

# Eaton Neighbourhood Plan 2019-2030

## Regulation 14 Pre-Submission Draft Representations

November 2019



**H e a t o n s**  
Planning Environment Design

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Revision	Author	Checked by	Date
B	SS	CSL	08.11.2019



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**Client**

Tarmac Trading Limited

**Our Reference**

TAR-061-M

# 1. Introduction

- 1.1 Heaton's has been instructed by Tarmac Trading Limited (hereon referred to as 'Tarmac') to prepare and submit representations in response to the policies and allocations as proposed within the Eaton Neighbourhood Plan 2019-2030 Regulation 14 Draft, published for consultation on 28<sup>th</sup> September 2019.
- 1.2 Once formally made, the Neighbourhood Plan will form part of the Development Plan for Cheshire East and prescribe locations for new development within and around the village of Eaton. We also re-iterate our intention to continue the promotion of our clients' land interests within the Eaton Neighbourhood Area.
- 1.3 As prominent landowners in the area, Tarmac own a total of 194 acres in the district. The land holding subject of these representations is illustrated at **Appendix 1**. For the purposes of our below comments, the holding can be split into two distinct areas; the main established active mineral working to the west of Eaton Village, and a small parcel of land measuring 2.8 acres to the south of Millennium Park.
- 1.4 The extent of the permitted operations, most recent extension approved in 2017, is illustrated on the enclosed plan at **Appendix 2**. As the site working progresses there is a continued need for long term operational flexibility to ensure that operations can continue safely and efficiently whilst maximizing opportunity to access areas of known and potential sand reserve to ensure operations do not needlessly sterilise resource.
- 1.5 Furthermore, Tarmac is keen to secure a small-scale housing allocation for up to 15 dwellings as a low density, small scale expansion to the village. The potential housing site is peripheral land to the east of the quarry operation and is far removed from any future mineral extraction work.
- 1.6 We write with specific regard to a proposed 'Local Green Gap' (LGG) designation to the south of Eaton village in the Pre-Submission Draft Eaton Neighbourhood Plan. The housing site subject of these representations lies within the proposed Local Green Gap under draft Policy BNE 2.
- 1.7 Furthermore, whilst our client is in a position to support the broad principles of draft Policy LE2 *Extractive Industries After Use*, the evidence and justification' at Paragraph 8.10 indicates that residents are keen to ensure that there are no further expansion plans. We address such matters separately below.

- 1.8 Our representations follow previous submissions to Cheshire East 'Call for Sites' process in April 2017, First draft Site Allocations Development Plan Document (SADPD) in October 2018 and more recent representations to the Publication Draft SADPD in August 2019.

### **Background**

- 1.9 Tarmac is the UK's leading supplier of sustainable building materials and maintains one of the country's largest land portfolios and because of this, sustainable land management is a core objective within the company. The below representations seek to ensure future local planning policies provide a reliable basis for the sustainable management of Tarmac's landholding in the future.
- 1.10 Silica sand extraction occurs in only a limited number of locations within the UK and used in a range of specialist (non-aggregate) applications. Therefore, silica sand is treated differently from more general construction aggregate materials in terms of mineral planning.
- 1.11 Silica sand is recognised in the National Planning Policy Framework (NPPF) as an industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted.

