

NEWHALL PARISH COUNCIL
Minutes of Virtual Meeting of the above Council
Wednesday 27th January 2021, 7.30 p.m.

Councillors: J. Batho (Chairman), A.G. Lawrence (Clerk), Mrs J. Fenton, E. Forshaw, P. Schofield, Ms R. Spalding, R. Hibbert, C. Britton.

1. **Apologies:** J.G. Parkin, Clr R. Bailey.
2. **Declaration of Interest** – if a member is present at a meeting of the authority, and they have a disclosable pecuniary in any matter to be considered or being considered at the meeting, they cannot take part in any discussion of the matter at the meeting or vote on it. They should disclose the interest to the meeting and follow the Council’s Code of Conduct.
3. **Minutes** of Parish Council held 16th December 2020 were confirmed as a true and correct record on the prop., E. Forshaw, sec., Mrs J. Fenton.
4. **Matters arising:-**
 - a. Extra Litter Bin in the Village – Woodcott Hill Lane and possibly Sheppenhall Lane/Junction A530. Clerk reported he has a quote of £386.40 + VAT per bin.
Further request from Councillor Bailey - Littering has undoubtedly increased in the last 12 months, the layby at the Coole Lane/A525 junction a case in point and I wondered if the Parish Council would kindly consider using the ‘clean streets’ monies for a litter bin there. I would of course seek collection via Caroline Griffies if council are agreeable to this.
Meeting agreed this be added to the list of bun requirements but Notice Board and Phone Box to be concluded first.
 - b. Village Notice Board
 - c. Phone Box

With regard to the above, it was agreed that for the next meeting we should have quotes for a new Notice Board and for refurbishment of phone box. It had been decided at the last meeting that £1500 be added to the Precept to refurbish the Phone Box and also convert to Notice Board. However with the quotes a full discussion and decision will be made as to which option is felt best, and then swift action to implement.

It was also suggested the phone box could be used to house a Defribulator.

In relation to above (4), R. Hibbert has prepared the following comments re communication:-

COMMUNICATIONS INVESTMENT PLAN

Introduction

At the Parish meeting held 16th December 2020 it was concluded Newhall Parish should address its communications with Parishioners through the following channels;

- Both noticeboards are beyond end of life
- Acquisition of the BT telephone box (listed) should be completed
- Review of web sites – Council and Neighbourhood Plan – should be conducted to achieve least cost of maintenance
- Quotations should be obtained for work required to the telephone box once acquired

Funding

A precept of £1500 was agreed. In addition a percentage of the Neighbourhood Plan funds reserved for communications can be used. For the record the Neighbourhood Plan monies have not yet been spent due to the Pandemic preventing the planned community events taking place.

Plan

BT Phone box;

- Acquisition confirmed with BT this morning – contract being sent for review by RH – summary will be provided to Chair and Clerk (wider if required)
- Actions required
 - Complete purchase and registration
 - Quotes for removal of 3 phase power supply left safe whilst box is moved
 - Plan connection to a new power source location of which is not yet known.
 - Quote to refurbish and address paint condition to be obtained – this will include relocating the box during works
 - Plan to remove, refurbish, return and install phone box

- Notice boards
 - Plan removal of old notice board opposite Bhurtpore and review condition of board adjacent to Sheppenhall Lane
- Web site
 - Review both web site – now Neighbourhood Plan is adopted the sites need to be jointly governed and can be managed in a single contract. This should reduce annual costs for the combined sites
 - Communications to the Parish informing all of the changes being planned and offering the options for where to view Parish information and communicate with Council or NNP

Risks;

At present no serious risks are identified

Assumptions;

1. The current location of the phone box can be maintained
2. Power supply can be provisioned
3. All work can be completed within budget

5. Highway matters:

- a.* Joint Parish Council Group has now been formed re Highway matters and R. Hibbert has offered to represent Newhall on this. The full make up of this is now outlined by R. Hibbert as follows:-

SOUTH WEST CHESHIRE HIGHWAYS GROUP

**Representing;
Wrenbury Parish Council
Newhall Parish Council
Sound & District Parish Council
Marbury Parish Council**

1. Background

For many years the Parishes represented within this Group have felt neglected and let down by Cheshire East Highways – with the general condition of highways, repairs and maintenance dwindling to dangerous levels that, as a collective of Councils, we now feel obliged to act given the unacceptable risk these assets now pose to parishioners. The Pan-Parish Highways Group (the Group) has been formed to aggregate the highways issues faced across the Parishes geographical areas as listed above.

The Group is formed in order to represent a complex network of roads, access routes and development strategies, plus maintenance plans, for these closely linked and inter-dependent Parishes. The benefits of one coordinated Group will be significant, not least of all to help external stakeholders such as Cheshire Highways and Cheshire Planning understand better the present failings, future needs and priorities for this rural region.

The Group carries the full delegated authority of each Parish Council and will act as the sole interface to associated parties, the primary being Cheshire East Highways.

