

**Hearing Statement for the Cheshire East Council Site
Allocation Development Plan Document Examination**

Matter 4 – Employment and Economy

Morning Foods - Representor ID: 987763

September 2021

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For and on behalf of Avison Young (UK) Limited

1. Introduction

1.1 Avison Young has been instructed by Morning Foods (Representor ID: 987763) to prepare and submit this Hearing Statement to the Examination of the Site Allocations and Development Policies Document ("SADPD"). This Statement should be read in conjunction with all previous representations made on behalf of Morning Foods and specifically in relation to land under its control at Gresty Road, Crewe. For reference, this includes the following representations:

- Representations to the Revised Publication Draft Site Allocations and Development Policies Document ("RPDSADPD") in December 2020;
- Representation to the Publication Draft Site Allocations and Development Policies Document ("PDSADPD") in September 2019;
- Representations to the First Draft Site Allocations and Development Policies Document ("FDSADPD") in October 2018; and
- Representations to the Draft Site Allocations and Development Policies Document Issues and Options Paper ("DSADPD") in April 2017.

1.2 The site at Gresty Road, Crewe has a draft employment allocation within the submission version of the SADPD (ED 01b) as Site CRE 2 'Gresty Road Crewe'.

1.3 This Hearing Statement addresses questions raised by the Inspector in the Matters, Issues and Questions for the Examination ("MIQ's") (INS/08) under Matter 4: Employment and Economy. Morning Foods has also requested to attend the Hearing Session for Matter 4 to provide oral representations to the EiP.

2. Matter 4 – Employment and Economy

Site Allocations for Employment (Sites CRE1 and 2)

- 2.1 It is noted that the Inspector set out initial questions to the Council in a letter dated 12 July (EX/INS/02) and 26 July (EX/INS/03) to which the Council responded on 30th July (CEC 01), however, there were no direct questions in relation to Site CRE 2.
- 2.2 Question 76 from the MIQ's (INS/08) is directly in relation to Morning Food's site at Gresty Road, Crewe, Site CRE 2. The question is set out below followed by our response.

Question 76: Are the development requirements for Site CRE 2, Land off Gresty Road, specified in criteria, 3, 6 and 8 of the policy justified by the evidence? Would revisions to these criteria, which more precisely identify the relevant mitigation measures, strike an appropriate balance between helping to create the conditions in which the business can invest and expand, and minimising the environmental impacts of its development of the purpose for which the site is allocated?

- 2.3 As question 76 addresses criteria 3, 6 and 8 of CRE 2 directly, a response is provided against each in the following subheadings:

Criteria 3 – Is this justified by evidence? AND Would revisions to this criteria, which more precisely identify the relevant mitigation measures, strike an appropriate balance between helping to create the conditions in which the business can invest and expand, and minimising the environmental impacts of its development of the purpose for which the site is allocated?

- 2.4 Criteria 3 of Site CRE 2 is worded as follows:

'Maintain the area of the existing woodland, unless it can be demonstrated that there are clear overriding reasons for any loss and the provision is made for net environmental gain by appropriate mitigation, compensation or offsetting in line with LPS Policy SE5 'Trees, hedgerows and woodland.'

- 2.5 Morning Food's have previously requested evidence from the Council to demonstrate that the woodland makes a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding. This has not been provided and it appears there is no additional evidence as part of the submission of the SADPD.
- 2.6 In a meeting with the Council in November 2020 where this issue was raised, reference was made to the Crewe Settlement Report (August 2020) (ED 28) as providing justification for the policy wording. On

review, the Crewe Settlement Report discusses the site from paragraph 4.15 on page 11 under 'CFS 594: Land off Gresty Road, Crewe'.

2.7 Whilst the report provides commentary and recommendations on the site, the assessment only provides a desktop review of the site and does not consider any detail or thorough site investigations. Appendix 2 of the report provides a Red/Amber/Green ('RAG') assessment. Against '9. Flooding drainage issues?' it states: *'There may be some issues connecting to the foul sewer and this would require further consideration'*. Against '10. Ecology Impact' it states that *'a small traditional orchard is located in the south of the site and this is a priority habitat that should be retained. A small area of woodland is also present and should be retained.'* The section concludes by stating: *'There would be requirements for retention of the woodland, orchard and a buffer adjacent to the brook, along with appropriate mitigation and compensation. This would reduce the overall developable area of the site.'*

2.8 Morning Foods have previously instructed technical studies to assess the suitability of the site, which has since been summarised in previous representations. This included an Arboricultural Survey prepared by Middlemarch Environmental, which concluded that overall, there were no known ecological or arboricultural constraints preventing the site from coming forward for development.