## 2. The Site and Surrounding Context

- 2.1 The land holding in question is situated to the south and west of Eaton village, the extent of which is illustrated at **Appendix 1**. As mentioned above, for the purposes of the below representations, the holding can be separated into two distinctive areas as explained below.
- 2.2 The main extraction site at Eaton Hall is an established and active silica sand site that produces a wide range of high-grade products. The operation is essential for the long-term supply of silica sands with permitted extraction expected to continue for a further 12 years with current output levels of approximately 400,000tpa.
- 2.3 The land considered suitable for residential development is situated on the southern edge of Eaton village approximately 2.5km north of Congleton and falls within the civil parish of Eaton.
- 2.4 The residential development site sits adjacent to the A536 (Macclesfield Road) and wraps around the western and southern edges of Eaton Millennium Park, currently on a 99-year lease from Tarmac to the Parish Council. The proposed development area forms part of the wider Tarmac landholding at Eaton Hall Quarry, however the site is far removed from any current or future quarry workings.
- 2.5 The residential development site is within Eaton village, situated a 5-minute drive away from Congleton to the south and 12 minutes from Macclesfield to the north, ensuring that despite its rural character, any development in this location would benefit from easy access to local shops and amenities.
- 2.6 The nearest rail station is Congleton, located approximately 5km from the site. Congleton station provides direct links to Manchester and Stoke-on-Trent. Additionally, the site is served by the number 38 bus, providing frequent public transport links to Macclesfield, Congleton and Crewe.
- 2.7 Beyond the residential development site, to the east lies Christ Church, a Grade II listed building on the opposite side of Macclesfield Road. The site's proximity to a listed building will require any future development to be designed to a high standard and enhance the area's existing cultural heritage

### 3. Planning Policy Context

- 3.1 Notwithstanding the above, Paragraph 37 of the National Planning Policy Framework (NPPF, 2019) confirms “neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force.”
- 3.2 In this regard, we have significant reservations regarding the ability of the draft Neighbourhood Plan to comply with the conditions set out in Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) (‘the 1990 Act’) which includes:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
  - the making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area); and, (our emphasis)
  - the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.

#### Eaton Neighbourhood Plan 2019-2030 Pre-Submission Draft

##### Draft Policy BNE1 – New Housing

- 3.3 Once made, the Neighbourhood Plan will sit alongside the adopted Local Plan Strategy (LPS, 2017) as part of the Local Development Plan for Cheshire East.
- 3.4 The emerging Site Allocations Development Plan Document (SADPD) indicates that from the Other Settlements and Rural Villages (OSRV), which includes Eaton, there is now no requirement for any more new houses before the end of the plan period 2030.
- 3.5 As such, the SADPD proposes not to allocate new housing development sites in OSRV’s whereby sustainable development should be confined to proportionate development at a scale commensurate with the function and character of the settlement in the interests of sustainable development and the maintenance of local services, growth and investment.
- 3.6 The Pre-Submission Draft Neighbourhood Plan is proposed to adopt the same approach in Draft Policy BNE1 *New Housing* which limits new housing to infill development within the Eaton village boundary. Heatons have previously submitted representations to the Cheshire East Pre-

Submission Local Plan to support the general aims of SADPD Policy PG10 which provides an opportunity to allocate sites for development within Neighbourhood Plans and in turn revise settlement boundaries and/or infill boundaries.

- 3.7 The Housing Needs Advice Report (October 2018) is the underlying study to support and evidence the wording of draft Policy BNE1. The report makes key recommendations which includes:
- Smaller, more affordable, market housing to provide more housing opportunities for younger residents including first time buyers as well as some downsizing opportunities for residents in larger properties.
  - The identification of opportunities to deliver development which will address key trends emerging in the local population – these may be related to housing development locally or to being better connected to nearby settlements and the services there.
- 3.8 Paragraph 68 of the NPPF continues to explain that small and medium sized sites can make an important contribution to meeting the housing required of an area. Furthermore, the NPPF encourages neighbourhood planning groups to also consider the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 68a) suitable for housing in their area.
- 3.9 Cheshire East Council have acknowledged that the 23 settlements within the top three tiers of the settlement hierarchy each have an individual housing and employment land figures that are neither targets nor ceilings and this approach should apply to lower tier settlements (i.e. OSRA tier) regardless of the remaining residual housing requirement.
- 3.10 Policy BNE1 in its current form is restrictive and should at least be re-worded to allow for the inclusion of ‘sensitive development’, outside, yet well related to, the existing defined settlement boundary. Based upon the growth of the village to date, it is considered that there should be an emphasis for new residential development to be placed to the southern boundary of Eaton, so long as it is appropriate to the scale of the village, the proximity of its community resources, and respects its landscape character and historic setting (including intended historic views).
- 3.11 Such development would ensure that the residential density within the north of the village is not increased and provides an opportunity to counter the disproportionate northward growth that Eaton has seen over time, re-focussing the village on its intended centre, ‘heart’ and community resources (e.g. the village green, Christ Church, the Plough Inn and Millennium Park etc.).

