



Cheshire West and Chester Local Plan

Representations to Issues and Options (Regulation 18) Consultation
On Behalf of Horizon Cremation (Hooton) Limited

August 2025

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Appendices

Appendix I Site Location Plan

Appendix II Officer's Report (Application ref: 21/03663/FUL)

Appendix III Appeal Decision Letter (Appeal ref: APP/A0665/W/23/3325109)

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For and on behalf of AshtonHale Limited

1. Introduction

- 1.1 Cheshire West and Chester Council is preparing a new Local Plan for the borough which will set out how development and growth will take place. The new plan will create a single local plan document that updates and replaces all policies in the current Local Plan (Part One) and Local Plan (Part Two). These representations have been prepared by AshtonHale Limited ('AshtonHale') on behalf of Horizon Cremation (Hooton) Limited ('Horizon') in response to the Council's Regulation 18 Local Plan Issues and Options 2025 consultation.
- 1.2 These representations are of particular relevance to Horizon's land interests at Land off Hooton Road, Hooton. A plan showing the extent of this site is attached at **Appendix I**.
- 1.3 These representations made on behalf of Horizon intend to cover the following:
- Background to Horizon's interest in the Issues and Options consultation and its representations; and,
 - Responses to the questions posed within the 'Issues and Options (Regulation 18)' consultation document.

2. Background to Representations

- 2.1 Horizon maintain an interest in Land off Hooton Road, Hooton ('the Site'). The Site extends to c. 3.1 hectares and is located to the west of Hooton Village, within the Ward of Willaston and Thornton. It is rectangular in shape, is currently vacant and comprises agricultural land. The south of the site (approximately 66%) is limited to subgrade 3A with the north of the site limited to subgrade 3B (approximately 34%).
- 2.2 The Site represents a highly sustainable, accessible, unconstrained and logical option for Green Belt release that could contribute to the development requirements for Cheshire West and Chester.
- 2.3 In terms of accessibility, the Site is accessible to Willaston, 2.8km to the west and Hooton, 0.8km to the east via Hooton Road, which also has a footpath on its northern side. In Hooton there is a pub, church, hotel, car valet and playground. Hooton Train Station is located approximately 0.6km to the west of the appeal site along Hooton Road where a Memorial Hall is also located. The Site is well located in terms of the wider highways network as it is located 1.1km from Junction 5 of the M53 providing links north towards Liverpool as well as connections east towards Manchester and south towards Chester and beyond.
- 2.4 The Site has been subject to a planning application (CWaC ref: 21/03663/FUL) and subsequent appeal (PINS ref: APP/A0665/W/23/3325109) for the following description of development:

Construction of a crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure.

- 2.5 The documentation submitted in support of both the planning application and the appeal provide a full technical analysis of the Site and are viewable on CWaC's Public Access System. The documentation demonstrates there are no constraints on the Site which would prevent development coming forward in compliance with relevant planning policy.

- 2.6 The Officer's Report for the planning application (see **Appendix II**), which recommended the application for approval, makes the following conclusions on the development of the Site:

Green Belt Purposes (Paragraph 6.12)

- *"The proposal would not cause harm in respect of purpose a) since the site is not adjacent to a large built-up area."*
- *"...it would not cause harm in respect of purpose b)."*
- *"The proposal would lead to encroachment of development in the countryside and would cause some harm in respect of purpose c) as a result."*
- *"The proposal would not cause harm in respect of purpose d)."*
- *"With regards purpose e), there is no evidence to suggest that the development could be delivered in the urban area and, as such, there is not considered to be harm in this regard."*

Access and Highways (Paragraph 6.66)

- *"Access to the site would be onto Hooton Road and subject to detailed design and compliance with relevant highway legislation, it is considered that this can be safely accommodated within the highway."*

Landscape Character and Visual Amenity (Paragraph 6.30)

- *"The development would not have a significant adverse impact upon landscape character or visual amenity"*

- 2.7 Despite the planning appeal ultimately being dismissed, the Appeal Decision Letter (see **Appendix III**) issued by PINS made the following conclusions on the Site:

Green Belt Purposes (Paragraph 16)

- *"There would be some consolidation of development in this location along the northern part of Hooton Road in combination with the existing residential development along Dale Hey and the business park adjacent to the site. However, the scheme would not lead to the merging of towns and there would be no harm to that Green Belt purpose in this respect."*

Access and Sustainability (Paragraph 112)

- *“The proposed development would be accessed by vehicles via a priority junction from Hooton Road. There are no objections from the Highways authority and based on the evidence before me, I see no reason to disagree. The site is in a location with good access to bus and train services. It would be in accordance with policy STRAT10 of the LPP1”*

2.8 It is clear from the above and the two documents as a whole that it was the Council and Planning Inspectorate’s view that the Site is in a sustainable location; can be accessed safely; and its development would only cause harm to purpose (c) of the Green Belt (Safeguarding the Countryside from Encroachment), as defined by the NPPF.

2.9 It is important to note that the outcome of the appeal was ultimately down to the Inspector’s view of whether ‘Very Special Circumstances’ were demonstrated in line with NPPF Paragraph 153, i.e. a balancing exercise which considered impacts related to the detailed design of the scheme put forward. The decision does not cite or infer that the site is not suitable for development in principle.

2.10 Horizon remains committed to bringing forward a crematoria development on the Site, the need for which is accepted in the Appeal Decision Letter at **Appendix III**:

“I conclude that...there is also a demonstrated need for a new crematorium in the area to which I attach significant weight.” - Paragraph 101

“I am satisfied that the appellants undertook robust site assessments, and at this particular point in time there are no suitable or available sites which would be alternatives to the two schemes before me.” - Paragraph 102

2.11 The remainder of these representations set out Horizon’s view on the Issues and Options presented in the consultation document, in the context of the above.

3. Cheshire West and Chester: Local Plan Issues and Options (Regulation 18)

- 3.1 Cheshire West and Chester Council is preparing a new local plan for the borough, and as part of that process, comments are invited on the priorities and issues that the new Local Plan should address and how the new plan can influence this. The Council have published the 'Local Plan Issues and Options (Regulation 18)' document, dated July 2025, which sets out a number of questions to understand the public's views on the key planning issues and priorities facing the area.
- 3.2 Horizon has prepared these representations to provide observations on questions posed by the Council within the consultation document. We respectfully request that these representations are considered in the next stages of preparing the Cheshire West and Chester Local Plan.
- 3.3 Horizon has not commented on every question set out in the document, only those considered particularly relevant to their interests in Cheshire West and Chester ('CWaC'). The absence of comment to any other question should not be construed as Horizon agreeing with the approach and Horizon reserves the right to comment on those matters as the Plan progresses.

4. Issues and Options: Introduction

Question IN 3: Do you have any comments or views on the proposed plan period for the new Local Plan?

- 4.1 Horizon are supportive of the concept of shorter local plan periods which ensure that policies and supporting evidence within Development Plans are kept up-to-date and remain relevant. Policies in the plan should reflect current and short-term future growth in the area in order to better guide and inform planning proposals and planning decisions. A shorter plan period will allow for more frequent reviews and updates, ensuring that the policies and data reflect the changing economic, environmental and social positions of the borough.
- 4.2 By creating shorter plan period, the new Local Plan will further align with the Government's intentions at reducing local plan review periods. Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities must review local plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years¹. A shorter plan period will allow for more realistic targets to be set within the document, ensuring more accurate monitoring in the progress and success of the Local Plan policies.

Question IN 6: Do you have any comments on what role Neighbourhood Plans should play in terms of meeting Cheshire West's development needs and other suggested policy approaches for the new Local Plan? This could include things like meeting housing needs, local connection tests, or design etc.

- 4.3 It is recognised that Neighbourhood Plans can play a useful role in guiding development and design matters in certain locations however, their role in meeting broader development needs should be limited. Neighbourhood Plans should not be used to constrain delivery of development or introduce restrictive policies outside of the adopted Local Plan. Neighbourhood Plans should be advisory in nature and confined to matters of local character, design preferences etc.

¹ NPPG Paragraph: 062 Reference ID: 61-062-20190315

- 4.4 Planning Practice Guidance (Paragraph: 044 Reference ID: 41-044-20190509) confirms that neighbourhood plans must be in general conformity with strategic policies.

5. Issues and Options: Vision

Question VI 1: Do you agree with the suggested approach towards the new Local Plan vision, as set out in VI 1 'Vision' above? If not please suggest how it could be amended?

- 5.1 Horizon recognises that to achieve sustainable visions of the Local Plan, spatial strategies must be established, such as the strategic identification of Ellesmere Port to meet development needs. Horizon supports the inclusion of Ellesmere Port within the spatial strategy, as it represents a strategically important area for both new development and regeneration.
- 5.2 In addition to the identification of key locations within the strategy, the Local Plan must also recognise areas outside of the locations identified which will be capable of delivering development that is not appropriate to provide within built-up areas. Areas located outside of the settlements identified, yet within sustainable locations, can be utilised to reduce spatial pressures of these areas.

Question VI 2: should the vision include/establish a set of principles and priorities? Are these the right ones - do you have any other suggestions?

- 5.3 The vision of the Local Plan should include a set of principles and priorities to allow for sustainable development to be established. Horizon broadly supports the draft visions as set out in section VI 1 'Visions' and welcomes the scope of the principles identified.

6. Issues and Options: Objectives

Question OB 1: Please select the option which is the most appropriate approach for the new Local Plan:

- *Option A - Take forward current Local Plan objectives*
- *Option B - Use the Sustainability Appraisal objectives*
- *Option C- Neither of these*

6.1 Horizon support the objectives taken from the Local Plan Update 2023: Sustainability Appraisal Report which provide a comprehensive framework for bringing forward sustainable development. They support a balanced approach to environmental protection, social wellbeing, and economic growth, which are key considerations in the release of Green Belt land.

6.2 Horizon believes that their site, Land off Hooton Road, complies with each of the relevant objectives outlined within Option 'B', as detailed below.

- *Protect air quality where it is of a high standard and to improve it elsewhere.*
The site's location allows for sustainable travel options. Its location enables access to local services, reducing the need for long car journeys and helping to mitigate air quality impacts. Future development would incorporate measures to manage and minimise emissions during and after construction.
- *Reduce the emission of greenhouse gasses, in particular CO₂.* By focusing development near an existing settlement (Hooton), the site supports a more compact settlement pattern, helping reduce car dependency.
- *Reduce energy consumption, promote energy efficiency and increase the use of energy from renewable resources. Will it reduce energy consumption?*
Development will be subject to modern building regulations and could exceed energy efficiency standards where feasible.
- *Optimise the re-use of previously developed land and buildings.* While not previously developed, the site is a sustainable site, located immediately adjacent to Hooton. It is noted that, while the development of crematoria does not have a functional need for a countryside location, it is required to

comply with the Cremation Act 1902. This stipulates, amongst other things, that crematoria can only be built where they would be at least 200 yards (183 metres) from any residence and 50 yards (46 metres) from any highway. In practice, this makes it difficult to build crematoria within many built-up areas and therefore previously developed land buildings are rarely available for such uses.

- Manage contaminated land effectively. Appropriate investigations and reports will be enclosed within any future planning application at the site to ensure that development is brought forward safely.
- Minimise the risk of flooding from all sources. Appropriate investigations and reports will be enclosed within any future planning application at the site to ensure that development is brought forward safely.
- Protect, enhance and manage the character and appearance of the landscape and townscape, maintaining and strengthening local distinctiveness and sense of place. A sensitive design approach will integrate the development into the existing landscape setting, this could include aspects such as buffers and boundary planting.
- Preserve and enhance historic assets, sites, features, areas and settings of archaeological, historical and cultural heritage importance. The site is not in proximity to any conservation areas or listed buildings.
- Protect and enhance the borough's biodiversity and wildlife habitats. The site will deliver at least 10% BNG, as required nationally. Existing features such as hedgerows or mature trees will be retained and enhanced where possible.
- Create a safe environment to live in and reduce the fear of crime. Design will follow Secured by Design principles.
- Enable environments that promote health and wellbeing. Future development at the site will deliver connections to local services and will support active lifestyles and mental wellbeing where feasible.

- Protect and enhance community facilities and services. The site will integrate with the wider settlement to enhance community cohesion and access. It is available to provide a new crematoria for the area to address an unmet need, as demonstrated in the appeal decision at **Appendix III**.
- Make the best use of existing transport infrastructure and ensure everyone has access to high quality and affordable public transport, cycling and walking infrastructure. The site is well-located to utilise existing roads and public transport links, and its development would support enhancements to walking, cycling, and bus networks. Its location adjacent to Hooton reduces car dependency and supports sustainable movement patterns.

Question OB 3: Do you feel that the option of taking forward the current Local Plan objectives into the new Local Plan, as set out in Option A 'Take forward the current Local Plan objectives' above, is an appropriate approach?

6.3 The Local Plan objectives as outlined in Option A relate well to Horizon's land interest at Hooton Road, Hooton. As demonstrated below, there are a number of objectives that relate to the characteristics and qualities of the land:

Economic

- SO2 Support a vibrant, diverse and competitive local economy that provides a range of job opportunities to support sustainable communities. The site has the potential to support job creation in a sustainable and accessible location.
- SO4 Provide and develop reliable, efficient transport networks that support sustainable growth and improve accessibility to jobs and services. Located adjacent to Hooton, the site benefits from proximity to existing road and public transport infrastructure.
- SO5 Ensure all development is supported by the necessary provision of, or improvements to infrastructure, services and facilities in an effective and timely manner to make development sustainable and minimise its effect upon existing communities. The site is ideally located to provide necessary community facilities to support development in Hooton and further afield.

Social

- SO7 Support education and skills and ensure that deprived communities have access to services and employment. The development of the Site would allow for local skills and employment to be developed during both construction and operation.
- SO8 Create stronger, safer and healthier communities by enabling access to leisure, recreational and community facilities and promoting walking and cycling. The Site is capable of being developed as a community facility at a location which is accessible by sustainable modes of travel.

Environmental

- SO11 Ensure new development does not create an unacceptable impact, either individually or cumulatively, on the amenity and health of residents. Careful design will ensure protection of residential amenity, air quality, and noise levels.
- SO12 Ensure new development is of sustainable and high quality design that respects heritage assets, local distinctiveness and the character and appearance of the landscape and townscape. The site is not in proximity to any conservation areas or listed buildings.
- SO13 Manage, expand and improve green infrastructure and waterways networks, recognising their importance in delivering local environmental, social, economic and health benefits. The site will be brought forward to deliver sustainable development with access to green infrastructure and waterway networks.
- SO14 Mitigate and adapt to the effects of climate change by addressing flood risk and water management and support the development of new buildings and infrastructure that are resilient, resistant and adapted to the effects of climate change. Appropriate investigations and reports will be enclosed within any future planning application at the site to ensure that development is brought forward safely.

- SO15 Take action on climate change by promoting energy efficiency and energy generation from low carbon and renewable resources. The development will meet modern energy standards.
- SO16 Achieve sustainable waste management, using sustainable modes of transport and travel and the prudent use of our natural resources including water and mineral reserves. Construction and operation will follow best practices for waste minimisation and recycling.

6.4 We believe the current Local Plan objectives (Option A) remain broadly relevant but are not sufficiently flexible to respond to evolving planning challenges, particularly in light of updated national policy and increased development land requirements. For example, areas like Horizon's land interests at Hooton Road may present sustainable opportunities for Green Belt release, which the existing objectives may not fully accommodate.

Question OB 4: Do you think that objectives SO1, SO3, SO9, SO10 need to be amended if they are to be taken forward into the new Local Plan? Do you have any suggestions for how they should be amended?

SO1 Develop the role of Chester as a sub-regional city, promote regeneration and development in the towns of Ellesmere Port, Northwich and Winsford and enable appropriate levels of development in the key service centres to support sustainable rural communities.

6.5 SO1 should be updated to acknowledge the potential for sustainable growth in areas adjacent to existing settlements, even if within current Green Belt boundaries.

SO9 Support sustainable development and urban regeneration by supporting the use of suitably located previously developed land and buildings and by locating the majority of development within and on the edge of the main urban areas and key service centres.

6.6 SO9 should be updated to recognise the limited availability of previously developed land and support well-located greenfield and edge-of-settlement sites. As set out above, there are uses such as crematoria that are required to be outside of built-up areas by other (non-planning) legislation, and this needs to be recognised within planning policy.

SO10 Protect the environmental quality and character of Cheshire West and Chester through maintaining the general extent and character of the North Cheshire Green Belt and Cheshire countryside.

- 6.7 SO10 should allow for flexibility in Green Belt boundaries where robust evidence demonstrates that the release would deliver sustainable development outcomes without compromising the integrity of the wider Green Belt.

Question OB 5: Do you feel that the option of using the Sustainability Appraisal objectives in the new Local Plan, as set out in Option B 'Use the Sustainability Appraisal objectives' above, is an appropriate approach?

- 6.8 Yes, we believe Option B offers a more robust and future-proofed approach to plan-making. The SA objectives provide clear criteria for assessing the long-term sustainability and resilience of proposed development sites.

Question OB 6: If you do not feel this is an appropriate approach, are there any changes that you could suggest?

- 6.9 While we support Option B, we suggest enhancements to better reflect spatial considerations and site-specific viability. For example, including objectives that recognise the role of edge-of-settlement Green Belt sites, and an emphasis of bringing forward sites with proximity to existing infrastructure.
- 6.10 In addition to the objectives listed in either Option B, it is vital to recognise the need for adequate community facilities, both in quality and quantity. Whilst existing community facilities and services should be *"protected and enhanced"*, it is also important for new facilities to be provided where there is a demonstrable need.

7. Issues and Options: Sustainable Development

Question SD 1: Do you agree with the suggested policy approach towards sustainable development, as set out in SD 1 'Sustainable development' above? If not please suggest how it could be amended?

- 7.1 Yes, we broadly agree with the suggested policy approach towards sustainable development. The proposed criteria strike a strong balance between environmental responsibility, resilience to climate change, and social inclusion.
- 7.2 However, we recommend that the policy also explicitly recognises that sustainable development can occur on well-located Green Belt sites, particularly where they are adjacent to existing settlements, such as Land off Hooton Road.
- 7.3 Sustainable development may, in some cases, include land currently within the Green Belt where clear evidence demonstrates that such development would meet long-term requirements, and climate objectives in a manner consistent with national and local sustainability principles.

Question SD 3: Are there any other sustainable development issues or requirements that should be included in the new Local Plan?

- 7.4 Yes, the Local Plan should include a specific sustainable development requirement around proximity to existing infrastructure and services. Developments located adjacent to existing built-up areas and near public transport, employment sites, utilities, and services should be prioritised, even if these lie within the current Green Belt. The Local Plan should prioritise development of sites that are well connected, therefore reducing the need for car travel and making efficient use of utilities.

8. Issues and Options: Spatial Strategy

Question SS 4: Do you agree with the suggested policy approach towards the spatial strategy principles, as set out in SS 3 'Spatial strategy principles' above? If not please suggest how it could be amended?

- 8.1 Horizon broadly support the policy approach towards the spatial strategy principles, especially the recognition that where there are not enough planning permissions and opportunities for redevelopment within urban areas and towns, the approach will be to develop on the edge of existing settlements in locations with the best access to public transport and existing services and infrastructure, as the next best sustainable option. Depending on the settlement, this may require the release of Green Belt land.
- 8.2 Land off Hooton Road represents a prime example of how the release of Green Belt land within the Local Plan process can help achieve development in sustainable locations, with best access to services and facilities. The site represents a highly sustainable, accessible, unconstrained and logical option for Green Belt release that could contribute to the development requirements for Cheshire West and Chester.

