

The application is for full planning permission for the demolition of existing buildings, the erection of 97 houses, access, parking and amenity space.

The application site lies outside the village envelope of Baldwin's Gate and within the open countryside and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map. The site area is approximately 4.62 hectares.

The 13 week period for the determination of this application expires on the 21st March but the applicant has agreed to an extension of the statutory period to the 27th April.

RECOMMENDATION

Refuse for the following reasons:

- **Adverse impact upon the biodiversity and hydrology of Chorlton Moss Local Wildlife Site**
- **Absence of a secured planning obligation securing a financial contribution of £420,084 towards the provision of primary and secondary education places**
- **Absence of a secured planning obligation securing a financial contribution of £285,471 (£2,943 per dwelling) towards improvements to the open space and play facilities at Whitmore Village Hall**
- **Absence of a secured planning obligation securing 16% of the dwellings as affordable units and a financial contribution of a figure to be calculated towards off-site provision of the equivalent of 9% of the dwellings as affordable units**
- **Absence of a secured planning obligation securing a travel plan monitoring fee of £6,430**
- **Absence of a secured planning obligation securing a management plan for the restoration and long-term maintenance of the Chorlton Moss Local Wildlife Site**
- **Absence of a secured planning obligation securing a management agreement for the long-term maintenance of the open space on the site**

Reason for Recommendation

The development would have an adverse impact upon the biodiversity and hydrology of Chorlton Moss Local Wildlife Site and the mitigation measures suggested by the applicant would not enable these impacts to be avoided or minimised to any significant extent. There are benefits in terms of the provision of housing and affordable housing but these carry limited weight given the above conclusion.

The proposed development would result in additional pressure on school places and public open space and in the absence of financial contributions such adverse impacts would not be appropriately mitigated against. Whilst that could be done via planning obligations, and the applicant has indicated a willingness to enter into such obligations, no Unilateral Undertaking has been presented to the local planning authority. A planning obligation is also required to secure affordable housing, a travel plan monitoring fee, a management plan for the restoration and long-term maintenance of the Chorlton Moss Local Wildlife Site and a management agreement for the long-term maintenance of the open space on the site in accordance with policy.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application

Additional information has been requested and provided where necessary to progress the determination of the application. It is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework (NPPF) and it is

considered that the applicant is unable to overcome the principal concerns in respect of this development.

Key Issues

1.1 Planning permission was refused on 15th August 2017 for a very similar scheme for the erection of 99 houses, access, parking and amenity space (Ref. 16/01101/FUL). The reasons for refusal were as follows:

- 1. The proposed development would have both direct and indirect impacts on the irreplaceable Chorlton Moss Local Wildlife Site. The location of the balancing pond in the Moss would result in the loss of part of the Local Wildlife Site and the development would have an adverse impact on the potential future restoration of the habitat to active bog. The development would thereby be contrary to saved Policy N3 of the Newcastle-under-Lyme Local Plan (NLP) 2011, Policy CSP4 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026 and the aims and objectives of the NPPF.*
- 2. The adverse impact of the development upon the Chorlton Moss Local Wildlife Site significantly and demonstrably outweighs any benefits of the development when assessed against the policies of the NPPF taken as a whole and the proposal therefore represents an unsustainable development.*

1.2 Subsequent to the issuing of the decision notice a letter was issued to reflect the resolution of the 15th August Planning Committee that explicit reference should be made in the notice of decision to the development being contrary to paragraph 118 of the NPPF. An appeal has been lodged against the Council's decision and a Public Inquiry is due to be held in July of this year. In February 2018 the Planning Committee passed various resolutions with respect to the Planning Authority's position with respect to planning obligations, including that it should seek public open space contributions at a rate of £2,943 per dwelling, rather than the higher rate referred to by the Landscape Development Section. The Council has recently submitted its Statement of Case with respect to the appeal.

1.3 Full planning permission is now sought for the demolition of the existing buildings and the erection of 97 houses, access, parking and amenity space.

1.4 The application site, of approximately 4.62 hectares in extent, is within an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map, in the open countryside outside the village envelope of Baldwin's Gate.

1.5 In the previous application, part of the public open space comprising a balancing pond lay within the Chorlton Moss Local Wildlife Site (LWS). The principal amendment to the scheme is the relocation of the open space and the drainage attenuation basin to the west to outside the then boundary of the LWS. Following submission of this application, Staffordshire Wildlife Trust (SWT) has advised that the boundary of the LWS has been amended to include additional land which includes the relocated area of open space and some other parts of the development.

1.6 Since the consideration of the previous application, a draft revised NPPF has been published and is currently out for consultation. Whilst the draft revised NPPF is only a consultation document, it can be given some weight as it is indicative of the Government's direction of travel, and where there are differences (with the current NPPF) it is indicative that a policy is under review and the circumstances which have led to that review may need to be taken into account. Notwithstanding the representations received, this revised application raises no new material issues of impact on the landscape, on the loss of best and most versatile agricultural land, on highway safety, on residential amenity, open space provision, flood risk or affordable housing provision.

1.7 There is nothing in the draft revised NPPF on these matters to suggest that there is a basis for the Local Planning Authority to reconsider its position on these issues. Similarly noting the acceptance in August 2017 by the Local Planning Authority that the development is in a sustainable location (in terms of access to services and facilities), there is no substantive basis for coming to a different view on this point now. Therefore, given the previous reasons for refusal and the revisions now proposed, the issues for consideration in the determination of this application are as follows:

- Would there be adverse impact upon any nature conservation interests?
- Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

2. Would there be adverse impact upon any nature conservation interests?

2.1 Part of the previous application site was within the Chorlton Moss Local Wildlife Site (LWS). As indicated above that application was refused for the following reason:-

The proposed development would have both direct and indirect impacts on the irreplaceable Chorlton Moss Local Wildlife Site. The location of the balancing pond in the Moss would result in the loss of part of the Local Wildlife Site and the development would have an adverse impact on the potential future restoration of the habitat to active bog. The development would thereby be contrary to saved NLP Policy N3, Policy CSP4 of the CSS and the aims and objectives of the NPPF.

In its Statement of case the LPA has also referred to conflict with saved NLP Policy N8.

2.2 In this revised scheme, the balancing pond has been relocated and the Applicant's Planning Statement states that revisions made to the location of the balancing pond would remove any direct impacts in relation to ecology and biodiversity on the Chorlton Moss LWS.

2.3 Since the submission of this current application, Staffordshire Wildlife Trust (SWT) has advised that at a meeting of the Trust's LWS Grading Committee on 25th January 2018, the botanical data provided by the applicant's Ecological Consultants in support of the previous application was considered, and it was agreed that the boundary of the Chorlton Moss LWS should be extended to incorporate the marshy grassland habitats surveyed and that whole management units (as defined by field boundaries) should be included where the majority of the unit met the criteria. Some 1.65ha of additional habitat, including the relocated area of open space, has been included within the LWS boundary.

2.4 Concerns have been expressed by the applicant regarding the procedure carried out by the Grading Committee in extending the boundary of the LWS. This is a separate matter that is not relevant to the determination of this planning application. What is relevant is the ecological quality of the land, based on scientific grounds, and whether the proposed development would have any adverse impact on that quality. This will be considered further below.

2.5 The existing NPPF states, at para 109, that the planning system should contribute to and enhance the natural and local environment by, inter alia:-

- Protecting and enhancing valued landscapes, geological conservation interests and soils;
- Recognising the wider benefits of ecosystem services;
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

2.6 Paragraph 118 of the NPPF goes on to state that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles including the following:-

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

2.7 The draft revised NPPF does not make any notable changes in this regard. The relevant paragraphs in the draft are 168 and 173. The latter refers to the refusal of proposals resulting in the loss or deterioration of irreplaceable habitats, unless there are “wholly exceptional reasons” and a suitable mitigation strategy exists. In a footnote an example of wholly exceptional reasons is given of infrastructure projects where the public benefit would clearly outweigh the loss of habitat.

