

Application No: 11/3065C

Location: LAND TO THE SOUTH OF MIDDLEWICH ROAD AND WEST OF BROAD LANE, HOLMES CHAPEL

Proposal: IMPORTING OF WASTE TO FILL A HOLLOW IN THE AGRICULTURAL FIELD. RAISING THE LEVEL OF THE HOLLOW WILL IMPROVE THE PASTURE LAND

Applicant: MR R ARNOLD

Expiry Date: 09-Nov-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions.

**MAIN ISSUES:**

- Principle of the Development
- Materials to be Imported
- Landscape and Trees
- Ecology
- Visual Amenity
- Highway Safety

**REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board, as the scheme is a major waste application.

**DESCRIPTION AND SITE CONTEXT**

The application site comprises an area of land 10,000sqm in size, within an agricultural field. The southwestern corner of the site slopes away and presents difficulties for cultivation. There is a pond in close proximity to the site and others within 250m. A shallow stream runs along the southern boundary of the field. The site is designated as being within the open countryside in the adopted local plan.

**DETAILS OF PROPOSAL**

The application seeks full planning permission for the importation of 18,000 cubic metres of inert waste which will consist of material from construction and demolition sites. A temporary access road would be constructed from the existing field access off Middlewich Road, and there would be a site cabin and wheel washing facilities that would be used for all vehicles leaving the site.

The works would involve scraping off the topsoil which would be stockpiled for re-use when the operation is complete. The applicants anticipate that the operation will be complete within 6 months of commencement.

## **RELEVANT HISTORY**

No relevant planning history relating to this site.

## **POLICIES**

### **National Guidance**

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation  
PPS 10: Planning for Sustainable Waste Management  
PPS 23: Planning and Pollution Control

### **Regional Spatial Strategy (RSS)**

Policy DP7: 'Promote Environmental Quality'  
Policy EM11: 'Waste Management Principles'  
Policy EM12: 'Locational Principles'

### **Local Plan Policy**

#### ***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: Sustainable Waste Management  
Policy 12: Impact of Development Proposals  
Policy 14: Landscape  
Policy 17: Natural Environment  
Policy 19: Agricultural Land Quality  
Policy 29: Hours of Operation  
Policy 32: Reclamation

#### ***Adopted Congleton Borough Local Plan First Review 2005 (CBCLP)***

PS8: Open Countryside  
GR1: General Requirements for New Development  
GR4: Landscaping  
GR6: Amenity and Health  
GR7: Pollution  
GR9: Accessibility, Servicing and Parking Provision  
NR1: Trees and Woodlands  
NR2: Wildlife and Nature Conservation  
NR3: Habitats  
NR6: Reclamation of Land

## **OBSERVATIONS OF CONSULTEES**

### **Environmental Protection:**

#### **HOURS OF OPERATION**

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

In terms of site preparation and construction phase, it is recommended that the proposed mitigation measures are implemented to minimise any impact on air quality in addition to ensuring dust related complaints are kept to a minimum.

This section would like to ensure that the environment is not adversely impacted due to the proposed works. Advice should be sought from the Environment Agency with regard to the types of waste which would be suitable for this development. However, the waste should be inert and not be contaminated.

**Environment Agency:**

We have no objection in principle to the proposed development but would make the following comments;

There should remain a full 10 metre buffer strip from the proposal to the top of bank of the adjacent watercourse, Alum Brook, as shown on the submitted drawing, 5299MHE.001 (July 2011).

We would therefore advise that the proposed development will only be acceptable if a planning condition is imposed requiring a scheme to be agreed to protect the undeveloped buffer zone around the watercourse and the riparian corridor .

*Condition*

Prior to the commencement of development a scheme for the provision and management of a 10 metre undeveloped buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- demonstrating how the 10 metre buffer zone will be protected during development. This should include details of temporary protective fencing erected 10 metres from the watercourse
- demonstrate how the 10 metre buffer zone will be managed/maintained over the longer term

**Strategic Highways Manager:**

The Strategic Highway Manager considers the proposal to be acceptable and details appropriate geometry for the access itself. An agreed construction specification for the temporary widening of the access and the provision of 10m radius kerbs will need to be submitted for approval. Conditions should also be imposed to control vehicle movements, wheel washing and road cleaning.

**VIEWS OF TOWN/PARISH COUNCIL**

No objection provided satisfactory materials are used.

**OTHER REPRESENTATIONS**

Representations have been received from five properties, four expressing concerns and one expressing support for the proposal. The concerns are outlined below:

- Impact on wildlife habitat
- Highway safety
- Flood risk
- Disruption from noise and dust

- The nature of the material to be imported
- Whether the access road will be removed when the operation is complete
- Hours of operation
- Stability of the land in the long term
- Sewage disposal

In addition, one of the representations included a document produced by an ecologist in 2004 when development was proposed on the land. This document detailed the habitats that were present on the site and its ecological value.