2.9 Both the 2011 and 2012 planning applications (planning application references: 11/3171N and 12/1732N) for residential development at the site proposed to remove the majority of the woodland and Orchard. The Officer's Reports to planning committee commented as follows on both of the applications:

'A traditional orchard as identified by the national inventory occurs on the site. Orchards are National and Local Biodiversity priority habitat and are therefore a material consideration. The submitted ecological survey recommends the retention and enhancement of the orchard, but the proposals plan appears to show the area of the orchard being proposed for a LEAP, housing and open space. In this case it is considered that the need for housing outweighs the loss of the orchard and that this issue would not warrant the refusal of this planning application.'

2.10 From the survey work Morning Foods have previously undertaken, it has demonstrated that the woodland is the only route for foul drainage to discharge off the site as a 225mm foul sewer is located in Crewe Road along the southern boundary and the foul discharge from the site would therefore be pumped in a pipe up through the wooded area and join into this sewer in the roadway. It has consistently been requested that the policy wording should be amended to allow sufficient flexibility in criteria 3 to ensure that the drainage can be delivered in this area otherwise this could result in part of the site being undevelopable and therefore cause significant impacts to Morning Food's expansion.

- 2.11 The Council acknowledge in the August 2020 Crewe Settlement Report that there might be issues connecting to the foul sewer and further consideration was needed. Given that it was deemed acceptable by Officers to lose the majority of the woodland and Orchard as part of the planning applications for residential development, it should be accepted that should there be any loss as a result of Morning Foods expansion, that this would also be outweighed to allow for future economic investment and job creation in Cheshire East for a long-standing business.
- 2.12 A further Arboricultural Impact Assessment will be undertaken at the planning applications stage to identify the quality of the trees. This will enable a drainage strategy to be implemented in areas with lower quality trees, where possible. In any case, given the requirement to provide a landscape buffer in the context of residential amenity, there will likely be a net gain in trees at the site which will be a significant benefit to the surrounding area.
- 2.13 Taking the above into account, Site CRE 2, criteria 3 of the SADPD is not sound as currently drafted as it does not meet all of the requirements of paragraph 35 of the NPPF as it is **not justified** due to a lack of evidence. In order to make the policy sound, revisions are necessary to the wording of criteria 3 which more precisely strike an appropriate balance between helping to create the conditions in which the business can invest and expand as well as minimise the environmental impacts of its development of the purpose for which the site is allocated. The suggested amendments are as below:

'Maintain the area of the existing woodland where feasible, unless it can be demonstrated that there are clear overriding reasons, for example drainage infrastructure requirements and ecological net gain, for any loss and the provision is made for net environmental gain by appropriate mitigation, compensation or offsetting in line with LPS Policy SE5 'Trees, hedgerows and woodland.'

Criteria 6 - Is this justified by evidence? AND Would revisions to this criteria, which more precisely identify the relevant mitigation measures, strike an appropriate balance between helping to create the conditions in which the business can invest and expand, and minimising the environmental impacts of its development of the purpose for which the site is allocated?

- 2.14 Criteria 6 of Site CRE 2 is worded as follows:

'Provide unobstructed access to Gresty Brook and an undeveloped 8 metre buffer zone for maintenance and emergency purposes.'

- 2.15 The EA Flood Map indicates the majority of the site is located within Flood Zone 1 which means there is less than 0.1% (1 in 1000) chance of flooding occurring each year. Only a very small portion of the site, in the north east corner, is located within Flood Zone 2. As part of any future development at the

site it is anticipated that the area of land along Gresty Brook would be used to create features to manage the 1 in 100-year flood risk and also the normal surface water discharge from the site. As such, the land whereby the policy requires an 8 metre buffer will be required for SUDS before being reinstated.

- 2.16 Furthermore, the EA guidance only **suggests** that an 8 metre buffer be provided and any solution would need to be **approved and agreed with the EA on a site by site basis**. In addition, the EA would be a statutory consultee for any planning application submitted to CEC so any buffer or solution would be agreed then. As such, it is overly onerous and unnecessary for the policy to specify a particular requirement that should be met given that this will be subject to further negotiations.
- 2.17 The provision of an 8m buffer for access purposes is accepted by Morning Foods, however some flexibility/clarity is required within the policy wording to make it clear that whilst no buildings or structures will be permitted, required drainage infrastructure could be accommodated within the buffer strip to enable the future expansion for employment development at the site.
- 2.18 Taking the above into account, Site CRE 2, criteria 6 of the SADPD is not sound as currently drafted as it does not meet all of the requirements of paragraph 35 of the NPPF as it is **not justified** due to a lack of evidence. In order to make the policy sound, the wording should be amended to allow for SUDS in this area and essentially allow Morning Foods to deliver employment development at the site that will enable them to invest and expand. The suggested amendments to criteria 6 are as below:

*'Provide unobstructed access to Gresty Brook and maintain an adjacent 8 metre buffer zone for maintenance and emergency purpose. **Where appropriate, drainage infrastructure will be acceptable within the 8 metre buffer zone before the land is reinstated as a buffer.***

Criteria 8 - Is this justified by evidence? AND Would revisions to this criteria, which more precisely identify the relevant mitigation measures, strike an appropriate balance between helping to create the conditions in which the business can invest and expand, and minimising the environmental impacts of its development of the purpose for which the site is allocated?