Question SS 5: Do you agree with the suggested policy approach towards the settlement hierarchy, as set out in SS 4 'Settlement hierarchy' above? If not please suggest how it could be amended?

- 8.3 Horizon generally agrees with the approach taken within the outlines Settlement Hierarchy, in that development should be centred in areas with strong local infrastructure and services, such as locations identified within the consultation document.
- 8.4 However, Horizon stress that reliance solely on the settlements listed within SS 4 is unlikely to address the identified need for development land. The Council should consider the release of Green Belt land in proximity to existing settlements and areas of development, where sites can be served by existing infrastructure provisions and services.

Question SS 6: Should all settlements have some level of development, regardless of whether they are identified in the settlement hierarchy?

- 8.5 Allowing development in all settlements, regardless of their role or capacity, risks undermining the spatial strategy by dispersing growth to unsustainable locations with limited facilities, infrastructure, and connectivity. However, policy should promote development of a scale which is locally appropriate in lower-tier settlements where it meets clearly defined local needs.

Question SS 9: Have circumstances changed since the adoption of the Local Plan (Part One), that would now justify Green Belt release?

- 8.6 Since the adoption of Cheshire West and Chester's Local Plan (Part One) in January 2015, a number of circumstantial changes have occurred which now justify Green Belt release across the borough as part of an evidence-based spatial strategy.

- 8.7 Firstly, the revised National Planning Policy Framework published in December 2024 provides clearer direction on the potential for local authorities to review Green Belt boundaries where fully evidenced and justified, particularly in the context of strategic planning and housing delivery.

- 8.8 The Government's reaffirmed ambition to deliver 300,000 homes per year at a national level, alongside changes to the standard method for calculating local housing need has placed greater pressure on local authorities to plan positively and realistically for future growth. Meeting this requirement will be extremely difficult without a strategic review of constrained land designations, including parts of the Green Belt that may no longer serve their original planning purpose. Cheshire West and Chester Council are expected to experience a significant uplift in their local housing delivery needs; since the introduction of the new standard method, Cheshire West and Chester Council will be required to deliver 1,914 homes annually- an increase from 532 homes annually under the previous standard method (259.8% increase).

- 8.9 In addition to the above, the Council will be required to plan for the 198 hectares of employment land identified to meet a range of types and sizes of site over the 20-year plan period. As identified in the CWaC Economic Needs Assessment 2025, there appear to be strong opportunities in higher value manufacturing and related

sectors. The Assessment notes that to deliver this need, a switch from previously developed land to greenfield provision may be required.

- 8.10 Finally, needs for other types of developments, such as community facilities and in particular crematoria, will likely have changed since the adoption of the current Plan and may require Green Belt release. As an example, the Appeal Decision at **Appendix III** (dated 2024) concludes the following:

"I conclude that...there is also a demonstrated need for a new crematorium in the area to which I attach significant weight." - Paragraph 101

"I am satisfied that the appellants undertook robust site assessments, and at this particular point in time there are no suitable or available sites which would be alternatives to the two schemes before me." - Paragraph 102

- 8.11 The latter point confirms there are no non-Green Belt sites in the area that can accommodate a development which is demonstrated to be in need in the area.
- 8.12 In light of these evolving factors, it is appropriate for the Council to revisit the Green Belt strategy established under the previous Local Plan.

Question SS 10: Are there any other considerations that we should take account of in relation to future Green Belt policy?

- 8.13 Yes, there are several key considerations that should inform the future approach to Green Belt policy within the new Local Plan to ensure it remains fit for purpose and responsive to changing national and local circumstances.
- 8.14 Firstly, the introduction of the 'grey belt' concept in the December 2024 NPPF highlights the need for a more refined approach to Green Belt review. The NPPF identifies the concept of 'grey belt' land as previously developed or low-performing parcels within the Green Belt that may be more suitable for development without compromising its overall function. This provides a valuable opportunity for Cheshire West and Chester Council to review existing Green Belt areas and identify underutilised land capable of supporting either residential or employment growth.
- 8.15 Grey belt land is defined within the NPPF as:

"Land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies

relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”

- 8.16 It is our opinion that Horizon’s land constitutes as grey belt land in accordance with the definition provided within the NPPF. The site, albeit greenfield, does not actively contribute to purposes (a), (b), or (d) defined within Paragraph 143 of the NPPF. This is confirmed within the Officer’s Report at **Appendix II** and in respect of purpose (b), the Appeal Decision at **Appendix III**.
- 8.17 In light of the demonstrated need for a crematoria (i.e. a community facility) in the area, the Site’s release should be justified under the grey belt provisions of the NPPF.
- 8.18 The Council should assess the quality, character, and function of individual Green Belt parcels, rather than treating the designation as a blanket constraint.
- 8.19 Overall, the site only makes a contribution to the purpose (c) of the Green Belt and therefore would be a logical site for release from the Green Belt to assist in meeting the development requirements of Cheshire West and Chester.
- 8.20 *Question SS 11: Please select the option which is the most appropriate spatial strategy for Cheshire West and Chester:*
- *Option A - Retain the Green Belt*
 - *Option B - Follow current Local Plan level and distribution of development*
 - *Option C - Sustainable transport corridors*
 - *None of these*
- 8.21 It is Horizon’s view that Option C is the most appropriate spatial strategy for Cheshire West and Chester, as it allows for the delivery of development within strategic and accessible locations across the borough. Concentrating growth in these areas ensures new development is well connected to employment, education, and services, while reducing reliance on private cars and encouraging more sustainable patterns of movement.
- 8.22 Horizon support the approach outlined in Option C which is proactive in recognising the need for sites being released from the Green Belt to deliver development in sustainable locations. In the case of Hooton, Horizon support the

acknowledgement that there is an opportunity for an enhanced role of land around the train station and for development to be appropriate to the scale and function of the settlement.

Question SS 14: Do you feel that Option A is an appropriate spatial strategy for the new Local Plan?

8.23 Horizon recognise Option A's ambition to retain the Green Belt extent in line with Government Guidance that these boundaries should only be altered in exceptional circumstances however, for the Plan to establish a deliverable strategy it is Horizon's opinion that these boundaries will require readjustment. In this context, a strict adherence to retaining all Green Belt boundaries risks overlooking sustainable, well-located opportunities for development that could contribute positively to local objectives.

8.24 While Option A promotes brownfield-first principles and development within non-Green Belt settlements, a targeted Green Belt release in locations such as Horizon's land is likely to be essential to meeting development needs in a sustainable way. This is particularly true given the ambitious growth requirements of the new Local Plan and the known limitations of land supply within existing urban boundaries.

Question SS 15: If you do not feel that Option A is an appropriate spatial strategy option, are there any changes that you could suggest?

8.25 Option A should be amended to allow for selective Green Belt release within sustainable locations. If Option A were to be brought forward, this would raise a risk to undermining economic growth and limiting land availability. An option should be developed which promotes planned Green Belt release to meet identified needs.

Question SS 18: Do you feel that Option C is an appropriate spatial strategy for the new Local Plan?

8.26 Yes, It is Horizon's view that Option C is the most appropriate spatial strategy for Cheshire West and Chester, as it allows for the delivery of development within strategic and accessible locations across the borough. Concentrating growth in these areas ensures new development is well connected to employment, education, and services, while reducing reliance on private cars and encouraging more sustainable patterns of movement.

- 8.27 If this option were to be taken forward, it should be noted that Horizon's land interest off Hooton Road, Hooton lies within close proximity to Hooton Train Station and should therefore be considered for release for development.

Question SS 21: What information should we take into account when assessing sites for allocation in the new Local Plan?

- 8.28 In the preparation of the new Local Plan, CWaC should consider the potential for sites to contribute towards the strategic objectives of regeneration and sustainable settlement growth, along with further technical considerations. The Plan should prioritise land that is deliverable within the plan period.

Question SS77: Which of the identified potential growth areas around Hooton station do you consider to be the most suitable?

- 8.29 Growth option with reference 'H0003' (Hooton East - north of Hooton Road) represents the most suitable growth area for mixed-use development. Land off Hooton Road, Hooton is available to accommodate such development and as discussed earlier in these representations, Horizon are committed to bringing forward a crematoria development here to meet an identified need in the local area. This use (and community facilities more broadly) should be accommodated in any detailed policy wording.
- 8.30 Option H0003 is well-related to the existing built-up area of Hooton, benefits from strong transport connections, and offers a valuable opportunity to accommodate future development needs in a planned and contained manner and should therefore be considered in the next stages of the plan-making process.

Question SS79: Are there any constraints, including infrastructure provision, that should be considered for the area around Hooton station when developing the new Local Plan?

- 8.31 As above, there is a demonstrated need for additional crematoria provision in this area. If this option is progressed, detailed policy wording should be sufficiently flexible to allow for this type of development to come forward in the area, in addition to housing and employment development.

9. Issues and Options: Green Belt and Countryside

Question GB 1: Do you agree with the suggested policy approach towards Green Belt and countryside, as set out in GB 1 'Green Belt and countryside' above? If not please suggest how it could be amended.

9.1 Horizon support the policy approach towards the Green Belt and Countryside as set out in GB 1. Policies provided in the emerging Local Plan should reflect the most recent guidance relating to the Green Belt in the NPPF, including reference to grey belt land and provide reference to the anticipated Green Belt review evidence.

9.2 In regard to wording of the policy the Local Plan should include reference to Paragraph 148 of the NPPF, which notes:

Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations. However, when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site's location is appropriate with particular reference to paragraphs 110 and 115 of this Framework. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

Question GB 2: Should there be a separate policy for countryside and Green Belt areas?

9.3 Yes, the Local Plan should include separate policies for countryside and Green Belt areas, as they serve distinct planning functions and are subject to different national policy frameworks and local considerations. Maintaining two distinct policies will also improve clarity for applicants, decision-makers, and communities, especially as the new Local Plan will be a single document.

10. Issues and Options: Transport and Accessibility

Question TA 1: Do you agree with the suggested policy approach towards transport and accessibility, as set out above in TA 1 'Transport and accessibility'? If not please suggest how it could be amended?

- 10.1 Horizon support the view that new development will be encouraged in sustainable locations with access to services and facilities. Horizon's land interests at Land off Hooton Road, Hooton represent a sustainable location which is well connected by active travel and public transport.

11. Issues and Options: Infrastructure and Developer Contributions

Question ID 1: Do you agree with the suggested policy approach towards infrastructure and developer contributions, as set out above in ID 1 'Infrastructure and developer contributions'? If not please suggest how it could be amended.

- 11.1 In circumstances where developer contributions are sought, the obligation needs to allow for the consideration of viability.
- 11.2 In line with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), planning obligations must be:
- Necessary to make the application acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

12. Issues and Options: Open Space, Sport, Recreation and Community Facilities

Question OS 5: Do you agree with the suggested policy approach towards cultural and community facilities, as set out in OS 2 'Cultural and community facilities' above? If not please suggest how it could be amended?

- 12.1 Horizon supports the inclusion and reference to the need to support proposals for new community facilities and cultural or local services that serve the local community. The Council should actively support planning applications that come forward to provide facilities that meet a demonstrated need.
- 12.2 One such facility is crematoria, for which there is a demonstrated need in the Hooton area. As set out earlier in these representations, Land off Hooton Road, Hooton is ideally situated to accommodate this need.

13. Issues and Options: Green Infrastructure, Biodiversity and Geodiversity

Question GI 3: Should new Local Plan policy go above the 10% mandatory biodiversity net gain set nationally?

- 13.1 The Local Plan should not seek to exceed the 10% mandatory biodiversity net gain requirement set out nationally. The 10% threshold, as introduced by the Environment Act 2021 represents a balanced and evidence-based standard that has been subject to national consultation, viability testing, and wide stakeholder engagement. Requiring a higher percentage locally could risk undermining development viability and introduce delivery challenges.

14. Issues and Options: Design and Sustainable Construction

Question DS 2: If the Council produces a borough-wide Design Code, should this form part of the new Local Plan?

- 14.1 A borough-wide Design Code should not form part of the new Local Plan. While high-quality design is critical to sustainable development, a single, overarching Design Code applied across the entire borough risks being too generic or inflexible, to the wide variation in local character across Cheshire West and Chester. Instead, the Local Plan should reference the role of design codes as supplementary guidance, allowing them to evolve over time without requiring formal plan review.

Appendix I

Site Location Plan

Appendix II

Officer's Report (Application ref: 21/03663/FUL)

Cheshire West and Chester Council

Planning Committee – 07.03.23

Application Number: 21/03663/FUL

Description of development: Erection of a crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure.

Site address: Land at Hooton Road, Hooton, Ellesmere Port

Applicant: Mr. Jeremy Hamilton – Horizon Ceremonies

Ward: Willaston and Thornton

Ward Members: Councillor Myles Hogg

Case Officer: Mr. Steven Holmes

Recommendation: Approval

Reason for being reported to Planning Committee: The application has been called in to the Planning Committee by Councillor Myles Hogg due to the proposal being considered inappropriate development within the Green Belt



1.0 Site Description

- 1.1 The application site comprises just over 4 hectares of an arable field in Hooton. It forms the western portion of the wider field which is located between Hooton Road to the south and the M53 motorway to the north. There are no buildings on the site. Two mature oak trees are in the south-west corner of the site and the southern site boundary is defined by mature hedgerow. A palisade fence is located along part of the western boundary. Directly beyond the western site boundary is a Local Wildlife Site (LWS) known as Hooton Woodland and Grassland and Oaklands Office Park. There is no direct access into the site from Hooton Road, but it can be accessed via the wider field from an access onto Hooton Road to the east.

2.0 Proposal

- 2.1 The application seeks planning permission for the erection of a crematorium building with associated memorial garden, access and car parking and service areas. The proposed building is predominantly single storey with a small first floor element and a footprint of approximately 600 square metres and would be located approximately halfway along the eastern site boundary. The proposal also includes areas of covered walkways and a fenced service area in the vicinity of the building. The car park, which would comprise 100 spaces, would be located to the south and south-west of the building. The remainder of the site would be laid to mixture of formal memorial gardens and memorial woodland. A vehicular and pedestrian access would be formed from Hooton Road with a separate pedestrian access provided to the woodland.

3.0 Relevant Planning History

- 3.1 None.

4.0 Relevant Planning Policy Documents

- 4.1 Cheshire West and Chester Local Plan Part One (LP1)
Cheshire West and Chester Local Plan Part Two (LP2)
National Planning Policy Framework (NPPF)

5.0 Summary of Consultation Responses and Recommendations

All consultation responses and representations received are available to view in full on the electronic case file via the Council's website.

- 5.1 External consultee responses:

Environment Agency – No objection subject to a condition which ensures flood resilience measures are implemented.

Natural England – No objection.

Health and Safety Executive – No objection.

Cheshire Wildlife Trust – No objection.

United Utilities – No objection subject to a condition securing a detailed drainage strategy and management plan.

Wirral Metropolitan Borough Council – No response received.

Hooton District Residents Association – Object to the application on the grounds that there is a lack of a clearly identified need, harm to openness and visual amenity and harm to the health and well-being of local residents.

5.2 Internal consultee responses:

Biodiversity Officer – No objection subject to conditions securing details of a construction environmental management plan, a tree and woodland protection plan, a scheme of bat, bird and barn owl boxes, a lighting scheme and a habitat management plan as well as conditions ensuring best practice measures in respect of various species are implemented and hedgerow removal is carried out under ecological supervision.

Environmental Protection Officer – No objection subject to conditions securing a dust management scheme and electric vehicle charging infrastructure, and a condition which requires further assessment should unexpected contamination be encountered during development.

Highways Officer – The application is supported by a Transport Assessment which sets out that the predicted traffic levels associated with the development can be safely accommodated within the existing highway network. The assessment is considered to be robust. No objection subject to conditions securing details of site access design, highway works and conditions requiring implementation of the car/cycle parking and electrical vehicle charging points.

Landscape Officer – No objection subject to conditions securing details of hard and soft landscaping (including planting), boundary treatments (to include for native hedgerows), lighting, public access and a landscaping maintenance and management plan (minimum 20 years)

Lead Local Flood Authority (LLFA) – No objection subject to a condition securing a detailed drainage strategy and management plan.

5.3 Representations (e.g. in response to neighbour notification/advertisement):

A number of representations have been received, and the issues raised are summarised as follows:

Representations objecting to the proposal:

- The proposed development would harm the Green Belt.
- The proposed development would have an adverse impact upon local biodiversity.
- The proposed development would spoil the appearance of the countryside and would have a harmful impact upon landscape character and visual amenity.

- There is no need for the proposed crematoria as there is capacity in existing crematoria nearby.
- There is no need for the memorial garden as there are nearby facilities and most people will be taking ashes off-site.
- There are suitable 'brownfield' sites nearby which could accommodate this development.
- An earlier application for a crematorium on land nearby was refused planning permission on appeal.
- The proposed development will increase traffic on the highway and exasperate existing issues on Hooton Road in respect of volume of vehicles, disruption caused by funeral corteges and highway safety.
- The pedestrian links to the site are inadequate.
- The additional traffic will generate harmful levels of noise.
- The proposed development will increase flood risk.
- The proposed development will increase carbon emissions, will further climate change and is detrimental to the Climate Emergency declared by CWAC.
- The proposed development will be harmful to the health and mental well-being of local residents.
- The proposed development will have a detrimental impact upon air quality through operational emissions and vehicle movements.

An objection has been received from Hooton and District Residents Association (HADRA) which undertakes a detailed analysis of the applicants need case. (see paragraph xxx). The contents of the report are considered in some detail as part of the general assessment of need. The objection and the accompanying report is only briefly summarised here and a full copy of the report can be found via the weblink at the end of this report. The main points as listed in the executive summary are:

- The crematorium will cause substantial harm to the Green Belt and does not meet the test for 'very special circumstances' and undermines the purposes of the Green Belt.
- The applicant has overstated death rates and capacity within existing crematoria.
- There are no capacity issues within existing crematoria serving the proposed crematoriums catchment.
- No account has been made for changes in the funeral industry which will likely affect future demand and capacity.
- The catchment of the proposed crematorium overlaps existing crematoria catchments and does not provide access to families who do not already have access to a crematorium.
- The qualitative need for the catchment is low.

Objections have been raised on the grounds that the development would adversely affect private views and property value. These are not material considerations in the determination of a planning application and are not considered in this report.

Objections have also been received on the grounds that the development would set a precedent for further development in the vicinity. Any future application would, however, be determined having regard to its own merits.

6.0 Issues and Assessment

The Presumption in Favour of Sustainable Development

- 6.1 The starting point for decision making as set out in law is the adopted development plan for the area. This comprises the Cheshire West and Chester Local Plan Part One (Strategic Policies) adopted in 2015 and Part Two (Land Allocations and Details Policies) adopted in July 2019. The National Planning Policy Framework and Planning Practice Guidance are a material consideration in the determination of planning applications.
- 6.2 Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development and that development proposals that accord with an up-to-date development plan should be approved without delay, unless material considerations indicate otherwise.
- 6.3 It is necessary to consider the relevant issues and any material considerations before making a recommendation as to whether the proposal should be granted permission or refused.

Locational Strategy

- 6.4 The application site is located within the countryside. LP1 Policy STRAT9 states that the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements. It sets out types of development which will be permitted but the proposed development is not one of those type. The development does not have a functional need to be in the countryside and, as such, fails to accord with Policy STRAT9 in this regard.