- 3.12 Dispersed green spaces are a key characteristic of the village morphology and setting which protect and maintain its internal vernacular, character and sense of place. It is considered that future growth should replicate the existing pattern and integrating it to the south and west of the village. Infilling, as proposed within the village, would result in harm, erosion and loss of the defined special characteristics as defined the Eaton Parish Landscape and Village Character Assessment.
- 3.13 It is considered that the now pastoral, former parkland landscape to the south and west of Eaton, in particular that to the north west of the A536 Macclesfield Road has the capacity to take on change in the form of sensitive residential development without detriment to local landscape character.
- 3.14 Opportunities also exist through new appropriately integrated residential development to the south and west of Eaton, for a protective structural landscape buffer / green infrastructure to be formalised to further reduce the potential visual encroachment of Congleton on Eaton. This could see the replication and reintroduction of parkland landscape elements and features, reflective of the former Eaton Hall, much of which is now lost. This approach has the ability to strengthen the visual detachment, and therefore diminish the potential for coalescence, between Eaton and Congleton.
- 3.15 As noted above, the site subject of these representations is immediately adjacent to Eaton Millennium Park and its modest development would be an opportunity to enhance the setting of this community asset and provide new homes to support the village, in line with adopted Local Strategy Plan Policy PG2. Other pertinent draft policies, including Policy PG10 (Infill Villages), Policy GEN1 (Design Principles) and Policy HOU14 (Small and Medium-Sized Sites), are all supportive of this concept.
- 3.16 As such, we would encourage the Neighbourhood Plan group to revisit the above approach and work in a positive manner to secure a sustainable site for housing development which would exceed the 'zero to five' requirement up to 2030, as encouraged by the Planning Practice Guidance (Paragraph 103 ID 41-103-20190509).
- 3.17 Furthermore, it is of concern that the current policy as worded would not attract the scale of development required to deliver affordable housing in the neighbourhood plan area.

### **Policy BNE2 – Local Green Gaps**

- 3.18 With regards to draft plan policy BNE2 *Local Green Gaps*, it is first relevant to note that Cheshire East District Council is not proposing to designate the land to the south of Eaton village as a Local

Green Gap, nor designated it for any type of environmental or ecological protection within their emerging SADPD.

- 3.19 While it is accepted that a clear divide between Congleton and Eaton is important and should be protected to prevent coalescence, it is considered that the limits and extent of the proposed local green gap should be reviewed.
- 3.20 It is considered that disproportionate growth of the village northwards should be countered in the future and that the southern and western landscape, in particular that associated with the former Eaton Hall parkland, has the capacity through a landscape led masterplan approach, to take on a degree of change, including that associated with sensitive residential development. It is considered that this can be achieved while respecting the scale, rural character and setting of the village, the proximity of important heritage features and resources, and while assimilating successfully into the local landscape character.
- 3.21 Policy BNE2 Local Green Gaps should relate both internally to the existing village, to ensure the protection of its internal character, density and sense of place, as well as in externally, ensuring the distance between settlement forms between Eaton and Congleton avoid the risk of coalescence. Additional development to the south and west of the village, utilising the natural landform and topography, could not only be accommodated but could also be used to permanently strengthen this separation whilst re-introducing parkland structure and new and associated opportunities for biodiversity and enhanced visual amenity. This approach would aid in preventing intervisibility of built form within Congleton, whilst also allowing visual connection into the countryside.
- 3.22 The replication of lost parkland elements and features along with the retention and strengthening of existing boundaries and features has the potential to further enhance the green backdrop of Eaton as observed and defined within the Eaton Parish Landscape and Village Character Assessment.
- 3.23 It is noted that much of the land to the south and west falls under a single ownership which provides opportunities for meaningful change and a comprehensive design approach and associated long term management, delivering the long-term protection of the green gap.
- 3.24 The recommendations outlined within the Eaton Parish Landscape and Village Character Assessment are limited to the following:
- 3.25 The landscape, as it is, is a highly valued local resource, and the character of the parish should be retained. Key aspects of the character across all areas relate to the open and rural nature of