The Group will take input from each Parish and generate shared tasks / actions to create suggested improvements, making the combined area better, safer, and in accordance with sustainable transport principles. The Group takes its direction from the adopted or developing Neighbourhood Plan policies together with the policies or relevant external parties. Prioritised plans, subsequent actions and representations, will be designed and concluded by members of the Group.

2. Governance

The Group will meet monthly to set and maintain plans, agree and prioritise actions and record all representations and meetings for sharing across each Parish Council and approved stakeholders – for instance local CEC elected members and officers.

3. Focus areas

Scope will be broken into Focus Areas with each showing the clear dependency to another. For instance a recommendation on traffic will take into account pedestrians, cyclists and any other impacted group

1. **Traffic planning** - studies, forecasts and strategies
2. **Road condition** - safety and improvement prioritised plans
3. **Pedestrian movements** - requirements and strategies

4. **Sustainable transport options** - pavements, footpaths, cyclepaths, policies for the less-able and links with public transport networks
5. **Leisure pursuit planning** – cycle routes, horse riding routes, rambling, access to holiday centres and boating centres
6. **Local business requirements** including the farming, industry, , forecasts, movement strategies and social impact planning
7. Policy setting in relation to any new property – residential or business – application for development advising Cheshire Highways on responses

4. Leadership

Initially the Group will create a single plan containing the details for each of the work streams. Eventually the Group will hope to have committees in place covering local residents, businesses and a steering group with the relevant departments of Cheshire Highways

5. Group Plan. (This section to be completed by the workstream leader)

Each Focus Area plan needs to detail:

- Scope of the activity.
- Project plan with key milestones to feed in to overall CIP project plan.
- Named resources and any resource implications.
- Dependencies with other workstreams, plus any other inter-company activities e.g. the commercial challenge.
- Agreed timescales.

7. Reporting and timescales

One report will be published each month and distributed to all members of the Parish Councils together with approved stakeholders

8. Membership

Newhall Parish – Richard Hibbert
 Wrenbury Parish – Oly Lowe
 Sound & District – Dave Tomlinson
 Marbury – John David

Chair – Oly Lowe?
 Secretary – Richard Hibbert?

Further:-

Meeting being arranged for CE to attend, draw plan of action, and develop a close working relationship
 CE new highways plan shows that 85% of budget is spent in urban areas. Currently only money spent in rural areas is to meet the minimum legislative requirement.

b. Hedges at crossroads remain overgrown, R. Hibbert advised this matter has been reported to CE Highways.

c. Street Lights:- reported by E. Forshaw - As you enter Aston from the direction of Wrenbury, the first street light, which is on right hand side of the road just before you get to my house, is not working - Clerk reported - The reference number for this report is: **3418021**. Also, this morning, a vehicle has skidded into the third street light, which is on the left hand side on the bend, causing it to twist and lean at a slight angle – Clerk reported - The reference number for this report is: **3418023**

d. Flooding:-

- i. letter from N. Spicer re flooding @ The Gables, Wrenbury Road

As many of you will have seen we have yet again been significantly impacted by flooding. This is directly caused by a blocked drain immediately outside our house / entrance. This is not the first time this has happened. Extensive flooding February 2020 due to a blocked drain, lasted 10 days. Winter 2017/ 2018 following botched drainage works by CEC.

December 23rd, 2020, I reported to CEC by phone that the drained outside our house was blocked and that if it wasn't cleared there would be a flood. I got the standard "we will respond with 20 days"

Wednesday 20th Jan 2021 2:30pm report flooding to CEC again

Thursday 21st Jan 2021 2:50 am call Emergency line but gave up holding and left a message.

Thursday 21st Jan 2021 6 am called Emergency line spoke to someone would say "I will do what I can"

What had I done to try and secure our property?

Wednesday 20th build flood barrier across the drive, sandbags etc. This was holding at midnight, but with increasing flood on the road. By 1am I no realise that the barrier had failed, and water was gushing through. I have a video, but a conservative estimate could be at a rate of 30,000 gallons an hour.

With the help of Mike Fenton and Eddie Forshaw we were able to stop the water entering the drive by about 11 am Thursday 21st January, at this point may be up to ½ million gallons of water had come down the drive, into the veg garden, covering the septic tank and out into the field. The force of the water was such that it moved gravel and gorged gullies into the garden paths.

Water was also gushing from underneath the bases of the outbuildings with unknown damage now or in the future due to possible under cutting of the foundations.

We were pumping water throughout Thursday 21st to lower the levels and continued to pump on **Sunday 24th** to lower the levels inside our boundary.

Monday 25th Called CEC again for an update. No news.

Tuesday 26th 11am Roy Cook CEC highways maintenance arrived on site to access the situation and arrange for a "jetting team" to attend the site. They might arrive on Weds 27th! This was the first active response from CEC since I first lodged the blocked drain Dec 23rd!