It is noted that, while the development does not have a functional need for a countryside location, it is required to comply with the Cremation Act 1902. This stipulates, amongst other things, that crematoria can only be built where they would be at least 200 yards (183 metres) from any residence and 50 yards (46 metres) from any highway. In practice, this makes it difficult to build crematoria within many built-up areas and tends to lead to most being on the edge of settlements and within rural areas.

Whether Inappropriate Development in Green Belt

- 6.5 LP1 Policy STRAT9 also states that, in areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the NPPF.
- 6.6 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.7 Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.8 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions are stated but crematoria are not one of the listed exceptions.
- 6.9 Paragraph 150 of the NPPF sets out other forms of development which may also not be inappropriate in the Green Belt so long as they preserve openness and do not conflict with the purposes of including land within it. The proposed memorial gardens, if taken in isolation, would be capable of meeting this exception test. However, these are an integral part of the wider development and would be ancillary to the use of the crematorium. Accordingly, the proposed development does not fit into any of the stated exceptions.
- 6.10 The proposal therefore amounts to inappropriate development within the Green Belt. Therefore, planning permission should not be granted except in very special circumstances. Whether there are very special circumstances in this case is considered later in this report.

Other harm to Green Belt

- 6.11 NPPF Paragraph 138 provides that the Green Belt serves five purposes as follows.
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 6.12 The proposal would not cause harm in respect of purpose a) since the site is not adjacent to a large built-up area. For the same reasons, it would not cause harm in respect of purpose b). The proposal would lead to encroachment of development into the countryside and would cause some harm in respect of purpose c) as a result. The proposal would not cause harm in respect of purpose d). With regards purpose e), there is no evidence to suggest that the development could be delivered in the urban area (see paragraph 6.134) and, as such, there is not considered to be harm in this regard. In summary, the development would undermine one of the purposes of the Green Belt.
- 6.13 Openness is not defined in national or local planning policy but is often considered to be the absence of development. The Court of Appeal has ruled that openness has a spatial and visual component.
- 6.14 Spatially, the development would comprise the crematorium building, areas of car parking, a service yard, and an access road. Relatively speaking, the built form would comprise a small part of the site. The applicant calculates it to be around 10% of the site area although the figure is disputed in some of the objections received. Nonetheless, and regardless of the exact ratio, the built form of the development would have small impact upon the spatial openness of the site and the wider Green Belt.
- 6.15 The wider visual impacts are considered below but, for the purposes of Green Belt policy, there would be some loss of visual openness in localised views to the east

and immediate south of the site along Hooton Road. The impacts on visual openness are limited and localised. This notwithstanding, the development would encroach upon the Green Belt and the spatial and visual impacts on openness would generate harm.

- 6.16 For completeness, it is noted that the open land on the north side of the M53 motorway has been identified by Wirral Metropolitan Borough Council as a candidate for possible future Green Belt release to address housing need. It is not considered that significant weight can be attached to this when determining impacts upon the Green Belt while the land remains part of the Green Belt and the Wirral Metropolitan Borough Council Local Plan is at such an early stage of preparation. In any case, it is considered that there is no visual relationship between that land and the application site and accordingly any impacts arising from Green Belt release in the Wirral would, cumulatively speaking, likely be limited.

Impact upon Landscape Character and Visual Amenity

- 6.17 LP1 Policy ENV2 states that development should take full account of the characteristics of the development site, its relationship with its surroundings and, where appropriate, views into, over and out of the site. It also states that development should recognise, retain and incorporate features of landscape quality into the design.
- 6.18 The site is not subject to any landscape designations within either local or national planning policy. It is identified as Landscape Type LCT6 Enclosed Farmland within the CWAC Landscape Assessment (2016) and specifically within 'LCA6a Willaston'. LCA6a is described as being characterised by small fields enclosed by a strong network of hedgerows and having scattered woodland with some urban influences. The Landscape Assessment states sets out that the overall management strategy for this landscape should be to conserve the traditional historic field pattern of small to medium scale semi-regular fields bounded by hedgerows and trees and enhance woodland cover to reduce the influence of urban intrusions on the landscape.
- 6.19 The site is considered to be fairly characteristic of the Landscape Character Area (LCA), comprising an arable field of gently undulating topography. Notably though, the wider field of which the site is part is larger than is typical, and the hedgerow network is only intact along the boundary with Hooton Road. The site is generally enclosed in views from the surrounding area, but where topography allows for views above the hedgerow particularly along Hooton Road it is visible within the context of, and contributes to, the wider landscape. The environs of the site exhibit urban influences with scattered ribbon development along Hooton Road but the rurality of the landscape remains dominant. The areas of mature woodland adjacent and near to the site are also a significant feature of the landscape.
- 6.20 The proposal is to locate the building in the southern part of the site nearer to Hooton Road and close to the eastern site boundary. Its curtilage, which would comprise hard-surfaced areas to be used as external gathering areas and for servicing, would be relatively compact. Much of the land between Hooton Road and the south of the building would comprise the access drive and car park which, at its closest point, would be approximately 25 metres from Hooton Road.
- 6.21 The remainder of the site would be kept open with some alterations to topography. The application has been supported by a Landscape Plan which shows this to be a

mixture of formally laid out memorial gardens and more substantial areas of informally laid out woodland interspersed by areas of open meadow grassland. The car park would be contained within a hedgerow set within the site boundaries. The majority of the existing hedgerow on the southern Hooton Road boundary would be removed to provide sufficient visibility for the proposed access, but a replacement would be planted on new trajectory slightly behind the current hedgerows position. A wholly new hedgerow would be planted along the eastern boundary to separate the site from the wider field

- 6.22 The topographical modifications would not fundamentally alter the prevailing form of the site and would not harm landscape character. The development would result in the loss of part of an open arable field and the formation of a building, car park and the provision of substantial areas of garden/woodland. This would significantly alter the character of the site and make it more urbanised. This would generate some harm to landscape character through the encroachment of urban influences into the countryside.
- 6.23 Existing trees on the site would be retained and incorporated within the wider woodland area proposed. The effect of the tree planting would have the significant long-term effect on the landscape, but the impacts would be beneficial and would reinforce existing landscape character. The loss of the Hooton Road frontage hedgerow would be compensated by replacement and the introduction of the eastern hedgerow would also reinforce the landscape. The woodland planting would screen the existing palisade fence which runs along part of the western boundary and currently has some negative impacts on landscape character.
- 6.24 The introduction of a strong planted boundary along the eastern edge of the site would reinforce the existing pattern of landscape features. While the severance of the site from the existing field would lead to the formation of two smaller plots, the existing field is relatively large. The LCA is defined in part by small to medium sized plots of land and the partitioned fields would be in keeping with this prevailing landscape character.
- 6.25 Views of the site are highly localised and largely limited to those from the east along Hooton Road where in places the road rises high enough above the wider field to allow views across it. There are also more distant views of the site from the upper floors of dwellings at Hooton Way and Vernon Avenue. The site is screened from the west, north and south due to the enclosed character of the landscape, by areas of mature woodland, or by a mixture of these. There are public rights of way crossing the fields to the west, but the site is not visible from here. The proposal would introduce a footpath through the site which will also create new views.
- 6.26 The building will be visible from the east in glimpses from Hooton Road prior to the maturation of the proposed landscaping, as well as from the residential properties. These views would not be consistently available given the relative level of the road and the generally enclosed nature of the landscape. Views of the building would, therefore, be highly localised and experienced against the backdrop of the existing woodland to the west. As such, given its scale and design, the building would not be a prominent landscape feature where it was visible. This notwithstanding, where it was visible, there would be some limited harm to landscape character in the years immediately following the implementation of the development and before planting matured.

- 6.27 Maturation of the proposed planting would lead to the building being largely screened in views from the east within 5-10 years. At this point, the impacts on the landscape would be negligible and comparable with the impacts of the Oaklands office park to the west of the application site. The wider site would appear as an extension to this established area of woodland, would enhance the existing pattern of tree cover and would represent a rational extension of an existing landscape feature. The overall impact on landscape character would not be significantly adverse.
- 6.28 Concerns have been raised that the development would specifically harm the setting of the Oaklands office park. For the reasons set out above, it is considered that the impact of the development on visual amenity from Oaklands would be negligible.
- 6.29 As set out above, the building would be largely screened from view, but in any event its form and appearance are considered to be acceptable having regard to its setting and surroundings. The proposed materials are also considered to be acceptable and details of these can be secured by way of condition should planning permission be granted.
- 6.30 Overall, it is not considered that the development would not have a significant adverse impact upon landscape character or visual amenity and would accord with Policy ENV2.

Impact upon Best and Most Versatile Agricultural Land

- 6.31 LP1 Policy STRAT1 states that development proposals should, amongst other things, minimise loss of high-grade agricultural land.
- 6.32 The Agricultural Land Classification designates the site as having grade 2 quality agricultural land on a scale of 1-5 (with grade 1 being highest quality). This amounts to high quality agricultural land.
- 6.33 The site forms part of a wider field which is currently used for arable farming. The proposed development would result in the loss of the land for agricultural purposes and there would be some harm arising from this. However, given the scale of the loss and the contribution that the site makes to the overall supply of agricultural land, although there is some conflict with Policy STRAT1, it is considered that the harm would be limited.

Impact upon Biodiversity

- 6.34 LP1 Policy ENV4 provides that development should not result in any net loss of natural assets and should seek to provide net gains. Amongst other things, LP2 Policy DM44 echoes this requirement and provides detailed guidance on the scope and nature of information that should be submitted to support planning applications.
- 6.35 The application site is largely formed of intensively farmed open field but also contains some woodland edges and hedgerows and is bounded to its west by Dibbinsdale Brook. The proposal involves the formation of woodland, hedgerows, grassland and waterbodies.

- 6.36 The application has been supported by ecological assessments. These have been reviewed by the Biodiversity Officer who considers their methodologies and conclusions therein to be robust.
- 6.37 The Mersey Estuary RAMSAR, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) is located approximately 2.4km from the site. The proposal is unlikely to have a significant effect on the Mersey Estuary SPA/RAMSAR and unlikely to have a significant adverse impact on the Mersey Estuary SSSI, either alone, or in combination with other projects. An Assessment of Likely Effect has been carried out by the Biodiversity Officer recording the decision of the Local Planning Authority in this regard.
- 6.38 The Dibbinsdale SSSI is located approximately 2.8km north of the site and directly linked by the brook. It is considered that the development proposals will enhance water quality in the brook through the cessation of existing agricultural uses. Given the distance between the site and the SSSI, no significant impacts to the SSSI are predicted as a result of the proposed development.
- 6.39 The site currently makes a very limited contribution to the adjacent Hooton Woods and Grassland Local Wildlife Site. By providing an extension to the established deciduous woodland habitat it contains, the development proposals would enhance the LWS.
- 6.40 The site is located within a Core Area of the CWAC Ecological Network and, as such, development would be expected to enhance habitat quality. The development proposals would extend woodland coverage and link together existing pockets of woodland thus serving the purposes of the Ecological Network Core Area.
- 6.41 The proposal would result in the loss of most of the existing southern boundary hedgerow, but this would be replaced in a similar position and, overall, hedgerow provision would be substantially increased as a result of the proposed development.
- 6.42 In terms of protected species, the two trees in the south-western corner of the site are considered to have high roosting potential. The application proposes that these would be retained within the wider landscaping strategy and tree protection can be secured by way of planning condition. Foraging opportunities and commuting routes would not be adversely affected by the development subject to conditions in respect of lighting, and the proposed woodland planting forming part of the landscaping of the site would significantly enhance habitats. A scheme of bat boxes can be secured by planning condition. Overall, it is considered reasonably unlikely that bats would be affected by the development.
- 6.43 In terms of Great-crested newts (GCN) two waterbodies are located within 250 metres of the site. One was surveyed and GCN were found to be absent. The second was not surveyed but is separated from the application site by a combination of natural and human-made barriers. The lack of connectivity coupled with its intensive agricultural use means that the application site is unlikely to provide habitat for any newts which may present in the non-surveyed pond. The proposed habitat creation forming part of the development proposals would significantly enhance GCN habitat in the wider area. An offence is therefore unlikely under Regulation 43(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) and a licence is unlikely to be required under Regulation 55 of the same. A condition requiring

implementation of precautionary measures is recommended should planning permission be granted.

- 6.44 The site is considered to have low suitability for otters and surveys did not record any evidence of their presence. The installation of an outfall into the brook would not have any significant impact upon the brook in respect of either the discharge or the physical alterations. The woodland planting and the removal of the arable use of the land will both likely improve the quality of otter habitat. An offence is therefore unlikely under Regulation 43(1) of the Conservation of Habitats and Species Regulations 2017 (as amended) and a licence is unlikely to be required under Regulation 55 of the same. Conditions requiring implementation of precautionary measures in respect of the outfall installation and the removal of bankside vegetation are recommended should planning permission be granted.
- 6.45 Similarly, the site is not considered to provide suitable habitat for water voles and no evidence of their presence was found following surveys. As per the above, woodland planting and the removal of the arable use of the land will both likely improve the quality of water vole habitat. It is considered reasonably unlikely that water voles would be present on site and affected by development though precautionary measures are recommended should planning permission be granted.
- 6.46 Common toads are known to be present in the area, but the proposed planting and waterbody creation would enhance habitat. Again, precautionary measures during construction can be secured by condition should planning permission be granted.
- 6.47 There was no evidence of badger presence noted in the surveys and the proposed development would not disrupt badger movement across the site. The connectivity provided by the additional woodland planting, and the waterbody and grassland creation, would enhance badger habitat. Again, precautionary measures during construction can be secured by condition should planning permission be granted.
- 6.48 The existing woodland edges adjacent to the site and the existing hedgerow provide suitable habitat for hedgehogs. The aforementioned planting, waterbody and grassland creation would again provide enhanced habitat for the species. Again, precautionary measures during construction can be secured by condition should planning permission be granted.
- 6.49 The removal of most of the frontage hedgerow would result in an initial loss of nesting habitat for birds but this would be compensated by the replacement and new hedgerow and tree planting forming part of the proposals. As such, nesting habitat will be significantly enhanced on the site. Barn owls have been recorded in the surrounding area and the existing woodland edges would provide suitable foraging habitat. The enhancement of this habitat type proposed on the site would provide greater opportunities for barn owl in the area. A condition requiring the installation of barn owl boxes is recommended should planning permission be granted.
- 6.50 Invasive species, specifically Himalayan balsam, were identified along the bank of the brook. Should planning permission be granted, it is recommended an invasive species management plan is secured by condition.
- 6.51 A Biodiversity metric calculation and biodiversity assessment has been carried out. This demonstrates that the proposal would result in a net gain in habitat of 71.73%.

A long-term habitat management plan can be secured by condition should planning permission be granted.

- 6.52 In summary, the proposed development would significantly enhance biodiversity on the site and would accord with Policies ENV4 and DM44.

Impact upon Health and Well-Being

- 6.53 LP1 Policy SOC5 states that development that gives rise to significant adverse impacts on health and quality of life, including residential amenity, will not be allowed.
- 6.54 The crematorium would be approximately 200 metres from the nearest dwelling and the proposal would not materially harm the light, outlook or privacy. Concerns have been raised regarding noise but having regard to the nature of the proposed use, the hours of operation and the separation distances involved, it is not considered there would be any significant adverse impacts to the living conditions of neighbouring occupiers in this regard. Given the nature of the use and distances involved, it is not considered that a noise impact assessment is necessary in this instance. The Environmental Protection Officer (EPO) has not raised any objections to the application on noise grounds.
- 6.55 LP2 Policy DM31 states that development must not give rise to significant adverse impacts on health and quality of life, from air pollution. An Air Quality Assessment (AQA) is required for all development proposals that have the potential for significant air quality impacts.
- 6.56 The application has been supported by an AQA which has been reviewed by the EPO. In terms of the operation of the crematorium, the AQA models predicted emissions from the proposed development utilising a suitably robust methodology. The modelling indicates that emissions will not be at inappropriate levels at the relevant receptors. It should be noted that crematoria cannot operate unless granted a permit by the Environment Agency. If granted, such a permit would specify limits for pollutants in the interests of protecting human health. Subject to a condition in respect of dust management during construction, the proposed development would accord with Policy DM31.
- 6.57 LP2 Policy DM32 states that where contamination is predicted or known the application should be supported by an appropriate contamination assessment. The application has been supported by a phase one assessment and this concludes that the risks to health are minimal. The EPO is satisfied that the assessment's methodology and conclusions are robust but has recommended that a standard condition is attached requiring the submission of further information should unexpected contamination be encountered. Subject to this, the proposed development would accord with Policy DM3.
- 6.58 LP2 Policy DM34 states that development in the vicinity of hazardous installations, including proposed new installations for which planning permission or hazardous substances consent has been given, will be supported providing it would not result in a significant increase in the number of people being subjected to threshold levels of risk. A hazardous underground pipeline crosses the site. The Health and Safety Executive (HSE) have been consulted and have not advised against granting planning permission. The applicant is aware of the pipeline and it is not considered

that the proposal would significantly increase risk. The proposal therefore accords with Policy DM34.

- 6.59 An objection has been raised that the development would cause harm to the health and well-being of the local residents by virtue of the perception (justified or otherwise) of its negative impact on the local community. It is noted that this can be a material consideration in the determination of planning application. It is not accepted that the use would have a particularly prominent impact on the surrounding area. The passing of funeral corteges is noted but given their timing and frequency, it is unlikely that these be a significant factor in day-to-day life. The site would ultimately be largely screened in the surrounding area and the day-to-day activities which take place there would not be readily apparent. As such, it is considered these impacts would have only a minor effect on the health and well-being of local residents and would not result in a significant adverse impact upon health and quality of life.

Impact upon Highway Network

- 6.60 LP1 Policy STRAT10 provides, amongst other things, that new development will be required to demonstrate that additional traffic can be accommodated safely and satisfactorily within the existing highway network; that satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use; that appropriate provision is made for access to public transport and other alternative means of transport to the car; and that measures have been incorporated to improve physical accessibility and remove barriers to mobility, especially for disabled and older people.
- 6.61 Policy STRAT10 continues by providing that, developments will be expected to provide adequate levels of car and cycle parking in accordance with the Council's parking standards, taking account of the accessibility of the development; the type, mixture and use of the development; the availability of and opportunities for public transport and local car ownership levels.
- 6.62 LP2 Policy T5 states that development will be supported which meets the requirements of Policy STRAT10 and which, amongst other things, make safe provision for access to and from the site for all users of the development; allow for safe movement within the site; will not create unacceptable impacts upon amenity or road safety; are designed to assist access to and around the site for pedestrians, cyclists and people with disabilities; provide sufficient car and cycle parking; and provide appropriate charging infrastructure for electric vehicles within the development.
- 6.63 The application has been supported by a Transport Assessment (TA) which has been reviewed by the Highways Officer and is considered to be robust.
- 6.64 The proposed development would generate vehicle movements to and from the site. Given the layout of the surrounding highway network, and the catchment area the crematorium would support, it is anticipated that most of these movements would be from the east via the A41. The nature of crematoria means that the majority of these movements would be outside of the morning and afternoon traffic peaks with services taking place between 10:00 and 16:00. Having regard to likely trip generation, it is considered that the number of trips generated can be accommodated within the highway without giving rise to significant or severe adverse effects. The slow-moving

nature funeral corteges is noted, but at a maximum of 5 per day outside of peak hours, these would have a very minor impact on highway capacity overall.

