothing exceptional by way of features associated with a minor road link, would, again, be limited. Thus, even though the built form replaces a grassed

- area with limited features, I do not consider, in this case, that the threshold for this site is breached in regard to openness.
22. The proposal would extend built form into the Green Belt, but it would be limited in scale, appearing in context with the existing suburban setting. As I have identified above, the introduction of transport infrastructure would, in any normally conceivable situation, extend development into the Green Belt. Having regard to the purposes for including land in the Green Belt, the proposal, of limited scale and in a setting already urbanised, would have a negligible effect on the sprawl of a large built-up area, nor would it significantly act to merge neighbouring towns. It has not been suggested that the existing playing field makes a significant contribution to the setting of Knutsford, such that the loss of part of the playing field would undermine that setting or its special character.
23. There is no evidence before me to demonstrate that other, more favourable sites outside the Green Belt could be developed instead of this. Indeed, the site has passed through the Local Plan selection process which would have considered alternatives site, coming down in favour of the allocated site as being preferred.
24. Thus, I find that, having regard to the effects of the proposal on openness and the purposes for including land within the Green Belt, the proposal falls within the scope of the exception granted paragraph 155(c) of the Framework.
25. It has been postulated that, in providing a legal opinion on the feasibility of discharging the RC, counsel's response could be dependent on the structuring of the question. I do not have information before me on the form of the question asked by the two parties, independently, of counsel. However, legal opinions were sought and provided, albeit subject to legal privilege, by both the Council and the Appellants. No other legal opinion has been put before me which contradicts the conclusions presented to me. Further, the Council, in its role as the Local Planning Authority (LPA), has a duty to secure development in line with the development plan and regulate the use of land in the public interest. The Council own both the land subject to the RC and the amenity grassland through which access is proposed. It has not been shown that the Council would have any reason to prefer access across the amenity grassland, rather than the land on the Longridge frontage.
26. It has been identified that the proposed access is not identified within the Local Transport Plan (LTP). The access does, however, enable development of land identified within the development plan for the purposes set out in the plan.
27. Concerns have also been raised that the proposal would, by breaching an existing hedge line that sets a boundary, set a precedence for further encroachment into the Green Belt by development. The granting of any permission in regard to the proposal before me would not remove the land from the Green Belt: the Green Belt would still wash over the access. The existing hedge would be breached, but a line of trees and hard built form would form a new visual boundary. Any further proposal for development within the Green Belt would need to accord with planning policy at that time. I therefore give such concerns very limited weight in my deliberations.
28. I therefore conclude that the proposed access is not inappropriate development in the Green Belt, having regard to the Framework and relevant development

plan policies, including any relevant effects on the openness of the Green Belt and the purposes of including land within it. For the reasons given the proposal would accord with policy PG3 of the CELPs, which replicates the provisions to protect Green Belt from inappropriate development found within the Framework.

29. Having determined that the proposal would not be inappropriate development within the Green Belt, it follows that the proposal does not need to demonstrate the Very Special Circumstances required to support inappropriate development in the Green Belt and thus any conflicts cited in the first reason for refusal set out within the Council's decision letter (policies SE3 and LPS38 of the CELPS, policies ENV2 and REC1 of the Cheshire East Local Plan Site Allocations and Development Policies Document (2022) (the SADPD) and policies E3 and E4 of the Knutsford Neighbourhood Plan (2019) (the KNP) fall away in regard to Green Belt considerations.

Biodiversity

30. The proposal site has been subject to little, or no, land management for a considerable period of time and, in this period, nature has developed unfettered by significant intervention. The site has thus become somewhat overgrown, with unchecked spread of undergrowth, scrub or saplings seeded from existing planting within a mature perimeter of substantial tree and hedge growth. The proposal site is not identified within planning policy as an area of high biodiversity value.
31. It is a matter of agreement between the Council and the appellants that the ecological baseline of the site has not changed since the allocation and no party has demonstrated that any such change has occurred. Indeed, at the Inquiry I heard evidence to demonstrate that the site has, for some time, attracted local people because of its nature.
32. Following allocation of the site within the CELPS it was found to fulfil the requirements for it to be designated a Local Wildlife Site (LWS), which is a non-statutory designation. Paragraph 13.26 of the CELPS identifies that the designation of local sites is an on-going process, and that policy will equally apply to any sites (including LWS), selected or designated subsequently to the adoption of the Local Plan. Whilst there is dispute regarding whether appropriate procedures were followed during the identification of the site as an LWS, there is no dispute between the parties that such a designation is justified by virtue of the flora and fauna to be found within, or using, the site. Indeed, whilst it only needs to be demonstrated that the site meets only one of the selection criteria to qualify as an LWS, this site meets eight and I heard that such an occurrence on a single site is very unusual. The LWS shelters and provides for numerous species, several of which are identified as being under threat.
33. The LWS lies at the centre of a grouping of sites of ecological importance, and these are connected by wildlife corridors, identified in Appendix 1 of the KNP. The southern and northern boundaries of the site are identified as 'principal' green corridors. A 'principal' corridor also passes through the mid-portion of the site and along the south-eastern boundary. A further, 'secondary' corridor connects the western boundary of the site to St John's Wood, an Ancient Woodland (AW) off-site to the west. There is evidence that these wildlife corridors have been in continuous existence for hundreds of years. As such the

LWS contributes to the connectivity of species, supporting populations to move and interbreed.

34. However, these corridors would, with the exception of the 'secondary' corridor be wholly retained following development. The affected corridor is formed by the hedge on the south-west boundary, which is breached by the main access into the site. This would create a significant gap and provide an impediment to bats commuting and foraging along the hedge. However, bespoke mitigation, in the form of a bat bridge, is provided to maintain connectivity of movement. This mitigation has been agreed with the Council and can be secured through suitable planning conditions and through the planning obligation. Thus, I find that no residual harm would occur to species connectivity from the proposal.
35. Whilst CWT identified that wildlife corridors were greater in area on a plan, this was a draft plan, rather than the plan included within the KNP. Ultimately these corridors were not transferred into policy in that form. The KNP plan shows linear corridors of limited width.
36. The extent of the LWS extends beyond the limits of the allocation site and includes areas that are also protected as AW. Various differing habitats exist within the site, forming a rare mosaic that provides a combination of habitats to support different species needs. However, built form is limited within the overall site to that land which was allocated under policy LPS38 of the CELPS. Built form does not extend into the AW and, indeed, a suitable landscape buffer is provided for its protection. The mosaic, although depleted, would, overall, be retained within the site and no individual habitat type is completely lost.
37. Policy LPS38 of the CELPS identifies, within the site-specific principles set out for development of the allocation, that "development will be expected to respect any existing ecological constraints on site and where necessary provide appropriate mitigation particularly with respect the setting of Booths Mere Local Wildlife Site and Birkin Brook"
38. Policy SE3 of the CELPS requires that development proposals which are likely to have a significant adverse impact on an LWS will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development.
39. Policy ENV2 of the CELPS requires that development proposals should provide for a net gain in biodiversity in line with national policy and that this should be supported by a biodiversity metric calculation. That policy also sets out a mitigation hierarchy that must be followed to ensure that significant harm to biodiversity is, as a first measure, avoided, and, if this is not possible, mitigated. As a final resort where avoidance or mitigation cannot be provided or are insufficient to fully avoid significant harm, the policy allows for compensation to be provided and this may include off-site compensation where such cannot be provided on site.
40. The proposal was submitted prior to the Environment Act 2021 coming into effect. Thus, the requirement for 10% biodiversity net gain (BNG) under that Act does not apply to this proposal. Nevertheless, a BNG of 12% has been identified, and agreed with the Council by the appellants. It was assessed using Defra Metric (3.0), which was the metric in use at that time. This assessment under that metric is appropriate given the application history.

41. Whilst it is a matter of agreement between the Council and the appellants that the mitigation hierarchy has been followed and that, therefore, no conflict has been found, this is disputed by CWT. CWT assert that, as the proposal could be located elsewhere, thus avoiding the harm to the LWS, the first stage of the hierarchy has not been completed.
42. However, whilst developing the quantum of housing in a different location would avoid harm to biodiversity local to the site, no alternative site has been put forward, or assessed to demonstrate that it is an equal, or better, site in overall planning terms. Further, the allocation has been through that process within the local plan process and has, in such overall planning terms and, in comparison to other proposal sites, been found to be a preferred site.
43. Moving on to mitigation and compensation, the site is restricted in size and the quantum of land needed to provide the scale of development envisioned in the allocation results in land-take within the site that cannot be wholly mitigated or compensated for within it. This is an unavoidable result of providing housing on the allocated site. It follows that off-site mitigation is required to fully address the harm to biodiversity identified within the Biodiversity Metric.
44. The Council and the appellants agree that the metric adequately represents the habitats found on-site and that an overall BNG, including off-site mitigation could be achieved. Further, there is agreement between those parties that there are adequate means of securing proportionate off-site compensation via planning conditions to replicate the habitats seen within the LWS and also to satisfy the trading rules element of the appropriate Defra Metric.
45. There is, however, dispute from CWT that the habitats within the site have been identified correctly, particularly with regard to the presence of Priority Lowland Meadow and Fen and that irreplaceable habitat has not been taken into account.
46. Whilst CWT identify that these habitats were said to be present in earlier assessments, later work by the appellants considered them in detail and concluded that they were misclassifications. These assessments were carried out and reviewed by professional ecologists. I am satisfied that they provide an accurate assessment of the habitats present, that all of the habitat has been assessed, and that no irreplaceable habitat would be lost to development. I am given further comfort that there is a Fen Compensation Strategy, agreed between the Council and the appellants which compensates for any loss of the Other Wetland.
47. There is further concern, particularly from Save Longridge Green Belt (SLGB), that, although agreed between the Council and the appellants as being an adequate assessment, the surveys conducted do not adequately reflect populations within the site. However, it is not disputed that the site qualifies as an LWS and thus, in policy terms, such dispute, whilst having potential to influence the weight I give to any identified harm to the LWS, does not affect whether, or not, harm exists in planning terms.
48. It is agreed between the Council and the appellants that in the absence of mitigation and/or compensation, the proposals would result in a significant adverse impact on the LWS. A proportion of the compensation would be provided offsite. The delivery of BNG at an off-site location could provide replacement habitat for that lost from the LWS as a result of the appeal