In the meantime, we have continued to pump water from the drive to reduce the level, as of this morning Wednesday 27th the level on the road had subsided and there appears to be little coming into the garden / drive.

Water is still being held back by our flood barrier and there is probably 2inches (5cm) of mud and silt across the drive and road which will all have to be clearer even when the water has gone.

Road safety has now been compromised for at least a week, the flood, then frozen and now very slippery silt and sludge. Residents have been unable to walk to local services or exercise normally, some cars have sensibility turned around due to depth of water.

Remember –

- this is all caused by a blocked drain that could have been cleared in the 3 weeks before the rain and saved the Council £ 000's We do they waste our money!
- This flood and the same time last year are new events, it is not a coincidence that these are after the re direction of the drain on Pinsley Green Road

I will be sending a report to the flood risk assessment team and will share with the Parish Council. I ask that the Parish Council are party to this complaint. I will also be contacting Wrenbury PC for their support.

- ii. Sheppenhall Lane – terrible flooding and appalling road conditions.

In relation to flooding and road conditions it was agreed on the prop., C. Britton, sec., R. Hibbert, that whilst the South West Cheshire Highway Group should champion all these issues the Parish Council must continue to raise representations themselves too. In addition CE Highways must not offer no objections to development within the parish if they cannot then maintain/repair the roads. Letter to be sent to CE raising these complaints and issues. R. Hibbert agreed to draft this.

6. Correspondence

a. Cheshire East:

- i. Covid19 updates

b. Councillors: none

c. Parishioners: none

d. Other:

- i. Clerks and Councils Direct
- ii. CHALC newsletters

7. Accounts

I. Income received since last Meeting: none

II. Accounts paid since last meeting: none

III. Accounts to pay at meeting:

1. Chq No 000536 Purchase Order 24
Information Commissioners Office – Data Protection Fee £40

The above account(s) were unanimously approved for payment on the prop., E. Forshaw sec., R. Hibbert.

8. Planning Applications

I. Applications received since last meeting:

As 8/III/b as below

II Results of previous applications:

a.
20/4954N
Aston House Farm, WRENBURY ROAD, ASTON, CW5 8DQ
Additional Environmental Approval to allow for the extension of listed building consent 17/0897N for The construction
of 5 new houses and the conversion of 2 barns to residential use with associated access drive and parking to extend the time limit for implementation until 1 May 2021.
approved
b.
20/4589N
Aston House Farm, WRENBURY ROAD, ASTON, CW5 8DQ
Additional Environmental Approval to allow for the extension of listed building consent 17/0897N for The construction
of 5 new houses and the conversion of 2 barns to residential use with associated access drive and parking to extend the time limit for implementation until 1 May 2021.
approved
c.
20/2393N
Land East Of, WHITCHURCH ROAD, ASTON
Approval of Reserved Matters for appearance, landscaping, layout and scale following outline approval 17/0374N
Development of up to 24 dwellings with all matters reserved except access (Resubmission of 16/3974N)
approved with conditions
d.
20/5309N
The Rowans, WHITCHURCH ROAD, ASTON, CW5 8DJ
Non-material amendment to application 18/4857N - Change of Use of existing commercial buildings to form a new shop selling local produce with butchery and bakery as well as cafe, together with toilets and staff facilities.
Extension of one building and alterations to others together with the installation of children's play equipment and other associated works.
approved

III Applications/Planning matters before this meeting:

a.
Application No: **20/5868N**
Proposal: **Application for full planning permission for the erection of a cricket net along the boundary of The Woodlands Development and Aston Cricket Club**
Location: **LAND AT THE WOODLANDS, WHITCHURCH ROAD, ASTON, CW5 8DB**
National Grid Ref: **361394.8867 346533.3106**

NNP comments in relation to this are:- clarification over TPO needs to be taken onto consideration by CE when considering the application.

The Clerk and C. Britton declared an interest in this application.

Further, it was raised that the Cricket Club are dependent on this application being approved to ensure they can continue to play cricket. Actual siting line of the fence was unclear, however it was advised that the ditch, now filled in, would be part of the former agricultural land.

After consideration of the application, on the prop., Ms R. Spalding, sec., E. Forshaw it was unanimously agreed to support the application, but the TPO's should be closely examined by the planning officer.

b.

Application No: **20/5853N**
Proposal: **Proposed siting of 9no. static caravans**
Location: **Sunnyside Touring Park, COOLE LANE, NEWHALL, CW5 8AY**
National Grid Ref: **364803.9899 345596.4162**

Chairman reported - Visited site 22nd January. Meeting with Sharon Finney to discuss proposal, site well managed and attractive with all necessary facilities in place, waste water / foul water managed via in place digester.

NNP comments in relation to this are:- the application positively addresses most policies of the neighbourhood plan. Logically it should be good for local economy and tourism, fits well in terms of location and contributes sensibly to the environment as construction issues are avoided by the use of mobile homes.