the park. The views to and from the parish are of importance, with most significant features being the church, the various listed buildings, the rural landscape and trees and hedgerows.

- 3.26 It is not considered that the recommendations above, when addressed alongside the landscape and visual composition of Eaton village and its surrounding rural landscape, should preclude development. Rather, the recommendation and wider appraisal provide a framework and a series of design and assessment principles to which sensitive new development proposals should respect and work within to ensure the delivery of a sensitive development.
- 3.27 The plan makes clear that necessary future growth must not come at an unacceptable cost in terms of loss of village character of Eaton whilst preventing coalescence of Eaton village and Congleton. However, the approach precludes any new development which could in other instances be delivered sensitively and generally contribute towards necessary housing growth. This is not considered to be a fair, reasonable and positive approach to delivery.

#### **POLICY LE2 – Extractive Industries After-Use**

- 3.28 With regards to draft plan policy LE2 it is considered that in its current wording, the policy is too restrictive in realising the potential community, social and economic benefits of the Eaton Hall Quarry site upon restoration.
- 3.29 The adopted Cheshire Minerals Local Plan (saved 2017) Policy 41 *Restoration* sets out clear requirements for the restoration of future mineral exploration, a restoration scheme must provide for a high standard of conservation and where appropriate, enhancement of the site and provide for the highest practicable standards so as to be suitable for an agreed beneficial after use such as:
- Agriculture
  - Forestry
  - Amenity
  - Nature conservation
  - Recreational use
- 3.30 The Minerals Plan does not stipulate specific after use activity which would be considered acceptable at any given mineral working site. Other policies, including Policy 15 *Landscape and* Policy 33 *Public Rights of Way*, requires restoration schemes to not have an unacceptable impact on the landscape and make a positive contribution to the landscape whilst avoiding a ‘net loss’ of Public Rights of Way.