- 6.65 Construction traffic associated with the development would have some impacts upon the highway. These can be minimised by securing a construction management plan by way of condition should planning permission be granted.
- 6.66 Access to the site would be onto Hooton Road and subject to detailed design and compliance with relevant highway legislation, it is considered that this can be safely accommodated within the highway. Conditions securing visibility at the access are recommended should planning permission be granted.
- 6.67 The Parking Standards SPD does not set levels for crematoria. The level of car parking proposed exceeds the capacity of the facility but has been designed to cater for some overlap between funerals. The overall level of provision is considered to be suitable. A condition securing electric vehicle charging points and cycle parking provision is recommended should planning permission be granted.
- 6.68 Hooton Station, which provides regular services to major urban areas in the vicinity, is located within walking distance via a public footpath. Hooton Road is also served by limited bus services with bus stops within walking distance of the site.
- 6.69 Overall, it is considered that, subject to conditions, there is no conflict with Policies STRAT10 and T5.

Impact upon Flood Risk

- 6.70 LP1 Policy ENV1 provides that, amongst other things, development will be required to demonstrate, where necessary, through an appropriate site specific Flood Risk Assessment (FRA) at the planning application stage, that development proposals will not increase flood risk on site or elsewhere and should seek to reduce the risk of flooding. It also states that the drainage of new development shall be designed to reduce surface water run-off rates to include the implementation of Sustainable Drainage Systems (SuDS) unless it can be demonstrated that it is not technically feasible or viable. These requirements are restated by LP2 Policy DM40.
- 6.71 LP2 Policy DM41 states that proposals for major development will be required to incorporate Sustainable Drainage Systems (SuDS) and that, on greenfield sites, restrictions on surface water runoff from new development should be incorporated into the development at the planning stage and must mimic or improve upon greenfield rates.

The application has been supported by an FRA and an outline drainage strategy which has been reviewed by the Local Lead Flood Authority (LLFA) and the Environment Agency. No objections have been received from either body.

Objections have been received on the basis that the application has not been supported by a sequential test. Paragraph 162 of the NPPF states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source and for development to not be permitted there are reasonably available sites appropriate for the development in other locations which have lower risk of flooding.

- 6.73 A small part of the application site near to Dibbinsdale Brook is within Flood Zone 2/3 which denotes a higher risk of fluvial flooding. The vast majority of the site is within Flood Zone 1 denoting the lowest risk of fluvial flooding. The built form of the development would be located wholly within Flood Zone 1 demonstrating a strategic approach to the layout of the site. The building would incorporate flood resilience measures set out within the site specific FRA. Implementation of these measures, including those specifically cited in the EA response, can be secured by way of planning condition.

There is a high risk of surface water flooding across a narrow strip of the site between Dibbinsdale Brook and the site frontage. A small part of the car park and access drive would be within this strip. The outline drainage strategy proposes to attenuate surface water on site before discharging into Dibbinsdale Brook at greenfield runoff rates. A detailed scheme, including details of how the scheme would be managed and maintained, can be secured through a planning condition. The LLFA have no objections to the application on this basis.

The application has been supported by alternative sites search assessment included sites both inside and outside the settlement boundaries and reflective of the catchment area for the development type proposed. In doing so, criteria such as availability, Green Belt, planning constraints, setting, compliance with the 1902 Act, access, public transport, flood risk, ground conditions and utilities were considered. Each site has been disregarded with the reasons set out as to why the development cannot take place there and the reasoning therein is considered to be robust. The Council does not hold a register of suitable sites for the development proposed and has no evidence of appropriate alternatives. Having regard to the information provided by the applicant in the form and taking into consideration all other sites raised within objections, it is considered that there are no reasonably available sites at a lower risk of flooding than the proposed development. The sequential test is therefore passed.

- 6.75 Concerns have been raised in respect of previous surface water flooding within the highway on Hooton Road and the impact that the proposed development would have on this. It is not clear whether the surface water is as a result of either direct or indirect runoff from the application site. However, as set out above, the development would incorporate a drainage system which would discharge water into Dibbinsdale Brook. This matter can be controlled as a condition of planning permission. As such, it is not considered that the proposed development would significantly contribute towards surface water accumulation on Hooton Road.
- 6.76 Subject to the imposition of suitably worded conditions, the proposed development would comply with Policies ENV1, DM40 and DM41.

Sustainable Construction

- 6.77 LP2 Policy DM4 provides that development will be expected to achieve the highest levels of energy and water efficiency that is practical and viable, and to maximise opportunities to incorporate sustainable design features where feasible. Non-domestic buildings will be expected to achieve a BREEAM rating of 'Excellent', unless it can be demonstrated that this is not technically or financially viable.

- 6.78 The application has been supported by an BREEAM pre-assessment which has an initial target rating for the building of 'excellent'. An objection has been received stating that the BREEAM pre-assessment has not been conducted correctly. Specifically, the categorisation of the project as a 'place of worship' is not considered to be suitable. BREEAM does not have a crematorium category and the applicant used 'place of worship' as the building would be used in a similar way. While it is acknowledged that the pattern of use for a crematorium would differ to a place of worship, it is considered that the function of the buildings would be similar. The applicant's approach is considered to be reasonable in this regard. A condition can be imposed requiring that a final rating of 'excellent' is achieved should planning permission be granted.
- 6.79 The applicant has also completed a Sustainable Construction Checklist which sets out measures to maximise energy efficiency. The measures include the recycling of heat from the cremation process to heat the building; the use of passive design measures such as south facing offices; enhanced thermal insulation; and onsite retention of soil for use in landscaping.
- 6.80 Concerns have been raised that the proposed development will increase carbon emissions owing to the nature of cremation. Cremations are an established practice within the UK and are involved in around 80% of all funerals. Should planning permission be refused then it is likely that roughly the same number of cremations would still take place at existing facilities. The existing facilities are likely to be less energy efficient than the proposed facility. In view of this, it is not considered that the proposed development would make a significant contribution towards carbon emissions or climate change and may indeed provide benefits. Matters of air quality are considered in more detail at paragraphs 6.55 and 6.56.
- 6.81 Overall, it is considered that the proposed development accords with LP1 Policy DM4.

Need for Additional Crematoria

- 6.82 A significant part of the applicant's case relates to a purported need for an additional crematorium to serve the population in the surrounding area. In this instance the population in question reside in Cheshire West and Chester and on the Wirral. Need in this context has two components: quantitative need and qualitative need. The two are interrelated in that quantitative need can give rise to qualitative need. Where it has been demonstrated, an identified need for additional crematoria facilities has amounted to very special circumstances in past appeal decisions.
- 6.83 In determining the need case, data which has been gathered during the Covid-19 pandemic should be treated with caution given the impact that increased death rates will have potentially had on capacity. The analyses presented below tend to disregard data during this period as a result.

HADRA has submitted a comprehensive analysis of the applicant's assessment as well as providing their own assessment of need. This is referred to below in reference to the applicant's case.

i) Quantitative Need

- 6.84 The applicant has provided a report setting out the 'need' for an additional crematorium on the basis that existing crematoria serving the local population are operating above capacity. There is no prescribed methodology for assessing the capacity of crematoria in local or national planning policy. A body of appeal decisions has been established in the previous decade within which approaches to assessing capacity and 'need' have been considered. Inspectors have taken different views on the various methodologies, and there is variation in decision-making, but a number of common approaches have emerged. While the approaches adopted through appeals are not prescribed in planning policy, appeal decisions are material considerations in determining planning applications and, given the lack of planning policy guidance in the area of crematoria need, appeal decisions are important for assessing suitability of the need case presented here.
- 6.85 The capacity of a crematorium (i.e. the number of cremations which it can undertake in a set period) is determined by a variety of factors. One of these is the number of 'slots' which are available during a day when cremations can take place. The number of slots is largely a factor of the number of memorial services which can be carried out at a facility rather than the number of cremations which are carried out there and, as such, it is the number of chapels/memorial halls that are present at a facility, rather than the number of cremators, which is the determining factor in this regard.
- 6.86 Appeal Inspectors have tended to agree that a minimum slot length is needed to ensure that a suitable service to take place and that the minimum length of service should be 40-45 minutes. This is reflected in the 'Charter for the Bereaved' document produced by the Institute of Cemetery and Cremation Management. Some crematoria do, however, offer shorter services and this will then increase the number of slots a crematorium can provide.
- 6.87 The methodology used by the applicant distinguishes between the 'technical capacity' and the 'practical capacity' of a crematorium. Technical capacity represents the total of all the slots available across a set period. Practical capacity disregards slots at the start and end of the day on the basis that these slots are not normally considered suitable by mourners and funeral directors since they require funeral corteges to navigate rush hour traffic and, for the earlier slots, do not allow time for funeral directors to undertake the necessary preparations for the service. The slots in the middle of the day are referred to as 'core slots' and the number of 'core slots' across a set period equates to the practical capacity of a facility for that period. Inspectors have tended to use practical capacity as the appropriate measure for determining appeals.
- 6.88 A further consideration is the seasonality of deaths which leads to cremations not being evenly distributed across the year. To take account of this, assessments of capacity tend to focus on practical capacity within a peak month (this tends to be January). Utilising the peak month in this way identifies the availability of slots during the busiest periods.
- 6.89 Finally, the capacity of crematoria is affected by the number of 'direct' cremations. Direct cremations are those carried out without a service and thus are less influenced by the availability of core slots. Theoretically, a higher proportion of direct cremations would free up core slots for other cremations and thus would increase the practical capacity of a facility.

- 6.90 In order to establish the effect that a new crematorium would have on capacity, it is important to establish the catchment area of the proposed and existing facilities. Appeal decisions have tended to establish the catchment area of crematoria by way of a 30-minute drive-time at 2/3 of the normal speed (reflecting the speed of a funeral cortege) and disregarding faster roads and motorways, though a 45 minute catchment has also been considered appropriate in locations where longer drive times to use services are more typical (i.e. more rural locations). Using this methodology, the applicant determines that capacity at 4 crematoria in the vicinity, namely Blacon (operated by CWAC), Landican (operated by Wirral MBC), Flintshire (operated privately by Memoria) and Anfield (operated by Liverpool MBC) would potentially be affected by the proposed crematorium. The existing catchments at these facilities would either directly overlap with the proposed catchment or would potentially undergo rebalancing of cremations (e.g. if slots are freed up at Landican as a result of the catchment of Landican and the proposal overlapping, then this in turn can relieve pressure at Anfield since the catchments of Landican and Anfield also overlap).
- 6.91 A further element of need relates specifically to proximity. As set out above, it has been widely accepted in appeal decisions that the catchment area of a crematorium in largely urban is defined by a 30-minute drive-time distance based on the average speed of a funeral cortege. The catchment area of the proposed crematorium would wholly overlap the catchments of existing crematoria and, as such, there would be nobody living in the proposed catchment who does not already live within the catchment of an existing facility. As such, the proposed development does not address a proximity-based need in this regard. The applicant does, however, calculate that the number of people who would have the proposed facility as their closest crematorium would be 122,237.
- 6.92 The applicant's assessment of capacity for each of these facilities is shown in the table below. It should be noted that these figures were amended after detailed information was provided in respect of the number of burial services which take place at Blacon and the split between the use of the south and central chapels at Landican.

Summary	Averages 2015-2019			
	Anfield	Blacon	Flintshire	Landican
Annual cremations	1,987	1,958	960	1,843
Annual cremation minus directs	1,987	1,958	854	1,837
Annual burial services	0	32	0	0
Total services	1,987	1,990	854	1,837
Total slots available	2,980	2,772	2,016	2,772
Technical Capacity	67%	72%	42%	66%
Total core slots available	2,016	2,016	1,260	1,890
Practical Capacity	99%	99%	68%	97%
Average monthly core slots available	168	168	105	158
Average monthly services	166	166	71	153
Difference between peak and average month (See appendix one)	32%	27%	34%	33%
Calculated peak month services	219	211	95	203
Practical Capacity in peak month	130%	126%	90%	128%

- 6.93 The table indicates that practical capacity has effectively been reached, albeit not exceeded, at all of the facilities except Flintshire. It also shows that the practical peak capacity is exceeded at Blacon, Landican and Anfield. Flintshire is currently below practical capacity and peak practical capacity, but as the facility is more than a 30-minute drive time away from the majority of the catchments of the three crematoria operating over capacity, the assessment concludes that it will have a limited impact on reducing pressure at any of those facilities.
- 6.94 The applicant assesses the ability for the proposal to alleviate the demand for cremations at the existing facilities which are determined to be operating above peak practical capacity. They conclude that, given the significant degree of overlap between the catchment area of the proposal and the catchment area of both Landican and Blacon, the proposal would reduce demand at these facilities. Any benefits at Anfield as a result of rebalancing would be limited.
- 6.95 The application also sets out that the demand for cremations will increase significantly in the next 20 years. The basis for this is that death rates (i.e. the ratio of deaths in a population during a particular period of time) are forecast to climb in the next two decades. The applicant quotes figures from the Office for National Statistics (ONS) which show that the death rate is predicted to rise by 40.7% in CWAC and by 22.9% in Wirral by 2041.
- 6.96 The applicant has carried out an assessment of the likely impact that the predicted increase in death rates would have on capacity at the same existing facilities. This is set out in the table below. The assessment assumes a 10% increase in the proportion of direct cremations.

	Years			
	2026	2031	2036	2041
Anfield Crematorium				
Practical Capacity	94%	94%	94%	95%
Practical Capacity in peak month	125%	123%	123%	126%
Blacon Crematorium				
Practical Capacity	102%	108%	112%	115%
Practical Capacity in peak month	130%	140%	142%	146%
Landican Crematorium				
Practical Capacity	95%	97%	98%	99%
Practical Capacity in peak month	124%	128%	130%	131%

Table 6 Summary of Crematoria Capacity to 2041

- 6.97 The assessment indicates that by 2026 practical capacity and peak practical capacity will be exceeded at Blacon and that practical capacity in peak month will be exceeded at all other crematoria with overlapping catchments. Furthermore, capacity will be close to being exceeded at all crematoria.

ii) Qualitative Need

- 6.98 The applicant's case is that the failure to deliver sufficient crematoria capacity will lead to a drop in the quality of provision. A failure to provide a sufficient quality of crematoria provision amounts to a qualitative need for new facilities.
- 6.99 According to the applicant, one of the main factors is that waiting times for cremation services increase. There is no prescribed standard or guidance on what amounts to a 'reasonable' waiting time. The report cites an independent study which suggested that 95% of people would not expect to wait more than two weeks. The applicant analysed press notices to try and ascertain the average wait time at the existing crematoria. The findings are set out in the table below.

Crematorium	Month (Jan-Dec 2019)												Average Wait (days)
	J	F	M	A	M	J	J	A	S	O	N	D	
Anfield	17	15	16	15	14	15	15	15	17	14	16	17	16
Blacon	21	17	22	22	19	16	18	17	17	18	21	21	19
Flintshire	16	13	16	16	15	12	16	13	14	14	11	13	14
Landican	23	23	22	21	17	21	18	19	16	19	27	21	21

Table 29 Number of days average wait for a service in existing crematoria during 2019

- 6.100 Based on this data, the average wait time at Anfield, Blacon and Landican is above two weeks while the peak wait time at Blacon is over three weeks (22 days) and the peak wait time at Landican is nearly four weeks (27 days). The wait time at Flintshire averages 2 weeks (14 days) and peaks at slightly over two weeks (16 days).
- 6.101 Owing to the arrangements for funerals being complicated by various factors (family and funeral director availability being notable), some slots are more popular than others. The applicant states that a longer wait time for a preferred slot has the knock-on effect of pressuring service users into taking non-core slots. This then has detrimental impact upon the qualitative experience of family and other celebrants when using cremation facilities.
- 6.102 A minimum slot length is needed in order for a suitable service to take place and, as set out above, appeal decisions have tended to accept a reasonable slot length as 40-45 minutes. Presently, Anfield, Blacon and Landican operate 40-minute slots while Flintshire operate 1-hour slots. The applicant states that one of the ways in which crematoria operators may seek to address waiting times is to reduce service length times thus enabling more slots to be offered. Taking account of the 'reasonable' slot length, shorter slots would result in a poorer quality of service at these facilities.
- 6.103 The application considers other qualitative factors which are not linked to capacity. Namely, it looks at the suitability of the crematoria to carry out services to a high standard. Matters such as the quality of customer facilities (toilets, waiting rooms, adequate car parking), seating capacity and religious iconography (which may deter use by some residents) are all considered.
- 6.104 According to the applicant, Blacon is considered to be an example of high-quality modern facility that would adequately cater for the needs of most cremation services.

Flintshire is also considered to be of a high-standard although the lack of a waiting room is considered to be a negative factor. Anfield, while considered to be a beautiful setting, is considered to have strong embedded religious iconography which cannot be removed for services, and also falls short of industry standard car parking levels. It is also noted that there is no mercury abatement equipment installed on the building, which gives rise to contamination in the surrounding area. Landican is considered to be an outdated facility with no waiting rooms, no toilets, and no dedicated parking.

iii) Assessment of Applicants Need Case

- 6.105 The applicants case centres on the ability of existing facilities to accommodate the demand for cremations within their catchments and the impact that the proposed crematorium would have on this capacity. In summary, the applicant considers that existing facilities are unable to cater for the demand for cremations in a fashion which does not lead to a drop in quality of provision below an unreasonable level.
- 6.106 It has been noted by HADRA that the assessment fails to consider a number of other crematoria including Northwich (Vale Royal), Widnes and Wrexham. The catchments used by the applicant represent the area within which that crematorium would be the closest facility. There will, however, inevitably be some crossover between the identified catchments even if they do not technically overlap. It is to be expected that some people, for various reasons, will be cremated at locations which are not the closest to where they live. There is no way to accurately calculate the impacts this has on capacity. Appeal decisions have generally assumed that 80% of cremations take place at the facility closest to them and the applicant's assessment is based on a similar methodology. Moreover, the amount of crossover will likely largely balance out over time (i.e. a proportionate number of people will be cremated at facilities further away in each catchment), so it is unlikely that the capacity assessment is significantly skewed in this regard. Additionally, those facilities not assessed are established facilities which will likely be experiencing mature trading patterns. As such, any crossover between the existing facilities such as those in Northwich, Widnes and Wrexham would likely already be accounted for in the data.
- 6.107 Objections have been raised that the proposed development does not serve a catchment of 150,000 which is required to ensure that a crematorium is financially viable. The figure comes from a report undertaken by the Federation of Burial and Cremation Authorities (FBCA), but it is out of date. The FCBA updated their assessment in 2016 and, having regard to cremation numbers, death rates and income, now consider a catchment of 120,000 people to be sufficient. The proposals catchment would be in excess of this. It should also be noted that catchments are not fixed, and it is inevitable that the facility will draw some people from outside its catchment.
- 6.108 In terms of capacity, both Landican and Blacon were asked to review the applicants case, and both provided their own assessments of capacity. The data below has been provided by CWAC Lifetime Services in respect of cremations at Blacon.