The only question would be the nature of tenancy agreement. Provided these are temporary for holiday and recreational purposes avoiding any risk of permanent residence being created for support from the neighbourhood plan would be the correct statement.

The meeting was advised that complaints have been raised by local resident(s) and informal meeting held.

After in depth consideration of the application, on the prop., C. Britton, sec., E. Forshaw, it was unanimously agreed to object to the application for the following reasons:-

Newhall Parish Council would like to draw your attention to the historical Appeal decision (below) by Elizabeth Pleasant on the 4th of June 2018.

Appeal Decision

Site visit made on 4 June 2018

***by Elizabeth Pleasant DipTP MRTPI
an Inspector appointed by the Secretary of State***

Note! There was a decision made in 17/3932N which allowed the building BUT refused planning for additional driveway and hardstanding, as follows:

"Decision

- 1. The appeal is dismissed insofar as it relates to construction of driveway and hardstanding. The appeal is allowed insofar as it relates to erection of toilet block and planning permission is granted for the erection of toilet block at Sunnyside Stables, Coole Lane, Audlem, Nantwich, Cheshire CW5 8AY in accordance with the terms of the application, Ref 17/3932N, dated 26 July 2017"*

On this basis alone planning permission **should be rejected**, the decision means future applications/proposals in this regard, would be in direct opposition to the above ruling, which clearly states no further hardstanding development, which is a requirement for "static" caravans.

The inspector goes on to cite the following reasons for the refusal:

"14. However, the proposed construction of a driveway and hardstanding on the existing area of grassland would have a significant urbanising impact on this rural area. The very nature of a touring caravan and camping site is its predominantly seasonal and transient use. It was clear from my site visit that the site can be utilised without the need for a permanent pitches"

" The use of this site for camping and the stationing of touring caravans would not be dependent on the construction of an estate road driveway and permanent pitches. The extent of those proposed works would not be appropriate for the scale of the permitted use. The proposed engineering works would result in the permanent erosion of an area of natural grassland which would have a harmful effect on the existing rural qualities of this area of the countryside.

15. I recognise that the Council has permitted caravan sites and the expansion of such sites in the local area. However, I do not know the exact circumstances of those cases and whether or not they are directly comparable to this case. In any event, each case must be considered on its merits. The scale of the permitted use on this site is limited. The proposed driveway and hardstanding would not be essential to the operation of the existing use and would be a permanent and harmful urbanisation of this rural area.

16. I conclude that the proposed driveway and hardstanding would have a significant and harmful effect on the character and appearance of the area. They would conflict with the development plan, and in particular with Policies PG6 and EG4 of the CELP and RT.10 of the CNRLP the aims of which are set out above. I also find conflict with Policy SD1 and SD2 of the CELP which aim to ensure, amongst other things, that all development respects the landscape character of the area".

This decision has been made on the "**merits**" of this site application, the decision made that more driveway and hardstanding will have a "*significant and harmful effect on the character and appearance of the area*" and the "*engineering works would result in the permanent erosion of an area of natural grassland which would have a harmful effect on the existing rural qualities of this area of the countryside*", this is a decision summary rejection in this specific application, as such this application is in opposition with the established Policies denoted above, this application must be rejected.

Urbanising Effects

Related to the "urbanising" effects referred to in this rejection, it is claimed by the applicant:

"5.3 It is noted that planning permission has recently been granted for four holiday lodge pitches (ref: 16/1239N) and four "Railway Wagon Glamping Units" at Overwater Marina Touring Park (ref: 20/3065N). Therefore, the principle of the acceptability of static caravans/lodges in the locality has already been established".

Sound & District Parish Council would take significant issue with this statement, each application must be considered on its own "merits" as stated in the above appeal decision by the Inspector, assessing the impact of this site, as such, whilst static caravans have been allowed on other separate applications not linked to this application, it has already been determined it is NOT appropriate for this application.

It is important to identify any/all other principal differences to other sites, which should be taken into account, firstly:

- The above site, Overwater Marina Touring Park, is remote, set far back into the countryside, the only visible impact from the road is the lane leading into the complex itself, which is several hundred meters into the countryside, none of the structures/barges is visible for the road.
- This is true also for the "Willows" and "Coole Acres Fishery"

Sunnyside Touring Park is entirely visible, the caravans only a few meters from the road and seen from the road to the north of the site and from Pinnacle Farm to the south, as such, there is a significant additional & immediate impact by the caravans in the site, to reiterate: "*.. a harmful effect on the existing rural qualities of this area of the countryside*" **Elizabeth Pleasant DipTP MRTPI.**

- Secondly, the sites target activities are distinctly different, both Cool Acres Fishery (*fishing*) and the Overwater Marina (*Barging*) are by nature a "quiet seeking" community, unlike this development in sharp contrast, (*especially school holidays*), there is a significant increase in children noise, excessive interaction with the neighbours from Coole Lane and the road to Coole Acres Fishery.