- scheme. Nevertheless, significant harm to the LWS would remain, resulting from the loss of around 40% of the LWS as a result of the proposed development.
49. However, that approach does not remove the impacts of the proposed development on the LWS, because the off-site nature of the compensatory habitat means that the LWS, as designated, would still suffer significant harm as a result of the proposed development and this is not disputed by the appellants.
50. Thus, in order to comply with the requirements of policy SE3 of the CELPS, the development must demonstrate that the reasons for or benefits of the proposed development outweigh the impact of the development and I will return to this later.
51. LPS38 of the CELPS requires the retention and enhancement of the existing woodland belt to the southeast of the site to ensure an enduring Green Belt boundary.
52. Within the site there are a number of scattered mature individual trees, mainly Oak, Sycamore and Poplar. The majority of these are located close to the road passing along the front of the Longridge Estate (Longridge road). However, there are numerous groups of younger trees found across the site as nature has regenerated within it over time following the end of its use for agriculture.
53. As identified above there is an area of AW within the site. The proposal would provide a suitable buffer to this, and no significant works are proposed within it. I am satisfied that no harm would result to the AW, subject to the imposition of suitably worded planning conditions.
54. The appellants submitted an Arboricultural Assessment. This assessed the trees within the site. Although the proposal is in outline form, the expected tree losses have been evaluated by the appellants. I am satisfied that the felling of a number of trees is necessary in order to develop the allocated site and, amongst those lost there would be some high-quality individual trees.
55. However, the vast majority of the tree losses are from naturally colonised trees, many of which are small. The woodland belt to the south-east would be retained. Nonetheless the trees support the overall biodiversity of the site, providing habitat and foraging for a plethora of species, and, despite the offsite compensation provided through BNG, their loss as habitat would be harmful to the LWS.
56. Whilst the proposal is in outline form, the indicative plans indicate scope for reinforcement of the tree belt to the southeast of the site.
57. Moving on to the balance required under policy SE3 of the CELPS, the principal reason for the development is to satisfy a housing need identified within the development plan, for which purpose the site was allocated.
58. In terms of benefits, the proposal would provide up to 225 new homes. There is no dispute between the parties that the Council is currently able to demonstrate an 11.68-year supply of housing land, well above the minimum five-year requirement that the Council is required to demonstrate within the Framework.

59. As mentioned above, the government are currently consulting on revisions to the Framework, and this may affect this position. However, the outcome of the consultation is not yet known and so I give such considerations limited weight in my deliberations. This notwithstanding, the requirement to demonstrate a five-year supply of housing land does not set a maximum figure for the supply of homes.
60. The government, as set out in paragraph 60 of the Framework, aims to significantly increase the supply of housing. This approach is underlined within the Written Ministerial Statement issued by The Deputy Prime Minister and Secretary of State for Housing, Communities and Local Government, Angela Rayner, entitled "Building the homes we need". However, the WMS does not set out how this will be achieved. It nevertheless indicates the direction of travel of government thinking and so I give this moderate weight in my deliberations.
61. The Framework, at paragraph 15 supports a plan-led system. The proposal would contribute to a housing need allocated within the SADPD. No other available site has been identified that would make up any shortfall in housing provision within the local plan. Taken overall I place very substantial weight in support of the proposal on the provision of a considerable quantum of the housing provision identified for Knutsford in the local plan period.
62. Further, amongst the 225 new dwellings the proposal would provide affordable housing in line with local plan policy. These are secured through a planning obligation. This would, were the full quantum of homes to be delivered within the site, equate to 68 affordable homes. The Council confirm that there is a significant existing need for affordable homes across Cheshire East, including in the Knutsford area. The additional 68 affordable dwellings would make a significant contribution to satisfying this identified need and thus this provision attracts substantial weight in favour of the proposal.
63. The proposal would provide short-term economic benefits through increased activity in the supply chain and employment in the construction industry. There would be long-term economic benefits through the increase in economic activity in the area through the support that future residents would provide for local businesses and services. It was identified during the Inquiry that there is an aspiration that the development would provide regeneration benefits in the local area, and I note the presence of a neighbourhood centre with shops and a public house that may well benefit.
64. I note that paragraph 85 of the Framework identifies that "Significant weight should be placed on the need to support economic growth and productivity". However, the primary aim of this development is to provide housing, rather than focussing on businesses and so, overall, given the scale of the development the economic benefits of the proposal attract substantial weight in its favour.
65. The proposal would provide a new community building, which would be secured through a planning obligation, to replace an existing facility within the neighbourhood centre, together with allotments. A local charity, who occupy the existing community building, has identified that its accommodation no longer suits its purpose. However, there is no indication that the services provided by the charity would cease if the replacement building were not provided for them.

66. Given that an established local operator has indicated a desire to take on the building, but that it is still likely to provide services in the area should the building not be provided, I find that its provision would be a moderate benefit in favour of the proposal.
67. Whilst the proposal, to satisfy policy requirements, need only provide a net positive benefit in BNG, the proposal would provide a 12% net gain, secured through a planning obligation. Further there is no legal requirement to provide BNG under the Environment Act. Thus, this provision, by virtue of its scale, attracts significant weight in support of the proposal.
68. The proposal would, through the planning obligation, secure new public open space provision, including a community orchard/allotments and children's play space. It was identified during the Inquiry that the area experiences significant social deprivation. Further, it was identified that the proposal would secure public access to the natural areas within the site, including for a Special Needs School (SNS). During the Inquiry evidence was provided that establishes such access is desired by the wider community, who have not had legal access previously. Such provision is a social benefit of very significant weight in favour of the proposal.
69. The proposal has, through the planning obligation, provided contributions to improve the wider highway network, including contributions to improve travel by more sustainable modes. This is necessary to offset the specific impacts of the proposal. Nevertheless, these would provide a wider benefit to the travelling public, including health benefits from increased walking and cycling. I therefore find that the highway contribution attracts significant weight in favour of the proposed development.
70. Against this I have found harm to a non-designated biodiversity asset, the LWS. The LWS lies at the heart of a network of wildlife corridors, linking statutory and non-statutory biodiversity assets, including three AWs. However, I have found that, through appropriate mitigation, the connectivity of these would be unaffected.
71. The LWS shelters and provides for numerous species, several of which are identified as being under threat. Indeed, whilst only one of the selection criteria for a LWS must be met for it to be designated as such, this LWS meets eight of the criteria. However, the habitats supporting these populations will be retained on-site, albeit depleted in area.
72. Whilst the harm, which includes the loss of many trees, is an inevitable consequence of the allocation and has not been demonstrated to be greater than would be expected, the site has significant value in biodiversity terms, and this carries significant weight against the proposal.
73. I therefore find that, in this case the reasons for, and benefits of, the proposal outweigh its adverse impact. The proposal, therefore, passes the exception test set out in Policy SE3 of the CELPS.
74. Concerns have been raised that the proposal would harm trees outside of the proposal site as the works to provide a new footway running southwest along Longridge road would be within their root protection areas. However, no substantive evidence has been provided to support this view or that a no-dig,

or other satisfactory solution is not feasible. I have, therefore, given this concern very limited weight in my deliberations.

75. Concerns have been raised that the future residents on site will keep pets and that increased predation with result. I am satisfied that this issue can be addressed through the imposition of a suitably worded planning condition requiring a site-specific Ecological Management Plan and its subsequent implementation.
76. Similarly, there are concerns that development may lead to tipping of green waste within the site, as a by-product of the residential uses. This would be likely to undermine the current balance of nutrients in the soil. However, I note that buffer zones surround the dwellings and this would provide adequate protection from any such potential harm.
77. Bringing these matters together I find that there would be no nett harmful effect on biodiversity, but residual, specific harm would result to the LWS and thus the biodiversity of the area.
78. Nonetheless, I find that, overall, the proposal would comply with the requirements of policy LPS38 and policy SE3 of CELPS and policy E3 of the KNP. Similarly, there would be no overall conflict with the Framework.
79. European Protected Species (EPS) have been found on the site. In the absence of mitigation there would be likely to be adverse impacts upon them. Given that the application site is allocated for housing within the local plan there is an overriding public interest in providing the development. Mitigation can be provided through the imposition of suitably worded planning conditions and this would assist with the continued presence of the EPS. No satisfactory alternative site for the development was identified through the local plan process, or at the Inquiry. Thus, it is likely that Natural England would grant any applicant a European Protected species licence under the Habitat Regulations.
80. The proposal would, therefore, satisfy the requirements of the NERC Act, the Wildlife and Habitats Act 1981, the Conservation of Species and Habitats Regulations 2017 and the aims of paragraph 180 of the Framework, in as much as this seeks to minimise impacts on biodiversity.

Protected Open Space

81. There is no dispute between the parties that the smaller area of Green Belt land lying outside the allocation site, as identified above, is Protected Open Space (POS). This forms part of a larger area of POS which is categorised as a 'Neighbourhood Green' in the CELPS, and designated Local Green Space (LGS) by policy E4 of the KNP. It is currently fenced off from the road, and from the evidence before me, whilst used historically as a football pitch, it has not provided such for about 10 years or more and is now used for dog walking and as an informal kick-about area.
82. Policy LPS38(b) of CELPS requires that provision should be made for formal recreation space including children's play facilities and informal public open space within the site, supplementing existing green infrastructure. Further, Table 13.1 sets out the policy requirement for POS in association with policy SE6 of the CELPS.