2.8 Saved NLP Policy N3 states that the consideration of applications for planning permission will take into account the potential effects of development proposals upon wildlife and geological features. In all cases where development or land use change is permitted, development proposals will be expected to avoid or minimise any adverse effects and, where appropriate, to seek to enhance the natural heritage of the Borough, by the following measures:-

- i. Habitats/features of nature conservation or geological value will be retained in situ and protected from adverse impact.
- ii. Where permitted by relevant legislation and/or regulations, flora and fauna of high nature conservation importance will be translocated or relocated to a suitable location(s) in cases where such species cannot be adequately safeguarded in situ. (Where this takes place, the developer must ensure that the translocation of the flora and fauna is based on qualified advice and undertaken prior to the commencement of development, and that provisions are made for the satisfactory establishment and maintenance of the translocated species at the new site).
- iii. Replacement habitats/features will be provided on at least an equivalent scale where the Council agrees that the loss of wildlife habitats or geological features is unavoidable.

2.9 Saved NLP Policy N8 states that the Council will resist development that may harm, directly or indirectly, an ancient woodland site, unimproved lowland grassland or area of lowland heathland or peatland, unless the applicant can demonstrate that the need for the development clearly outweighs the need to safeguard the habitat. Where development affecting such habitats can be approved, appropriate measures will be required to minimise damage, to provide for appropriate habitat restoration and/or re-creation to compensate for any loss, and to assist where possible towards meeting the targets for habitat and species increase set out in the Staffordshire Biodiversity Action Plan.

2.10 CSS Policy CSP4 states that the quality and quantity of the plan area’s natural assets will be protected, maintained and enhanced through a number of measures including the following:-

- Working with relevant partners to enhance the plan area’s natural habitats and biodiversity to achieve the outcomes and targets set out UK Biodiversity Action Plan, the Staffordshire Biodiversity Action Plan and the Staffordshire Geodiversity Action Plan;
- Working with relevant partners to achieve significant improvements to the condition of the plan area’s internationally designated Ramsar sites, nationally designated Sites of Special Scientific Interest (SSSI), locally designated Sites of Biological Importance (SBI) and Local Wildlife Sites, Regionally Important Geological/Geomorphological Sites (RIGS) and Local Nature Reserves;
- Ensuring that the location, scale and nature of all development planned and delivered through the CSS avoids and mitigates adverse impacts, and wherever possible enhances, the plan area’s distinctive natural assets, landscape character, waterways, network of urban green corridors and priority species and habitats identified in the UK Biodiversity Action Plan and the Staffordshire Biodiversity Action Plan.

2.11 Chorlton Moss LWS is one of only four raised bogs in Staffordshire. It is a non-statutory designated site which is designated on account of the presence of raised peat bog. The Moss is considered to comprise “degraded raised bog capable of restoration”. It has been in a state of decline over the past few decades, in part due to active land drainage, but largely due to the colonisation of the surface of the Moss by trees and shrubs. It is, however, considered to be entirely ‘restorable’ and restoration would be achieved partly by blocking ditches to fully reinstate sub-surface groundwater input to the base of the Moss, and partly through the removal of trees and shrubs.

2.12 SWT objects to the proposal on a number of grounds but in summary, they express concerns regarding the impacts to a LWS with insufficient mitigation, indirect impacts to an irreplaceable

habitat, net loss of watercourses and native hedgerows and overall net loss of biodiversity. They state that the application does not comply with the NPPF as it would cause a net loss of biodiversity due to the loss of diverse habitats within the site and would also result in further deterioration of an irreplaceable habitat.

2.13 The applicant's Ecologist (Ecology Solutions) has responded with the following points:

- This is a site with a retained peat substrate and elements of wetland habitat, but with extensive well developed tree cover, a drainage system which acts to further deplete the Moss of water and an overall botanical assemblage which demonstrates a significant movement away from being a high value nature conservation resource.
- The revised proposals give rise to a net benefit to the LWS. The overall package of on-site and off-site mitigation and enhancement measures give rise to a net benefit for biodiversity. There is no statutory or other relevant mechanism which can secure any restorative measures for the Moss and it is maintained that this should be an important consideration in determining this application.
- The report by Waterco Consultants demonstrates that the development proposals would not act as a barrier to water level and other restoration measures. The proposals deliver some secured benefits to the LWS and they do not prevent further restorative measures being brought forward within the LWS in the future.
- Whilst there are direct impacts on peripheral habitats as a result of the housing, it cannot be said that future restoration of active bog within the LWS is prevented (the proposals deliver some restorative measures) and certainly, restoration is no more hampered than at the current time.

2.14 The report by Waterco Consultants on behalf of the applicant is a new report submitted in support of the application relating to hydrology matters and it states as follows:

- Chorlton Moss has suffered a continuous loss of water for at least 40 years and in consequence, there is no functional area of raised bog remaining in Chorlton Moss and water levels are so low that even the lowerparts of the bog are undergoing conversion to dry land.
- In the event that a plan is put into action to raise water levels, it is likely that it will be many decades before functional raised bog reappears. The area of proposed development within the Functioning Ecological Unit (FEU) will not become raised bog as it is marginal. The FEU boundary may not be coincident with the functional hydrological boundary at Chorlton Moss but the functional hydrological boundary controls the presence or absence of raised bog and lowland wetland.
- Pre-development, the present site's evapotranspiration is likely to be higher than post-development which will allow more water to enter the Moss when the site is developed.
- The excavation of the proposed flood mitigation basin is unlikely to affect the Moss. If the basis is lined it may act as a flow obstruction but water flow will make its way round and if the basis is unlined, water will enter and fill to the equilibrium water table level.
- Any excavation of peat can be used for an ecologically useful material for ditch blocking.
- In the current scenario, unless water levels can be raised, Chorlton Moss will eventually be delisted as an important habitat. The proposed development can help raise these water levels by increasing runoff from increased post-development impermeability and decreased post-development evapotranspiration. These increased sources of water can be used to "rewet" the Moss initially with further work enabling a return to full health.
- The increase in hardstanding area consequent upon the development will result in an increase in surface water runoff rates and volumes. In order to ensure that the proposed development will not increase flood risk elsewhere, surface water discharge from the site will be controlled and sustainable drainage systems used. However, a holistic approach could be considered whereby surface water discharge from the site is transferred to the Chorlton Moss to facilitate its rewetting.
- In many cases developments seek to minimise runoff volumes from the site to reduce the size of retention ponds/detention basins. Minimising runoff on new developments requires permeable paving, green spaces and roof drainage infiltrated into the ground but in this case, using impermeable paving and connecting roof drainage to the surface water drainage

system in the development would be advantageous in maximising the rewetting of Chorlton Moss.

- The Surface Water Attenuation Basin can be redesigned for dual use – to reduce nutrient levels as a pre-treatment ‘works’ for water destined to rewet Chorlton Moss and as a Surface Water Attenuation basin. The proposed retention pond would also fall within the functional hydrological boundary and as such, would be a positive integral part of the hydrological/nutrient control in rewetting the Moss.
- The proposed culverted ditch from the small pond in the west field can be diverted around and along the site southern boundary thus increasing ditch length but it should be dammed with a weir at its far end to reduce water flow and to enhance the rewetting of Chorlton Moss.
- In summary, it is concluded that the development can have a positive impact on the longevity and future health of the raised bog.

2.15 SWT has responded to the Report stating that while Waterco have experience in managing water in various industrial and practical situations, they may not be wetland specialists with knowledge of ecology or peatland systems. SWT state that it is impossible to guarantee that changes made as a result of development will not have a negative effect and therefore it is argued that the precautionary principle must be used and development within the extent of hydrological influence avoided. In response to the Hydrology Report, the LLFA suggests that whilst surface water from the site could be utilised to help to re-wet the Moss area; in the undeveloped state, a greater proportion of the rainfall would naturally infiltrate to re-charge the groundwater and other measures such as ditch blocking could be achieved without development. They do not consider therefore that the proposed development is integral to potential restoration plans.