## **OFFICER APPRAISAL**

### **Principle of the Development**

The application proposes the infilling of a hollow in the land with inert construction and demolition waste. Policy 1 of the Cheshire Replacement Waste Local Plan (CRWLP) requires that proposals to maximise opportunities for waste to be managed in accordance with the waste hierarchy of reduction, re-use, recycling and composting and using waste as a source of energy. In the case of this proposal the waste would be used to bring an area of land back to a condition that would allow its cultivation, as such it is considered to be acceptable in principle.

### **Materials to be imported**

The application states that the materials to be imported on to the site will be inert and comprise construction and demolition waste. The definition of inert waste at regulation 7(4) of the Landfill Regulations states that inert waste:

- Will not undergo significant physical, chemical or biological transformations;
- Will not dissolve;
- Will not burn;
- Will not physically or chemically react;
- Will not biodegrade;
- Will not adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health;
- Has insignificant total leachability and pollutant content;
- Produces a leachate with an ecotoxicity that is insignificant (if it produces a leachate)

It should be noted that PPS23 makes clear that the planning system and pollution control systems are separate. The planning system should focus on the use of the land and whether it is appropriate. The control of the processes or emissions is regulated by the Environment Agency and the two systems should complement, but not duplicate each other.

Subject to appropriate monitoring of the operation during its lifetime, it is considered that there would not be significant adverse impacts caused by the inert waste importation, on the ecology, watercourses and visual amenity of the area.

The Environment Agency has stated that it has no objection in principle to the proposal, but recommends that a full 10m buffer strip be maintained between the site and the top of the bank of Alum Brook.

## **Landscape and Trees**

The site of the proposed development is located on agricultural land designated as open countryside in the relevant local plan. It has no national or local protected landscape status. The main area of the field in which the site lies is relatively level although the levels fall to the south where a watercourse runs along the field boundary.

The site is currently part managed grassland and part rough grass /ruderal vegetation. A belt of trees and shrubs runs along the southern side of the watercourse and there are some trees in the south west corner of the field.

The submission indicates that within the application site, topsoil would be stripped and stockpiled, the site filled and re-profiled on completion of the infill, the topsoil returned, with overall levels being increased by up to 2 metres. The site would then be returned to agricultural use.

During the construction period, some of the activities and associated vehicles movements would be visible from the roadside on Middlewich Road, and properties in close proximity both on Middlewich Road and Broad Lane. Nonetheless, it would appear that on completion of the works, the re-profiling of the site should not be widely apparent or appear incongruous in the landscape.

It is considered to be essential that adequate protection is provided for the watercourse and existing trees during the development period and that the land is restored to agricultural use, with appropriate restoration of topsoil and re-seeding following completion of the infill operation.

## **Ecology**

It is known that a great crested newt was recorded within the pond adjacent to the proposed development some years ago. The application is supported by a Great Crested Newt survey undertaken in accordance with the Natural England guidelines. This survey did not record any evidence of Great Crested Newts being present. After examination of the pond, the Council are satisfied on balance that great crested newts are not reasonably likely to be present or affected by the proposed development.

After consideration of additional survey information provided by the applicant and the results of a site visit in November, it is now considered that the habitats present on 'the slope' area are unlikely to qualify as a Local or UK Biodiversity Action Plan priority habitats. The habitats do however have some nature conservation value and the latest ecological survey recommends the removal of the turfs/soils from the slope and their restoration following the completion of the works. It is also required that measures are in place to safeguard the habitats associated with the adjacent stream. Subject to compliance with the recommendations in the reports (which should be secured by condition), the proposal is considered to be acceptable in relation to any impacts on the ecology of the area.

## **Visual Amenity**

Having regard to the visual amenity of the area, this will be somewhat compromised during the lifetime of the operation, by virtue of the creation of the new access road, the disturbance of the land and the vehicular movements taking place. It is however proposed to impose conditions requiring the infilling to cease after a period of 12 months and reclamation of the land, including removal of the temporary access road, to be completed within another 12

months. As such, it is considered that any adverse impact on the visual amenity of the area will be temporary and will not have a long term detrimental effect.

### **Highway Safety**

The site would be accessed from an existing field gate on to Middlewich Road and a temporary access road to the area where the material is to be deposited, would be created. The Strategic Highways Manager has assessed the information submitted with the proposal and concluded that the proposal is acceptable. This is subject to conditions being imposed relating to the following:

- widening of the access
- limits on the number of vehicle movements
- limits on hours of operation
- provision of wheel washing facilities and a hard running lane
- submission of a schedule of signage
- submission of a traffic management scheme.