83. It is a matter of agreement between the Council and the appellants that the proposed development would include sufficient new green infrastructure to meet the requirements of policy SE6 for a development of this size and also proposes the necessary contributions towards off-site indoor and outdoor sports facilities, all of which would be secured by a planning obligation should I be minded to allow the appeal. In addition, existing areas of green Infrastructure (GI) within the application site will also be retained, enhanced and managed. Further, there is no dispute that the proposal identifies land, which is quantified, within the illustrative plans, so as to demonstrate that the provision required by policy LPS38 is made. On the evidence before me I have found no basis to disagree.
84. Policy REC1 of the SADPD requires that development proposals that involve the loss of open space, as defined in that policy, will not be permitted unless: -
- i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or
 - ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or
 - iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.
85. This replicates the requirements set out in paragraph 103 of the Framework.
86. There is no dispute between the parties that the land in question is subject to the requirements of policy REC1. There is no suggestion that the POS is surplus to requirements, nor is the development for alternative sports and recreational provision. However, the appellants identify the provision of additional areas of POS, should the development proceed.
87. Whilst the Council accepts that compensation for the loss of open space is provided elsewhere on site and takes no issue with the quantitative and qualitative provision proposed, KROW dispute this. Further there are concerns, voiced by Council Members, KROW and other Interested Parties that the loss of the area to be used for the access road from the POS would undermine the use of its residual area.
88. The area lost has been measured, using Computer Aided Design as 0.22ha. This figure is agreed by the Council's officers. This includes the grassed area between the road and the boundary of the allocation site. It is laid to grass and, at the time of the accompanied site visit, somewhat sodden.
89. Whilst the area of land is disputed by KROW, no alternative figure, supported by measurement of the land has been provided. I therefore find, in the absence of any substantial evidence to the contrary, that the appropriate area to consider is 0.22ha.
90. Taking the policy requirement under policy SE6 of the CELPS into account, and subtracting them from the overall provision, the calculated replacement area identified within the proposal site for amenity green space is more than sufficient to satisfy the requirement in quantitative terms. I regard to the quality of the provision this can be secured through the planning obligation and the Reserved Matters applications.

91. I note that there are currently applications that seek to modify the Definitive Map. This application awaits determination and is subject to a formal process, which allows for objections.
92. This application is not yet determined and so the current baseline against which to assess the degree to which the land is publicly accessible is the passage along the existing PROW. Even were the application to establish that other PROWS exist within the site, their use would be limited to passage on the PROW, rather than roaming freely within the site.
93. The replacement provision is in the proposal site, immediately adjacent to the POS that is lost to the creation of the access. SLGB and KROW, along with other Interested Parties have identified that many people access this land already for recreational purposes, including the enjoyment of the natural greenspace it contains. It is clear that access to the land for recreational purposes is desirable to the public. The proposal would secure wider access to this land for recreation, to the benefit of the wider community.
94. Moving on to consider the use of any residual area of the POS that would be left following the creation of the access, The area is, as I have identified above, used for dog walking and as an informal kickabout area. It has drainage issues that make it unsuitable for regular use as a football pitch and, for this reason such use ceased some time ago. The Council's Open Space Assessment (2012) and Playing Pitch Strategy do not identify the site as a playing field.
95. KROW identified that there is an aspiration, locally, for the land to be brought back into use as a playing pitch. However, there is no evidence before me of how, or when, this will be achieved. I therefore find that there is no evidence before me to demonstrate that the residual area of land would, following development, be unable to fulfil its current function, nor that its condition be undermined.
96. Council Members were concerned that no mitigation or enhancement of the remaining POS/LGS would be provided. This was an issue raised by the Greenspace Officer working for Ansa Environmental Services Ltd on behalf of the Council, who considered the matter could be addressed at the Reserved Matters Application stage. However, the Case Officer rejected such an approach because, the lost POS would be replaced by better provision in line with policy. As such is the case, there is no policy basis for requiring betterment to the residual area.
97. The Framework, at paragraph 107, requires that policies for managing development within a Local Green Space should be consistent with those for Green Belts. I have considered the matter of development within the Green Belt and therefore no different conclusion can be reached for the LGS than that set out above.
98. An additional concern raised by KROW related to the possibility that, as the Council had identified the whole of the POS within its report into the disposal of the land, the developer may take it all. The red line of the application is clear on the plans and the disposal of the land in Council ownership lies outside the scope of this appeal.
99. Further, KROW express concerns that the balance of the land may then be used for development, precedent having been set for disposal of POS and

development through this proposal. The land in question would retain its protection as Green Belt, LGS and POS and any future development would have to justify itself against planning policy at that time.

100. Whilst it was identified at the Inquiry that the provision for formal and informal play within the site was made to address the quantum required under policy for such facilities for the proposed dwellings and did not provide for any shortfall within the Longridge estate, there is no policy requirement for it to do so. It is not for new development to address existing shortfalls in infrastructure, such shortfalls would need to be addressed by other means. I note, however, that, through the proposal, legal access would be gained to the wider site and also the facilities within it and this would provide a general benefit to the existing residents.

101. In conclusion I find that the proposal would not result in an adverse effect on the provision of protected open space. I therefore find no conflict in this regard with the aims of policies LPS38 of the CELPS, policy REC1 of the SADPD, or policy E4 of the KNP.

102. For similar reasons the proposed development would not conflict with the aims of paragraph 103 of the Framework.

Integration with existing development in Longridge

103. The Council's members considered that, when determining the application, the illustrative plan did not provide sufficient certainty the scheme would, or could, deliver effective integration with the existing development on Longridge, in terms of both visual and physical connections and this view is shared by others, including Great Places Housing Group, which is the landlord to the housing on the Longridge housing estate to the west and north of the proposal site.

104. For this particular site good integration has further importance because of the potential regeneration benefits that development of the allocation site could have for the local area, which was identified as suffering a degree of deprivation. This aspiration was acknowledged in the Local Plan Inspector's findings and in the subtext of the CELPS relating to the allocated site.

105. To this end, the Knutsford Design Guide (KDG), which is intended to provide design guidance for new development within the KNP area, identifies the importance of making connections to frequently used facilities and amenities providing, wherever possible, a choice of routes to reach them. In specific regard to the allocation site LPS38, the KDG identifies that a number of entry points to LPS38 are necessary if the new development is to meld with existing housing north of Longridge.

106. The proposal lies opposite the Longridge housing estate. Roads within the estate, as well as the road passing along its southern boundary are also known as Longridge. A neighbourhood centre, containing The Falcon Bearer public house, the Welcome community centre, a small convenience store and two takeaways, is located on the northern side of Longridge road.

107. The proposal before me is in outline, with all matters reserved except for the provision of the main access. The appellants have provided an illustrative masterplan which shows one way in which the proposed development could relate to Longridge. This plan indicates six access points for pedestrians and

cyclists. One of these is at the existing Public Right of Way (PROW) 173/FP13/2 that crosses the site from east to west. They all correspond to routes into the Longridge estate for pedestrians and cyclists and would thus address desire lines between Longridge estate and destinations within the proposal site, such as the proposed community hub, allotments and public open space. At the time of my site visit I observed that informal access points had been created by the passage of persons entering and leaving the site.

108. The illustrative layout places the community building opposite the existing neighbourhood centre. Further detailing of the form of this connection and associated space around the community building, together with the scale of the gap could be a matter for determination at Reserved Matters stage. The provision of a pedestrian and cycle link would suggest an area with a balance towards movement on foot linked directly across Longridge road using sustainable modes.
109. The Council Members and Great Places expressed concern that, given the existence of the RC, access across the frontage strip of land may not be deliverable. This, however, is a matter of civil law. The Council own the strip of land and have indicated a willingness to sell it to the appellants. There would, therefore, seem no impediment to the appellants gaining ownership.
110. Whilst the main access that would accommodate motor vehicles, is, as identified above, effectively precluded by the presence of the RC, the appellants have taken legal Advice and this says that the RC would not prevent rights of way across it. The existing PROW is such an access. There is no contrary Legal Advice before me to undermine this view and it is accepted by the Council. Further, the provision of such accesses would be a matter of private law, which lies beyond the scope of this appeal.
111. It is proposed that the provision of access across the frontage strip of land be controlled by a Grampian condition, to the effect that development would be prevented unless and until the access provision is secured.
112. From the above I conclude that there is a reasonable prospect of compliance and that discharge of the condition could be achieved. Thus, the condition cannot be ruled out as unreasonable or unenforceable. The Council's officers and the appellants share this conclusion, and there is no substantial evidence before me disputing it.
113. There would be no direct and easy access for cars between the proposal site and the Longridge Estate, as the route for motor vehicles would pass through the proposed access point and turn back to the east along Longridge road. However, current government policy encourages the use of more sustainable modes for short trips that could be done by more sustainable modes. Trips between the two areas would be within walkable and cyclable distance. Thus, the lack of an easy, convenient and attractive motor vehicle connection would encourage the use of sustainable modes to travel between facilities on the two sites. Therefore, I find that the lack of such a motor vehicle connection would not undermine integration, and has potential to encourage it, as residents of the two areas would have greater opportunity for social interaction using the more sustainable modes.
114. Moving on to the consideration of visual connectivity, the minimum width of a vehicular access on the main frontage of the allocation site onto Longridge road

would be likely to be wider than that for foot or cycle routes. However, the RC applies to building works, not the management of vegetation. Thus, the balance between gaps and vegetation on the frontage could be struck at reserved matters stage when more details of the layout are available. This would allow the degree of visual permeability required to achieve appropriate visual integration, along with the appropriate degree of spaciousness associated with each of the links, to be more properly assessed.