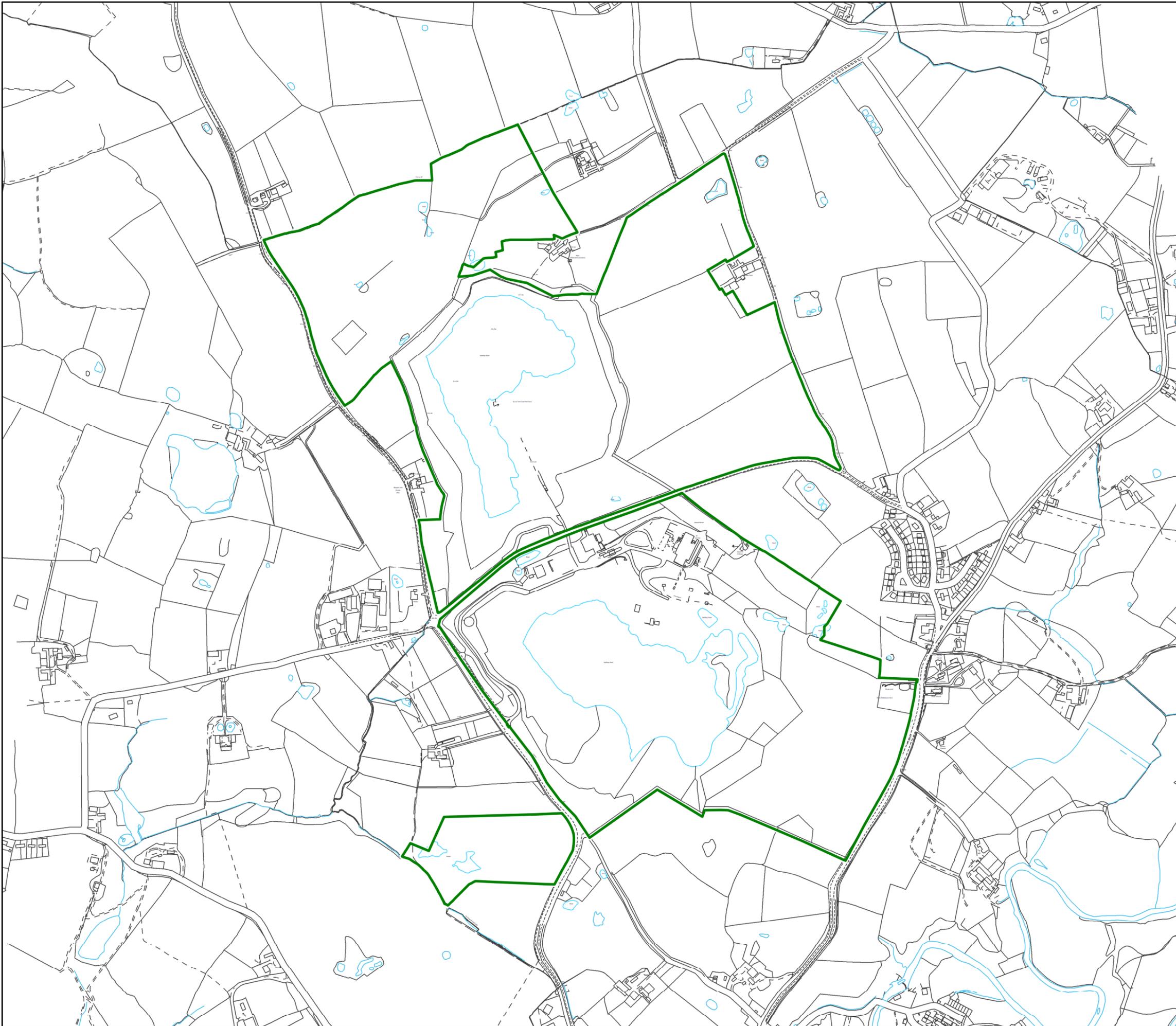
- 3.31 With this policy approach in mind, it is judged that through successful master planning, Eaton Hall Quarry has the capacity to accommodate a number of potential after uses without detriment to the rural character and setting of Eaton village, and without adverse impacts on its highways infrastructure and/or environmental factors (e.g. noise and residential amenity).
- 3.32 The quarry is well screened with limited potential external visibility which results from both landform and the existing vegetation structure. Opportunities exist for a restoration after use scheme which is complimentary to the village and its rural curtilage, while also offering wider social and economic benefits to the local area.
- 3.33 The scale of the quarry workings provides an opportunity for a number of development after uses (including leisure/recreation). Access to the quarry is good in highway terms, and it is considered that through successful transport planning that vehicular access to the quarry (once restored) should not cause a strain on local rural roadways (including School Lane).
- 3.34 It is considered that the current wording should be amended to read as follows:
- “When extraction works at the quarry cease, restoration plans must be well related to the landscape character and appropriate to the open countryside. High quality restoration proposals which lead to the creation of suitable development will be considered subject to having no significant adverse effect on residential amenity, noise pollution or the local road network”.