2.16 The Council has now sought advice on this matter from an independent Ecologist who has assessed the impact of the proposal upon the ecology and hydrological function of Chorlton Moss and the surrounding area. The Council’s advisor states as follows:

- The proposed peat stabilisation, in creating a near-impermeable ‘monolith’ of a substance which might be described as ‘peatcrete’ would effectively prevent future effective restoration of active bog within the LWS due to fundamental changes to groundwater movement within the site.
- The proposed attenuation basin lies directly over an area of mire, which has been incorporated within the LWS in the recent boundary revision. This would result in direct habitat loss, with surrounding areas of mire being effectively drained.
- Areas would be lost to housing and Public Open Space (POS) under the revised scheme. POS is not considered to be an appropriate land use for wetland habitat as the peat soils are too fragile and readily compressed, and public use would lead to compaction, surface damage and ultimately loss of wetland flora, which is not trampling-tolerant. It is further considered that excavation of the attenuation basin would lead to surface vegetation damage and compaction of the surrounding mire. If the basin is unlined, it would set up a cone of depression for several metres beyond the margin of the basin; if lined, it would sever sub-surface flow to the mire to the east, and also to the Moss. It is not considered that the current layout proposals are capable of maintaining wetland communities in situ within the boundary of the development site.
- A small area of grassland would become amenity space and although Ecology Solutions suggest that such habitats might be enhanced by reseeded, this area is very unlikely to be capable of supporting biodiversity interest of a similar level to that of the lost vegetation, even were it possible to replicate the hydrology, particularly when used as an amenity space. The import of seed which is not ‘native, locally sourced’ into the local area would also potentially have adverse impacts upon the retained undeveloped portions of the LWS, through loss or dilution of the genetic distinctiveness of the local flora. The translocation of species rich wetland turfs has also been referred to by the applicant as a possible alternative to seeding however the wetland vegetation growing in the most biodiverse and ecologically valuable parts of the development site has developed in the locations it is in because of the localised upwelling of groundwater in these locations. Were the wetland turves to be cut and relocated elsewhere within the site, the wetland species within them would die, as the new locations do not have the correct and very specific hydrology.

- Ecology Solutions state that there is scope to increase the ecological value of grassland habitats within the application site. They highlight that public open space and the drainage attenuation feature have been located to the west of the LWS, retaining wet meadow grassland in an area highlighted by SWT as being of particular concern in terms of losses to built form (under the previous proposals). However, the Council's advisor states that the 'retained' habitats would be substantially modified through combination of direct loss to the attenuation basin, damage and compaction of peat-based wetland adjacent to the basin during construction, local drawdown due to a possible cone of depression arising around the basin and interruption of the groundwater movement through these habitats due to cement stabilisation. It is not considered that the proposals for plug planting and seeding would be in anyway able to offset or mitigate for the habitat loss.
- The proposed management plan for Chorlton Moss LWS would only enable restoration of the extreme northwest corner of the Moss, where it is proposed to raise local water levels through blocking ditches, and removal of tree cover to restore acid grassland over an area of approximately 1.1ha. It is noted that this area is in that part of the Moss most likely to suffer direct severance of subsurface flows as a consequence of the excavation of the SUDS and thus the proposed management enhancement measures would be unlikely to lead to the recreation or restoration of bog communities in this location. In the context of loss of peat-based wetland habitats, management of this small area of what is likely to be acid grassland does not adequately mitigate for the wetland habitat loss and cannot be seen as an enhancement.
- Peat plays an important role in sequestering carbon, so delivering a considerable environmental benefit in terms of ecosystems services. It holds carbon which is gathered from the atmosphere by living plants as they photosynthesise and grow. When these plants die their semi-decayed remains are locked away in the peat under anaerobic waterlogged conditions, limiting further decay and the release of carbon. Once stored in the waterlogged zone as peat, the carbon is locked up in perpetuity provided the peat remains wet and undisturbed.
- Even partial drainage of the site such as might result from disruption of groundwater movement and improved drainage of the local area by culverting, would be expected to result in the loss of the carbon storage resource represented by the peats and release of an unquantified amount of carbon dioxide to the atmosphere. The proposed peat stabilisation, which involves deep mixing of peat, and treatment with a strong alkali in the form of Portland cement, would result in the release of a very significant quantity of sequestered carbon.
- Peat soils help prevent flooding by absorbing and holding both groundwater and rainwater like a sponge, gradually releasing it to the surrounding environment as well as filtering and purifying water. Peat can absorb large quantities of nutrient and other pollutants, although peat soils can, under certain conditions, release these chemicals back into the surrounding water.
- The peat deposits local to Chorlton Moss will have been laid down over many thousands of years, and likely date back to just after the last Ice Age. The peat deposits underlying the proposed development site have been conservatively dated to between 2,300 and 4,600 years old, equating to the late Neolithic or early Bronze Age. The peat forms a record of local conditions, in particular by preserving pollen which can provide a historical record of successive changes to vegetation in the area. In addition to the palynological (pollen) resource, undrained peat will also preserve historic artefacts, which would be damaged or destroyed through rapid decomposition where the peat is drained or water levels reduced or modified.
- The proposals for development require peat stabilisation to ensure that ground conditions are sufficiently stable to support buildings. This would involve deep-mixing of peats and combining shallow peat deposits with the underlying sand and gravel as well as culverting of watercourses. All peat-containing areas would then be treated with a binder, typically Portland cement, in order to create a stable surface for building. The combination of the physical mixing and treatment with cement, which would substantially modify the soil chemistry, would effectively destroy any palynological (pollen) resource or buried heritage.

2.17 In summary, the Council's advisor considers that the proposed development would give rise to the following unacceptable impacts upon the local ecology and hydrology:

- Severance and diversion of subsurface and groundwater flows to the Moss as a consequence of peat stabilisation)
- Short-term changes to water chemistry in the peats as a consequence of peat stabilisation
- Localised changes to the groundwater regime within the LWS and LWS extensions as a consequence of proximity to the attenuation basin due to a possible cone of depression and severance of west-east groundwater movement to the northern portion of the Moss
- Localised changes to the water regime within the LWS and LWS extensions and adjacent meadow/mire communities of high biodiversity value (where these remain undeveloped) as a consequence of culverting of local watercourses
- Local water chemistry and water quality changes as a consequence of built development (eutrophication and likely increased alkalinity) – gives rise to potential for downstream impacts as well as upon the LWS)
- Drying/accelerated drainage of peat soils on both the LWS and LWS extensions and surrounding area as a consequence of peat stabilisation and reduced water availability, with commensurate humification (decomposition) of peat, nutrient release and modification to or loss of wetland communities
- Trampling damage and nutrient enrichment to those areas of mire/meadow both within and outside the revised LWS boundary and not directly under the footprint of the attenuation basin and built development (i.e. areas retained as amenity space)
- Direct loss of those areas of mire/meadow within the revised LWS boundary and directly under the footprint of the attenuation basin and built development
- Loss of any future potential to restore the Moss.

In addition, the proposals would give rise to unacceptable impacts in terms of:

- Direct mechanical damage leading to loss of any buried preserved heritage and loss of a preserved palynological resource dating from between 2,300 and 4,600 years old
- Release of sequestered Carbon dioxide

2.18 Having considered the submissions of both the applicant and SWT and having regard to the views of the Council's independent Ecological Consultant, your Officer concludes that the proposed development would have an adverse impact upon the biodiversity and hydrology of Chorlton Moss LWS and furthermore that the mitigation measures suggested by the applicant would not enable these impacts to be avoided or minimised to any significant extent. The area involved is bigger, there is more information on the quality of the area and the hydrological impacts of the 'peatcrete', and appropriate account is taken of peatland as an irreplaceable habitat. The Council also now has expert advice on the limitations of the proposed mitigation works. The proposal would therefore be contrary to saved policies N3 and N8, and CSS Policy CSP4 and the aims and objectives of the current NPPF.

3. Do the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole?

3.1 Paragraph 49 of the current NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. It also states that relevant policies for the supply of housing cannot be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites (as defined in paragraph 47).