115. Concerns were raised that the illustrated green buffer zone would isolate the site from the Longridge estate due to the set-back of homes from Longridge. Further, the illustrative layout indicates gable ends on some of the buildings facing onto Longridge road and the lack of active frontages, resulting in an "inward-looking" development. Further concerns are that the development would be gated, or private.
116. The KDG identifies that green buffers and corridors should create appropriate screening from major roads to reduce main road traffic noise within housing and employment developments and provide a means of softening the border between new developments and existing housing or employment land. In specific regard to LPS38 the KDG identifies that they are necessary to improve the interface with Longridge. The submitted plans show, illustratively, one way in which a landscape buffer could be provided, whilst retaining permeability for pedestrians and cyclists.
117. Similarly, the layout, showing gable ends towards Longridge road is illustrative. Final orientation of doors and windows could be addressed at Reserved Matters stage to reflect the final layout and achieve a balance between the need to the development to be outward looking in regard to the Longridge Estate, whilst also addressing the relationships of buildings within the development.
118. It has been suggested that the density of the site is too great and out-of-keeping with the edge of settlement location. I am conscious of the aspiration set out in Section 11 of the Framework to make best use of land, but this comes with certain caveats, including the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change. The site is identified as providing around 225 homes, and the application reflects this. The site is, however, subject to the constraints set out in the allocation policy within the CELPS, to provide a landscape buffer to Booth's Mere, respect ecological restraints and provide green corridors and public open space within the site. Further constraints are imposed by the KNP and KDG, requiring the provision of a landscape buffer to Longridge road and permeability of that frontage to link to the Longridge Estate. This effectively leads to the concentration of built form to the middle of the site.
119. However, the illustrative densities before me, which would be determined at Reserved Matters stage, illustrate a layout reflecting the overall grain of development of the Longridge Estate, whilst decreasing density as the built form approaches the countryside. I find that this, at this stage, illustrates a feasible appropriate solution to the overall design of the proposal.
120. Whilst the proposal should reflect the existing built form around it, and its edge of settlement position, it is not necessary to do so by replicating the layout of the Longridge estate. The illustrative Parameters Masterplan, Illustrative Masterplan, illustrative Green Infrastructure Masterplan, and

Testing Layout demonstrate how the proposed amount of development could be accommodated on site. The illustrative layout was the subject of negotiation with the Council's officers, who found in their professional opinions that, on balance, there was no fundamental obstacle to finding a solution.

121. The appearance, layout and landscaping of the site are reserved matters, together with the ancillary accesses, and thus can be determined at a later stage. Whilst the Council's members did not consider that the illustrative documents addressed their concerns, I have found no substantive evidence to demonstrate that a reasonable balance could not be struck to provide both visual connectivity, movement permeability and appropriate screening.
122. There are no indications within the evidence before me that accesses into the site would be gated or controlled. The indicative layout illustrates a permeable frontage to Longridge road and the development includes specific areas of public open space and measures to secure these as such through the planning obligation. Further, the applicant has stated the intention of getting the highways adopted through agreement with the Local Highway Authority (the LHA). All of these indicate against any intention of "gating" the estate.
123. I therefore find that the proposal, at outline stage, would be adequately integrated with existing development in Longridge. The proposed development therefore accords with policies SD2 and SE1 of the CELPS, policy GEN1 of the SADPD and policy D1 of the KNP in as much as these seek to ensure that development is accessible and inclusive, contributes positively to an area's character and identity, reinforcing local distinctiveness, create spaces that function well and are fit for purpose.
124. Similarly, the proposal would accord with the Cheshire East Council Borough Design Guide Supplementary Planning Document, and the National Planning Policy Framework, which have similar aims.

Transport networks

125. Whilst all other matters are reserved for later determination, the main access location is not, and falls for detailed consideration as part of this appeal. As identified above, the access lies to the south-west of the site. It joins Longridge road at a point opposite an existing bus stop with a shelter. Longridge road is a lit single carriageway, subject to a 30mph speed limit.
126. Near the proposed junction lies an existing access that serves residential development, with its parking provision, and an SNS, Adelaide Heath Academy. The nature of the school is such that it generates, of necessity, a significant number of vehicles picking up and dropping off.
127. Longridge road is relatively lightly trafficked. During my site visits I observed some on-street parking. This was positioned on the north side of Longridge road, adjacent to existing dwellings. It occurred in short blocks. Although the situation observed during a site visit is that of a snapshot in time, I observed this on several occasions at several times of day.
128. The appellants have provided a Transport Assessment (TA), dated May 2021, to accompany their application. The local highway authority (LHA) has reviewed this document, and it is common ground between the Council and the appellants that it is an acceptable basis for reviewing the impacts of the development on the local highway network.

129. The proposed access is in the form of a simple T junction, a common feature on the highway network. The proposed junction would have a footway on one side and a footway/cycleway on the other. The latter is wider to accommodate this. The only additional feature of the junction that could be considered unusual is that the cyclists using the adjacent footway/cycleway would rejoin the carriageway at this point. With current practise of incorporating dedicated cycling infrastructure on the network, however, such a feature is now not uncommon, and indeed, I heard that the proposed layout was in response to a request for such from the LHA based on their experience and use of such a layout elsewhere.
130. The junction performance has been modelled and there is no reason in principle on which to conclude that it is unable to accommodate the traffic generated by the development. However, concerns have been raised that, during the pick-up and drop off for the SNS, traffic queues back from the school gates to a point where vehicles waiting to enter the school queue on Longridge road, between the school access road and Higher Downs. I observed such during my site visits.
131. However, the vehicles queue on one side of Longridge to enter the school and I observed that, during this time, as flows are low on Longridge road, traffic was able to pass the queue on a give-and-take basis without significant delay.
132. It has been suggested that, as Longridge road has a high point to the north-east of the proposed access, and there is planting on the corner of the site nearby, visibility may be restricted when looking to the right for emerging drivers. There is no dispute between the Council and the appellants that adequate visibility can be achieved, in both horizontal and vertical planes having regard to observed vehicle speeds. I also observed that the hedge on the corner was maintained clear of the carriageway and a local bus stop. I am, therefore, satisfied that adequate visibility for emerging drivers can be achieved in line with current design guidance.
133. Whilst the additional access would increase the number of vehicle movements at this location, the number of traffic movements on the Longridge road are low, as are the number of movements generated by the proposal. Given that adequate opportunity would be provided to see oncoming traffic when emerging, a competent driver would be able to do so safely during the limited periods when the junction would be affected by the queueing. Similarly, there would be no excessive additional delay on the network.
134. I noted that, at times, vehicles queued across and obstructed the bus stop. There is no reason to believe that the numbers waiting to drop off or pick up at the school would be significantly increased by the proposed development. This notwithstanding, by moving the bus stop towards Higher Downs, the potential for vehicles to wait over the bus cage would be reduced.
135. During the Inquiry it was established that no formal Stage 1 Safety Audit had been carried out. This would be a concept stage assessment and, given the relatively standard junction layout and limited potential to affect the network I do not find it unusual that no formal assessment was carried out. However, it was established that a process of safety audit would be followed during detailed design.

136. It has been queried whether it was safe to have two junctions, the proposed access, and the access serving the SNS, in such close proximity. However, the arrangement is in the form of a right-left stagger and so where vehicles waiting to enter a side road would not obstruct each other. The number of large vehicles carrying out the movement from the proposal site into the SNS access would be limited and, in any case, that stagger would allow larger vehicles to make that manoeuvre.
137. Concerns have been raised about the safety of crossing Longridge road at the junction and elsewhere, and the provision of a cycleway close to the hardstanding for the bus stop. Whilst the standing queue of vehicles waiting to pick up and drop off at the school creates an obstruction, this is temporary. Such is the nature of the school that vulnerable children accessing it are taken and picked up under supervision. Given the above I do not find that the proximity of the access to the school would present an unacceptable risk to pedestrians. Further, there is no identified history of personal injury accidents on Longridge Road. As the volume of traffic crossing Longridge road is low, and would remain so after development, I see no reason to believe that crossing the road would become inherently more dangerous following development.
138. The shared use section of footway/cycleway ends at the junction. Whilst the existing kicker rail separating the bus stop hardstanding from the adjacent green space would be removed to facilitate pedestrian access to the bus stop without stepping into the carriageway, concerns that cyclists would carry on around the bend into the area used by the bus queue are unlikely to be realised as the bus stop has a high kerb, appropriate to provision of access to a bus by persons with a mobility impairment. For a bicycle it is unlikely that this area would be used to leave or join the carriageway. Pedestrians would also be more likely to use the lower kerbs. Further, there is no ongoing footway proposed to the north-east beyond the bus stop hardstanding.
139. The scope and parameters for modelling of the network have been agreed by the LHA highway authority and the appellants, and no substantive evidence has been put before me which undermines the modelling. However, it was queried whether the surveys counted movements at the junction of Higher Downs and Manor Park. This was in respect of concerns regarding the safety of children accessing local schools, and in particular St Vincent's Catholic Primary School, which lies on that junction.
140. It was established that no specific counts were carried out at that junction. However, that is a relatively minor junction on the network and I find no reason why it would have been singled out to be counted, as no capacity problem had been identified. However, in regard to potential for the proposal to increase accidents on the road network in the wider area, it was established that no specific accident clusters had been identified from the personal injury accident history for the study area.
141. Whilst any increase in traffic movements would be likely, statistically, to increase the risk of accident, the number of additional movements on the network is small and, in the absence of any other identified factor, no significant harmful impact on highway safety would result from the proposed development.
142. It is widely accepted that congestion occurs in Knutsford during peak hours, particularly on the A50/A537 corridor. The appellants' TA identifies that the

proposed development would result in an increase in queuing within that corridor, when compared with the situation without the proposal. They do not assess the impact as 'severe' in terms of paragraph 115 of the Framework and there is agreement on this conclusion between the LHA and the appellants. From the evidence before me and my observations of the network during my site visit I have no reason to think otherwise.