	2015			2016			2017			2018			2019		
	Total no of cremations booked	10 daily/50 weekly	% taken	Total no of cremations booked	10 daily/50 weekly	% taken	Total no of cremations booked	10 daily/50 weekly	% taken	Total no of cremations booked	10 daily/50 weekly	% taken	Total no of cremations booked	10 daily/50 weekly	% taken
January	179	210	85%	137	150	91%	188	210	90%	197	220	90%	160	220	73%
February	180	200	90%	195	210	93%	176	200	88%	182	200	91%	153	200	77%
March	191	220	87%	179	200	90%	199	230	87%	197	210	94%	138	160	86%
April	174	200	87%	198	210	94%	152	180	84%	173	190	91%	168	200	84%
May	157	180	87%	192	200	96%	166	210	79%	187	210	89%	159	210	76%
June	181	220	82%	175	205	85%	190	220	86%	163	210	78%	125	200	63%
July	159	170	94%	149	205	73%	151	210	72%	153	220	70%	152	230	66%
August	142	175	81%	156	205	76%	146	220	66%	141	210	67%	143	210	68%
September	159	220	72%	150	220	68%	126	200	63%	130	190	68%	152	210	72%
October	167	220	76%	162	205	79%	168	220	76%	159	195	82%	165	230	72%
November	161	210	77%	167	215	78%	165	220	75%	157	190	83%	153	210	73%
December	169	210	80%	167	190	88%	147	190	77%	142	190	75%	137	175	78%
	2,019	2,435		2,027	2,415		1,974	2,510		1,981	2,435		1,805	2,455	
No cremations remaining available / not taken	416			388			536			454			650		
Average taken	83%			84%			79%			81%			74%		
Available capacity	17%			16%			21%			19%			26%		

The table essentially represents the technical capacity of the crematorium with no separate data provided for core and non-core slots to enable an assessment of average or peak practical capacity. The average technical capacity across the period was 80%. In this regard, the data broadly correlates with that provided by the applicant who stated that for the same period the facility was operating at 77% of capacity.

6.109 The data below been provided by Wirral MBC in respect of capacity at Landican.

Landican Creatorium	Year						Future
	2015	2016	2017	2018	2019	Average	
Annual Cremations	3190	3229	3041	3256	3158	3176	3176
Annual cremations minus non-core %	2807	2842	2676	2865	2779	2794	2794
Annual cremations minus directs	3190	3229	3041	3256	3108	3165	3049
Total slots Available	4554	4554	4536	4554	4554	4550	4550
Technical Capacity	70%	71%	67%	71%	68%	70%	70%
Total Core slots Available	3036	3036	3024	3036	3036	3034	3034
Practical Capacity on core time slots	92%	94%	88%	94%	92%	92%	
Practical Capacity on core times less directs							88%

Direct	Non-core	Core
4%	12%	84%

It can be seen from this that the application slightly underestimates technical capacity at 66% compared with 70% and overestimates practical capacity at 97% compared with 92%. No data is provided by Landican in respect of peak practical capacity.

6.110 It is noted that an assessment of practical capacity (as opposed to technical capacity) is a feature of appeal decisions elsewhere. This notwithstanding, Blacon has provided data which shows that in 2019 approximately 9% of funerals conducted were in non-core slots. Similarly, Landican have suggested that 12% of cremations were in non-core slots (the period over which this data was taken has not been clarified). The data

provided broadly supports the applicants position that the take-up of core slots is greater than the take-up of non-core slots. However, the take-up of non-core slots still represents a significant proportion of the total number of cremations taking place. While appeal decisions strongly suggest that an analysis of need should be based upon the practical capacity (thus discounting non-core slots), it does not follow that weight cannot be afforded to the availability of non-core slots when considering the overall balance of impacts of the proposed development.

HADRA have suggested that the definition of a core slot should be expanded to include those which begin from 10:00. This would have the effect of increasing capacity. It is noted that Blacon already defines core slots as those starting after 10:30. Landican include slots which begin from 10:00, but the effect this has on practical capacity is already set out in the table above. Given, that many of the recent appeal decisions refer to this time as well, it is considered that only treating slots after 10:30 as core is a reasonable position to adopt.

- 6.111 While the principle of utilising practical capacity as a measure of establishing quantitative need is well-established, reliance on the practical capacity figure for a peak month as the key indicator of need is not as well-established, with some Inspectors placing more emphasis on average capacity. Establishing need on the basis that capacity is exceeded for only part of the year could lead to more capacity than is required being available for the remainder of the year. Such an approach could be construed as an inefficient use of existing capacity. The fact that non-core slots can reduce pressure on crematoria during times of higher demand must also be considered.
- 6.112 In this regard, the application acknowledges that none of the crematoria assessed are currently exceeding average practical capacity, albeit both Landican and Blacon are very close to doing so and are effectively 'at capacity'. It is not unfeasible given the figures provided by Landican and Blacon that non-core slots could address at least some of the capacity issues during those times in the year when peak demand results in practical capacity being exceeded.
- 6.113 In these instances, it is likely that at least some of those using non-core slots would be doing so as a second preference. A lack of first preference slots would amount to a qualitative need and the needs of the bereaved are given significant weight in the determination of appeals (qualitative need is assessed in greater detail below). This notwithstanding, it is not entirely convincing that all of those taking non-core slots do so only because there are no core slots available, and no evidence has been provided that supports this position. On the contrary, there is some evidence that, at Blacon, non-core slots are sometimes taken where core slots are available. This indicates that take-up of non-core slots is not driven solely by a lack of availability of core slots and suggests that the take-up of core slots is not necessarily indicative of qualitative issues.
- 6.114 The applicant underestimates the total number of direct cremations being carried out at both Landican and Blacon. Direct cremations have only been offered at Blacon since 2019 and up to 2021 had accounted for 1.6% of the total number of cremations undertaken during that period (no data has been provided for the year 2022). The applicant's assessment works on the basis that no direct cremations were undertaken. Landican has offered direct cremations since 2018 and these accounted for 4% of the total cremations undertaken in 2021 and 5% undertaken in 2022, while

the applicant's assessment uses a figure of 2%. This discrepancy has the effect of skewing the data towards showing the facilities as having less capacity.

HADRA state that direct cremations nationally account for 11% of all cremations, although the report cited actually has a figure of 10%. This does not, as set out above, reflect the figures provided by Landican or Blacon. A national figure of 18% is also cited by HADRA but this is based on polling of those involved in funerals rather than on data provided by crematoria and as such is considered to be unreliable and, again, is not supported by the data available from local crematoria.

- 6.115 The need assessment uses a figure of 11% direct cremations at Flintshire. Direct cremations have been offered since the facility opened in 2018 and have accounted for an average of 23% of all cremations undertaken at the facility during that period up to September 2021. The significantly higher proportion of direct cremations taking place at Flintshire is likely due to the operators having an established business promoting direct cremations to the public and because it accepts direct cremations from other parts of the country. This would clearly result in a higher number of direct cremations taking place. Flintshire certainly appears as an outlier in this regard, and the high proportion of direct cremations which take place there is not indicative of the current situation at either Landican or Blacon.
- 6.116 In terms of future need, there is little doubt that the forecasted increase in the death rate will significantly increase the pressure on existing crematoria. Although HADRA have queried these, the figures have been obtained from the ONS and there is no reason to doubt their accuracy. The report uses the predicted CWAC and Wirral death rates as a whole which would not accurately reflect death rates in the less geographically extensive area of the catchments. However, they remain a reasonable indicator and even a smaller rise in the death rate, which is suggested by the HADRA submission, would likely have significant impacts upon capacity at existing facilities. This assumes that the demand for cremations (as opposed to burials) will remain at current levels. There is no evidence of a future decrease and so any significant increase in deaths would likely lead to an increase in demand for cremations.
- 6.117 An increased proportion of direct cremations would have the effect of reducing demand for core slot times. The limited data available suggests that demand for them is increasing at existing facilities, but it only covers the past 2-5 years. This has largely coincided with the pandemic period during which attendance at cremation services was being severely restricted. Data from Landican shows that demand has though risen slightly since this point (from 4% to 5%), so, while it would be reasonable to expect that the pandemic may have increased the demand for direct cremations, it also reasonable to assume their popularity may continue increasing to a degree. There is, though, no data to support a conclusion that demand for direct cremations will increase to the extent that they can be relied upon to significantly reduce the demand for core slots at existing crematoria. Suggestions by HADRA that more publicity for direct cremations will result in increased uptake that cost of living will be an ongoing factor in increasing demand are noted as are the various responses from funeral operators to this matter, but this amounts only to speculation. There is no evidence available to suggest this will likely be the case and most of the responses cited only refer to a changing market which gives rise to uncertainty. As such, an increase of 10% in direct cremations, the figure used in the needs assessment and amounting to double the current level of provision, is considered to be a robust approach considering the current trends which can be observed.

6.118 HADRA also refer to the likely increase the uptake of what are termed ‘simple’ cremations. The need assessment states that this is not an industry-accepted term but reflects the options provided by some operators to have a service outside core hours at a reduced cost (distinct from direct cremations in that a memorial service is still included). A higher uptake of slots outside of core hours would have the effect of increasing practical capacity. It is noted that the cost of a service at Landican is already lower earlier in the day (i.e. outside core hours) and therefore existing demand is already accounted for in the capacity figures. There is little other than anecdotal evidence to suggest that there is a trend towards more services (as opposed to direct cremations) taking place outside of core hours and even less to suggest that the trend would be significant in respect the capacity of local crematoria. The need assessment contests HADRA’s argument that the socio-economic profile the catchment of the proposed crematorium, which includes a disproportionate number of lower income households, would increase the number of low-cost (direct and simple) cremations as a proportion of the total on the basis that, in the applicant’s experience, it tends to be higher income households which are more likely to opt for these services. There is no substantive evidence to support either of the opposing positions and both likely are correct to some degree.

6.119 The applicant’s approach to predicting future demand is, therefore considered to be reasonably robust despite the concerns raised by HADRA. The predicted effect on capacity at the existing facilities, which adopts the approach laid out in respect of death rates and direct cremations described above, is set out below.

	Years			
	2026	2031	2036	2041
Anfield Crematorium				
Practical Capacity	94%	94%	94%	95%
Practical Capacity in peak month	125%	123%	123%	126%
Blacon Crematorium				
Practical Capacity	102%	108%	112%	115%
Practical Capacity in peak month	130%	140%	142%	146%
Landican Crematorium				
Practical Capacity	95%	97%	98%	99%
Practical Capacity in peak month	124%	128%	130%	131%

6.120 The figures show that capacity at all the local facilities would be significantly exceeded during the next 15-20 years. Changing the approach to death rates, incorporating additional practical capacity by redefining the nature of core slots and increasing the likely number of direct cremations as a proportion of total cremations carried out would result in different outcomes. This is demonstrated through HADRAs assessment, which takes a different approach to the methodology in various respects (including those cited above). However, for the reasons set out elsewhere in this report, the figures presented by the applicant are considered to be reasonable and it can be concluded that there would be a significant decrease in the capacity of existing facilities in the next decades.

- 6.121 Capacity (in terms of demand for core slots) could be increased at existing facilities by reducing service times. A reduction in service length from 40 minutes to 30 minutes would lead to an increase in the number of slots at both Landican and Blacon. This could cater for a significant proportion of the likely increase in demand for cremations which would likely occur as a result of increased death rates. It would, however, result in an appreciable reduction in the quality of cremations being offered.
- 6.122 There is space, theoretically speaking, to extend the existing chapel at Blacon to provide additional capacity and cater for increased demand. There are no plans to do this at present and there is no guarantee that this would be possible in practice. There doesn't appear to be any space to extend the chapels at Landican given the constrained nature of its setting. There is, though, an opportunity to utilise 'spare capacity' in the north chapel which currently only undertakes 2% of all cremations taking place. It is not clear how much of an effect this would have on capacity.
- 6.123 Both Landican and Blacon have cited the potential to offer Saturday funerals should there be a requirement to do so. In this event, and assuming that the same number of slots could be offered during a Saturday as they are during a weekday, the number of slots could be increased by approximately 15%. Neither crematorium does so presently since it is not currently deemed to be necessary. Providing additional slots on a Saturday would clearly increase capacity though there is some doubt as to whether in practice these slots would be utilised. Even if Saturday funerals prove suitable for families, it would require a significant change in working practices for funeral directors to provide services during weekends. It is not clear, therefore, whether this is a realistic prospect and how much additional capacity could actually be generated.
- 6.124 The proposed development would not meet a need arising from residents within its catchment currently being more than 30 minutes away from an existing crematoria i.e. all of the residents within the catchment can access crematoria at either Landican or Blacon within a 30 minute drive-time. This does not, however, diminish the impact of any need arising from a lack of capacity at these facilities.
- 6.125 Turning to qualitative need, both Landican and Blacon have provided some data on waiting times. The below table is the data provided by Blacon. It shows only average waiting/lead-in times and is broadly in line with the data provided by the applicant.

Year	Average lead in time (days)
2016/17	19
2017/18	20
2018/19	20
2019/20	19
2020/21	19

- 6.126 Landican have not provided this level of detail but have confirmed the average waiting time for period 1 September 2020 to 31 December 2021 was also 19 days. As this covers the period of the pandemic, this information needs to be treated with some caution.

- 6.127 As suggested already, the correlation between crematoria capacity and waiting times is not direct. There are a number of other factors which influence the length of time between date of death and date of cremation. The first part of this period is taken up by statutory requirements associated with the issuing of death certification and authorisation to cremate. Funeral director availability is then a significant factor. This is in terms of the general availability of businesses in the market but also in terms of how the day-to-day operations of a funeral director functions. For example, generally, a funeral director would not feasibly be able to conduct two funerals in different locations in a short space of time. This means that the availability of funeral directors has a significant bearing on when a funeral can take place. A final significant factor is the availability of family and other celebrants. It is often the case that funeral attendees live a long distance from the funeral location and allowing a longer time between the date of death and the funeral service will tend to enable attendance for those who do live further afield.
- 6.128 It therefore follows that the average wait times for cremations set out in the report are not solely the consequence of the availability of slots (i.e. capacity). Furthermore, where facilities are shown to be operating above capacity, it would not necessarily be the case that providing more slots would reduce waiting times. Given the myriad of factors at play, it is not possible to establish how much of a bearing increasing capacity would have on waiting times. This notwithstanding, it is a reasonable assumption that there is some degree of influence and that where all other considerations are equal, the effect of fewer slots being available would be to increase waiting times.
- 6.129 As set out above, there are opportunities to decrease service length to provide further capacity, but this would have impacts upon quality of service which would in themselves amount to a need.
- 6.130 The proposed facilities would clearly enhance consumer choice in the catchment and the quality of the facilities proposed is not disputed. The qualitative issues identified at Landican in particular are also noted. It should also be noted that any increase in the number of cremations taking place at Landican in particular is likely to exacerbate the issues noted here, and result in a decline in quality for users.

iv) *Conclusion on Need Case*

- 6.131 In summary, and according to the applicant's own figures, average practical capacity has not been exceeded. Overall, then, an absolute current quantitative need for the proposed development is only demonstrable in respect of the *peak* practical capacity i.e., for part of the year only. However, the spare capacity is, according to the data, very limited. Non-core slots would provide additional capacity during this period in practice but these are considered to be poorer quality. It is evident that there is a need for additional capacity during part of the year and that the lack of capacity during this period reduces the quality of service.
- 6.132 There is likely to be a future need for additional crematoria capacity. The predicted increase in death rates will likely significantly increase the pressure on existing facilities. Other measures of reducing capacity may be available. Some, such as increased numbers of direct cremations and Saturday services, are wholly or in part out of the control of the operators. As such, it cannot be confidently stated that they

would provide additional capacity. Others, such as reduced service times, would lead to a qualitative need.

- 6.133 A number of objections have been received which state that the proposed crematorium would not address a specific geographical gap in provision for cremations. This is also one of HADRA's central objections to the proposal. This is not disputed by the applicant. However, the overall case for need, which is based on capacity of existing facilities and their ability to accommodate future demand whilst also maintaining a reasonable level of service is not dependent on this factor.
- 6.134 Reference has been made in a number of objections to the decision of the then Secretary of State in 2008 to agree with an Inspector's recommendation to refuse planning permission for the erection of a crematorium on land less than 1km southwest of the application site on Waterworks Lane (Planning application reference P/2006/101/WT/412). The Inspector concluded that a need for an additional crematorium had not been established and that the two existing crematoria at Landican and Blacon could adequately cope with demand with measures which could be introduced during peaks. As such, and despite identifying qualitative benefits associated with increased capacity, the Inspector concluded the lack of a compelling quantitative need meant a case for very special circumstances could not be established.
- 6.135 The case for additional capacity will likely have shifted since 2008. Furthermore, the methodologies used to assess need have evolved during the same period. The Waterworks Lane appeal makes some reference to the distinction between 'technical capacity' and 'practical capacity' (though not in those terms) but there is no detailed analysis on this and none whatsoever of 'peak practical' capacity. Practical capacity and peak practical capacity are generally taken to be key indicators of need in more recent appeal decisions. With regard to the approach to determining 'need' and the suitability of various methodologies, more recent decisions, which tend towards a focus on practical and peak practical demand, are considered to carry more weight than the proximity of earlier appeal sites.
- 6.136 Of additional note, the Inspector was not convinced that there was compelling evidence for future demand and crucially only considered death rates to 2020, which were predicted to be largely static. On this matter, he commented as follows.

"While it seems likely that the ageing population will at some point lead to an upturn (in the death rate) there is no indication as to when or how significant this might be."

In contrast, it is considered that there is now convincing evidence that there will be a significant increase in the local death rate up to 2040. The considerations are materially different to those before the Inspector of the earlier proposal in this regard.

- 6.137 It is noted that Blacon crematorium was refurbished in 2014 following the Waterworks Lane decision. It does not necessarily follow that the works increased capacity since the facility still operates only a single chapel. Nor does it necessarily follow that any capacity that may have been created at that time has remained intact since. There is no substantial reason to dispute the capacity assessment made by the applicant in respect of Blacon, and this is largely corroborated by figures provided by the operators there. Similarly, it is noted that Landican has undergone refurbishment in recent years, but the works undertaken has not increased the capacity of the facility.

HADRA have highlighted that in the event that planning permission is granted and the development is carried out but the need for the crematorium does not exist, or should the operator become financially unviable, then this would result in a permanent harm to the Green Belt arising from a potentially disused (and unnecessary) development. However, on the basis that there is an existing and future need for the facility, as set out above, there is no reason to believe this would likely be the case.

- 6.133 The Cremation Act 1902 requires that crematoria are normally located at least 200 yards (approximately 183 metres) from the nearest residential property and at least 50 yards (approximately 46 metres) from any public highway. These constraints tend to push crematoria to or beyond the edge of urban areas. In the context of this part of Cheshire West and Wirral, land beyond settlements is almost always within the Green Belt.
- 6.134 There is no planning policy requirement for the developer to undertake a site assessment to determine whether more 'suitable' sites could be brought forward within the target area of the southern end of the Wirral peninsula (straddling CWAC and Wirral). The applicant's assessment included sites both inside and outside the settlement boundaries and included brownfield land within the vicinity of Ellesmere Port. The developer has, however, undertaken an assessment of site availability. In doing so, criteria such as availability, Green Belt, planning constraints, setting, compliance with the 1902 act, access, public transport, flood risk, ground conditions and utilities were considered. Ultimately, there is no evidence to suggest that alternative sites are available where the development could be delivered in a more acceptable way.

7.0 Conclusion

- 7.1 The proposed development also conflicts with the aims of Policy STRAT9 to direct development which does not require a countryside location to within defined settlements. The requirements of the 1902 Act are noted here though, and it is considered only limited weight should be given to this conflict given that limited scope for provision of crematoria within settlement boundaries.
- 7.2 The proposed development also conflicts with the aims of Policy STRAT9 to direct development which does not require a countryside location to within defined settlements. The requirements of the 1902 Act are noted here though, and it is considered only limited weight should be given to this conflict given that limited scope for provision of crematoria within settlement boundaries.
- 7.3 Paragraph 148 of the NPPF states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The proposed development represents inappropriate development in the Green Belt and would also result in some limited harm to spatial and visual aspects of openness. Substantial negative weight is therefore attributed to this in the overall planning balance. The loss of best and most versatile agricultural land is given limited weight given the scale of the impact.