This "noise" is NOT contained on this site, it spills out into the immediate community, wildlife and biodiversity

Newhall Parish Council recommend before considering this application, the site is assessed in the Summer holidays to assess the interference, noise/general pollution. This site, should not be treated the same, as a site visible from the road, "permanent" caravans would be visible even when, during eight months of the year, they are mainly empty, non-permanent caravans at least can remove their visibility.

Flood Risk

Much has been documented over the last few years about the applicants developments in relation to Flood Zones 1, 2 and 3, I have extracted and copied the following from previous submissions from this site:

*"Dear Gareth,
Application No: 18/1707N
Proposal: Provision of 10 additional touring caravan pitches, construction of new amenity block and associated works*

*Thank you for consulting the flood risk management team on the above application. We have no objections in principle to the proposals as long as **no tents or caravans are situated within flood zones 2 or 3.***

Should you wish to discuss the above application please do not hesitate to contact me.

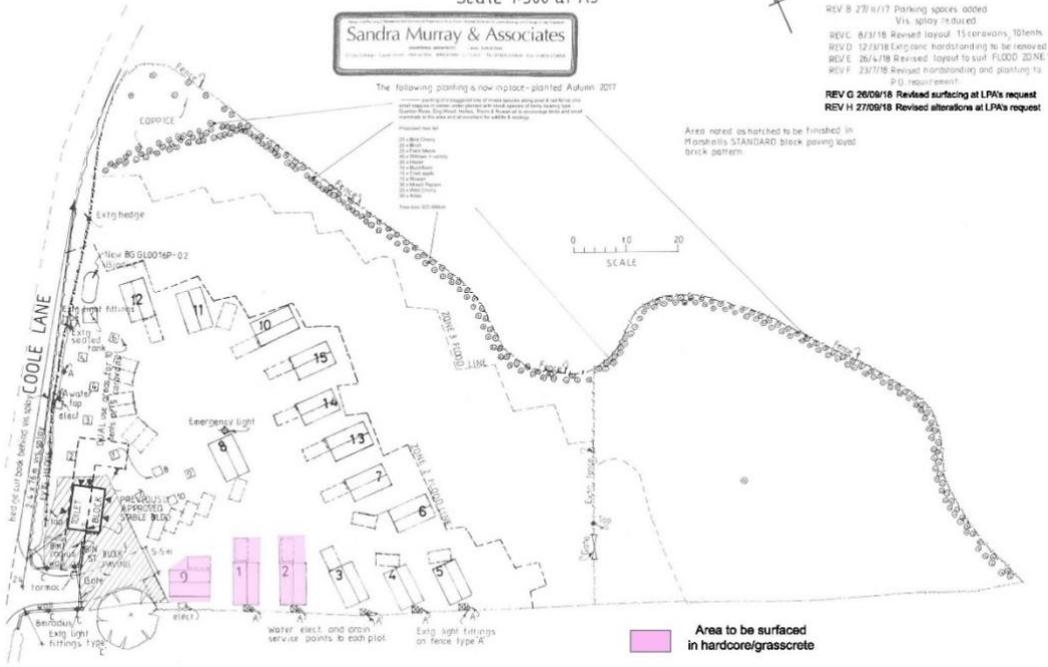
*Kind Regards,
Gareth Dugine
Flood Risk Technician"*

This email from the Flood Risk Technician, expressed concern of having tents and caravans in Zones 2 & 3, however, the next application 19/3665N (below), went deeper, as follows:

*"From: GASKELL, Joseph
Sent: 08-Oct-2019 15:49
To: TAYLERSON, Gareth*

PROPOSED CARAVAN SITE AT SUNNYSIDE STABLES
COOLE LANE NANTWICH CW5 8AY
Scale 1:500 at A3

Drg no. 01H

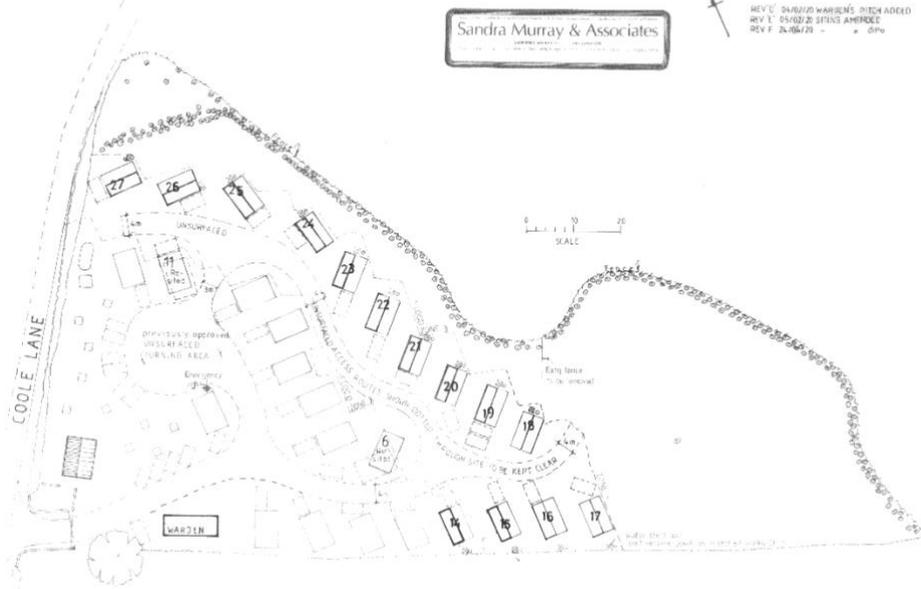


The proposed additional caravans remain within Flood Zone 1, but we can clearly see Flood Zones 1, 2 and 3
Plan **THREE** – The approval to move into Flood Zone 2

PROPOSED ADDITIONAL CARAVAN PITCHES AT SUNNYSIDE
CARAVAN PARK COOLE LANE NANTWICH CW5 8AY

Drg no. ADD 01F

Scale 1:500 at A3



This development moved into Flood Zone 2, the caravan pitches consistently reflecting the boundary of each Zone.

Plan **FOUR**-The Current Proposal

Sandra Murray & Associates

REV 13: 04/02/20: WORKING PLAN ADDED
REV 12: 03/12/20: SITE PLAN APPROVED
REV 11: 20/04/20: - - - - -
REV 10: 20/01/20: ADDITIONAL PITCHES ADDED
REV 9: 01/01/20: AMENDED LAYOUT TO SUIT 48 PITCH LEVEL
REV 1: 04/02/20: - - - - -



Zone 1, 2 and 3 boundary markings are now missing, if were to superimpose this layout onto the previous three plans, the caravans would all be in Zone 3.

The assessor must seek independent methods of confirming the Zone Lines especially 3, if the previous plans are correct, then this application should be rejected.

Flood Zone Compatibility Chart

The chart below is available on the Government web site but has also been provided by the applicant, development which indicates where "Development should not be permitted":

Table 3: Flood risk vulnerability and flood zone 'compatibility'

Flood risk vulnerability classification (see table 2)	Essential infrastructure	Water compatible	Highly vulnerable	More vulnerable	Less vulnerable
Flood zone (see table 1)	Zone 1	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test required	✓
	Zone 3a	Exception Test required	✓	x	Exception Test required
	Zone 3b functional floodplain	Exception Test required	✓	x	x

Key: ✓ Development is appropriate.
x Development should not be permitted.

Notes to table 3:
This table does not show:
a. the application of the Sequential Test which guides development to Flood Zone 1 first, then Zone 2, and then Zone 3;
b. flood risk assessment requirements; or
c. the policy aims for each flood zone.

On the basis of historical recommendations submitted by the various Government bodies and experts, building on Zone 3 should be refused, as such this application should be rejected.

Actual Flooding

Newhall Parish Council would also like it noted that the applicant suggests that there is no "known" flooding in the last nine years, I would like the assessor to take into consideration the flooding of last year and more recently on Thursday the 21st of January 2021, where Government official figures put Sunnyside Touring Park at the "**Highest Recorded Level**", please see the extract directly off the Gov site:



Newhall Parish Council would also like the assessor to take into account future "Climate Change" to futureproof any further development.

On the basis of this, Newhall Parish Council believe the application should be rejected.

Wildlife & Biodiversity

As reported in the comments on a previous Sunnyside Touring Park Planning Application 18/1707N, documenting the existence of Great Crested Newts present at Pinnacle Farm & Coole Acres Fishery, because of the migratory pattern of the GCN they are present on the lands being considered for development, to the edges of the river Finnaker Brook the length of the applicants property to the north.

For clarification:

Appeal Ref: APP/R0660/W/18/3196363

Sunnyside Stables, Coole Lane, Audlem, Nantwich, Cheshire CW5 8AY

"21. From evidence provided by third parties and in view of the presence of standing water in close proximity to the appeal site, there is sufficient reason to lead me to conclude that the area of grassland where the caravans and tents are located maybe a suitable habitat for great crested newts. In view of my findings on the proposal to construct a driveway and hardstanding on this area, this is not a matter that I need to address further. However, if the circumstances leading to a grant of planning permission had been present, in the absence of a specific survey relating to great crested newts, it would not have been clear whether the development could proceed without any impact or whether impacts identified could be made acceptable through mitigation measures. Such matters should be considered prior to planning permission being granted for development in accordance with advice in Circular 06/2005, Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system".

**by Elizabeth Pleasant DipTP MRTPI
Inspector appointed by the Secretary of State**

GCN's live and hibernate on land and breed in the water, the area being proposed is subject to severe disturbance to the environment for this protected species, along with Barn Owls, bats and buzzards present very nearby, thrive in the damp nature of area.