143. Policy LPS38 of the CELPS requires the allocated site to provide pedestrian and cycle links into the wider area, together with contributions towards highway infrastructure improvements.
144. The Council identified an improvement scheme within the Cheshire East Local Plan Infrastructure Delivery Plan on the transport corridor, at the Brook Street and Hollow Lane junction. Whilst, following revision of the scheme, it is agreed between the Council and the appellants that queuing will still occur, it is intended that the scheme will also provide cycle/pedestrian connectivity within Knutsford, alongside some highway capacity benefits.
145. A second scheme has also been identified which involves the introduction of a shared use footway/cycleway running towards the north of the town. This would provide a connection between the proposal site and Mallard Close, where it would join ongoing links into the town centre.
146. It is a matter of agreement between the Council and the appellants that a number of contributions have been secured towards highway improvements within the corridor from developments already permitted. The contribution for infrastructure that would be secured by the planning obligation accompanying this proposal would allow the junction improvement to be delivered. It is further identified that any surplus monies to commence elements of the second scheme to be delivered.
147. There is no dispute between the Council and the appellant that the highway contribution within the planning obligation satisfies the tests set out in paragraph 57 of the Framework, nor have I, on the evidence before me, any reason to dispute this.
148. Great Places have identified a need for a footway on the southern side of Longridge road, together with facilities throughout the length of the road to facilitate cycling and bus shelters. Similar need for bus shelters was identified by others.
149. Having regard to the need for a footway on the southern side of Longridge road, whilst desire lines across the road between the two sites have been identified, no such desire line from the proposal travelling along the frontage has been demonstrated. Existing trips are accommodated on the footway on the northern side, and future residents would be more likely to use the network within the site for travelling in that direction. A similar situation would arise in regard to cycling. Further, Longridge road is already identified as part of the Revolution cycle route, which is promoted as being suitable for all ages and abilities. Thus, it has not been established that the proposed development would generate any need for additional infrastructure in this regard.
150. As for the need for bus shelters on the southern side of Longridge, the additional trips by public transport that would be generated by the development proposal would be small. There are bus shelters already on the

opposite side of Longridge and the road is fairly straight around them, allowing passengers to shelter until a bus approaches and then cross the road. On this basis there is no substantive evidence before me to demonstrate that the requirement of bus shelters, whilst an admirable overall aspiration, would be reasonably justified as proportionate to offset any additional demand from the proposed development or the need to encourage transfer to more sustainable modes.

151. Concerns have been raised that, as a single main vehicular access is proposed, there would be inadequate access for residents and emergency services should that access be closed due to an incident. Such incidents are, by their nature rare and the chance of two incidents arising at the same time on the site remote. No concerns have been put before me from the emergency services and there is no substantive evidence before me to support such concerns.

152. Bringing these matters together I find that, through the incorporation of suitably worded planning conditions and a planning obligation to provide a contribution to transport infrastructure, there would be no significant increase in risk or delay to users of the public highway and the proposed development would achieve safe and suitable access to the site for all users.

153. I conclude that the proposal would not have a significant adverse effect on transport networks. It would thus accord with the aims of policies SD1, SD2, INF9, and SC3 of the CELPS and policy T2 of the KNP in as much as these seek to ensure that all development provides appropriate infrastructure to meet the needs of the local community, including transport, and good town centre linkages, by walking, cycling and public transport. They further seek to ensure that developments provide safe access for all, and development traffic can be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety or result in severe residual cumulative impacts on the road network.

154. The proposal would also accord with Policy INF1 of the CELPS, which requires that development proposals should seek to contribute positively to the walking cycling and public transport objectives of the Cheshire East LTP and policy LPS38 of the CELPS in as much as this requires the provision of pedestrian and cycle links to the wider network and appropriate contributions towards highway infrastructure improvements.

155. The proposal would also satisfy the requirements of paragraphs 114(b) and 115 of the Framework.

Planning Obligation

156. A planning obligation has been provided to secure contributions towards the provision of on-site affordable housing, the provision of a community building, a contribution towards off-site education and health provision, a contribution towards off-site highway improvement works, the delivery of on-site open space and associated management and maintenance and contributions towards off-site recreational open space and indoor sport.

157. It has been disputed as to whether the obligation to provide the community building is necessary, given that there is no need for such a building identified in policy. However, securing such provision would be necessary in order to achieve the full benefits of the proposal as described.

158. Whilst there are concerns from the Rule 6 parties that the timing identified within the obligation is inappropriate for the community building, there is no dispute between the main parties that the obligations fulfil the tests set out within paragraph 57 of the Framework of necessity, direct relationship to the development and being fair and reasonably related in scale, or the timings of their provision.

159. On this basis, and on the basis of the evidence before me, I consider that the provisions of the completed Section 106 Agreement are necessary to make the development acceptable in planning terms, directly related to those harms that would otherwise result from the proposed development and fairly and reasonably relate in scale and kind to those harms.

160. I therefore consider that the obligations meet the necessary tests and I have taken account of them in reaching my decision.

Other Matters

161. Concerns have been raised that the removal of trees and other vegetation will release carbon, as trees and, in particular, their root systems, are carbon stores. My attention has been particularly drawn to a recent Supreme Court judgement¹. Whilst the felling of trees and loss of habitat within the site would release carbon, this is offset through the provision of BNG, in accordance with current practice. I note that the site has, over time, built up a store of carbon, whilst new areas to be established would take decades to reach a similar position, however, the use of BNG to achieve compensation is the method favoured by government and longevity of carbon capture can be achieved through conditions and planning obligations securing the compensatory BNG.

162. Having regard to the Supreme Court judgement, this related to a proposed development, the principal aim of which was to produce a product known to produce carbon emissions as a principle by-product of its use. That is not the case with the proposal before me. The judges particular draw attention to the particulars and limitations of their decision. I do not, therefore, find this judgement of particular relevance to the case before me.

163. KROW, particularly, drew my attention to the process by which the Council propose to dispose of the POS land, should the appeal be allowed. This is a matter between those parties concerned and the Council and lies outside the scope of this appeal.

164. I heard arguments that the site should not have been included in the development plan as an allocation. However, in regard to this appeal the position that I must take is that LPS38 is an allocated site in the development plan. It is not my role to review its inclusion within the development plan.

165. An application has been made to protect the trees within the site with a Tree Protection Order. This has been held in abeyance by the Council pending my determination of this appeal. Whilst a TPO would provide protection for the trees within the site, any permission that I would be minded to grant would allow any necessary felling or other works on them. It will be seen above that I have considered the impact of the proposal on trees with regard to biodiversity effects of their loss. The presence, or otherwise, of a TPO could make no difference to the outcome of this appeal.

¹ R. (on the application of Finch) v Surrey CC, 2024 WL 03053228 (2024)

166. Concerns have been raised that the proposal would affect the setting of St Helena's, an Ancient Monument (AM), a designated Heritage Asset, located nearby. The AM is a disused church, it has been demolished and the site is a level area, laid to grass with the gravestones laid flat within it. The AM is surrounded by an established, dense hedge and this lies in a wider, grassed area within the built-up area of Knutsford. Within the site of the AM it enjoys a peaceful setting, reflective of its former religious function. The significance of the setting of the AM, insofar as it relates to this proposal, is the tranquillity it provides to the former religious building.
167. However, the wider area, outside of the perimeter planting of the AM site itself, already experiences the comings and goings of the developed area. Nevertheless, the trafficking of the area is relatively light and does not intrude significantly on the peace within the AM site. The introduction of a relatively small number of additional vehicle movements, some distance from the AM, would not undermine the tranquillity to any significant degree.
168. Similarly, the wider setting has been eroded, visually, by existing development and the AM no longer enjoys its former rural setting. The additional built form of the housing would be contained and screened by existing established planting that is indicated to be retained within the illustrative plans. The access is predominantly two dimensional in form and what limited additional street furniture would be introduced would be seen in context of the existing road. Visually, there would be no further significant erosion of the setting.
169. Concerns have been raised by Interested Parties about the risk of flooding within the site, or outside as a result of development. Whilst the majority of the site falls within Flood Zone 1, the parts of the site adjacent to Birkin Brook are either in Flood Zones 2 or 3. However, as the application is for development on an allocated site, there is no requirement to undertake a sequential test.
170. The application was accompanied by a Flood Risk Assessment (FRA), and this has been reviewed by the Lead Local Flood Risk Officer, the Environment Agency and the local utility company. None of these have raised objections to the proposal, subject to the imposition of a suitable planning condition requiring development to be in accordance with the FRA and identified mitigation measures. On the basis of the evidence before me I have no reason to disagree with their conclusion.
171. Interested parties have raised concerns that the proposed development would impose additional demands on local services. However, it will be seen that the planning obligation makes suitable provision for infrastructure, in line with current policy.
172. Local residents identify concerns that the local area would be disrupted by construction works for a prolonged period. Whilst the site would be built out over a period of time, the carrying out of the works could be controlled over that period to minimise the impact on local people through the imposition of a suitably worded planning condition.
173. Concerns have been raised regarding the potential of the site to conflict with aerodrome safeguarding criteria. The Safeguarding Authority for Manchester Airport have advised that they have no objections, subject to the imposition of suitable conditions to any planning permission. On the basis of the information before me I have no reason to question their conclusion.

174. The site lies beneath the flight path of Manchester airport and, during my site visits I heard noise from planes flying overhead. However, on the basis of the evidence before me I am satisfied that, subject to the imposition of a suitably worded planning condition requiring submission and approval of an acoustic report with reserved matters, and validation of the same, the amenity of future occupiers of the site would be adequately safeguarded.
175. Fears have been raised concerning the spillage of light from the development. However, this could be effectively controlled through the imposition of a suitably worded planning condition.
176. I am aware of widespread opposition to the proposal in the local area and that the outcome of this Inquiry is not the one that many people would wish for. However, I am obliged to determine this appeal in accordance with current planning policy and practice at both local and national level.