- 7.4 Weighed against this are the significant social benefits associated with the provision of increased crematoria capacity to which substantial weight is afforded. Crematoria are necessary community facilities which provide substantial social benefits. It has been demonstrated that the current need for cremation facilities is not being wholly met and it is reasonably likely that demand for cremations will increase significantly in the coming years. The proposed development would make a significant contribution towards addressing existing and future need both quantitatively and qualitatively. The development would also deliver a high level of biodiversity net gain and would enhance water quality, which is also given significant positive weight.
- 7.5 Overall, it is considered that the benefits identified clearly outweigh the harm to the Green Belt and all other identified harm and that very special circumstances required to justify inappropriate development in the Green Belt have been demonstrated. The proposal would therefore accord with LP1 Policy STRAT9 and the NPPF in this regard.
- 7.6 There is not considered any significant harm in respect of highways, visual impact, flood risk or health and well-being subject to conditions be imposed.

8.0 Recommendation

8.1 PERMISSION is recommended subject to the following conditions.

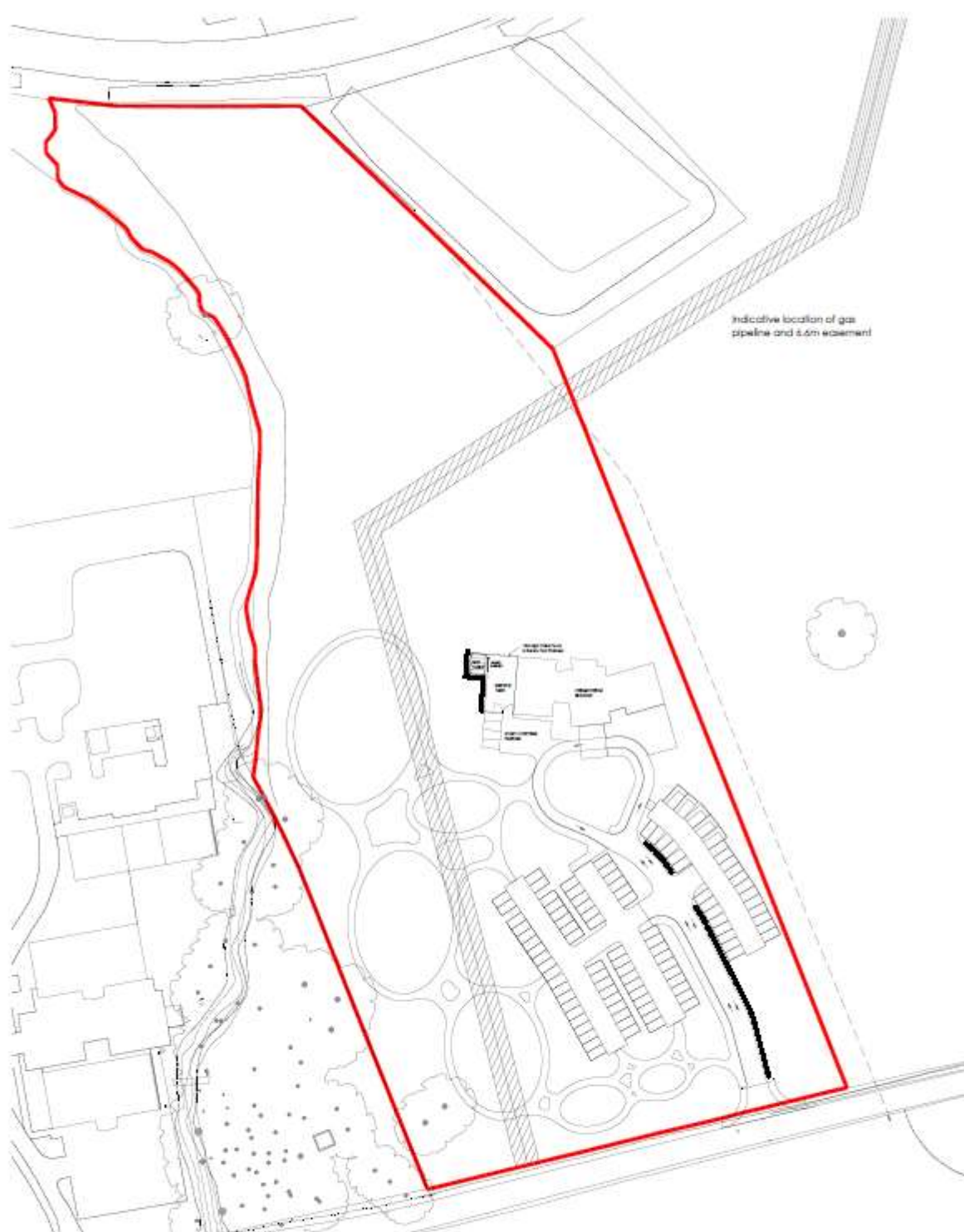
1. Development to commence within 3 years
2. Development to be carried out in accordance with approved drawings.
3. Submission for approval prior to commencement of development of Construction Management Plan (to include dust protection measures).
4. Submission for approval prior to commencement of development of tree/woodland protection plan.
5. Submission for approval prior to commencement of development of a habitat management plan.
6. Submission for approval prior to commencement of development of a landscape plan (to include a landscape management plan).
7. Submission for approval prior to commencement of development of a drainage strategy (to include a maintenance plan).
8. Submission for approval prior to commencement of development of a BREEAM report.
9. Submission for approval prior to commencement of development of a finished levels plan.
10. Submission for approval prior to construction of building of details of external materials.
11. Submission for approval prior to occupation of development of scheme of bird/bat/barn owl boxes.
12. Submission for approval prior to occupation of development of details of site access (including visibility splays).
13. Works in the highway to be carried out prior to occupation of development.
14. Submission for approval prior to occupation of development of details of boundary treatment.
15. Submission for approval prior to occupation of development of details of public access to woodland.

16. Submission for approval prior to occupation of development of a detailed sustainable travel plan.
17. Submission for approval prior to installation of a scheme of external lighting.
18. Development to be carried out in accordance with ecological best practice measures.
19. Electrical vehicle charging infrastructure to be made available prior to first occupation of development.
20. Car/cycle parking to be made available prior to first occupation of development.
21. Flood resilience measures set out in Flood Risk Assessment to be implemented in full.
22. Details of contaminated land remediation to be submitted in the event of unexpected contamination being found.
23. Funerals to be carried out only between the hours of 10:00-16:00 Monday to Friday.

Contact Officer: Steven Holmes

Background Documents:

<https://pa.cheshirewestandchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QYV8TKTEMJL00>



SITE PLAN AS PROPOSED LODG



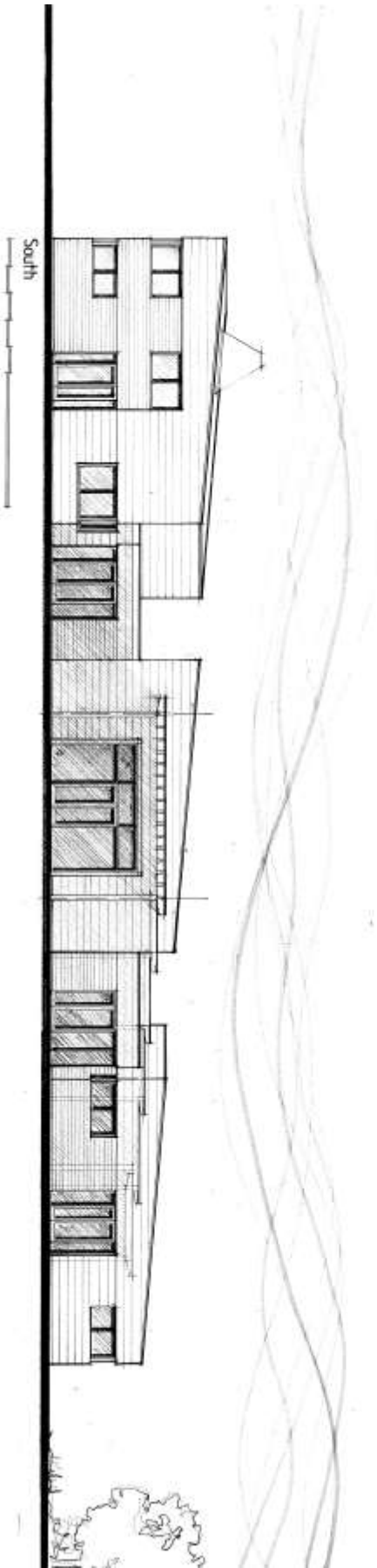
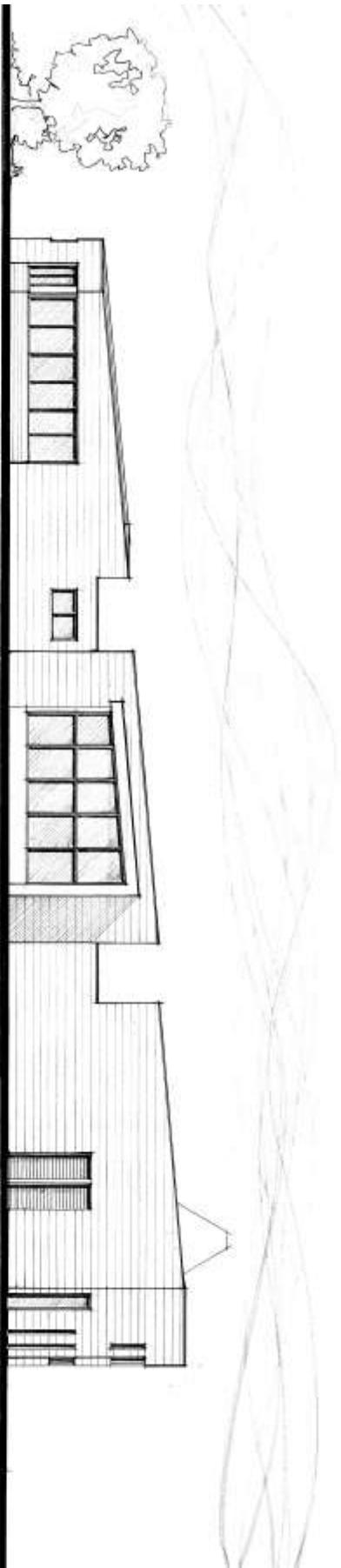
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 date: 2016 06 01 3 pages 1:100gpa colour print date: 16/06/16



LEGEND

	EXISTING VEGETATION
	PROPOSED DRAIN
	PROPOSED SED POND
	PROPOSED FOOTPATH
	PROPOSED WOODLAND PHASE 1
	PROPOSED WOODLAND PHASE 2
	PROPOSED WOODLAND PHASE 3
	PROPOSED BIG SPICAMIR TREE
	PROPOSED OAK TREE
	PROPOSED BIRCH TREE
	PROPOSED SMALL ORNAMENTAL TREE
	PROPOSED SMALL TREE
	PROPOSED HEDGE
	PROPOSED HORNA CIRCLE AND 25-30m AND 25m PLANTING
	PROPOSED SMALL PLANTING
	PROPOSED AMENITY GRAZE
	PROPOSED MEADOW GRAZE
	PROPOSED SCULPTURE AT FOCAL POINT
	PROPOSED LANDFORM
	FENCING BOUNDARY
	INFORMAL FOOTPATH

- NOTE**
- The Crematorium building with return road
 - 1a. External gathering space before entering Crematorium
 - 1b. Internal gathering space after leaving Crematorium
 - 2a. External gathering space after leaving Crematorium
 - 2b. External gathering space after leaving Crematorium
 - The Crematorium Gardens arranged using a central axis to a sculptural focal point to a woodland glade. No people are to walk in this area.
 - 2a. Crematorium Garden with benches for enhanced production.
 - The central SED pond as a feature to the principal building elevation and the centre of the crematorium system.
 - Two paths joined in a beech hedged compartment.
 - Memento gardens with areas of amenity grassland, shrubs, herbaceous plants and beds - a place for remembrance and the planting of mementos.
 - The entrance to the site & the entrance into the landscape and this is marked by a distinctive pattern of hedging and tree shrubs, herbaceous and bulb planting that frames a middle distance view of the building along and through a curving avenue of trees.
 - A meadow grassland glade with wildflowers.
 - The woodland avenue that contains and encloses the site. This is to be a buffer between woodland with a management plan to encourage the development of a woodland forest. Some informal paths are to be established through the woodland.
 - Part of the Memorial Woodland comprising a planned programme of tree-planting woodland planting and individual memorial trees planted on each of remembrance planted walls within through the woodland. Areas not planted will be managed as meadow grassland.
 - Glades in the Memorial Woodland comprising meadow grassland and informal paths.
 - Large avenue trees.
 - Areas of mixed shrub and herbaceous ornamental planting within the gardens and around the crematorium building.
 - Formal footpath linking access roads, car paths, gardens and the crematorium building.
 - Informal footpath to connect with existing informal routes on the north western edge of the site and continue along the site's contour with Disturbance Road down to Hooton Road.

Appendix III

Appeal

Decision

Letter (Appeal ref: APP/A0665/W/23/3325109)



Appeal Decisions

Inquiry held on 13-16, 20-23, 27 & 28 February 2024

Site visits made on 26 February and 7 March 2024

by **L Gibbons BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th May 2024

Appeal A Ref: APP/A0665/W/23/3325109

Land At Hooton Road, Hooton, Ellesmere Port, Cheshire, CH66 7NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hooton Paddocks Ltd against the decision of Cheshire West and Chester Council.
 - The application Ref is 22/00817/FUL.
 - The development proposed is Demolition of existing buildings and construction of a crematorium and ancillary works.
-

Appeal B Ref: APP/A0665/W/23/3330664

Land at School Lane, Hooton, Ellesmere Port, CH66 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Horizon Ceremonies against the decision of Cheshire West and Chester Council.
 - The application Ref is 21/03663/FUL.
 - The development proposed is Construction of a crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. For clarity in my decision, I have named the sites Appeal A as 'Hooton Road' and Appeal B as 'School Lane'.

Background and Main Issues

4. In 2008 there was an inquiry relating to a proposed new crematorium off Waterworks Lane, Hooton¹, the appeal was dismissed. This was for a site in a location closer to Hooton station and different evidence was presented to that inquiry. I have determined these appeals based on the evidence before me.
5. It is common ground amongst the parties that both appeal schemes would not meet any of the exceptions set out in paragraph 154 of the National Planning Policy Framework (the Framework) and that they would constitute

¹ APP/P0620/A/07/2058519

inappropriate development in the Green Belt. Notwithstanding the fact that Appeal B (School Lane) contains some built development, I agree with that position. Based on all I have seen and heard, the main issues are:

6. For each of the appeals:

- i) The extent to which there would be harm to Green Belt (including openness and purposes)
- ii) Character and appearance (including landscape and visual impact)

For Appeal B (School Road):

- iii) The effect on highway safety and pedestrian access.

For Appeal A (Hooton Road):

- iv) The effect on flooding and drainage.
- v) Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Green Belt – openness and purposes

- 7. Paragraph 142 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has a spatial as well as a visual aspect to it. Paragraph 143 of the Framework indicates that the Green Belt serves five purposes. In respect of these appeals purpose (c) to assist in the safeguarding the countryside from encroachment and purpose (b) to prevent neighbouring towns from merging are relevant here.
- 8. Policy STRAT9 of the Local Plan Part 1 Strategic Policies 2015 (LPP1), amongst other things sets out that in settlements and areas of the countryside that are within the Green Belt, additional restrictions will apply to development in line with the Framework. The policy is consistent with the Framework in this respect.
- 9. Hooton Road. The Hooton Road site is an open field currently in agricultural use. There is a hedgerow along the southern Hooton Road frontage, but the site is visible from the road during winter months when trees are not in leaf. There are some small pockets of wooded areas along the north and west borders of the site, although the eastern boundary of the site is within the open field.
- 10. In spatial terms, there are no buildings on the site and the proposal would involve the construction of new building of around 2,700m³ alongside car parking, access road, service yards and other features associated with a crematorium. Whilst the development would comprise around 10% of the total site area, given the open nature of the site at present I consider there would be a significant loss of openness in this respect.

11. I accept that there is already a significant level of activity close to the site particularly from traffic movements along Hooton Road and the M53, and some activity from the adjoining Oaklands Office Park. However, there will be a substantial increase in activity within the site because of the nature of the proposed crematorium use, with people attending cremations, servicing of the building and site, and staff movements.
12. The proposed crematorium would be located in the southern part of the site, the building itself and associated structures would be visible from the footway on the northern side of Hooton Road where the access would be located. There would be glimpses of the building from other locations such as the rear of houses to the east of the field. This would be the case even with the provision of landscaping around the site and the backdrop of the small blocks of woodland to the west and north of the site.
13. Although the speed of traffic heading on to the M53 from Hooton is not slow, I saw from the westbound slip road that the site can be clearly seen. The proposal would be seen from this location for some time to come before landscaping matures sufficiently to screen the development.
14. The changes in spatial terms and activity, these changes would be permanent and would result in a substantial reduction to openness of the Green Belt. The visual aspect of openness in this location would also be significantly negatively affected in the short to medium term and moderately over a long time period once landscaping matures.
15. In terms of the purposes of the Green Belt, this site does make a contribution towards to safeguarding the countryside from encroachment and as a result of the development on the site there would be conflict with the purposes causing harm to the Green Belt.
16. There would be some consolidation of development in this location along the northern part of Hooton Road in combination with the existing residential development along Dale Hey and the business park adjacent to the site. However, the scheme would not lead to the merging of towns and there would be no harm to that Green Belt purpose in this respect.
17. I conclude that the proposed development would cause harm to the Green Belt with respect to openness and the purpose of safeguarding from encroachment. It would be in conflict with policy STRAT9 of the LPP1. It would be contrary to the Framework in respect of protecting the Green Belt.
18. School Lane. The site lies partway along School Lane. Within the site are a bungalow and stables, these would be replaced as part of the development. Nevertheless, there would be an increase of new built development on the site of around 1,900m³, which would be considerable. There would also be associated car parking, access and other features related to the use as a crematorium as with the Hooton Road proposal.
19. The residential and equestrian uses on the site at present generate only a small amount of activity and movement. The proposed crematorium would see a significant increase in activity on the site and along School Lane between Hooton Road and the A550 during the hours of operation, in comparison to the existing site uses.

20. There are mature hedgerows which mainly screen the site and it can only be seen in a few places through field entrances and gaps in hedges. The crematorium building, although set back from where the current buildings are located, would still be visible from School Lane. This would particularly be at the access with its separate entrance and exit, as would the car park which would be located at the west part of the site, close to the road frontage.
21. Whilst there are existing buildings and activity on the site, I consider the changes in spatial terms and activity would be permanent and would therefore cause a high degree of harm to openness. In visual terms, the new building and features would cause a limited degree of harm taking account of landscaping maturing over time.
22. In terms of the purposes of the Green Belt, this site contributes towards to safeguarding the countryside from encroachment. Even with existing small-scale development on the site at present, with the proposed scheme there would be moderate harm to the Green Belt in relation to this purpose as there would be an increase in built development and other features associated with the crematorium.
23. The site is located between Hooton and Childer Thornton. Additional built development on this site would not lead to an increase in perception of or actual coalescence between these two settlements. This is due to its location away from the A550 and A41 which link the two, and the number of remaining open fields in the gap between them. Therefore, there would be no harm to purpose (b) of paragraph 138 of the Framework in this respect.
24. I conclude that the proposed development would cause harm to the Green Belt with respect to openness and the purpose of safeguarding encroachment. It would be in conflict with policy STRAT9 of the LPP1. It would be contrary to the Framework in respect of protecting the Green Belt.