## 4. Summary

- 4.1 Provision for Neighbourhood Planning is made through the Town and Country Planning Act (1990) (as amended), the Planning and Compulsory Purchase Act 2004 (as amended), the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.
- 4.2 Tarmac is keen to promote a 1 hectare parcel of land situated on the eastern periphery of its landholding to the south of Eaton village and immediately adjacent west to the A536 (Macclesfield Road). It is anticipated that the site could provide up to 15 new dwellings as a low density, small scale expansion to the village. The potential development boundary is shown at **Appendix 3**.
- 4.3 The Neighbourhood Plan in its current form proposes to include the eastern portion of Tarmac's landholding within a Local Green Gap. The above representations set out a reasoned case to demonstrate that the proposed Local Green Gap designation to the south of Eaton village is unnecessary in its current proposed form.
- 4.4 The aim of the LGG residential development on land to the west of Macclesfield Road could not, by definition, bring about any settlement coalescence between Eaton and Congleton. As such, the added level of planning control is not required as a Local Green gap would not conform to the economic objectives of the overarching NPPF.
- 4.5 With regard to the continued extraction of Silica Sand at Eaton Hall Quarry, as the site working gradually progresses there is a continued need for long term operational flexibility to ensure that the opportunity to extract known silica sand reserves is maximised and ensure operations do not unnecessarily sterilise a nationally important resource.
- 4.6 Tarmac's Eaton Hall Quarry provides significant economic benefits to the area. As part of its ongoing obligations to manage the land asset in a sustainable way, Tarmac are continually developing and evolving its long-term strategy for this site.
- 4.7 As explored above, in light of the national importance of the Quarry and national need for silica sand it is essential that the mineral operations are not sterilised unnecessarily. In addition to our involvement with the Neighbourhood Plan process, Heatons will continue to monitor the progress of the emerging Minerals and Waste Development Plan Document to ensure sustainable silica sand extraction at the quarry is realised.

- 4.8 It is trusted that the above provides sufficient information regarding the position of Tarmac in regard to the Regulation 14 Draft Eaton village Neighbourhood Plan. I would be grateful if the Neighbourhood Plan Group is able to acknowledge the above representations.
- 4.9 We would welcome an opportunity to discuss the above matters in further detail with the Neighbourhood Plan Group. Should any of the above require clarification or you wish to discuss anything further, please do not hesitate to contact us.