Conditions

177. The conditions suggested by the parties as set out in their main SoCG have been considered in light of the advice contained within the National Planning Practice Guidance and the Framework. There was a discussion of the conditions at the Inquiry. Subsequent to the Inquiry I have received the written acceptance of the appellants of those conditions that require to be cleared prior to commencement of the development. Where necessary I have amended some of the conditions for clarity.
178. Conditions are necessary to limit the life of the permission, so as to prevent the accumulation of unimplemented permissions, in accordance with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 91 of the Town and Country Planning Act 1990 (as amended). (Conditions 1 and 2)
179. As the application is in outline form a condition is necessary to identify those matters that are reserved for determination of a later date. (Condition 3)
180. A condition is necessary in order to establish those plans which set out the basic parameters and the degree to which the development needs to comply with them. (Condition 4)
181. Given the degree of sensitivity and the importance of biodiversity within the site it is necessary to secure an ecological masterplan and a phasing plan for the development prior to any significant work within the site. (Condition 5)
182. In order that the development may be accessed safely and conveniently, and to avoid unnecessary interference with the operation of public transport it is necessary to secure the provision of the main access and relocation of the nearby bus stop before any of the future occupiers are in residence. (Condition 6)
183. So as to provide access to local recreation for the health and wellbeing of future occupiers and local residents it is necessary to secure the recreational footpaths within the site and ensure that they are appropriately constructed. The benefits of this should be available at an early stage of the development. (Condition 7)

184. It is necessary to ensure that details of the F.2(b) use within the site are available at an appropriate stage of the development and appropriate for its final occupier. It is further necessary to secure the building for the use for which it is intended, with the appropriate benefits to the community, and no other. (Conditions 8 and 9)
185. Given the importance of integration of the proposed development with existing development in Longridge it is essential to ensure that any future reserved matters achieve good design and connectivity. It is essential that these are provided in an appropriate form so as to fulfil their intended purpose and available at an appropriate time to accommodate the needs of future occupiers and existing residents. (Conditions 10 and 11)
186. As the proposal lies near to recorded historic activity in the area it is necessary to secure a record of any historic activity within the site. As this may be disturbed by any works being carried out on site, this must be secured prior commencement of the development. (Condition 12)
187. It is necessary, at appropriate stages throughout the development to secure adequate landscaping, which incorporates biodiversity and arboricultural mitigation. This is required to ensure that the proposal accords with policies SE1, SE2, SE4 and SE6 of the CELPS and policies ENV1, ENV3 and ENV6 of the SADPD, (Condition 13)
188. To ensure that any changes in ground level of the site resultant from development are compatible with the constraints within the site and adjoining land, it is necessary, at an appropriate time, to establish such changes are acceptable (Condition 14)
189. Given the value and importance of planting within the site it is necessary to establish that appropriate protection for existing trees within the site that will be retained is provided during the works. This would also satisfy the requirements of policy SE5 of the CELPS. (Condition 15)
190. The site is an important biodiversity asset. In order to protect this appropriately it is necessary to ensure compliance with identifies measures for the protection of wildlife within and accessing the site and appropriate compensation for loss. This would also satisfy the requirements of policies SE3 and ENV2 of the CELPS. Recalculation of the BNG achieved at each stage would ensure that adequate compensation is achieved. It has been suggested that, in such calculations, an updated metric should be used. However, the timing of the overarching outline permission set the baseline parameters for the assessment of BNG and to alter this would not be reasonable. (Conditions 16 and 17).
191. It is necessary to provide compensatory habitat creation for the area of swamp habitat lost to the development of the site. In order for such compensation to be effective it must be provided prior to the loss of the habitat that it replaces. This would also satisfy the aims of policy SE3 of the CELPS. (Condition 18)
192. The AW within the site is a priority habitat and must be protected throughout the works. Thus, a condition is necessary to prevent interference with it. This would also satisfy the aims of policy SE3 of the CELPS. (Condition 19)
193. Given the importance of biodiversity within and using the site appropriate safeguards must be provided for protected species. I have, therefore, included

a condition to achieve this. This would also fulfil the aims of policy SE3 of the CELPS. (Condition 20)

194. It has been identified that the site is used by nesting birds, some of which are under threat. It is therefore necessary to impose a condition to prevent disturbance of birds during the nesting season. It was discussed at the Inquiry whether it would be appropriate to require individual reports on the impact of individual works on nesting birds prior to their start. However, resultant delays in such a process during the nesting season would make this impractical. This is also necessary to achieve the aims of policy SE3 of the CELPS. (Condition 21)
195. It is vital to secure the biodiversity compensation for the proposal prior to the commencement of any works on site. This is done through a condition requiring that the appellants enter into an appropriate planning obligation or conservation covenant, details of which must be approved by the LPA. It was questioned whether the use of a condition was the appropriate means of securing BNG. However the purpose of the condition is to secure a planning obligation, and this is appropriate in this case. Securing BNG is necessary in order to satisfy the aims of policy ENV2 of the CELPS. As any works on site have potential to harm biodiversity, these measures need to be in place prior to commencement of any development. (Condition 22)
196. A condition is necessary to secure appropriate on-site BNG and ensure that the design of the works contributes. Such a condition is also required to achieve the aims of policy SE3 of the CELPS and the Framework. (Condition 23)
197. As I have previously identified, the site lies below a flight path for Manchester Airport. A condition is, therefore, necessary to ensure that future residents do not experience excessive levels of noise disturbance within their homes. This is further necessary to achieve the aims of policy ENV13 of the SADPD. (Condition 24)
198. There is potential for the site to contain hazardous material. Therefore, conditions are required to secure adequate site investigation, construction methods and mitigation, should any hazardous materials be found. Similarly, it is necessary to ensure that materials brought onto site are safe. (Conditions 25, 26, 27 and 28)
199. For the safety of future occupiers and users of the site, it is necessary to secure a Drainage Strategy, using appropriate information. As this has potential to affect aspects of the overall layout of the site, this needs to be secured prior to the commencement of development. (Condition 29)
200. The line of the PROW and the public's right of access along it need to be maintained throughout the period of the works. Thus, a condition is needed to secure this. Similarly, the footpath must be maintained in a usable, safe condition and a condition is required to secure this. As the PROW must be accessible to the public at all times for their use, this must be done before any works on site that may affect the public using the PROW. (Conditions 30 and 31)
201. Whilst it was queried whether the putative PROWS should be similarly protected, the conditions need to be appropriate to the situation as it currently

stands. In any case any newly created footpaths would have statutory protection.

202. The proposal seeks to provide a kickabout area for the enjoyment of the public. A condition is, therefore required to ensure that it is fit for purpose, in accordance with policy SE6 of the CELPS and the Council's Green Space Strategy. As the provision of the kickabout area has potential to influence other aspects of the overall design of the proposed development, this needs to be secured prior to the commencement of the development. (Condition 32)
203. The proposed development would include areas accessible to the public. In order to ensure that these are suitable, safe and remain fit for purpose, various management plans are needed. These must be secured by condition. (Condition 33)
204. It has been established that bats use the site and its locality for commuting and foraging. In order to successfully protect these bats a condition is necessary to control light spillage from the site so as to provide accordance with the aims of policy SE3 of the CELPS. (Condition 34)
205. A condition was suggested by SLGB to secure the SNS's future use of the site for a forest school. This has been secured by other conditions securing public open space.
206. A further condition was suggested by SLGB to secure additional planting to reinforce wildlife corridors off site. As the land needed to carry out such works lies outside the control of the applicant such a requirement would be unreasonable where the areas of wildlife corridor are otherwise unaffected by the proposal.

Conclusion

207. For the reasons given above the proposal is in accordance with the development plan when read as a whole. Therefore, the appeal should be allowed.

I A Dyer

INSPECTOR

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Negative Screening Direction (Inspector Referral 14(2))
2. Email from Adelaide Health Academy
3. Transcript of the appellants' opening statement
4. Transcript of the Council's opening statement
5. Transcript of SLGB opening statement
6. Transcript of KROW opening statement
7. Transcript of Councillor Banks' opening statement
8. Transcript of Mr Robert Eyre's statement
9. Travelling draft s106 Agreement between the Council and the appellants
10. Signed Main Statement of Common Ground between the Council and the appellants
11. Transcript of the statement of Councillor Corcoran
12. KROW comments on draft s106 Agreement
13. KROW highlighted draft s106 Agreement
14. SLGB updated comments on suggested conditions
15. Draft planning conditions agreed between the Council and the appellants – v1
16. Draft route for accompanied site visit
17. Transcript of CWT's opening statement
18. Written statement of Mr Jonathan Smith
19. Email submission from Mr Cove
20. CIL Statement and appendices
21. Transcript of CWT's closing statement
22. Transcript of KROW's closing statement
23. Transcript of SLGB's closing statement
24. Transcript of Council's closing statement
25. Transcript of appellants' closing statement
26. Draft conditions (clean version)
27. Draft conditions (tracked version)
28. CWT suggested wording for planning condition.

APPEARANCES

FOR THE APPELLANT:

Mr Giles Cannock KC of Kings Chambers
Coxon of Emery Planning

Instructed by Instructed by Mr John

He Called: -

Mr Joseph Dance BSc (Hons), MCIEEM

Tyler Grange,
in regard to matters relating
to matters of biodiversity

Mr Roger Lomas BA (Hons), BLA, CMLI e*SCAPE Urbanists

in regard to matters relating to urban
design and master planning

Mr Peter Todd BSc (Hons), MSC

SCP
in regard to matters relating to
highways

Mr John Coxon BSc (Hons) MPlan, MRTPI

Emery Planning
In regard to general planning matters

In regard to the planning obligation he was assisted by: -

Ms Lisa Tye of Shoosmiths

Instructed by Mr John Coxon of
Emery Planning

FOR THE LOCAL PLANNING AUTHORITY:

Mr Graeme Keen KC of Landmark Chambers

Instructed by Cheshire East Council's
Head of Legal Services

He Called: -

Mr James Baggaley BSc (Hons), MCIEEM

Cheshire East Council (Ecology)

Mr Adrian Crowther BA (Hons), MTPI, MRTPI

Cheshire East Council (Planning)

RULE 6 PARTIES:

For Save Longridge Green Belt (SLGB):

Mr John Finnan

SLGB

He called: -

Jay Knight BSC (Hons), MRes	in regard to matters relating to biodiversity
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Mark Jackson BSc (Hons)	in regard to matters relating to biodiversity
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For Cheshire Wildlife Trust (CWT):

Dr Rachel Giles PhD	Cheshire Wildlife Trust
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For Knutsford Residents in Over Ward (KROW):

Mrs Debbie Jameson	KROW
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INTERESTED PERSONS:

Councillor Colin Banks	Mayor of Knutsford Town Council
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Councillor Stuart Gardiner BA, MRTPI	Deputy Chair of Strategic Planning Board, Cheshire East Council
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Knutsford Town Council

Councillor Sam Corcaran	Climate Change Champion, Cheshire East Council
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Mr Robert Ayre	Local resident
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Mr Jonathan P Smith	Local resident
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Mr Justin Cove BA(Hons), MSc, MRTPI	Director, Hive Land & Planning Appearing for Great Places
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Cathryn Walley	Friends of St John's Wood
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Ms Carol Goodwin	Member of the Green Party and local resident
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Mr Thomas Eccles	Local resident
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SCHEDULE OF CONDITIONS

