

**LAND TO THE NORTH OF SNAPE HALL ROAD, BALDWINS GATE**  
**HIGH SPEED TWO (HS2) LIMITED**

**23/00116/SCH17**

This application seeks approval of the plans and specifications under Schedule 17 of the High Speed Rail (West Midlands – Crewe) Act 2021 for the construction of a bat house on land to the north of Snape Hall Road, Baldwins Gate.

The site lies within the open countryside, which is designated as an Area of Landscape Restoration, as indicated on the Local Development Framework Proposals Map. The site also lies within an area designated as Green Belt.

**The 8 week determination period for this application ends on 11<sup>th</sup> April 2023.**

**RECOMMENDATIONS**

**That the Schedule 17 application be granted subject to conditions relating to the following:**

- 1. Carried out in accordance with the approved plans.**

**Reason for Recommendation**

The proposed works preserve the local environment and local amenity, do not result in any prejudicial effect on road safety or on the free flow of traffic in the local area and would not adversely affect a site of archaeological or historic interest or nature conservation value. As such there are no design and appearance reasons to refuse to approve the application or grounds to argue that the development ought to, and could reasonably be carried out on, other land.

**KEY ISSUES**

**Consideration of Schedule 17 Applications**

Section 17 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for HS2 Phase 2a and associated works (“the Works”) between West Midlands and Crewe, but some of the detailed design and construction are subject to further approval. Schedule 17 to the Act puts in place a process for the approval of certain matters relating to the design and construction of the railway which requires that the nominated undertaker (the organisation on whom the powers to carry out the works are conferred) must seek approval of these matters from the relevant planning authority. As deemed planning permission has been granted by the Act, requests for approval under Schedule 17 are not planning applications.

In passing the Act, Parliament has judged such impacts to be acceptable when set against the benefits to be achieved by the Phase 2a scheme.

The purpose of Schedule 17 is not therefore to eliminate all prejudicial impacts on, or to secure the complete preservation of, any sites within the various categories identified in the schedule (set out below). On the contrary, the operation of Schedule 17 is such that there will be cases where a submission must be approved notwithstanding an identified negative impact, unless there are modifications that are reasonably capable of being made.

Accordingly, it is not open to the planning authorities under Schedule 17 to refuse in principle works or development which is covered by the Environmental Statement and approved by Parliament. The impacts have been assessed and planning permission has been granted on that basis. Instead, Schedule 17 offers planning authorities an opportunity to seek modifications to the details submitted that they consider reduce the impacts of a submission if such modifications can be justified.

The Schedule sets out that the Council can only refuse to approve the application, or impose conditions, in the following circumstances:

- (a) The design or external appearance of the works ought to be modified
  - (i) To preserve the local environment or local amenity;
  - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area; or
  - (iii) To preserve a site of archaeological or historic interest or nature conservation value; and is reasonably capable of being so modified; or
- (b) Where the Council consider that the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.

(a) Consideration of the Design and External Appearance of the Proposal

The application sets out that bat buildings are required due to the loss of maternity roosts for bats in buildings demolished or disturbed due to the HS2 works. The proposed bat house is classed as a large version which is designed to accommodate the Brown Long Eared (BLE) bat species.

In addressing the design rationale for the bat houses the application sets out that;

“The proposed design of the building draws on existing archetypes of roof and openings from local farm vernaculars, whilst responding to the specific needs of bat species for which the building is intended to host.”

The building would have a height of 7m and a floor area of approximately 40 square metres. It would be constructed mainly from a combination of reclaimed Staffordshire knot bricks and Staffordshire red engineering bricks with a welsh slate roof. There would also be some elements of cladding and reclaimed oak across the building.

*Impact on the local environment and local amenity*

Although the proposed bat house is of a substantial and permanent construction, it has an attractive and high quality appearance that would blend into the landscape. The positioning of the bat house means that it would only be visible from longer distance views, and together with the sympathetic form and appearance, there are not considered to be any implications on the local environment or local amenity.

*Road safety and the free flow of traffic in the local area*

The works are away from any main roads and measures to control road safety and traffic impacts arising from the construction of the works are separately covered and do not fall to be considered with this application. As such the works would not have any detrimental impact on road safety or the free flow of traffic in the local area.

*Impact on archaeological or historic interest or nature conservation value*

The site is not within, or close to, a known site of archaeological or nature conservation value.

Approximately 360m to the south west of the proposed bat house siting lies Snape Hall Farm and 143.3m to the east of the site boundary lies Lake House, both of which are Grade II listed buildings.

It is not considered that the siting or design of the proposed bat house would have any impact on the setting or significance of these listed buildings.

With regards to nature conservation, the proposal has been designed to be of a greater ecological benefit to roosting bats in light of the loss of maternity bat roosts for bats in buildings to be demolished or disturbed due to the HS2 works within the local vicinity. The application documents stipulate that;

“The two existing roost buildings are approximately 300m from the proposed bat house location alongside Whitmore Wood. It is assumed that bats roosting in buildings in Whitmore Heath are already likely to commute to and forage in and around Whitmore Wood. The Proposed Scheme is in

tunnel between these locations and so will be permeable to bat species, which can continue to follow linear features in the landscape, including hedgerows and minor watercourses, and cross areas of pasture grassland to find and occupy the bat house. Enhanced connectivity will be created across the wider landscape through new hedgerows and additional woodland planting between Whitmore Wood and Hey Sprink to the north-west.”

It is therefore considered that the proposal would conserve the natural environment and would enhance the ecological value of the site.

On that basis there are not considered to be any negative impacts on, archaeology, historical interests or nature conservation value.

(b) Ought the development, and could it reasonably, be carried out elsewhere on land within the Act limits.

As there are no design and appearance reasons to refuse to approve the application, there are no grounds to argue that the development ought to, and could reasonably be carried out on, other land.

### Reducing Inequalities

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions.

People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal and the matters that can be addressed, it is considered that it will not have a differential impact on those with protected characteristics.

## **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 ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality

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

Policy N3: Development and Nature Conservation – Protection and Enhancement Measures  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N20: Area of Landscape Enhancement

#### [Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan 2019 - 2033](#)

Policy DC2: Sustainable Design  
Policy NE1: Natural Environment

### **Other Material Considerations include:**

#### [National Planning Policy](#)

#### [National Planning Policy Framework \(2021\)](#)

#### [Planning Practice Guidance \(2018 as updated\)](#)

#### [High Speed Rail \(West Midlands – Crewe\) Act 2021](#)

#### [High Speed Rail \(West Midlands – Crewe\) Act 2021 Schedule 17 Statutory Guidance \(May 2021\)](#)

#### [Equality Act 2010](#)

#### [Supplementary Planning Guidance/Documents](#)

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

#### Relevant Planning History

None.

#### Views of Consultees

**Whitmore Parish Council** has no objections.

The **Environment Agency** does not wish to make any comments on the proposal.

No comments have been received from the **Environmental Health Division**, the **County Highway Authority** or the **County Council Ecologist** within the statutory consultation period and therefore it is assumed that they have no observations to make on the application.

#### Representations

None received.

#### Applicant/agent's submission

The applicant has submitted, in addition to plans, the following:

- Submission Letter
- Written Statement

All of the application documents can be viewed on the Council's website using the following link:  
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/00116/SCH17>

Background Papers

Planning File referred to  
Planning Documents referred to

Date report prepared

16<sup>th</sup> March 2023.