3.2 The Council is currently unable to robustly demonstrate a five year supply of specific, deliverable housing sites (plus an additional buffer of 20%) as required by paragraph 47 of the Planning Policy Framework (NPPF). The starting point therefore is set out in paragraph 14 of the current NPPF which sets out that there is a presumption in favour of sustainable development, and for decision taking this means, *unless material considerations indicate otherwise, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*

3.3 When 16/01101/FUL was previously assessed your officers took the view that given the examples of such specific policies (in a footnote (9) to paragraph 14) related to area specific locations, it did not

appear to them that the footnote applied in this case. However upon reflection it is acknowledged that paragraphs 109 and 118 of the current NPPF are very much specific policies which indicate development should be restricted (and thus they do fall within the ambit of the footnote). It follows that the 'tilted balance' within paragraph 14 is not engaged in this instance. This is important because it means that it is not necessary to demonstrate in this case that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

3.4 It is relevant to note in this context that the draft revised NPPF states at its paragraph 11 (the equivalent of paragraph 14 in the current NPPF) that there is a presumption in favour of sustainable development and for decision taking this means approving development proposals unless, inter alia, *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*,. Footnote 7 to that paragraph states that the policies referred to are those in the Framework relating to specific sites including irreplaceable habitats. In this case, the Chorlton Moss peatlands are irreplaceable habitats. Although the revised NPPF is just a draft at this stage, that the Government has signalled its wish to move from a list of examples of policies (as in the current NPPF) to a specific list of such policies, and one that includes policies on irreplaceable habitats) is noteworthy, and indicative of a clear direction of its position.

3.5 It is acknowledged that the proposal would make a sizeable contribution towards addressing the significant undersupply of housing in the Borough and bring about economic and social benefits associated with its construction and occupation and the provision of affordable housing. However, notwithstanding these benefits, the development is contrary to the provisions of the development plan and the NPPF indicates that permission ought to be refused and there are no other material considerations that indicate that permission ought to be granted.

APPENDIX

Policies and proposals in the approved development plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy SP1	Spatial Principles of Targeted Regeneration
Policy SP3	Spatial Principles of Movement and Access
Policy ASP6	Rural Area Spatial Policy
Policy CSP1	Design Quality
Policy CSP3	Sustainability and Climate Change
Policy CSP4	Natural Assets
Policy CSP5	Open Space/Sport/Recreation
Policy CSP6	Affordable Housing
Policy CSP10	Planning Obligations

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1	Residential Development: Sustainable Location and Protection of the Countryside
Policy N3	Development and Nature Conservation – Protection and Enhancement Measures
Policy N4	Development and Nature Conservation – Use of Local Species
Policy N8	Protection of Key Habitats
Policy N17	Landscape Character – General Considerations
Policy N21	Areas of Landscape Restoration
Policy T16	Development – General Parking Requirements
Policy C4	Open Space in New Housing Areas
Policy IM1	Provision of Essential Supporting Infrastructure and Community Facilities

Other Material Considerations include:

[National Planning Policy](#)

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Draft revised National Planning Policy Framework \(March 2018\)](#)

[Planning Practice Guidance](#)

[Community Infrastructure Levy Regulations \(2010\)](#) as amended and related statutory guidance

[Supplementary Planning Guidance/Documents](#)

[Whitmore Village Design Statement SPG \(2002\)](#)

[Developer contributions SPD \(September 2007\)](#)

[Affordable Housing SPD \(2009\)](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

[Planning for Landscape Change - SPG to the former Staffordshire and Stoke-on-Trent Structure Plan](#)

[Waste Management and Recycling Planning Practice Guidance Note \(2011\)](#)

[Newcastle-under-Lyme Open Space Strategy \(March 2017\)](#)

Relevant Planning History

16/01098/DEM	Prior notification of proposed demolition of two-storey detached house Approved
16/01101/FUL	Demolition of existing buildings, erection of 97 houses and 2 bungalows, access, parking and amenity space Refused and appeal pending. The following links lead to the reports that were submitted to the August 2017 Planning Committee http://publicdocs.newcastle-staffs.gov.uk/AnitePublicDocs/00240818.pdf http://publicdocs.newcastle-staffs.gov.uk/AnitePublicDocs/00241087.pdf http://publicdocs.newcastle-staffs.gov.uk/AnitePublicDocs/00241177.pdf

Views of Consultees

The **Highway Authority** has no objections subject to conditions requiring the submission and approval of a Construction Environmental Management Plan, surfacing of driveways in a bound material and sustainably drained, and no occupation of the buildings until a vehicular entrance on Meadow Way has been constructed. A travel plan monitoring sum should be secured via a legal agreement.

The **Environmental Health Division** has no objections subject to conditions regarding construction environmental management plan, mud on roads, internal noise levels and contaminated land.

Staffordshire County Council as the **Rights of Way Authority** has advised that there is a public footpath which runs adjacent to the site and any planning permission given does not give the developer the right to divert, extinguish or obstruct any part of the public path. It is queried whether the informal links onto the public right of way would be formally adopted by the County Council and whether the developer will be required to improve the public right of way.

The **Waste Management Section** states that the layout contains a number of locations where issues are likely to arise which will cause problems for occupiers. There are 7 locations where residents will need to bring their containers out for collection and return them to their property boundary between collections. This usually results in containers being left at the collection point causing neighbour disputes and visual blight. Such situations can be eliminated or reduced by creating loops which collection vehicles can drive around.

The **Landscape Development Section** has no objections subject to conditions requiring tree protection measures, full schedule of tree works and submission of landscaping proposals to include pathways, connectivity between two areas of open space within the development, and tree planting along the southern boundary. A contribution of £5,579 per dwelling is requested for improvements to the open space and play facilities at Whitmore Village Hall.

The **Education Authority** states that the development falls within the catchments of Baldwin's Gate CE (VC) Primary School and Madeley High School. The development could add 20 primary-aged pupils and 12 high school aged pupils. All schools are projected to be full for the foreseeable future and therefore a contribution is sought towards primary and secondary school provision. A contribution for 20 primary school places (20 x £11,031 = £220,620) and 12 high school places (12 x £16,622 = £199,464) is sought giving a total request of £420,084.

The **Crime Prevention Design Advisor** states that crime prevention has featured significantly as part of design considerations. The northern boundary where rear gardens will back onto the existing footpath is worthy of reconsideration. It would be better if the section of footpath behind plots 17-34 was re-routed through the development and incorporated into the rear gardens. If this is not possible, the garden boundaries should be reinforced externally with defensive planting.

Staffordshire County Council as **Minerals and Waste Planning Authority** states that the site lies within a Mineral Safeguarding Area for superficial sand and gravel as defined in the new Minerals Local Plan. The proximity of the development to the existing settlement means that it is unlikely that any underlying minerals could be worked in an environmentally acceptable manner in the foreseeable future. Therefore, no objection is raised.

Network Rail states that the proposal has the potential to impact upon Network Rail land and infrastructure via the surface water and foul water drainage proposals and therefore the developer will need to confirm matters relating to surface runoff and foul sewage to Network Rail. If a sustainable drainage and flooding system is to be included then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and its land. Reference is also made to Network Rail's right of access over land at the end of Fairgreen Road.

The **Lead Local Flood Authority (LLFA)** has no objections subject to conditions requiring the submission of a detailed surface water drainage scheme, development to be carried out in accordance with the Flood Risk Assessment and development to be carried out in accordance with the recommendations of the Site Investigation report. It is stated that the main difference in the Drainage Strategy is the change in the location of the attenuation pond and the change from an online to an offline system. Whilst the change in location may be beneficial in terms of impacts on Chorlton Moss, an offline pond would have little water quality treatment value for the majority of rainfall events. If it could be made online it would provide improved water quality treatment and a greater opportunity to maximise the ecological value of this feature. It is also requested that permeable paving for all private parking be shown or noted on the drainage strategy drawing to provide adequate water quality treatment.