1. The development hereby approved shall commence before whichever is the later of the following dates: -
 - a. within three years of the date of this permission, or: -
 - b. within two years of approval of the last of the reserved matters to be approved.
2. Application(s) for approval of reserved matters shall be made within three years of the date of this permission.
3. Plans and particulars of the reserved matters relating to; Layout, Scale, Appearance, Landscaping and Access (save for the vehicular access to the site shown in SCP/16132/F02 Rev C (Proposed Site Access)) shall be submitted to and be approved in writing by the Local Planning Authority and shall be carried out as approved.
4. The development hereby approved shall be carried out in strict accordance with the following plans:
 - 017-106-P001 Rev A (Site Boundary Plan), dated March 2019.
 - SCP/16132/F02 Rev C (Proposed Site Access), dated August 2023.And in general accordance with the following plans:
 - 017-016-P006 Rev Q (Parameters Masterplan), dated December 2023.
 - 017-016-P008 Rev J (Green Infrastructure Parameters), dated December 2023.
 - 017-016-P019 (Parameters: Massing), dated December 2022.
5.
 - a) With the submission of the first reserved matters application an ecological masterplan shall be submitted to and be approved in writing by the Local Planning Authority.
 - b) With the first reserved matters, a phasing plan, taking into account the ecological masterplan (5(a)), for the development hereby approved shall be submitted to and be approved in writing by the Local Planning Authority. The phasing plan shall show the location of each Phase and include details of the order in which the Development Phases will commence.
6. The approved access arrangements, new footpath along the southern side of Longridge from the application site to Birch Grove and the bus stop works all as shown on drawing number SCP/16132/F02 Rev C (Proposed Site Access), dated August 2023, shall be implemented in full before the first occupation of any dwelling on the site and thereafter retained. This plan also defines the extent of the access details approved by this permission.
7. Prior to the occupation of any of the hereby approved development, details of the exact routes, materials and any associated works required for the proposed recreational footpaths sought within the approved 'recreational and ecological open space' to the north and east (Parameters Masterplan) of the site, dated December 2023 shall be submitted to and be approved in writing by the Local Planning Authority. The footpaths should be designed to minimise disturbance

within the ancient woodland. The approved details shall be implemented in full before the first occupation of any dwelling on the site.

8. The first reserved matters application shall include scaled proposed site, elevation and floor plans of the hereby approved F.2 (b) community building and its associated car park. The development shall be carried out in accordance with the approved details.
9. The hereby approved community building's use shall be restricted to F.2 (b) of the Use Classes Order 1987 (as amended) only.
10. a) The hereby approved development shall be carried out in general accordance with the spatial design coding detailed within the Design & Access Statement, dated June 2023.

b) Prior to the submission of the first reserved matters application, a more detailed character code shall be submitted to and be approved in writing by the Local Planning Authority. The detailed coding and subsequent reserved matters shall provide for a tree lined primary street (avenue) through the development and pedestrian linkages onto Longridge from the application site.

The design of the scheme should come forward in accordance with the approved details.

11. a) The first reserved matters application shall be accompanied by a plan detailing pedestrian and cycle linkages from the application site onto Longridge as required by Condition 10(b).

b) The pedestrian and cycle linkages shall each be implemented prior to the first occupation of any dwelling within the closest adjacent phase, as identified by Condition 5 and retained thereafter in perpetuity.
12. a) Prior to commencement of development, a written scheme of archaeology investigation shall be submitted to and be approved in writing by the Local Planning Authority. The work shall be undertaken in strict adherence to the approved details.

b) Prior to the occupation/use of the hereby approved development, an archaeological report shall be submitted to and be approved in writing by the Local Planning Authority.
13. With the submission of the first reserved matters application for each phase, a scheme for the landscaping of that phase shall be submitted to and be approved in writing by the Local Planning Authority. The landscaping scheme shall include:
 - (a) plans for soils' management, including methodology for lifting, reservation and re-use of existing soils, the volumes of any soil-exportation or importation, temporary stockpiling locations, haulage routes and appropriate re-use arrangements for any exported soils.
 - (b) retained and proposed waterbodies and watercourses, including links with existing water features (where relevant).
 - (c) retained and proposed vegetation, with locations and schedules of plants (noting species, plant sizes, numbers and densities) and written specifications for new planting (including cultivation and other

- operations associated with tree, shrub, hedge or grass establishment) and incorporating requirements for Biodiversity Net Gain and Arboriculture, including retention and enhancement of the existing woodland to the south and east of the site, and native tree planting mitigation within public space.
- (d) hard-landscaping features, including hard-surfacing which is porous or permeable and which incorporates appropriate re-used /recycled materials (details to include annotated cross-section(s) showing material types and depths, and membranes) and environmentally sensitive treatments for all informal recreational paths.
 - (e) boundary treatments including appropriate frontage treatments, permeable garden boundaries which promote green infrastructure and enduring and characteristic boundaries to rural landscape and including additional hedgerow trees along the existing south-eastern hedge line if included/adjacent to that phase.
14. With the submission of the first reserved matters application for each phase, details of comparable existing and proposed ground spot levels, tie-ins with adjoining land and the proposed finished floor levels of the buildings shall be submitted to and approved in writing by the Local Planning Authority. Details which receive the written approval of the Local Planning Authority shall be implemented in full.
15. The first reserved matters application of each phase shall be supported by an Arboricultural Impact Assessment in accordance with BS 5837:2012 which shall include an Arboricultural Method Statement (AMS) that outlines the procedures and measures to protect trees during construction of the development and a scheme for the protection of the retained trees that includes a tree protection plan(s) (TPP). No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement for each phase shall include full details of the following:
- (a) Location and installation of existing and proposed underground services and methods for their installation.
 - (b) A full specification for the construction of any roads, parking areas, footpaths, driveways and areas of hardstanding to be constructed using a no-dig specification within the Root Protection Area (RPA) of trees.
 - (c) Details of any changes in ground level, including existing and proposed spot levels required within the RPA as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - (d) A detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
 - (e) A specification for protective fencing to safeguard trees during the construction phases and a plan indicating the alignment of the protective fencing on a Tree Protection Plan (TPP)

- (f) Details of internal site access arrangements, temporary parking, on site facilities, loading, unloading and storage of equipment, materials, fuels, disposal of waste, concrete mixing and use of fires.
- (g) Details of the arrangements for the implementation, supervision and monitoring of works by a suitably qualified tree specialist required to comply with the arboricultural method statement.

16. The following ecological measures shall be adhered to throughout all phases of the development:

- (a) Recommendations within Section 1 (Local Wildlife Site Impact Assessment and Mitigation Strategy) within the Appletons Ecology Letter (ref: PB/1881-03), dated 20 December 2021. This includes a requirement to submit a Construction Environmental Management Plan (Condition 33).
- (b) Recommendations within Section 2 (Woodland Impact Assessment) within the Appletons Ecology Letter (ref: PB/1881-03), dated 20 December 2021.
- (c) Recommendations within Appendix 5 (Bat Mitigation Strategy) within the Appletons Ecological Appraisal (Ref: 1885-E1), dated November 2019, unless varied by a European Protected Species licence subsequently issued by Natural England. Agreed features for roosting bats shall be permanently installed in accordance with the approved details.
- (d) Any works carried out which impact upon the banks of Birkin Brook are to be done in strict accordance with the recommendations made in sections 4.13-4.17 of the Water vole & Kingfisher Survey report (Appletons, July 2020) including that works are undertaken between July-October and that the outflows are constructed alternately to avoid boxing in any birds which may be present.
- (e) Recommendations within Appendix 6 (Hedgehog Mitigation Strategy) within the Appletons Ecological Appraisal (Ref: 1885-E1), dated November 2019.
- (f) Recommendations within Section 6 of the Appletons Badger Survey & Protection Strategy dated April 2019.
- (g) All ponds (including Pond 1 for the avoidance of doubt) identified on the Great Crested Newt Survey Results Drawing 1881-E2-01 which forms part of the submitted Great Crested Newt Survey, Appletons, June 2017, are to be retained as part of the development of the site.

17. The first reserved matters application for each phase must be accompanied by a: -

- (a) Habitat creation method statement - The habitat creation method statement shall detail how the newly created habitats specified in the Biodiversity Metric submitted with the outline application dated January 2022 (or any subsequent agreed metric calculation) will be delivered and shall include a timetable for the delivery of habitats in

accordance with the proposed details for that phase of the development.

- (b) Ecological monitoring strategy - The ecological monitoring strategy for each phase of the development shall include proposals for the surveying and reporting of the results of the habitat creation and management works for the duration of the management plan for that phase of the development. The strategy shall include a mechanism whereby revised management and habitat creation proposals shall be submitted to and approved by the Local Planning Authority in the event that the habitats in that phase of the development are found to be failing to achieve the distinctiveness or condition targets of the Biodiversity Metric calculations hereby approved.
 - (c) 30-year habitat management plan for the retained, enhanced and newly created habitats for that phase of the development - The 30-year habitat management plan shall detail how the newly created, retained and enhanced habitats in that phase will be managed to achieve the target conditions specified in the Biodiversity Metric calculations (Metric spreadsheet dated January 2022, letter dated 31 January 2022 Appletons) submitted in support of the outline application, or any subsequent agreed metric calculation.
18. The first reserved matters application which could directly impact the area of swamp habitat as identified by Figure 1 (annotated as fen habitat) within the Appletons letter (ref: PB-1881-06 Rev A), dated 15 February 2022, shall include a habitat creation strategy for compensatory swamp habitat to replace the loss of habitat from Target Note 6 as shown in the Ecological Appraisal dated November 2019 prepared by Appletons. The proposals shall be informed by the outline fen compensation plan detailed in the submitted letter from Appletons dated 15 February 2022 (ref: PB/1881-06 Rev A). The development shall be carried out in accordance with the approved details and retained thereafter, with the commencement of the compensatory habitat taking place prior to the loss of the existing habitat.
19. a) No works (other than agreed recreational footpath works approved by Condition 7) shall take place within the ancient woodland itself, or within 15 metres of the ancient woodland, the extent of which is as shown on plan ref: 1881-AW (Ancient Woodland), within the Appleton's ecology letter ref PB/1881-03, dated 20th December 2021.
- b) No works (other than agreed recreational footpath works approved by Condition 7 and/or any new ponds and/or SuDS approved by 19(c)) shall take place within the 50 metre buffer of the ancient woodland, the extent of which is as shown on plan ref: 1881-AW (Ancient Woodland), within the Appleton's ecology letter ref PB/1881-03, dated 20th December 2021 and as set out in the Ecology Letters, Appletons, ref: PB/1881-03, 20 December 2021, & ref: PB/1861-05, 10 February 2022.
- c) Prior to the implementation of any new pond/s or SuDS within the 50 metre ancient woodland buffer, a method statement for such works, demonstrating how any impacts will be either avoided or minimised, shall be submitted to, and be approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