- 2.19 Criteria 8 of Site CRE 2 is worded as follows:

'Include measures to improve walking and cycling routes to the site, including along Crewe Road and Gresty Road.'

- 2.20 At a meeting with Council in November 2020 they commented that this is a standard requirement and stated that the Crewe Settlement Report provides the justification for the inclusion of criteria 8. On

review of the report there appears however, to be conflicting information. In the main text from paragraph 4.15 on page 11 under 'CFS 594: Land off Gresty Road, Crewe' it states:

'Walking and cycling routes should be improved to the site including down Crewe Road'.

2.21 However, in Appendix 2 of the report, within the RAG assessment, it states:

'The site is bounded to the east by Crewe Road and a footpath and cycleway along the old route of Crewe Road; beyond this lies a small number of dwellings and some open land....'

2.22 Furthermore, Appendix 2 of the report states in relation to the site: *'there are good footway links.'*

2.23 It is evident from the report that there are existing footpaths and cycleways, the former of which is a good link. Gresty Road is narrow and includes an existing footway which widens as part of the new section of Gresty Road which is for use for both pedestrians and cyclists down to the roundabout. Crewe Road to the east of the site is also narrow and includes an existing footpath. There is limited opportunity to improve the footway and/or add a cycling route to the existing provision given the land available and existing facilities.

2.24 Overall, there is conflicting evidence for criteria 8 that does not justify its inclusion.

2.25 Criteria 8 is also a standard requirement detailed in LPS Policy CO1 (Sustainable Travel and Transport). Policy CO1 sets out in detail that the Council will expect development to improve pedestrian facilities as well as cyclist facilities. As such, details of cycle and footway improvements can be dealt with via a planning application through development control.

2.26 Taking the above into account, Site CRE 2, criteria 8 of the SADPD is not sound as currently drafted as it does not meet all of the requirements of paragraph 35 of the NPPF as it is **not justified** due to conflicting evidence. In order to make the policy sound, criteria 8 should be deleted from CRE 2 so to not jeopardise the future delivery at this site.

3. Conclusions

- 3.1 Overall, Morning Foods are fully supportive of the employment allocation at Gresty Road Crewe, (Site CRE 2) in the SADPD and supports the following from the Crewe Settlement Report:

'The proposed allocation of this land for employment purposes would enable the expansion of Morning Foods, a well established, major employer in Crewe. Morning Foods currently employ around 500 people; a large proportion of their workforce is from the local area. The site would enable Morning Foods to expand and create additional jobs, enhancing the local economy.' (paragraph 4.29).

- 3.2 Morning Foods are also supportive of Policy PG9 (Towns and Settlement Boundaries) in the SADPD which proposes to be updated to include the site.

- 3.3 This Hearing Statement has responded to question 76 of the MIQ's and set out how the requirements of criteria 3, 6 and 8 are not justified by the evidence which gives reason to amend the policy in order to strike an appropriate balance between helping to create the conditions in which the business can invest and expand and minimising the environmental impacts of its development of the purpose for which the site is allocated.

- 3.4 The requested amendments to the policy are set out below:

'Land off Gresty Road is allocated for employment development (use classes E(g) and B8) on 5.69ha of land. Development proposals for the site must:

1. *Not result in an unacceptable rise in noise and disturbance for any residents living around or in close proximity to the site;*
2. *Include measures to conserve, restore and enhance priority habitat identified on the site;*
3. *Maintain the area of the existing woodland **where feasible**, unless it can be demonstrated that there are clear overriding reasons, **for example drainage infrastructure requirements and ecological net gain**, for any loss and the provision is made for net environmental gain by appropriate mitigation, compensation or offsetting in line with LPS Policy SE5 'Trees, hedgerows and woodland';*
4. *Provide a landscape buffer to separate and screen new development from existing residential properties along Crewe Road and Gresty Green Road;*
5. *Have regard to the setting of Yew Tree Farm, a non-designed heritage asset, providing an open undeveloped buffer zone to the north of this dwelling;*
6. *Provide unobstructed access to Gresty Brook and maintain an adjacent 8 metre buffer zone for maintenance and emergency purpose. **Where appropriate, drainage infrastructure will be acceptable within the 8 metre buffer zone before the land is reinstated as a buffer;***
7. *Provide satisfactory details of proposed foul and surface water drainage; and*
8. ~~*Include measures to improve walking and cycling routes to the site, where feasible including along Crewe Road and Gresty Road.'*~~

3.5 As a result, without these amendments, the SADPD is not sound as it does not meet all of the requirements of paragraph 35 of the NPPF as it is **not justified** due to the lack of evidence backing up the specific policy criteria for Site CRE 2. To make the policy sound, the wording should be amended to allow for flexibility.

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