Character and appearance (including landscape and visual impact)

25. In respect of development proposals, Policy ENV2 of the LPP1 sets out that development should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site and to recognise, retain and incorporate features of landscape quality into the design. Neither of the appeal sites are located within a national or local landscape designation. I note that the Council did not raise concerns in relation to either scheme in respect of character and appearance including landscape and visual impact.
26. Both sites are described in the Cheshire West and Chester Landscape Character Assessment (LCA) (2016) as being within Landscape Character Type LCA6a Willaston which is characterised by small fields enclosed by a strong network of hedgerows, and scattered woodland with some urban influence. The management strategy set out within the Landscape Character Assessment is to conserve the historic field pattern and reducing the influence of urban intrusion by enhancing woodland cover.
27. Hooton Road. The Hooton Road site comprises a larger arable field than that described in the LCA and only the hedgerow along the Hooton Road boundary is intact. The areas of mature woodland close to the site do reflect the LCA

typology and overall, the site makes a positive contribution to the landscape and character of the area.

28. The proposal would result in the existing field being split into two portions with the eastern half remaining in agricultural uses. The remaining field would be more alike in size to those described in the LCA. However, as well as the building and associated crematorium features such as the car park, memorial gardens and areas of woodland and grassland are proposed. Whilst there would be an increase in ecological features and some informal areas as well as separation from Oaklands Office Park, the use would be much more formal than is currently the case. The site is not visible in longer views, but it is highly visible from the busy Hooton Road in particular. It would significantly alter the appearance of the area as well as increasing urban features in the area, particularly in the short to medium term. However, this harm would be to a modest degree over the lifetime of the development once the proposed landscaping has matured sufficiently.
29. The site was described by residents in particular, as being within what residents see as the middle of the village as part of its essential character. Hooton is a village that comprises some larger pockets of development with scattered ribbon development within the wider surroundings. The development would introduce additional built form in that more central location, causing very limited harm to the character of the village.
30. The location of the site between Hooton Road and the M53 results in a volume of noise which is very noticeable when stood within the site. Generally, crematoria are in quiet and tranquil locations. Mature soft landscaping may reduce the impact of noise. I consider that this is unlikely to be sufficiently effective to reduce it to such an extent that it would not negatively affect the experience of mourners and visitors to the memorial gardens.
31. I conclude that the proposed development would cause moderate harm to the character and appearance of the area. It would be contrary to Policy ENV2 of the LPP1 where it seeks new development that should take full account of the characteristics of the development site, its relationship with its surroundings and where appropriate views into, over and out of the site.
32. School Lane. The site has characteristics which are referred to in the LCA, including the field pattern of smaller fields and strong hedgerows. There are existing buildings on this site. The stables are single storey and commonly found in the countryside. Although the bungalow is not very visible in the landscape from School Lane it has some urbanising influence on the landscape and its removal would be of some benefit. The proposal would be mostly seen from the entrance and exit and would introduce urban features into the landscape. However, the appeal site is not highly visible in the locality and with matured landscaping, it would not cause harm to the character and appearance of the area. It would not be contrary to Policy ENV2 of the LPP1. This is a neutral factor in the consideration of the scheme.

Appeal B (School Lane) – Highway safety and pedestrian access

33. Paragraph 115 of the NPPF states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety. Policy STRAT10 of the LPP1 amongst other things requires new development to demonstrate that additional traffic can be accommodated

safely and satisfactorily within the existing highway network and that satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use.

34. The proposed crematorium would be accessed from School Lane. This is a rural lane running between the A550 and the B5133. It has a 60mph speed limit, it is an unlit single track with no footway on either side of the road. Roadside verges are limited, and the road is often very close to field hedgerows. There are potential passing places, but these are either entrances to houses or field accesses and there may be times when these are not available.
35. The width of the road varies from 4.8m but with the majority below this at times being less than 4.1m wide. Traffic levels on the road are currently at around 7 to 9 vehicles per hour and with very limited numbers of pedestrians and cyclists recorded.
36. To the north of the appeal site is the junction of School Lane and Hooton Road. The junction has limited visibility for vehicles travelling north along School Road that are exiting on to Hooton Road. Drivers at the junction are not able to see cars coming from the east until they are 40m away. Mature vegetation is close to the edge of the main highway on Hooton Road and there is no opportunity to improve conditions at the junction due to the constraints of the highway and landownership.
37. The highway safety record at this junction does not suggest that accidents have been caused as a result of this situation, with the current level of traffic using School Lane. However, an increase in traffic using School Lane is predicted with the potential for an increase in risks to safety. The appellant indicates that average numbers of vehicles attending funerals would be around 20, although 75 car parking spaces would be provided suggesting that the numbers of vehicles could be much higher than the average. Normal traffic movements will also continue.
38. In acknowledgement of the concerns about the School Lane/Hooton Road junction, it is proposed to design the exit from the crematorium to be left turn only, so that vehicles head towards the junction of School Lane with the A550. This would result in the majority of traffic departing from the crematorium going to that junction.
39. However, it is possible that drivers may still turn round in the road to head north, particularly as the appellant indicates that is the direction most vehicles will have come from. The introduction of measures such as signage and road markings on Hooton Road may result in a reduction in speed along that road but this will not assist with the lack of visibility.
40. In addition, whilst the majority of traffic would come from the north vehicles could still arrive from the south end of School Lane, with the risks of groups of vehicles travelling to the crematorium as well as normal users of School Lane, meeting at narrower points on the southern part of the lane where it would be very difficult for two vehicles to pass or in other parts of the road having to drive on to verges to pass. I accept that recorded traffic speeds are generally low with some higher speeds at the 85th percentile. Nevertheless, given the increase in traffic, this has the potential to lead to conflict for all users.

41. Informal passing places which are field entrances and access to homes are found along School Lane. However, these may not always be available, not all are properly surfaced and in some cases are only sufficient to accommodate one car. There are some flat areas of verge, but this is not the case along the entire length of the road, and they are not an appropriate alternative to formal passing places or sufficient road width.
42. In response to this, the appellant has proposed a method of overcoming potential conflict at two of the narrowest points in the road by introducing road markings for a 'shuttle' system, which would indicate that one direction of traffic has to give way to another. However, I consider it has not been robustly demonstrated that it could operate safely in the context of people arriving and departing for funerals in groups.
43. Paragraph 114 of the NPPF sets out that development should provide appropriate opportunities to promote sustainable transport, given the type of development and its location and that safe and suitable access can be achieved for all road users. Policy T5 of the Local Plan Part 2 Land Allocations and Detailed Policies 2019 (LPP2) seeks to support development which amongst other things makes safe provision for access to and from the site for all users of development.
44. From the few surveys provided by the appellant for School Lane on how people travel to crematorium, these suggest that travel by car does seem to be preferred over walking or public transport. It is not known whether these crematoria have a travel plan in place, which would be the case if this scheme were to be developed although I do note that one is located close to public transport. I accept that location of the site is rural, and I agree with the appellant it cannot be considered in the same context as a housing development.
45. Nevertheless, any travel plan required for the scheme whilst encouraging car-sharing as a principal method of sustainable transport would also seek to pursue opportunities for staff and visitors to arrive on foot, cycle and public transport. To my mind then, the scheme would need to ensure safety for all users at whatever the numbers of people arriving at the site on foot may be, even it was very low. This would also apply to pedestrians already using the lane. As a result of the increase in traffic, with an average of 20 arrivals and departures per service I do not agree that this would not be a material change for pedestrians because traffic is more likely to be arriving and departing in groups of vehicles rather than single vehicles which is the case at the moment.
46. The site can be accessed by foot from the station and bus stops along Hooton Road. Pedestrians would need to cross Hooton Road from the north side on the to the junction with School Lane. The speed limit along Hooton Road is 40mph and it is a busy road, which I experienced on my site visit. There are no crossing facilities, and nothing is proposed to be provided in this respect.
47. Whilst there are no recorded accidents involving pedestrians either here or along School Lane, my experience was that Hooton Road does not feel particularly safe to cross. Once on School Lane, pedestrians have to walk in the road and that may be a choice for some people. Although the northern portion of the lane from the appeal site is widest here, particularly with larger or faster moving vehicles it is still necessary to step on to the verge, which at the time of year during my site visits was wet and very muddy and not entirely safe.

Walking on some of the southern parts of the road involves staying in the road where the road is narrow, at bends and very often with no verges and in some cases poor visibility to see on-coming vehicles.

48. According to the appellants' average trip generation the number of vehicles on the road will double. Therefore, pedestrians are likely to encounter corteges and groups of cars, possibly in both directions given the timing of cremations and arrival and departures.
49. It has also been proposed that where possible, there should be markings on the road and signage denoting a pedestrian priority system for vehicles to avoid where possible and to allow pedestrians to walk safely along the length of the lane. The appellant has referred to 4 examples where this has been used in other locations. These are within 30mph speed limits, where actual speeds are likely to be lower than those on School Lane. The Kettlewell scheme is provided for pedestrians to access the school which is located slightly away from the main settlement but still within the 30mph zone. It is mainly a straight road with a few gentle curves and is not as narrow as on the southern part of School Lane.
50. The proposals for School Lane were assessed through a Road Safety Audit² and no concerns were raised except to provide additional signage. However, this type of system alongside pedestrian markings does not appear to have been used in this context before. I consider it is not adequately demonstrated that it would work safely and if the 'shuttle system' area was also in place in these locations, or whether the system could work with corteges meeting that contain a number of cars. Some widening of the road in places is also proposed, with some very limited benefit to existing users. This would be in three short stretches, but the rest of the road would stay unlit and narrow.
51. In respect of the Flintshire appeal decision³, in order for that scheme to be acceptable carriageway from the B5126 to the entrance on Oakenholt Lane, a condition was required for the road to be widened to 4.8m and a path from the junction with the B5126 was to be provided to enable safe pedestrian access. The road widening appears to have been implemented. However, that there does not seem to be a footway in place, does not equate to the School Lane scheme being acceptable in that regard.
52. The visibility splays at the site access to the proposed crematorium have been agreed with the Council. To the north of the site, the visibility splay has been designed to be in line with the guidance for the Design Manual for Road and Bridges and to the south, the Manual for Streets. I note this is an unusual position to adopt. Nevertheless, were other matters acceptable, I am satisfied that it would in any event be possible to achieve a 2.4mx4m visibility splay via a suitable condition.
53. The proposal would provide sufficient parking and cycle spaces to accommodate the proposed development, electric vehicle charging points would also be provided. The Council does not raise any concerns about the proposal on the wider highway network and based on the evidence before me I see no reason to disagree. However, this matter and that relating to visibility splays are not sufficient reasons to overcome the harm I have found.

² Appendix 20 SL7.4

³ CD6.12

54. For the reasons given above I conclude that the proposed development would cause harm to highway safety and would fail to provide suitable pedestrian access. It would conflict with policy STRAT10 of the Cheshire West and Chester Local Plan Part 1, and policy T5 of the Cheshire West and Chester Local Plan Part 2. It would be contrary to the NPPF where it relates to highway safety and providing safe and suitable access to all users. I give this significant weight against the proposal.

Appeal A (Hooton Road) – Flood risk and drainage

55. Policy ENV1 of the LPP1 seeks to reduce flood risk, promote water efficiency measures, and protect and enhance water quality and developers will be required to demonstrate, where necessary, through an appropriate Flood Risk Assessment (FRA) at the planning application stage, that development proposals will not increase flood risk on site or elsewhere, and should seek to reduce the risk of flooding.
56. Dibbinsdale Brook lies to the west of the site and flows north to south. The site is mainly within Flood Zone 1, but the site does contain a small amount of land near to the Brook within Flood Zone 2/3, which is at higher risk of flooding. The built form of the scheme would be within Flood Zone 1. The site-specific Flood Risk Assessment (HR1.20) includes measures to ensure that the building would have flood resilience measures incorporated into it.
57. Policy ENV1 of the LPP1 also requires that the drainage of new development shall be designed to reduce surface water run-off rates to include the implementation of Sustainable Drainage Systems (SUDS) unless it can be demonstrated that it is not technically feasible or viable. Sustainable drainage measures are proposed.
58. There is a risk of surface water flooding between the site frontage and the Brook. Some of the car park and access drive would be in this area. A drainage strategy submitted as part of the application⁴ proposed attenuation measures on site and discharge into the Brook, which will require a permit. The owners of the Oaklands Office Park have raised concerns about landownership and access to the Brook and this has potential implications for delivery. In the Statement of Common Ground on Drainage and Flood Risk⁵ between the two appellants possible solutions to this are proposed, which have been discussed with the relevant statutory undertakers.
59. There are known surface water flooding problems along Hooton Road which have resulted difficult driving conditions with the road being flooded. There are surface water drainage proposals which seek to resolve this, although in respect of offsite flow passing through the site the details of flow velocity and resulting hazard on site, details have not yet been fully tested.
60. Whilst this may result in improvements in the surface water condition of the road it is a requirement of Policy ENV1 of the LPP1 for new development to include or contribute to flood mitigation, compensation and/or protection measures, where necessary, to manage flood risk associated with or caused by the development.

⁴ HR1.19

⁵ ID14

61. Based on the evidence before me and having regard to the potential solutions outlined in the Drainage and Flood Risk Statement of Common Ground, I consider that the matters relating to the discharge to the Brook and surface water are capable of resolution. These could have suitable conditions attached were other matters acceptable. There is little evidence to indicate that this would have a significant effect on the ability of the scheme to bring forward including for the memorial garden and informal areas related to the crematorium.
62. Paragraph 168 of the Framework sets out that the aim of the sequential test is to steer new development to areas at the lowest risk of flooding from any source and development should not be permitted if there are reasonably available sites appropriate for the development in areas at lower risk of flooding. Policy ENV1 of the LPP1 similarly requires the sequential approach to be followed. I note that the Council does not hold a register of available sites for crematorium, and I have had regard to alternative sites that have been suggested by interested parties. Alternative site searches were undertaken by the appellant and given my findings on School Lane with regard to highway safety and pedestrian access I am satisfied that this is not reasonably available for this type of development at this point in time.
63. For the reasons given above, I conclude that the proposal would not cause harm in respect of flood risk and drainage. It would not conflict with Policy ENV1 of the LPP1, and it would not be contrary to the Framework where it relates to planning and flood risk. I find this a neutral factor to which I attach no weight.

Other considerations

The need for a crematorium

64. The existing crematorium that serves the west of Cheshire West and Chester Council's area and all of Wirral Metropolitan Borough are at Blacon and Birkenhead Landican. I have also referred to Flintshire crematorium in my decision. I note that it is agreed between the appellants that Flintshire crematorium predominantly served the population in Flintshire as set out in the Statement of Common Ground. There is also anecdotal evidence to suggest it is used by local Hooton residents albeit in a limited way. Nevertheless, Mr Mitchell's evidence for Horizon Ceremonies includes data relating to Flintshire, and there is some overlap between the isochrones of unconstrained drivetime between Flintshire and Blacon.
65. There is no formal methodology for assessing crematorium capacity or need, although some principles have become established through several planning appeals.

Quantitative need

66. The quantitative need for a crematorium focuses on the capacity of existing crematoria where relevant. The technical capacity of a crematorium is defined by the parties as the total number of slots available for funeral services each year. The core capacity of a crematorium can be defined as the total number of slots available at preferred core times for funeral services each year although there are alternative definitions. Practical capacity is 80% of its core capacity where a crematorium can be over capacity if it exceeds practical capacity in the

- peak month. Another approach relates to practical capacity in an average month, the evidence from the appellants presents both scenarios.
67. Time period covered by the evidence. The data on capacity provided by Mr Mitchell covers the period between 2016 and 2022. 2020 and 2021 also represent Covid pandemic years with excess deaths recorded and as such are unlikely to be completely representative although I note that death rates are increasing. I agree with the Council that the figures from these years should therefore be treated with caution as they may not necessarily represent current operating conditions. Mr Evan's figures included in his Proof of Evidence focus mainly on 2022.
68. Core times. The level of demand for certain slots in the single busiest or peak month for each year is a component of assessing the capacity of a crematorium. The definition of core times would inevitably influence the outcomes of assessment of the capacity at existing crematoria. Core funeral times Monday to Friday are more preferred by bereaved people than later slots and weekends. This is to avoid rush hour traffic and to allow people to travel from further distances for example.
69. Mr Evans considers that the period between 10.30am to 3.30pm should be used and that he referred to two surveys at West Berkshire and Fenland in support of this. I accept that Mr Mitchell's personal preference is also for a shorter period and has advanced this concept at other inquiries. I note that some appeal decisions have been determined on the shorter core slot time period. However, many inspectors have also not referred to which core times are acceptable.
70. Nevertheless, Mr Mitchell's evidence to this Inquiry uses core funeral times of between 10am to 4pm for robustness. There are also crematorium operators that use this time. Even though Mr Evans questioned the reasoning behind Dignity which is an operator using 10am-4pm as the core slot definition, this is what they do use. Additionally, even if a 30-minute drive time was to be the 'starting point', a 10am start time for core slots would be sufficient in most cases to allow mourners to avoid rush hour traffic in this area. I consider that the 10am-4pm is therefore an appropriate period to use for the assessment of capacity, based on the evidence before me.
71. Landican capacity. Having regard to the 2022 figures produced by Mr Evans⁶ this indicates that Landican was operating at over 100% of capacity in an average month and peak month although this figure will rely on his use of the shorter core slots. Mr Mitchell's figures for the five-year period indicate both a level of practical capacity in an average month and in a peak month is also over well over 100%. Excluding pandemic years, the limited number years either side of this do demonstrate it being over the 80% figure. There was no effect when Flintshire opened as Landican is some distance away from it.
72. The level of practical capacity on both measures of average and peak month therefore show it is operating over its capacity. This is unsurprising considering Landican is one of the busiest crematoria in the UK having been in the top three in recent years.

⁶ SL7.3

73. Blacon capacity. In respect of Blacon, Mr Evans figures for 2022 indicate that Blacon is at practical capacity in the average month of over 80% and during the peak month over 100%. Excluding the pandemic years, Mr Mitchell's data also indicates that Blacon is operating well above 80% of practical capacity in peak and average months.
74. Flintshire capacity. In 2018 Flintshire opened part way through, and its trading pattern was not fully established in 2019. Mr Mitchell's evidence in relation to Flintshire indicates that the level of practical capacity in the peak month exceeded the 80% threshold between 2020 and 2022 at 83.9%, 85.6% and 92.4%. 2020 and 2021 are pandemic years and whilst the figure for 2022 is above the 80% given the lack of data over a period of years, this to my mind does not represent conclusive evidence that Flintshire is operating significantly above capacity consistently.
75. Future need. There will be an increase in the number of deaths particularly as the numbers of the UK population aged over 65+ will increase. This is also true for this area. Cremation rates remain high in comparison to burials, and an increase in death rates would have an impact on capacity. It is not possible to predict whether any future pandemics will affect this figure. Even having regard to the Timmins judgement⁷ and taking pandemic planning into account this is so uncertain that it is not possible to say what capacity is required and consequently to what extent a new crematorium would provide relief.
76. Direct cremations. Direct cremations include a number of different arrangements for the cremation of the deceased, most often without the attendance of the bereaved at the ceremony. The picture at the national level the Sunlife Cost of Dying Report 2023⁸ suggests that just under 20% of cremations taking place are direct and to my mind it does appear to be a market for this even outside of the pandemic and having regard to the fact that growth may be levelling off. Locally, at Blacon and Landican these only account for a very small percentage of slots taken up although the proportion is much larger at Flintshire as this is a service offered by the operator there.
77. Whilst direct cremations may not take place to any scale at Blacon and Landican, it may be that direct cremations do start to have more of an impact on the number of funeral services there. There is limited data at present on what contribution this service will make to the area in future years. Nevertheless, it does widen choice and despite Mr Evans suggesting that this trend has come to a halt, this does not appear to be the case at present based on the evidence before me. Direct cremations may therefore have a slight positive impact on the capacity at Blacon and Landican even if they don't offer this to any great extent directly.