20. The first reserved matters application for each phase shall be supported by a detailed Ecological Mitigation Strategy relating to Otters, Water Voles, Great Crested Newts, Other Amphibians, Bats and Badgers, as appropriate for that phase. The strategy shall be informed by updated surveys as appropriate. Mitigation and compensation measures for Other Amphibians to be informed by Section 6 of the submitted Ecology Letter (Appletons, ref: PB/1881-03, 20 December 2021) and the proposed additional on-site pond as detailed in the drawing 1881-BOSc (Rev A). The development shall be carried out in accordance with the approved details.
21. Prior to the removal of any vegetation between 1 March and 31 August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any hedgerow, tree or scrub or other habitat to be removed, a 4m exclusion zone shall be left around the nest until breeding is complete.
- Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone taking place.
22. No works shall commence on site until a Biodiversity Net Gain Plan, which includes a S106/conservation covenant to secure offsite delivery, has been submitted to and been approved in writing by the Local Planning Authority. The Biodiversity Net Gain Plan should demonstrate how the scheme will deliver the 12% net gain proposed and take the form of the DEFRA 'Biodiversity Gain Plan'. The plan to include a habitat creation method statement, 30-year monitoring and management plan and the details of the location of any offsite habitat creation/enhancement proposals and a biodiversity metric calculation. The development shall be carried out in accordance with the approved details.
23. The first reserved matters application for each phase shall be supported by a strategy for the incorporation of features to enhance the biodiversity value of the proposed development. The submitted strategy should include proposals for the provision of features for nesting birds including house sparrow and roosting bats (any external lighting should avoid direct light spill upon bat roost features), gaps in garden fences to facilitate the movement of hedgehogs, brush/deadwood piles and native species planting. The proposals shall be permanently installed in accordance with approved details.
24. (a) With the submission of any reserved matters relating to Layout, Scale or Appearance, whichever is submitted first for each phase, an Acoustic Report for the site demonstrating how the scheme will achieve the requirements for both internal and external noise as set out in Policy ENV13 of the Cheshire East Site Allocations and Development Policies Document shall be submitted. Any mitigation shall be implemented in accordance with the approved details.
- (b) Prior to the occupation of the development for each phase of the development hereby approved, a validation report to demonstrate that all acoustic measures agreed for the development are providing the predicated level of acoustic insulation for the development shall be submitted to and be approved in writing by the Local Planning Authority.

25. No development shall commence until:

- a) A Phase II ground investigation and risk assessment has been completed. A Phase II report shall be submitted to, and be approved in writing by the Local Planning Authority; and
- b) If Phase II ground investigations indicate that remediation is necessary, a Remediation Strategy shall be submitted to, and be approved in writing by the Local Planning Authority.

The remedial scheme shall be carried out in accordance with the approved Remediation Strategy.

26. Prior to the occupation of any of the hereby approved development, a contaminated land verification report shall be submitted to and be approved in writing by the Local Planning Authority.

27. (a) Any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping for each phase shall be tested for contamination and suitability for use prior to importation to site.

(b) Prior to occupation of each phase, evidence and verification information (for example, laboratory certificates) shall be submitted to, and be approved in writing by the Local Planning Authority.

28. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made, and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

29. No development shall take place until an updated Flood Risk Assessment, and detailed Drainage Strategy for the site has been submitted to and approved in writing by the Local Planning Authority, in accordance with Gov.UK - 'Standing Advice for Local Planning Authorities' (2022).

a) The Flood Risk Assessment (FRA) must include:

- i) An investigation into possible sources of flooding.
- ii) An assessment of the flood risk on site pre and post development.
- iii) Detail that all Finished Floor Levels (FFL) of all buildings to be raised 0.15m above surrounding ground levels and details of Damp-Proof Coursing (DPCs).
- iv) Details of any flood resistance and resilience measures to mitigate fluvial and pluvial risk.
- v) Estimated maximum flood height/extent, with a consideration for a climate change allowance suitable for the estimated lifetime of the development.
- vi) Any flood compensation storage and details of any impacts to flood flow route paths.

- vii) That all built development shall be confined to Flood Zone 1 (low/no risk) including allowance for future climate change.
 - viii) That all development is to take place 8m away from Birkin Brook.
- b) The Drainage Strategy shall be in accordance with the FRA and must include:
- i) Surface water run-off rates, including greenfield qBar and post development runoff estimates, ensuring greenfield rate run-off is matched, unless proven unfeasible, or 50% betterment for brownfield sites, with a restricted discharge rate not exceeding 5l/s per hectare and not lower than 2l/s per hectare.
 - ii) Surface water attenuation details.
 - iii) Details of any boundary drainage to ensure any flooding remains within the site. If calculations show flooding on site, that developments/properties will be safe.
 - iv) Designed in accordance with the drainage hierarchy (Non-Statutory SuDS Technical Standards Guidance (2016) Paragraph 3.7).
 - v) Provision of pipe diameters, slope angles, cover levels and invert levels.
 - vi) Demonstrates that foul and surface water drain via separate systems.
 - vii) Provision of hydraulic modelling for all storm durations, detailing the critical storm duration, from 15 minutes to 10 days, with the 1 in 100 +40% Storm Event also utilised.
 - viii) Implementation of SuDS as the primary method of the management of surface water that provide multifunctional benefits where possible as identified in National Planning Policy Framework paragraph 175. Considerations and evidenced descriptions for each of the 'Four Pillars of SuDS' must be presented to the LLFA and approved prior to commencement of development.
 - ix) Provision of full management and maintenance schedule for the drainage strategy to cover the lifetime of the development, including contact details of the responsible party and any inspection and test plans.

The development shall be carried out in accordance with the approved drainage strategy and it shall be fully implemented prior to the occupation of the final residential phase of the development and thereafter retained.

30. The line of the Public Right of Way (FP 13 Knutsford) shall be marked out on the development site prior to the commencement of and during the development of any phase directly adjacent to this footpath
31. (a) Prior to commencement of development a condition survey of the Public Right of Way (FP 13 Knutsford) shall be submitted to and be approved in writing by the Local Planning Authority.

(b) Within 3 months of the completion of the hereby approved development, a post-completion condition survey of the Public Right of Way (FP 13 Knutsford) shall be submitted to and be approved in writing by the Local Planning Authority.

This shall demonstrate details of any instances where the developer has restored any degradation identified.

32. No development shall take place until:

(a) An agronomy report for the new kickabout area as shown on drawing ref: 017-016-P008 Rev J (Green Infrastructure Parameters), dated December 2023 has been submitted to and been approved in writing by the Local Planning Authority.

(b) Based on the results of this assessment to be carried out pursuant to (a), a detailed scheme to ensure that the kickabout area will be provided to an acceptable quality (including appropriate drainage where necessary) shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority.

33. The following Management Plans (which should not conflict or conflict with the management plan required under condition 17) are required:

(a) Construction Environmental Management Plan (CEMP): -

Prior to commencement of development a CEMP shall be submitted to and be approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to: -

- The measures set out within Section 1 (Local Wildlife Site Impact Assessment and Mitigation Strategy) within the -03), dated 20 December 2021;
- Details of material storage, contractor parking, wheel washing and dust suppression; and: -
- No materials or equipment should be stored on the adjacent LGS, or areas intended for formal play and amenity space.

The approved CEMP shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

(b) 30-year Landscape Management plans: -

With the first reserved matters application for each phase, a Landscape Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The management plan shall include actions to preserve the long-term integrity and viability of woodland and wetland habitats (where relevant to the phase), and confirmation of responsible organisation(s) or person(s), monitoring arrangements and review programme. The landscape management for that phase shall commence in accordance with the approved details prior to the occupation of the relevant phase.

(c) Woodland Management Plan: -

With the first reserved matters application, a detailed woodland management plan for the whole site, including long term objectives, management strategy, plan of operations and maintenance schedules for the retained woodlands within the site including Ancient and Semi-Natural Woodland shall be submitted to and be approved in writing by the Local Planning Authority. The Management Plan shall commence in accordance with the approved details prior to the occupation of the first dwelling.

(d) Public Right of Way (PROW) Management Scheme: -

Prior to commencement of development a PROW Management Scheme shall be submitted to and be approved in writing by the Local Planning Authority. The Management Scheme shall include: -

- i) the design of access and Public Rights of Way routes within the development and their surfacing, widths, gradients, landscaping and structures;
- ii) any proposals for the diversion or extinguishment of any Public Right of Way under section 257 of the Town and Country Planning Act 1990; and:
- iii) any proposals for the temporary closure of any Public Rights of Way, along with alternative route provision. The development shall be carried out in accordance with the approved details.

(e) Bird Hazard Management Plan: -

Prior to commencement of development, a Bird Hazard Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The Management Plan shall include mitigation and management details to ensure that the site does not become a haven for species of birds that are hazardous to aircraft. The management plan shall be in place throughout the construction period and if there are SuDS to be managed, in perpetuity.

34. Prior to the installation of any external lighting details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme should reflect the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK) and should consider both illuminance (lux) and luminance (candelas/m²). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (woodland, boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of: -

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;

-Mounting height, orientation direction and beam angle;

The approved lighting strategy to be implemented in full unless otherwise approved in writing by the Local Planning Authority.

END OF CONDITIONS

Richborough