## Appendix 1: Eaton Hall Landholding



**Legend**

 *Extent of Tarmac Interest*



Site Name:  
**E056 Eaton Hall**

Drawing Name:  
**Site Boundary Plan on OS Base**

Drawn By:  
**K Lister**

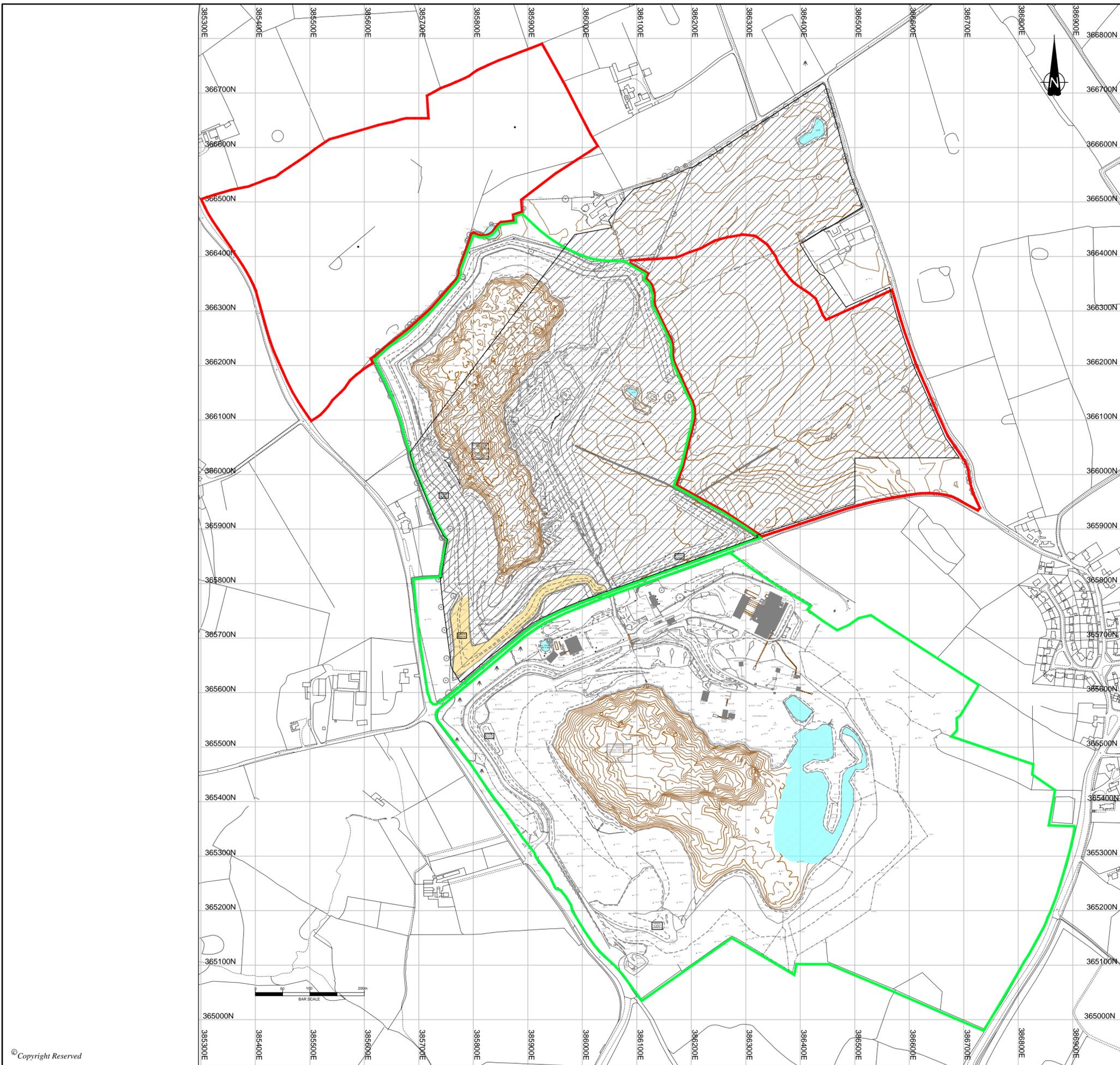
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Date:  
**02/09/2019**

Drawing No:  
**E056-OSiB-Sep19**



**Appendix 2: Extent of Permitted Operations**  
(ref: 16/3298W)



DO NOT SCALE FROM THIS DRAWING A2

- KEY**
- SITE BOUNDARY
  - PLANNING PERMISSION 5/APP/2004/0012
  - CONTOURS AT 1m INTERVALS
  - / / / / CHESHIRE REPLACEMENT MINERALS LOCAL PLAN, AREA OF PREFERRED EXTENSION TO EXISTING SILICA SAND QUARRY

REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D
A	First Issue	16/03/16	DR	MW	MW