Qualitative need

78. Qualitative factors can include the availability of preferred slots, journey times, congestion at crematoria and cremator capacity for larger coffins. Other quality issues relate to costs, value and personalisation. There are some links between crematoria which are operating at overcapacity and the qualitative experience

⁷ CD7.5

⁸ CD8.5

they can offer. National research such as the 'Trajectory Report'⁹ indicates how people's experiences can be compromised by qualitative issues.

79. *Preferred slots.* Delays between death and the funeral can lead to poor qualitative experiences for the bereaved. I accept that people would want a cremation within two weeks as described by Mr Evans, with some requiring a period of 1 or 2 days due to their religion. Longer time periods will be unacceptable and in some appeal decisions a delay of two to three weeks has been cited as being so, and as a factor that has contributed the Inspectors conclusions on a need existing.
80. In terms of whether there is a clear link between delays for funerals and capacity concerns, the appellants' evidence relating to obituary notices show that at Blacon and Landican there were delays of around 2 to 4 weeks and 3 to 4 weeks respectively including during the peak months, there is also some limited local survey evidence to support these time delays, including from a small number of local funeral operators and celebrants. This will clearly cause distress for mourners.
81. However, there are other factors that can lead to delays, such as obtaining death certificates, availability of funeral directors and getting family together. At Flintshire, which was operating well within capacity in 2019, there were average periods of 16 days in July between death and cremation, whilst this is less than the longest period at Blacon and Landican, it does indicate that these other factors can also have an effect on delays. I note that in some other appeal decisions the link between delays and capacity have been accepted. However, I consider the evidence before me on delays in death to funerals does not robustly demonstrate a clear link with high capacity that is sufficient to contribute to the need.
82. *Congestion at crematoria.* Landican with its South and Central chapels offer twelve 60 minute and four 30-minute service intervals starting at 09:00 and with the final one at 15:30. Landican was constructed in 1934 as a cemetery and its layout represents a period when burials were the most common form of funeral and car ownership was very significantly below that today.
83. On the day I visited Landican unaccompanied there were arrivals and departures of corteges. I accept that the services are intended to be organised so that those attending funerals should not encounter each other. However, as the chapels are very close, I saw that it was inevitable that they would. There is very little by the way of covered entrances or space to gather separately for each chapel. I note that there are plans to improve the situation and invest in the physical infrastructure of the site. However, there does not appear to be a timetable for this.
84. Cars use the same main entrance to arrive and depart, although this is not uncommon in my experience. There is no formal car park with mourners and visitors parking on the internal roads. There is sufficient parking within the cemetery for the use of all three chapels, albeit it is not entirely clear where to park for each chapel despite some limited signage and this may add to the confusion about where to park. I consider that mourners are most likely out of the three crematoria to see other mourners for more prolonged periods of time, which could have a negative effect on their overall experience of the service.

⁹ CD8.15

However, there is no detailed survey evidence directly relating to Landican that demonstrates this is happening.

85. Landican does have three chapels and at present the North chapel is not as well used for cremation services with the South and Central chapels being the main focus. Over the years of 2021 and 2022 there were relatively few cremations as a proportion of the total cremations held there. The use of the North chapel may help increase capacity but with the current layout of the buildings without proper separation of groups of people, the feeling of being 'processed' is likely to remain.
86. Blacon has 40-minute service intervals starting at 09:20 and the final one is at 15:20. In respect of how the service intervals compares to other crematoria, I note that the proportion of crematorium offering only 60-minute service intervals has increased and this may continue to increase based on current trends. However, a significant proportion of crematorium still offer 40 minute or 45-minute slots. Indeed, the Institute of Cemetery and Crematorium Management have a Charter for the Bereaved¹⁰ which sets a charter target of 40 minutes for service intervals.
87. The appellants consider the Charter to be out of date. I accept there is a move towards longer services as a growing trend and Blacon is not part of this trend. Nevertheless, there has been no revision to the charter target and no other formal target was provided. The slots offered at Blacon are within this target.
88. The crematorium at Blacon is relatively new and offers a modern facility. There is sufficient parking provided outside of the building and also along the exit to the crematorium. Whilst some mourners have to walk a little distance to the chapel and can meet other mourners there is no evidence to indicate that this leads to negative experiences. There is a single entrance and a separate exit and an area where people can gather after a service, which is screened from the main car park and entrance.
89. At the time of my unaccompanied visit to Blacon, I saw that people were able to gather at the front of the building on arrival and then wait outside in this separate space once the funeral had been completed, with the two groups of people not walking directly into other large groups.
90. The services are shorter in comparison to those at Landican and Flintshire, and I note that fines can be given to those who overrun. However, taking account of the above factors relating to the chapel's physical arrangements which do not appear to lead to parties meeting in the way it was suggested to me it would. I consider the shorter time slots to be reasonable and does not represent a significant element of qualitative need for a new crematorium despite Blacon operating at high capacity. I accept that the size of the cremator at Blacon may result in having to use Flintshire as an alternative but there was no evidence to link this with a negative qualitative experience.
91. Flintshire is also a modern facility, offering mainly 60-minute slots. Even with ample parking and people arriving and departing for funerals I saw that they will be aware of each other, but they are not in close proximity as there were separate entrances and exists. Seeing people arrive and depart who are not at the same funeral may therefore even be commonplace with longer services.

¹⁰ CD8.14

92. The layout of the buildings at Blacon and Flintshire are not particularly at odds with the proposed layouts of the Hooton Road and School Lane schemes as they are newer facilities, and it is appeared to me that it is unlikely that the experience of mourners is negative in the way that it may be at Landican.
93. Journey times. A natural catchment of a new crematoria at Hooton is agreed by the appellants in the Statement of Common Ground on Need as being approximately between 120,000 and 137,000 residents within the two areas. The wider catchment would be over 500,000. In relation to journey times to existing crematorium, Mr Mitchell's evidence on drivetime isochrones for the crematorium at Blacon, Landican and Flintshire indicates that around 2,500 people would be first served by either of the appeal schemes.
94. In the Oxted appeal¹¹ around 70,000 people would have been first served by that appeal scheme, other appeals include figures that are significantly more than that. In the Brodsworth appeal¹² the Inspector concluded that just over 2,000 people being first served within the 30-minute drive time was not sufficient to demonstrate need.
95. The situation before me is similar to Brodsworth with a very small number of the population being first served. I accept that people are likely to use a crematorium closest to where the deceased live and that journey times may be reduced for some residents if a crematorium was to be built at Hooton. However, given the extremely small number of people first served, this is not sufficient to demonstrate a qualitative need for a new crematorium in this respect.
96. Other qualitative matters. The architecture at Landican is very representative of the time in which it was built. The three chapels have some external Christian iconography, and internally the chapels have an older style and design. I understand that should it be necessary the team at Landican can cover or remove internal iconography should this be necessary, but the external appearance cannot be altered. This means that the experience here may not be positive for people of a non-Christian or of no faith. Internally, the chapels are not unpleasant but do not necessarily represent modern standards which some people expect.
97. The Council have suggested that the length of service intervals could be changed at the crematoria to increase capacity, and various alternatives were tested through Mr Mitchell's evidence. Whilst I do not consider that Flintshire is demonstrated to be operating over capacity consistently, I note that it does offer different service lengths. It is unlikely that Blacon would change service times at present. In terms of Landican, it may be possible to alter times but for reasons given above I do not consider that this would necessarily improve the qualitative experience of mourners unless accompanied by infrastructure improvements. In any event, based on Mr Mitchell's evidence on capacity which assesses the potential for shorter slots at Landican, the levels of practical capacity still exceed the 80%.

Conclusions on need for a new crematorium

98. As with many other assessments of needs, the methodology for the need for a crematorium is not an exact science and the data can be subject to some

¹¹ CD6.14

¹² CD6.15

errors. Nevertheless, I consider there is a need to particularly provide relief for Landican, which is operating at very high capacity. There is also a limited qualitative need in relation to Landican based on the facilities it offers at present, particularly given the absence of evidence on when these are likely to be improved.

99. With Blacon, even with the five-year period of data presented being treated with caution, there is also some evidence that it is operating at high capacity. However, qualitatively there is little evidence before me to suggest that the high capacity is specifically leading to issues in how mourners experience services there.
100. The Council and the appellants agree that either appeal scheme would contribute to a choice of crematorium and increase the availability of core slots in general. The Inspector in the Rubery appeal decision¹³ in cross referring to another decision acknowledges the capacity basis on which a 'compelling need' was established. However, whilst the Council and the appellants use this term consistently, 'compelling need' is not a test referred to in the Framework, in Local Plan policy or in any other guidance and in very few appeal decisions relating to the need for a crematorium. A new crematorium in this area would provide additional core slots, which would provide capacity relief to Landican and an additional qualitative improvement for some mourners in respect of Landican and also in relation to capacity constraints at Blacon.
101. Neither appellant have directly made the case that if need for a crematorium was demonstrated then both sites would be required, although even if both schemes were acceptable, there is not sufficient evidence to justify a need for two crematoria in a very similar location in any event. I conclude that there alongside social benefits which would follow, there is also a demonstrated need for a new crematorium in the area to which I attach significant weight.

Alternative sites

102. The 1902 Cremation Act¹⁴ requires crematoria to be located at least 200 yards away from the nearest dwelling and 50 yards from the public highway. I accept that in this area, it makes it difficult to find locations outside of the Green Belt. Alternative site assessments¹⁵ have been undertaken by both appellants. Alternative locations have been suggested by HADRA and these were considered by the appellants but not taken forward as realistic options due to site circumstances. I am satisfied that the appellants undertook robust site assessments, and at this particular point in time there are no suitable or available sites which would be alternatives to the two schemes before me. I give this limited weight in favour of the appeal schemes.

Employment

103. Each of the appeal schemes would provide construction jobs and a very small number of permanent jobs with some additional supply chain and indirect economic benefits to those involved in funeral services. Paragraph 85 of the NPPF states that significant weight should be given to the need to support economic growth and productivity, taking account local business needs and wider opportunities for development. Taking account of the temporary nature

¹³ CD6.7

¹⁴ CD8.1

¹⁵ CDHR1.14 Hooton Road and CDSL1.28 School Lane

of the construction jobs and the small-scale nature of permanent jobs in both schemes I give this benefit moderate weight in favour of the separate schemes.

Health and wellbeing of residents (Hooton Road)

104. In respect of the effect on the health and wellbeing of residents, local residents have raised concerns about the presence of a crematorium close to homes and in particular potential impacts on mental health. This is particularly the case for the Hooton Road scheme which is much closer to a number of residents than the School Lane site.
105. I accept that residents will be aware of the development at Hooton Road, particularly for people living on Vernon Avenue and Hooton Way, where the scheme may be visible from a few first-floor windows. Funeral corteges passing along Hooton Road would also be noticeable and for some people the closeness of their home to a crematorium would cause some harm to mental health. Policy SOC5 of the LPP1 states that development that gives rise to significant adverse impacts on health and quality of life, including residential amenity, will not be allowed and I conclude the proposal would conflict with this policy. However, given the small number of people likely to be directly affected I give this harm very limited weight.

Best and most versatile agricultural land (Hooton Road)

106. Policy STRAT1 of the LP P1 amongst other things seeks development that minimises the loss of greenfield land and high-grade agricultural land. The site includes grade 2 quality agricultural land which is of high quality. There would be loss of agricultural land due to the proposal and there would be harm in this respect. However, the rest of the field would be retained in agricultural use and taking account of the supply of agricultural land in the area I give limited weight to this harm.

Biodiversity

107. The requirement for proposals to deliver a 10% increase in biodiversity net gain is only applicable to applications submitted after 12th February 2024. Policy ENV4 of the LPP1 and Policy DM44 of the LPP2, which amongst other things seek biodiversity net gains from development.
108. Hooton Road. I accept there were 'trading errors' in the appellants Biodiversity Metric Calculator relating to a loss of one particular type of habitat. However as clarified at the Inquiry, additional habitat will be included within the scheme, and I am satisfied this can be accommodated within the landscaping masterplan subject to a suitable condition. The proposal would protect and enhance biodiversity and would be in accordance with ENV4 of the LPP1 and Policy DM44 of the LPP2. This has moderate weight in favour of the appeal taking account of the Local Plan policy requirements to seek a net gain.
109. School Lane. The proposal would provide a considerable net gain in biodiversity, and it would contribute to an Environmental Restoration Area. The scheme would be in accordance with ENV4 of the LPP1 and Policy DM44 of the LPP2. This has moderate weight in favour of the appeal taking account of the Local Plan policy requirements to seek a net gain.

Oaklands Office Park (Hooton Road)

110. To the west of the Hooton Road site is Oaklands Office Park. The owners of Oaklands raise concerns about the impact of the proposed crematorium on the viability of the office park. However, there was no detailed evidence to suggest that a crematorium would have a negative effect on its viability. Whilst some occupiers of the buildings at the office park may be able to see the crematorium because their office windows face east, there would be sufficient separation between the two sites by the Brook and landscaped areas of the crematorium that the site would not be overly prominent.
111. In terms of whether individual businesses would choose to leave the site, again there was no direct evidence from tenants that this would be the case. I conclude that the presence of a crematorium would have no demonstrable negative impact on Oaklands Office Park based on the evidence before me. This is a neutral factor in the consideration of the scheme.

Other matters

112. Hooton Road. The proposed development would be accessed by vehicles via a priority junction from Hooton Road. There are no objections from the Highways authority and based on the evidence before me, I see no reason to disagree. The site is in a location with good access to bus and train services. It would be in accordance with policy STRAT10 of the LPP1 and is a neutral factor in my consideration of the scheme.
113. School Lane. In respect of drainage and flood risk, the site is in Flood Zone 1 and even taking account of the utilities on the site, I am satisfied that a suitable drainage scheme could be provided by means of an appropriate condition were other matters acceptable. It would not be in conflict with Policy ENV1 of the LPP1 and is a neutral factor in my consideration of the scheme.

Green Belt balance

114. As set out in the NPPF inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to the harm to the Green Belt by reason of the proposals being inappropriate development, the impact on openness and purpose to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

Appeal A: Hooton Road

115. I have found that a need does exist for a new crematorium, and it would provide social benefits to which I have collectively given significant weight. I have concluded that employment and biodiversity benefits would have moderate weight in favour of the scheme. The lack of alternative sites also weighs in favour of the scheme.
116. For the reasons set out above the proposal at Hooton Road would result in a loss of openness and it would represent an encroachment into the countryside contrary to the Green Belt purpose set out in paragraph 143 of the Framework. I give this harm substantial weight. Alongside this harm, I have concluded that there would be harm to character and appearance of the area, to the health

and wellbeing of residents and harm from the loss Best and Most Versatile Agricultural Land.

117. The other considerations do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Appeal B: School Lane

118. I have found that a need does exist for a new crematorium, and it would provide social benefits to which I have collectively given significant weight. I have concluded that employment and biodiversity benefits and social benefits for a crematorium would have moderate weight in favour of the scheme. The lack of alternative sites also weighs in favour of the scheme.
119. For the reasons set out above the proposal at School Lane would result in a loss of openness and it would represent an encroachment into the countryside contrary to the Green Belt purpose set out in paragraph 143 of the Framework. I give this harm substantial weight. Alongside this harm, I have concluded that there would be harm to highway safety, and it would fail to provide suitable pedestrian access.
120. The other considerations do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Overall balance and conclusions

Appeal A: Hooton Road

121. The proposal would be contrary to the development plan when taken as a whole, and there are no material considerations which would indicate a decision other than in accordance with the development plan.
122. For the reasons given above, I conclude that the appeal should be dismissed.

Appeal B: School Lane

123. The proposal would be contrary to the development plan when taken as a whole, and there are no material considerations which would indicate a decision other than in accordance with the development plan.
124. For the reasons given above, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE APPELLANT (APPEAL A – Hooton Road):

P Goatley KC and S Davies, Counsel, instructed by E Williams, Addleshaw Goddard

P Mitchell	Peter Mitchell Associates
N Shaw	Integra Consulting
T Robinson	Robinson Landscape Design
A Devenny	Systra Ltd
R Barton	AshtonHale Ltd

FOR THE APPELLANT (APPEAL B – School Lane):

A Tabachnick KC instructed by J Naylor of Emery Planning

J Naylor	Emery Planning
R Evans	Hooton Paddocks Ltd
P Leaver	David Wilson Partnership Ltd (for LHC Design)
D Roberts	SCP
R Nicholas	Betts Hydro

FOR THE LOCAL PLANNING AUTHORITY:

I Ponter, Counsel instructed by L Wheeler, Cheshire West and Cheshire Council

A Nicholls	
Jeremy Douch	AECOM Ltd

FOR HOOTON AND DISTRICT RESIDENTS' ASSOCIATION:

Dr S Oliver
S Roberts
R Burgess

INTERESTED PARTIES:

N Casselden	on behalf of Etonbrook Ltd
Cllr M Hogg	Ward Councillor
M Richards	Local resident

INQUIRY DOCUMENTS

- ID.1: Updated Statement of Common Ground – Need between Appellants for Appeal A and Appeal B and the Council
- ID.2: Errata to Proof of Evidence of Tom Robinson
- ID.3: Errata to Proof of Evidence of Richard Barton
- ID.4: Response by Lisa Parkes, Cemeteries and Crematorium Senior Manager to Rebuttal Proof of Evidence of Peter Mitchell
- ID.5: Opening Statement Appeal A Hooton Road
- ID.6: Opening Statement Appeal B School Lane
- ID.7: Opening Statement Council
- ID.8: Opening Statement HADRA
- ID.9: Statement on behalf of Etonbrook Limited
- ID.10: Notes on Appeal Decisions re Core Slots – Mr Alyn Nichols
- ID.11: Biodiversity Net Gain Assessment - Land at Hooton Road (February 2024) Rev J
- ID.12: Table of Comparative Existing and Proposed amounts of Development for Appeal Sites
- ID.13: Biodiversity Net Gain Headline Figures extract – Land at Hooton Rd
- ID.14: Statement of Common Ground – Drainage and Flood Risk between Appellants
- ID.15: Errata to Proof of Evidence of Peter Mitchell
- ID.16: Biodiversity Net Gain Assessment – Land at Hooton Road (February 2024) Rev K
- ID.17: Biodiversity Net Gain Headline Figures extract – Land at Hooton Rd (Rev K)
- ID.18: Biodiversity Net Gain response from Verity Webster
- ID.19: Cover letter re Biodiversity Net Gain – Hooton Rd Appeal
- ID.20: Decision Notice (09/11/12) School Lane 12/03080/FUL
- ID.21: Closing Submissions - Council
- ID.22: Closing Submissions - HADRA
- ID.23: Closing Submissions – Appeal B (School Lane)
- ID.24: Closing Submissions – Appeal A (Hooton Road)

DOCUMENTS FOLLOWING THE CLOSE OF THE INQUIRY

- 1 Updated list of conditions dated 8/3/24 – Appeal A
- 2 Updated list of conditions dated 8/3/24 – Appeal B