"Great crested newts are fully protected under UK and European legislation:

- *Bern Convention 1979: Appendix II Strictly Protected Fauna Species*
- *Wildlife & Countryside Act (as Amended) 1981*
- *The Conservation of Habitats and Species Regulations 2017 (Regs) (The Conservation of Habitats and Species Regulations 2017 transposes into UK law the EU Habitats Directive Council Directive 92/43/EEC)*
- *Countryside Rights of Way Act 2000 (CRoW 2000)*

These laws make it **an offence** to do the following to great crested newts through all stages of their life cycle:

- *intentionally or recklessly (CRoW 2000 extends the offence in section 9 (4) of WLCA to cover reckless damage etc.) damage, destroy, or obstruct access to, any structure or place which great crested newts use for shelter or protection (wording in WLCA)*
- *intentionally or recklessly (CRoW 2000 extends the offence in section 9 (4) of WLCA to cover reckless disturbance) disturb great crested newts while occupying a structure or place which it uses for that purpose*
- *damage or destroy a breeding site or resting place (Regs)"*

The current Planning Application being considered **may** breach these laws if GCNs are present as this application takes the proposer closer to the river edge.

"If there is evidence that the law has been broken or is about to be, the police should be informed, the best contact being a Police Wildlife Liaison Officer.

If you are developing a site and great crested newts are discovered after development has commenced, all works should be halted until great crested newt surveys have been undertaken and appropriate measures taken to protect the newts on site. Remember that if great crested newts are present, it would be an offence to proceed works without an appropriate license. We can organise a survey and undertake mitigation works for you such as newt fencing – please contact us.

Ring-fencing contains the newts during the development to protect them from machinery and other operations. This method is only appropriate if the site will remain suitable for the newts once development is complete. If the site is not to be suitable then the newts will need to be translocated to another suitable site. This also employs ring-fencing but should only be considered as a last resort as translocations are not always successful and the methods are costly in both time and money".

This site has expanded under additional planning applications, a full survey for GCN's is carried out, independent from the proposer, taken at a time when GCN's are not hibernating, to fully understand the damage that will be done, the above law applies".

Bio Diversity

Cheshire East published "Corporate Plan" set to achieve the "Strategic Outcome" for rural locations, it identifies four of the key planks to a successful rural mix are:

- *Wildlife/Biodiversity*
- *Air Quality, Flood Risk, Climate*
- *Environment, Landscape, GI & Greenspace Strategies*
- *Agri-Environment*

, There is one plank covering commerce:

- *Economic Strategies*-If the applicant is truly concerned about local businesses, trade and economic growth, then the local businesses community will be **equally** serviced if the applicant incorporates nine **non-static** caravans.

If there really is an appetite for the assessor to allow this expansion on the grounds of business and economic growth, then nine "non-statics" achieves both business/commerce within the community AND

minimising the damaging impact of the "static" development causing "permanent and harmful urbanisation of this rural area" **Elizabeth Pleasant DipTP MRTPI.**

At this point Sound & District Parish Council would seek confirmation over the length of time visitors can stay, the currently approval time scale is:

"No person(s) shall occupy the caravans/tents hereby approved for a continuous period of more than 28 days at a time and they shall not be reoccupied by the same person(s) within 28 days following the end of that period. An up to date register of the names of all occupiers, including their main home addresses shall be maintained and the information made available upon request for inspection by the Local Planning Authority. For clarity this restriction relates to each individual booking rather than limiting the use to solely no more than 28 days in a calendar year.

Reason: To allow the LPA to retain control regarding the occupation of the caravans/tents hereby approved and to prevent use.

5. The caravans and tents shall be occupied as holiday accommodation only, and shall not be used as a main or sole residence.

Reason: To prevent the use as independent dwellings contrary to open countryside policies"

Additional note, the proposed "static" caravans will be visible all year round, even when they're empty, the benefit of "non-static" caravans, is when they are not occupied, they are removed from the site, which helps keep the balance and visual impact to a minimum, especially keeping in mind the close proximity of the road.

Cheshire East Rural - Action Plan

The Cheshire East's own current policies for "Rural Life" is encapsulated as follows:

"Whatever the definition, the rural aspect of Cheshire East is significant in terms of population, economic impact and its contribution to the borough's Quality of Place".

1. Developing a Rural Action Plan

The rural area is also part of Cheshire East's 'quality of place', contributing to economic well-being by offering characteristics that are part of the area's distinctiveness. Studies have shown how quality of place influences locational decisions with innovators and entrepreneurs attracted to creative, cultural and beautiful places.