In response to a further consultation on the Waterco Consultants' Hydrology Report submitted on behalf of the applicant, the LLFA states that their primary concern is the flood risk and sustainable drainage system associated with the new development and that these will not have a detrimental impact on environmental receptors. The report does not contain sufficiently detailed proposals and plans to enable comment specifically on any flood risk implications. However, it is suggested that whilst surface water from the site could be utilised to help to re-wet the Moss area, in the undeveloped state, a greater proportion of the rainfall would naturally infiltrate to re-charge the groundwater and other measures such as ditch blocking could be achieved without development. It is not considered therefore that the proposed development is integral to potential restoration plans.

Staffordshire County Council Archaeology state that the application is supported by an archaeological desk-based assessment (DBA) which concludes that the archaeological potential for the site is 'negligible' for prehistoric, Roman and early medieval remains and 'low' for medieval to post medieval remains due in part to its marginal location and waterlogged ground conditions. The DBA notes that peat deposits overlie bedrock geology to the south of the site which is located adjacent to the Chorlton Moss Site of Biological Interest. A programme of archaeological mitigation should be undertaken to take account of the palaeoenvironmental potential of the site to comprise a deposit model for the site and a watching brief on peat removal. This should be secured via a condition.

Severn Trent Water (STW) has no objections subject to a condition stating that no dwelling should be occupied until 1st May 2019 or until works to improve local sewerage facilities have been completed.

United Utilities state that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Natural England has no comments to make but draws the Council's attention to Natural England funded research and feasibility appraisal work in respect of the management and restoration of key wetland features within the Shropshire, Cheshire & Staffordshire Plain National Character Area (NCA). This work presented a 'Wetland Vision' for the area comprising reports on the Meres and Mosses in the NCA.

Staffordshire Wildlife Trust (SWT) refers to its comments of 13th February 2017 and 24th May 2017 on the previous application (Ref. 16/01101/FUL) which remain relevant to this application. A summary of relevant local and national policy was provided along with the following comments:

- The site is mostly within the Meres and Mosses Ecosystem Action Plan (EAP) area and on the edge of the Wooded Quarter EAP area.
- The area around Chorlton Moss including the application site is mapped as an opportunity area for Meres and Mosses in terms of potential to restore and enhance wetland habitats.
- Chorlton Moss Local Wildlife Site (LWS) is directly impacted by the proposals with habitat to be lost to a balancing pond and gardens along the eastern edge appearing to utilise a narrow strip of the LWS. This would not enhance the moss as it is not part of the recommended restoration management listed in the restoration site dossier produced in 2008.
- Chorlton Moss was last checked in 2006 and the data on the site's flora, condition and boundary are therefore out-of-date and a full resurvey and assessment is required to provide an accurate baseline for decision making.
- Although the tree cover on the moss is thought to be causing it to dry out, anecdotal evidence from residents suggests that water levels have been rising over the last 20-30 years as surface water has appeared more in the surrounding fields and marshy vegetation has expanded. In order to determine the current extent of the LWS it should be assessed. The marshy grassland habitat on the site has potential to be of LWS quality.
- As one of only two raised bogs in Staffordshire, the moss is part of the wider network of Meres and Mosses, unique features of this area of the Midlands.
- A plan is submitted showing the Functioning Ecological Unit (FEU) for the moss.
- Objection is raised to any development within, or indirectly affecting the FEU, and a suitable buffer of complimentary habitat should be retained beyond the FEU boundary.
- Raised bogs are irreplaceable habitats, by virtue of the unique geological and hydrological conditions needed for their formation. Some diverse grasslands may also be irreplaceable if they are not able to be recreated in a human lifetime. The proposals would result in the loss or deterioration of part of the raised bog habitat although in poor management condition, currently could be restored. As well as proposing a balancing pool within the bog habitat itself, the development would alter hydrology in the area and destroy adjacent marshy grassland which forms a buffer of complimentary habitat around the moss. Removing or changing semi-natural habitats around the core wetland area would reduce its ability to support the species it contains at present. The proposed habitat compensation within the development design falls far short of that required to replace the wet areas that would be lost and the need for and benefits of the development have not been shown to clearly outweigh this loss.
- The marshy grassland would qualify as Floodplain grazing marsh and the lowland raised bog within Chorlton Moss is a Habitat of Principal Importance (HPI). Such habitats should be protected, enhanced, expanded and/or replaced if the required gains are to be met nationally. The proposals would result in the loss of priority habitats and this is not adequately mitigated by landscaping proposals.
- The hedgerows and stream on the site all act as corridors for a range of wildlife and the wet grassland along with the moss itself is a 'stepping stone' site for wetland wildlife within a more intensively farmed landscape. The proposals do not preserve or strengthen ecological links.
- Given the type of buildings, the proximity of waterbodies and woodland and the many bat species recorded, the likelihood of bats roosting in the buildings is higher than reported and further inspections and surveys are required.
- Activity surveys recorded six bat species which is unusually high for a development site indicating that the habitat on and around the site is of good quality for bats. The development would impact on the favourability of the area for bats, changing the habitat and introducing more artificial light and disturbance.
- It is likely that common amphibians will be present in long grass on the site and so precautionary site clearance methods would be required as best practice.
- Due to the loss of habitat proposed, a breeding bird survey should be carried out.
- Any development within a floodplain is opposed unless impacts to the floodplain function are fully compensated and enhanced. This would not be the case on this site. Culverting and loss of sections of the small watercourse is also not acceptable.
- It appears that the water table in the area has been changing and the reasons for this should be investigated. Adequate information from the relevant agencies and bodies should be sought to understand the hydrological issues further.
- In summary, Staffordshire Wildlife Trust objects due to impacts to the Chorlton Moss Local Wildlife Site, irreplaceable habitats, priority habitats and species and a lack of up-to-date and

accurate information on the Local Wildlife Site's condition and extent as well as a number of species potentially affected.

The following additional comments are now made:

- The application does not comply with the NPPF as it would cause a net loss of biodiversity due to the loss of diverse habitats within the site and would also result in further deterioration of an irreplaceable habitat.
- In the Newcastle-under-Lyme Biodiversity Opportunity Mapping Report (March 2014) Chorlton Moss is identified as one of the Meres and Mosses opportunity zones. The primary objective for this habitat type is maintenance, restoration and expansion of wetland complexes, with particular emphasis on the mosses resources.
- The current proposal threatens the current and future integrity of Chorlton Moss by impinging on the Functioning Ecological Unit (FEU) and undermining any future restoration of water levels. It would destroy part of the wetland complex beyond the lowland raised bog, reduce connectivity and would not achieve restoration and expansion of the wetland complex. It would not contribute to the target to restore biodiversity interest at Chorlton Moss, ensure more favourable conditions or improve resilience to environmental change.
- At the Local Wildlife Sites Grading Committee meeting on 25th January, the data provided by the applicant's Ecological Consultants on the habitats within the application site was considered, and it was agreed that the boundary of the Chorlton Moss LWS should be extended to incorporate the marshy grassland habitats surveyed and that whole management units (field boundaries) should be included where the majority of the area met the criteria.
- The majority of the grassland habitats within the application site boundary will be lost or in some way disrupted. Figures as to the areas to be retained, lost and created are requested. Around 1.55ha of the LWS would be lost including around 0.58ha of wet grassland and it would appear that around 0.36ha of new wet grassland is to be created. The created areas would be smaller in extent, take some time to establish and would experience much greater disturbance so it is doubtful that they would attain the same value or functionality as the current habitat. This is not sufficient to compensate for the wet grassland lost or the overall loss of grassland habitat from the whole application site.
- The proposed SuDS basin is located within the revised boundary of the LWS and would impact existing important wet grassland habitat. SuDS should not be located in already diverse habitat, but seek to enhance poor habitat. Excavations within the FEU and so close to the moss would risk impacting the local hydrology and water flow to the moss and the basin would be within an area at risk of pluvial flooding.
- The FEU of the lowland raised bog is the basin within which an active peat-forming bog habitat and associated fringing wetland habitats could be expected to be restored if appropriate water levels and management were to be put in place. The wider peat deposit covers a much larger area, including under much of Baldwin's Gate.
- As well as being an Annex 1 habitat, the lowland raised bog is an irreplaceable habitat. The proposals still threaten this habitat by impinging on the FEU, removing associated wetland habitats, potentially altering the surrounding hydrology by treating the peat layer and by changing surface water flow patterns and storage.
- Objection is raised to any development within or indirectly affecting the FEU, and that a suitable buffer of complementary habitat is retained beyond the FEU boundary.
- Ecology Solutions are incorrect in stating that the current likelihood of restoration must be considered. This is irrelevant to the site's value and does not need to be considered in decision making. Whether restoration may or may not happen in the next ten years or next 100 years, is not predictable in the long-term and is not a factor in the valuation of the resource. What is certain, is that if damaging development is allowed within sensitive areas, the future prospects of restoration will be jeopardised, probably irreversibly.
- The proposed management of part of the moss to restore acid grassland would be beneficial but will not restore active peat bog as water levels would need to be raised across the area. It is unlikely that ditch blocking in this area would re-wet the area and as the location of development would impact the moss's FEU and seriously hamper any future restoration of water levels, the proposed restoration work would not mitigate for the overall long-term effects of the development.