CLIENT

PROJECT  
Eaton Hall Quarry, Planning Application and ES

DRAWING TITLE  
Planning Boundaries

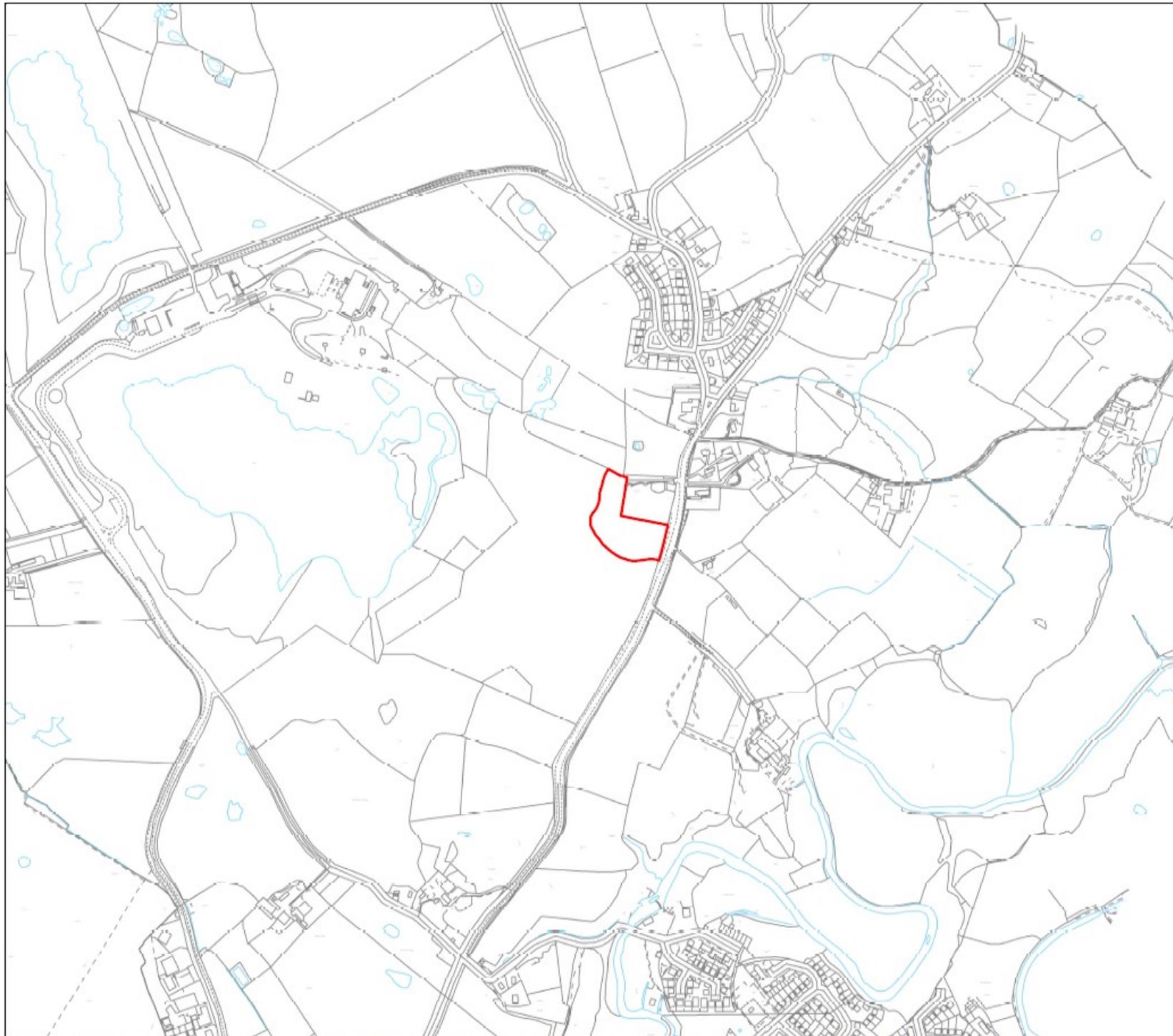
DRG No. ST14122-116 SCALE 1:2500 DATE 12/11/15

DRAWN BY DR CHECKED BY MW APPROVED BY MW

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- LONDON TEL 020 7287 2872
- EDINBURGH TEL 0131 555 3311
- TAUNTON TEL 01823 703100



## **Appendix 3: Residential Development Boundary**



**Legend**

 Development Area



Site Name:  
**E039 - Eaton Hall**

Drawing Name:  
**Eaton Hall Development Plan**

Drawn By:  
**K Lister**

Scale @ A3:  
**1:6,500**

Date:  
**06/04/2017**

Drawing No:  
**E036-00041**