Newhall Parish Council would draw the assessors attention to the ruling in the Appeal Decision:

by Richard Clegg BA(Hons) DMS MRTPI - Appeal Ref: APP/R0660/W/15/3131662

Application 14/2714N

24. I conclude that the proposed development would have certain adverse effects on the character and appearance of the area, and in consequence it would conflict with Policy BE.2 of the Local Plan, and Policies SD 2(1)(iii) and SC 7(2)(viii) of the emerging Local Plan. There would be significant harm to the character of the surrounding area, emphasised by the scale of the development in relation to the nearest settled community. Insofar as visual amenities are concerned, adverse effects would be material until perimeter screen planting became fully established. During this period, there would be significant harm in respect of views from Coole Lane to the north of the site. I consider that this would amount to visual encroachment into the countryside, and thereby conflict with Policy RES.13. In addition, I give moderate weight to the impact on visual amenities from some nearby dwellings, and limited weight to that from the footpath to the east. For these reasons the proposal would conflict with the policy in paragraph 58 of the NPPF for developments to respond to local character and reflect the identity of local surroundings.

Drainage

The applicant is recommending significant infrastructure implementation, specifically:

"The new 9 statics will have a localised drainage system into a double manhole system – 1 manhole as a catchpit and one manhole with a submersible pump plus a rising main to the sewerage treatment unit"

This will collect the effluent underground, at the lowest point on the site (near or in Zone 3), then it will be pumped into the existing system, (an unnecessary function of non-static caravans).

The applicant has stated in their "*planning Policies*" that the site is "*seeking positive improvements*" of the "*natural and historical environment*" static caravans take from its environment which cannot contribute to these values as such the points made by the applicant is moot, the applicant should consider adding dividing trees and shrubs to minimize the current visual impact and add back to what has been removed, please refer to the pictures on their own submission, which shows internal pictures of an open site, the "*area of grassland would have a significant urbanising impact on this rural area*" **Elizabeth Pleasant DipTP MRTPI..**

Coole Lane Congestion

Multiple comments and criticisms have been levelled about the traffic on Coole Lane, this comes in multiple forms:

- **Quality of the road** - is well documented and a subject ongoing discussion and scrutiny essentially:
 - The finish of the surface is of a very poor quality/standard
 - Degrading edges, with pooling ensuring continued degradation
 - Ongoing pothole issues throughout the length of the road
 - Multiple "same place" repairs.
 - Narrow in several places along the length of the road.
- **Traffic** - there are:
 - Residents vehicles
 - Heavy farm traffic
 - Trucks and lorries for transport of produce in and out
 - School traffic
 - Marina traffic movement
 - Additional Visitor camping
 - Coole lane is a cut through to Audlem
- **National cycle route**
- **Walkers** on the road without pavements
- **High speed** "pinch points"

Non-residents are often outnumbered, whilst this application is limited to this site, this expansion increase pressures a poorly maintained road, with excessive activity, this is a small country lane, which seems to get lost on some applicants chasing their agenda, exacerbating the decline in road conditions, dangers to walkers/cyclists as well as the peripheral impact on the countryside/wildlife, it is for the wellbeing of all involved to take a breath and look at where this is going.

c.

Application No: **21/0142N**
Proposal: **Single storey extension to rear of dwelling**
Location: **Ferndale, WHITCHURCH ROAD, ASTON, CW5 8DB**
National Grid Ref: **361401.0704 346703.2562**

J. Batho and Clerk both declared an interest in relation to this application.

After consideration of the application, on the prop., E. Forshaw, sec., R. Hibbert it was agreed, with one abstention, to support the application

d.

Application No: **21/0058N**
Proposal: **Listed Building Consent for a triple garage**
Location: **PINNACLE FARM, COOLE LANE, NEWHALL, NANTWICH, CW5 8AY**
National Grid Ref: **364632.7753 345470.3897**

After consideration of the application, on the prop., C. Britton, sec., P. Schofield it was unanimously agreed to offer no representation.

e.

20/4181N – Mrs J. Fenton gave an update to the proceedings.

Many residents of the Newhall have objected to the expansion of this industry and its effect on the Highways, and have recently been asking questions as to what we are doing as a Parish Council.

As the Parish Council we need to represent their concerns and be proactive. I suggest the need to liaise with Wrenbury PC in light of the rebuttal to the Parish Council objections, which were very recently posted on the Cheshire East portal but had been submitted by Graham Heath Group Ltd's appointed agent Knight plc. on the 19th of November

Chairman reported that Newhall Parish Council have already formally objected to the application. It was further reported that the application decision has been further deferred until 3rd March.

On the prop., Mrs J. Fenton, sec., E. Forshaw it was unanimously agreed that the Clerk should write to CE Planning to ask why the rebuttal, to comments made, by Graham Heath Group Ltd's appointed agent Knight plc. dated the 19th of November, was not posted onto the CE comments regarding this application until late January. This meant it was then not possible to submit further comments to counter question the rebuttal.

IV *Neighbourhood Plan:* no report.

9. **Police Matters:** J. Batho reported that no meetings have been held, but awareness asked in relation to bogus NHS vaccine notifications currently being circulated.

10. **Next meeting of the Parish Council** – proposed Monday 29th March

Meeting Closed

E. Forshaw thanked the Clerk for the extended notes he has been preparing for recent meetings, which are so helpful to Councillors. Clerk advised he will continue to provide these when meetings return to their normal format.