- It is highly likely that the grassland to the south of the site is of LWS quality. Any development adjacent to these areas would fragment the currently connected wetland habitats and also potentially alter their hydrology, causing further impacts outside of the application site.
- Culverting of the ditches would lead to the net loss of around 185m of watercourse. Avoiding development within the LWS would avoid this impact.
- Objection is raised to the loss of native hedgerow. Avoiding the LWS would help to avoid these impacts and other hedges could be retained. Any hedge removal should be replaced with double the length of new native hedge to offset the years to establish the same structure and habitat value.
- In summary, SWT objects to the proposals due to impacts to a LWS with insufficient mitigation, indirect impacts to an irreplaceable habitat, indirect impacts to potential LWS areas, net loss of watercourses and native hedgerows and overall net loss of biodiversity.
- The application should be refused unless the following amendments can be made – avoid damaging development with the LWS and probable extent of hydrological effects as shown in the Management Site Dossier, avoid locating SuDS within existing diverse habitats, avoid net loss of ditches and native hedgerows, avoid overall loss of biodiversity and contribute to the aims of the Meres and Mosses biodiversity opportunity zone.

The following comments were received in response to the further comments of Ecology Solutions Ltd dated 2nd February 2018:

- Regarding the procedures for designation/amendment of Local Wildlife Sites, members of the grading committee are in correspondence with the landowners and with Freeths LLP.
- Regarding the size threshold for habitats to be included in a LWS, the areas smaller than 0.25ha if separate from other areas may be an issue if this were a stand-alone new site but because they are adjacent to an existing LWS and make up part of the wetland complex along with the other wet grassland already in the LWS, an extension to include them was deemed appropriate.
- It is fairly common when revising an existing LWS for the boundaries to be updated, particularly if the habitats have changed for the better or worse or if there has been access to areas adjacent that had not previously been surveyed.
- The measurements quoted by Ecology Solutions in their reports appear to differ. The mapping provided by Ecology Solutions was used by the grading committee, however wetland species were recorded in quadrats outside of the mapped wet grassland and on aerial photos. There is not a very definite line between the qualifying and non-qualifying areas because of variations within each field. As SWT has not been able to survey and map the fields, it is hard to quantify exactly. The NVC survey method would not be the recommended method of assessment for most sites as unless the habitat is of very high quality, it is rare that a habitat falls exactly into a category.
- It is considered that the wet grassland habitats are somewhere between categories. One should not try to force the habitat into one category as they are a continuum.
- Whether or not officially designated, habitats meeting the LWS criteria for an SBI should be treated in the same way in terms of planning as they clearly have a value at the county level.
- It is necessary to mitigate losses to improved grassland and all habitats of any value to wildlife that will be lost across the site, if no net loss of biodiversity is to be achieved. The best way to quantify this is by using a biodiversity offsetting metric.
- The re-use of diverse wet grassland turf alongside an appropriate seed mix would be a suitable method for grassland creation however avoidance of losses would be the first choice and this has not been considered fully.
- Culverting should be avoided as far as possible for ecology, landscape and maintenance purposes and any retained or created channels should maximise biodiversity value so that overall the site can achieve a net gain in habitat value.
- Regarding the likelihood of restoration of the moss in future, it is recognised that development can help deliver restoration and management of important sites that would otherwise not be achieved. However, gaining a small improvement while at the same time sacrificing the possibility of full restoration in future, plus the fragmentation of habitat through incursion into the existing wetland complex and FEU, is not a sustainable outcome. The ideal solution is to avoid all impacts to the site while contributing to new habitats and the site's restoration, thereby showing a clear gain to the site and its function within the wider ecological network.

- Development could be located on an alternative site with less harmful impacts or even less of this site to avoid impacts. The current lack of housing supply should not be an excuse to threaten irreplaceable habitats when other sites would be more sustainable in terms of potential ecological impact.
- Ecology Solutions assert that the proposal avoids and mitigates adverse impacts. The development plan also seeks to ensure that development 'wherever possible enhances' the features mentioned. It is considered that it is always possible.
- The proposal does not entirely avoid impacting the wet grassland areas which could be achieved if the number of houses were reduced. The proposals also include restoration works within the LWS but as this is a different habitat with different proposed gains, it is not like-for-like and therefore hard to quantify the value. Merely using an area of habitat without factoring in the time delays, risk of recreating new habitat and likely final quality of new habitat, does not give a quantifiable figure. The only accepted way to quantify biodiversity loss/gain is by using a biodiversity offsetting metric to calculate the biodiversity units before and post construction and once established.
- In terms of indirect impacts, SWT is still very concerned that the proposed development, even if direct impacts were fully mitigated, does not consider the fragmentation of the existing habitat complex and would prevent further meaningful restoration of the moss should this be possible in future.
- In summary, SWT objects to the proposals as there is insufficient evidence to show that no net loss of biodiversity would occur and that the long-term viability and restoration prospects for the lowland raised bog would not be adversely affected.

In response to the Waterco Consultants' Hydrology Report submitted on behalf of the applicant, the following comments have been received:

- Active, peat forming Lowland Raised Bog where sphagnum mosses are able to grow and build the bog, do require adequate ground water levels, an acidic pH and water of good quality. Chorlton Moss is already in a compromised situation regarding its catchment as the existing urban development to the west has been built on some peat areas and will have changed the hydrology of the area, as well as the surrounding farming practices and the drainage ditches and farming of the land directly adjacent the moss. Bogs need as large an area as possible around them with semi-natural and wetland vegetation as well as an undisturbed peat layer, to soak up and filter incoming ground water. The more of a buffer and the lesser the disturbance of the ground, the better the quality of the water would be feeding the moss. Building a development directly adjacent the moss would not only reduce and fragment the existing semi-natural vegetation surrounding the moss, but also disrupt the peat layer through peat treatment and cause surface water to run-off more directly towards the moss with no guarantee of its quality, especially should any severe flood events occur or lack of management over the life of the development. The proposals would therefore only serve to increase the risk of poor quality water affecting the moss.
- The trends in the hydrology of this site are not clear. It can be presumed that at some point water levels were higher and it is known that drainage ditches taking water from such wetlands and the encroachment of trees and shrubs, will cause drier conditions. However, there is evidence that in the past 10-15 years, water levels have risen, possibly due to changes in water abstraction or increase in precipitation. Without a full hydrological study, no-one has a proper understanding of the hydrology of the Moss. While Waterco have experience in managing water in various industrial and practical situations, they may not be wetland specialists with knowledge of ecology or peatland systems. It is impossible to guarantee that changes made as a result of development will not have a negative effect and therefore the precautionary principle must be used and development within the extent of hydrological influence avoided.
- It would not take 'many decades' to restore functional raised bog and in any event this is not particularly relevant as should the moss be restored, it would have an ongoing benefit for the foreseeable future, however long it took to reach a healthy condition.
- If the development would allow more water to enter the moss than currently, it would only be a very small increase as the site makes up a very small proportion of the moss's catchment and any difference in evaporation that might occur between rainfall hitting the site and it flowing off will be tiny given its proximity. It is not accepted that the development could supply a greater volume of water than that which would normally fall on the area. What the

development would do is direct surface water more quickly, and with more contaminants, towards the moss and reduce the amount of rainfall recharging the ground water. This is one of the changes in hydrology threatening peatlands.

