

Guy Titman

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Sent: 14 December 2020 14:03
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Subject: Hareshill - Environmental Permit Number EPR/CB3738AC - Revised Waste Recovery Plan
Attachments: Link Road Benefits Report.pdf

14 December 2020

Dear Finlay

Hareshill - Environmental Permit Number EPR/CB3738AC - Revised Waste Recovery Plan

Thank you for your email of 26 November 2020 in which you raised several questions on the revised Waste Recovery Plan for the site. We note that your questions relate to clarification that the planning permission provides specific obligations in respect of the consented development. We have the following comments on the questions raised. For clarity we have reproduced below in *blue italic font* the questions raised in your email and provide our responses below to each of the questions raised.

1. Why is the landowner developing the link road for the mixed-use development? What is the reason/benefit for the works being carried out for the landowner?

My understanding is that the link road is a necessary component of the wider development, and the planning permission requires the link road to be built. However, a development can be allowed under planning but isn't necessarily required. If the development is carried out then the building of the link road, as agreed is needed to support the wider development – if it does go ahead it needs to be done in a certain way. This doesn't mean that the development has to happen, or that it will.

Therefore the question is "would the development go ahead with non-waste if waste were not available?" Whilst the nuance of this WRP doesn't align with this, the principle remains the same: Would the development return X profit using non-waste? If so, then the whole scheme (including the link road) would need to be completed to realise that profit.

What isn't clear is why the owner of the initially planned equestrian centre required to complete the works for the link road on their land to support another develop/landowner? We'd need a demonstration that the development would go ahead and the person doing the work would benefit from what needs to be done. Questions 2-4 should help clarify this as well.

Before responding to the question raised it is important to be aware that no waste will remain in the area the subject of Environmental Permit reference EPR/CB3738AC (the permit) in the footprint of the link road. The only reason it is necessary to address the link road in the revised Waste Recovery Plan (rWRP) is because the footprint of the link road overlaps the area the subject of the permit hence is the subject of the existing WRP. As part of the construction of the link road all waste which has been deposited pursuant to the permit in the area of the link road will be removed hence the ground levels will reduce and be inconsistent with the ground levels the subject of the approved WRP. When the waste in the footprint of the link road in the area the subject of the permit has been removed an application will be submitted to surrender this area of the permit.

The '*reason/benefit*' of and need for the link road cannot be overstated. As explained in the introduction to the attached '*Link Road Benefit Report*' prepared by Mouchel in August 2017 in support of the application for planning permission reference 16/01399/HYBR (the planning permission):-

‘Principally the link road will unlock 1.45 million square feet of new employment land which provides significant economic benefits to the area, including the provision of 2400 on-site full-time jobs, 450 off-site full-time jobs and generating £175 million Gross Value Added (GVA) per annum across the development.’

The 1.45 million square feet of new employment land referred to in the ‘Link Road Benefit Report’ is the employment use development the subject of the planning permission. Were it not for the link road it would not be possible to develop the employment use and other uses that are the subject of the planning permission for the South Heywood development outside the boundary of the site (up to 1,000 new homes, community facilities etc). Accordingly, there is an obligation by virtue of the conditions in the planning permission to provide the new link road such that the employment use development can be unlocked in much the same way as restoration proposals for mineral workings which are the subject of planning conditions are obligations which unlock the mineral reserves. It is self-evident that as the landowner of the land which will be the subject of the employment use development P Casey Enviro Ltd will benefit from the link road as it will ‘unlock’ the employment use development.

In addition to the obligations in the planning permission which are specific to the site the subject of the rWRP, it is summarised in the Executive Summary to the ‘Link Road Benefit Report’:-

‘Provision of the new link road to access South Heywood is a key priority for a number of bodies, including Greater Manchester Combined Authority (GMCA), Transport for Greater Manchester (TfGM), and Rochdale Borough Council (RBC). Planning policy at a local and regional level has long since recognised the role of South Heywood in supporting the Borough’s employment aspirations and the need to improve access to the area. The delivery of a link road to open up land for employment here is a long held policy aim and aligns with a range of current and emerging planning and transport policies at all levels.’

2. Does the council require the landowner to build the link road or are they allowing them to do it? Is Rochdale council imposing this condition on the landowner/developer or is the landowner/developer approaching the council for this planning permission?

As explained above Rochdale Council ‘require’ the construction of the link road to facilitate the employment use development hence are imposing the planning conditions relevant to the link road. Were it not for the link road the employment use development would not be possible. The link road is an obligation pursuant to the planning permission and Rochdale Council are the entity that is procuring and delivering the link road.

3. Is the equestrian business receiving a compensation for the altered works, or is this the same developer/landowner who is changing the use of land?

We are unclear of the relevance of the ‘equestrian business’ and ‘compensation’. No contractual obligations exist between the landowner and a third-party equestrian business/operator and the site was not completed to achieve the equestrian end use specified in the WRP as the proposals for the development of the link road and associated employment development came forward and superseded the need for the equestrian centre at this location. The land the subject of the permit is in the freehold ownership of the permit holder and as such compensation is not relevant to the change of use from an equestrian centre to the employment use and link road.

4. Is the same developer/landowner involved in the wider development?

As explained above, the area the subject of the permit is in the freehold ownership of the permit holder and there are numerous other landowners involved in the wider development the subject of the planning permission. All land the subject of the planning permission including the area the subject of the permit is the subject of Option Agreements with the developer, Russell Homes Limited. The Option Agreements are being exercised as the land is brought forward in a coordinated way through a single Section 106 Agreement.

We trust that our responses to your questions address fully the questions raised. Should you have any further queries or need any further information please do not hesitate to contact us.

Regards

Guy

Attachment: - Link Road Benefits Report

www.mjca.co.uk

Our ref: PCE/HA/AKM/5640/01/26022

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Our offices will be closed from 5pm on Wednesday 23 December 2020 and will reopen at 8.30am on Monday 4 January 2021.

An emergency telephone response service will be in operation for 24, 29, 30 and 31 December 2020.