- Any excavation near the moss will influence the hydrology in some way. The proposed flood mitigation basis is proposed to be lined and this would be necessary to prevent water of an unknown quality entering the moss. Lining the pool however could cause issues when ground water levels rise.
- Chorlton moss is unlikely ever to be 'delisted as an important habitat'. As long as it is capable of restoration, it qualifies as an Annex 1 habitat. As long as peat is present and clean water can be supplied, bogs can be restored. The moss has had a covering of trees or shrubs for many decades and it is still restorable. Although it may be continuing to degrade, no survey has been carried out since 2009 and while it is desirable that action be taken to re-wet and this trees on the site, if development has an overall negative impact in other respects, this will not secure the long-term prospects for the moss.
- SuDs ponds do not produce clean water suitable to re-wet bog habitat. Such a basin, especially if it were to retain water, would not filter surface water sufficiently. Unless a vast system of filtration was put in place, it would not produce water of a quality any better than that running naturally into the site. No moss restoration project has actively encouraged development run off or any watercourse containing sub-quality water, to be directed into a bog habitat. In fact, the aim in most cases is to re-direct surface water flows away and allow ground water and rainfall to be the main water sources feeding the peatland. It is not considered that a SuDS pond full of nutrient adapted flora would be a positive replacement for the existing diverse marshy grassland.
- The assessment does not mention the proposed treatment of peat beneath the site. This can cause oxidisation and release of carbon dioxide and it would also change the hydrological properties of the peat and be likely to cause more of a barrier to water storage and movement as well as affect the peat's filtering properties, and raise the pH of the substrate.
- No mention is made of the long-term impact that a development in this location would cause in terms of the future restoration prospects for the moss. Development within the FEU and the extent of hydrological effects would present an additional barrier to the raising of water levels in future, as the SuDs basis would be flooded and property owners may object to water levels being raised if this might affect gardens. Any development within the hydrological basin of the moss will prevent full restoration and this cannot be in the best interests of the site.

Whitmore Parish Council objects on the following grounds:

- Baldwin's Gate has nearly doubled in size in under 20 years during which time there has been no increase in facilities or infrastructure resulting in a loss of amenity to the whole community
- Work is progressing on a Neighbourhood Development Plan and a Housing Needs Assessment defines an extremely low level of local need. This has been catered for by the Gateway Avenue development and there is absolutely no remaining projected need until at least 2034.
- Residents of Baldwin's Gate oppose the scheme.
- It is inappropriate as it is a greenfield site outside of the Village Envelope and contrary to policies.
- Facilities in the village are extremely limited and there are no significant job sources in the parish. The development is unsustainable.
- The access route is unacceptable for construction vehicles
- The proposal is opportunistic and parasitic. The harm in this case significantly outweighs the benefits.
- There are serious concerns as to the capacity of the existing sewerage plant to deal with the extra load that this would create. It is requested therefore that an outline plan for the modification/extension to the treatment plan is put forward.
- The site is basically a waterlogged bog which floods freely under any heavy rain.
- Adverse ecological impact on the site which is an irreplaceable ancient wetland habitat
- The affordable units are not sufficiently pepper-potted throughout the site
- The density is significantly higher than developments in the village and the 3-storey houses are out of keeping with the area.
- No details of given of street lighting or exterior residential lighting.

- Negative impact on the landscape.
- An application has been submitted to Staffs County Council for the right of way between Moss Lane and Meadow Way to be formally registered as a Public Right of Way
- If permission is granted, funding should be set aside to cover the upgrading of the surface of public right of way 7 as the route is already unsuitable for the current levels of use.
- The announcement by Staffordshire Wildlife Trust that it has amended the Local Wildlife Site boundary is supported and their recommendations on the need to protect this important ecological site from harmful and irreversible damage are wholeheartedly endorsed. It is emphasised that the extension is a fact and is material to the planning application. Any concern over the process is a matter between SWT and the applicant.

Chapel and Hill Chorlton Parish Council objects on the following grounds:

- Not sustainable as residents would have to travel by car to access employment and other services
- Housing is well provided for in this area. A Housing Needs Assessment produced as part of the Neighbourhood Development Plan identified a need for smaller homes, bungalows and affordable housing. The proposal includes no bungalows and only 4 1-bed and 9 2-bed dwellings.
- The site layout would leave a lack of integration and sense of community and the high density and small plots with large houses are much more appropriate to an urban setting.
- The play area is more than 500m away and would involve walking along the A53 which is unpleasant and potentially dangerous or travelling by car.
- Negative impact on Chorlton Moss.
- Greenfield site outside the village envelope.
- Access is unsuitable.

Maer & Aston Parish Council objects on the following grounds:

- The ground under the site consists of collapsing peat and to stabilise the unsuitable ground a process of cement grouting will be required which will have an adverse effect on the natural drainage of the area and negate the natural free flow of ground water through and under the site
- Impact on Chorlton Moss and the fact that a proportion of the surrounding woodland has been felled without permission
- Reference is made to the Government's 25 Year Environmental Plan

The **Environment Agency** and the **Housing Strategy Section** were consulted upon the application, the date by which their comments were requested has passed without comments being received from them and they must be assumed to have no observations to make

Representations

Approximately 338 letters of objection have been received. A summary of the objections made is as follows:

- Contrary to the NPPF and latest Government Housing Strategy, the emerging Neighbourhood Development Plan, the Joint Local Plan Preferred Options Consultation Document, the Core Spatial Strategy, Whitmore Village Design Statement & Whitmore Parish Plan and the Borough's strategy for rural development.
- The development will not provide 'the right homes in the right place' which is the major focus of the Government's current consultations on housing and planning policy.
- The dwellings are not needed. A Housing Needs Assessment report for the Neighbourhood Area concludes that an appropriate range of new housing during the plan period 2013-2033 is between 50 and 100 dwellings. The current construction of 109 homes on the Gateway Avenue site more than satisfies this.
- Not sustainable as the local infrastructure is incapable of meeting the needs of the further dwellings proposed in addition to those currently under construction at the Gateway Avenue site. There are limited GP resources, the primary school is oversubscribed and secondary

school children need to travel outside of Baldwin's Gate, and shopping facilities are limited so travel is inevitable.

- Public transport is limited especially for those who wish to use buses for work. At peak times the buses are full when they arrive at Baldwin's Gate and the village has no access to a bus service after 6pm, Monday to Saturday and there is no bus service on a Sunday.
- There are very limited employment opportunities in Baldwin's Gate and residents would need to commute, most likely by car, to their places of work due to limited bus service.
- Meadow Way, due to its restricted width and history of structural weakness, is not satisfactory for development and construction traffic which will involve the large scale removal and/or treatment of peat deposits.
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised.
- Although there have been improvements to pepper-potting of the social housing, the units are not uniformly spread across the whole of the site with the majority concentrated along the northern edge with no social housing to be found in the south.
- The Meadow Way junction with the A53 has poor visibility, has a difficult left turn of the A53 and is exacerbated by traffic to and from the filling station. It is not a good access for additional traffic.
- The proposal will add to the traffic and safety problems in Baldwin's Gate. The accident record on the A53 is severe and a recent fatal accident to the west of the Meadow Way junction has been omitted from the application.
- A number of manoeuvres were carried out by a Class 2 Large Goods Vehicle turning left into Meadow Way from the direction of Newcastle and secondly turning right out of Meadow Way and the manoeuvres were recorded by residents. When turning right out of Meadow Way the vehicle could not do so without striking the nearside kerb and it took at least 20 yards before it was totally on the correct side of the road. When it turned left into Meadow Way it had to be positioned totally on the offside of the A53 facing oncoming traffic for at least 20 yards before turning. This brought all the traffic travelling towards Newcastle to a standstill. The vehicle was unable to complete the turn into Meadow Way in one movement and it came to rest with the front overhanging the pavement in Meadow Way and the rear protruding onto the A53 and then it had to reverse a short distance onto the A53 to level the vehicle and complete the turn.
- In the event that Meadow Way is deemed unsuitable for construction traffic, it has been suggested that Fairgreen Road could be an alternative. Limited investigations have demonstrated that it will also present significant challenges and dangers.
- The Highway Authority states that a banksman could control construction traffic but they are employed on building sites and other private developments and there is nothing to indicate that such a person could lawfully control traffic on a designated highway.
- It is proposed to demolish a perfectly good 5-bed house to obtain access to the site. This will have an adverse impact on the character of the area.
- There is no public parking provision within the development.
- The development would cause depletion of agricultural land and would severely impact on wildlife and its natural habitat. Degradation of Chorlton Moss would be inevitable and felling of mature trees on a significant scale is also required. The applicant's ecology report and later addendum lack credibility.
- The development would result in the destruction of a rare peat bog which cannot be replaced and will alter the environment significantly.
- The development would create an incursion of urban sprawl into Chapel and Hill Chorlton Parish which would have a major negative impact on the parish's rural character and loose pattern of development.
- There is great concern that the applicant's plans show a 'possible future access' into a large field on the south-western boundary of the site.
- The previous application was refused on the grounds of ecological sensitivity of this wildlife habitat and surrounding elevated peat bog. Despite some cosmetic changes in this new application, the issues have not been addressed.
- The relocated balancing pond is within the Functioning Ecological Unit of the Raised Bog which conflicts with the NPPF.
- The removal of a naturally occurring area of rainwater attenuation that significantly contributes to reducing downstream flooding on the wider river and streams network.

- The surface water drainage strategy will mean a massive overloading of an existing level drainage ditch and the additional discharge of millions of litres of rainwater into the already overloaded river and streams network.
- The sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties.
- The site is poorly drained and flooding has occurred in the past in Meadow Way and should not be added to.
- There are no children's play areas or space for children to play or provisions for recreational activity or space.
- Open views of the country would be lost.
- The density of the proposed dwellings (26 dwellings per hectare) does not correlate with those surrounding the site (18/ha in Fairgreen Road and 15/ha in Lakeside). 3 storey houses are not in keeping as there are no such dwellings in Baldwin's Gate.
- Construction will cause excess nuisance to surrounding areas by way of dust, noise, pollution and quality of life. These points will be exacerbated for 7 years by the construction of HS2 with major traffic disruption also.
- The emergency access is across private land outside of the application site and as such its integrity by the present or future owners of the land cannot be guaranteed for use as an emergency access
- The existing public rights of way would become enclosed corridors with high fencing on both sides removing the open countryside aspect.
- There is no mention of Section 106 contributions or benefits to the local community.
- Two 19th century brick-built historic farmstead buildings, as defined in the Staffordshire Historic Environment Record, are proposed to be demolished and should be preserved.
- Peat remaining on site after stabilisation will continue to generate gases which could affect properties outside the site. Further information and advice is required regarding this issue.
- There has been no public consultation on this new application.

Sir William Cash M.P. objects to the proposal for the following reasons:-

- The proposed development does not significantly differ from the previous application which was unanimously refused by the Borough Planning Committee.
- It fails to address the reasons for refusal sufficiently to warrant approval.
- The reasons for the failure to fulfil the objectives of the NPPF, in addition to the environmental concerns, were detailed in relation to the previous application.

Sir William refers to his comments on the previous application which were as follows:

- Contrary to the NPPF, the developing Neighbourhood Development Plan (NDP) for Whitmore, Maer & Aston and Chapel & Hill Chorlton, the developing Joint Local Plan, the Core Spatial Strategy, Whitmore Village Design Statement & Whitmore Parish Plan and the Borough's strategy for rural development. Baldwin's Gate is not a key rural service centre.
- Not sustainable and the local infrastructure is incapable of meeting the needs of a further 99 dwellings in addition to the 109 currently under construction at the Gateway site. There are limited GP resources, the primary school is oversubscribed and secondary school children need to travel outside of Baldwin's Gate, and shopping facilities are limited so travel is inevitable.
- Meadow Way, due to its restricted width, is not satisfactory for development and construction traffic which will involve the large scale removal of peat deposits.
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised.
- Meadow Way junction with the A53 has poor visibility, has a difficult left turn of the A53 and is exacerbated by traffic to and from the filling station. It is not a good access for additional traffic.
- The proposal will add to the traffic and safety problems in Baldwin's Gate. The accident record on the A53 is severe and a recent fatal accident to the west of Meadow Way has been omitted from the application.

- The development would cause depletion of agricultural land and would severely impact on wildlife and its natural habitat. Degradation of Chorlton Moss would be inevitable and felling of mature trees on a significant scale is also required.
- Open views of the country would be lost.
- The sewage pumping station and sewage treatment works are already overloaded and more properties would add to the problem which could affect existing properties. Flooding has occurred in the past in Meadow Way and should not be added to.
- Public transport is limited especially for those who wish to use buses for work. At peak times the buses are full when they arrive at Baldwin's Gate and the village has no access to a bus service after 6pm.
- There are very limited employment opportunities in Baldwin's Gate and residents would need to commute, most likely by car, to their places of work due to limited bus service.
- The density of the proposed dwellings (26 dwellings per hectare) does not correlate with those surrounding the site (18/ha in Fairgreen Road and 15/ha in Lakeside). 3 storey houses are not in keeping as there are no such dwellings in Baldwin's Gate.
- Construction will cause excess nuisance to surrounding areas by way of dust, noise, pollution and quality of life. These points will be exacerbated for 7 years by the construction of HS2 with major traffic disruption also.

Baldwin's Gate Action Group #2 objects on the following grounds:

- Unsustainable location due to the limited bus service and local employment, the damage to Chorlton Moss, impact on the primary school and GP surgery and the closing off of the public right of way.
- No need for housing due to an excessive over-supply in the rural area as evidenced in the Housing Needs Assessment report for the Neighbourhood Area of Chapel and Hill Chorlton, Maer and Aston and Whitmore Parishes
- Landscape impact due to impact on outward views into the surrounding landscape, impact on the character and quality of the wetland landscape of the area and Chorlton Moss Local Wildlife Site (LWS)
- The application adversely impacts a LWS with insufficient mitigation; it indirectly impacts an irreplaceable habitat and nearby potential LWS areas, with the loss of watercourses and native hedgerows, resulting in an overall net loss of biodiversity
- The application ignores the boundary extension of the LWS by Staffordshire Wildlife Trust.
- The proposed density does not correlate with those of the surrounding area
- Affordable housing ghettoised by being concentrated in the north-eastern part of the site
- There are already flooding issues in the area and should not be added to
- Inadequacy of the current pumping station and sewage facilities
- Meadow Way, due to its width, is not satisfactory for development and construction traffic and has a history of poor sub-structure resulting in frequent break up and movement
- Meadow Way and Tollgate Avenue are important accesses to the school and should not be compromised. Restricting of parking is not an acceptable solution for parents or patients.
- Impact of heavy construction traffic on the school due to air pollution and road safety hazards
- Poor visibility of the junction of Meadow Way with the A53
- Will add to the traffic and safety problems in the area
- Loss of valued green space
- Major impact on public right of way through loss of views and its enclosure with fences
- The path at the rear of Pasture Close is a local right of way

Applicant's/Agent's submission

The application is accompanied by the following documents:

- Design and Access Statement
- Planning Statement
- Flood Risk Assessment and Drainage Strategy
- Tree Survey Report
- Landscape and Visual Impact Assessment

- Arboricultural Method Statement
- Statement of Community Involvement
- Ecological Assessment
- Addendum Ecology Report
- Transport Assessment
- Travel Plan
- Agricultural Land Classification
- Site Investigation Report
- Design Review Report
- Noise Report
- Archaeological Desk Based Assessment
- Hydrology Report

All of these documents are available for inspection at the Guildhall and as associated documents to the application in the Planning Section of the Council's website via the following link <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/01024/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

11th April 2018