Given that the access would be onto a relatively straight 'A' road, where good visibility splays can be provided and that the Strategic Highways Manager does not object to the proposal, the scheme is considered to be acceptable in highway safety terms.

### **CONCLUSIONS**

In conclusion, the materials to be deposited on the site would be inert and this will be monitored by the Minerals and Waste Enforcement Officer and regulated by the Environment Agency, therefore the proposal would be highly unlikely cause contamination to the land or nearby watercourses. With appropriate reclamation of the land, the visual amenities of the area will not suffer significant adverse impacts and the implementation of mitigation measures will ensure that the proposal will not have a significant adverse impact on protected species. Therefore, the application is recommended for approval, subject to a 12 month time limit on the infill process, a 12 month period for the remediation process including removal of the access road.

### **RECOMMENDATION:**

**Approve subject to the following conditions:**

1. Time limit
2. Development in accordance with the approved plans
3. At least seven days prior written notice of the commencement of development shall be given to the Local Planning Authority
4. All importation of waste and movement and grading of materials on site shall be completed within 12 months of the date of commencement of the development.
5. All site restoration works including removal of the temporary access road shall be completed within 12 months of the completion of the development
6. Prior to the commencement of development, a plan showing the protection of the habitats associated with the adjacent watercourse and a 10m buffer zone thereof, including pre-development measures, shall be submitted to and approved in writing by the LPA. The protection plan shall include an appropriate scale plan showing the area where protective measures will be installed and details of protective measures to avoid impacts during the operational and restoration period
7. Prior to the commencement of development, a scheme for the restoration of the habitats associated with the sloping area of land on the southern portion of the site

following the completion of the development shall be submitted to and approved in writing by the LPA. The scheme shall conform to the indicative proposals recommended in the Updated Phase 1 Habitat Survey dated December 2011. The restoration plan shall be implemented in accordance with an agreed schedule of works and completed within 3 months of the completion of the development excluding the other required restoration works

8. Prior to the commencement of development, an updated Badger survey shall be undertaken of the site and all land within 30m of the site boundary. The survey shall be undertaken by a competent and appropriately qualified person and a report of the survey, together with any mitigation proposals required shall be submitted to and agreed in writing with the LPA
9. The stripping, movement, replacement and cultivation of topsoil shall only be carried out when the material to be moved is sufficiently dry and friable to minimise structural damage. No movement of soils shall occur:
  - I. During the months of October to April inclusive, unless otherwise agreed in writing with the LPA; or
  - II. When the upper 1200mm of the soil has a moisture content which is equal or greater than that at which soil becomes plastic, tested in accordance with the 'worm test' as set out in BS 1377: 1975 – British Soil Methods Test for Soils for Civic Engineering purposes, or when the topsoil is not sufficiently dry that it cannot be separated from the subsoil without difficulty; or
  - III. When there are pools of water on the soil surface
10. All topsoil and subsoil shall be stored in separate in separate mounds which:
  - I. For topsoil mounds should not exceed 3 metres in height and for subsoil mounds should not exceed 5 metres in height unless otherwise agreed in writing with the LPA;
  - II. Shall be constructed with only the minimum of soil compaction to ensure stability and so shaped as to avoid collection of water in surface undulations;
  - III. Shall not be traversed by heavy vehicles or machinery except where essential for the purpose of mound construction or maintenance;
  - IV. Shall not subsequently be moved or added to until required for restoration unless otherwise agreed in writing with the LPA;
  - V. Have a minimum of a 3 metre stand off, undisturbed around storage mounds;
  - VI. Shall only store topsoil and like texture topsoil and subsoils on like texture soils.
11. The hours of operation (and associated deliveries to the site) of the development hereby permitted shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
12. Submission and approval and implementation of a tree protection scheme.
13. Prior to commencement of development the developer will provide a construction specification drawing for that area of the temporary access which falls within the public highway - to the satisfaction of the LPA.
14. The developer will provide a schedule of signing and traffic management provision to regulate the arrivals and dispersal traffic and its turning movements and include for 'Temporary Site Access' signs on the two A54 approaches for regular traffic.
15. Heavy commercial vehicle movements per day to the site will be limited to a maximum of 50 trips (25 vehicles) between the hours of 8:00. and 16.00 hours Monday to Friday

and 08:00 to 13:00 hours on Saturday with no work at any other time including Sundays and Public Holidays.

- 16.** A record of all vehicle movements shall be kept and made available for inspection by the LPA.
- 17.** Prior to commencement of development the developer will provide a hard running lane and wheel-wash facility within the site to ensure that detritus from the site does not contaminate the public highway. No vehicles shall leave the site until it has been cleaned using this facility.
- 18.** The developer will provide mechanical sweeping, as necessary, to remove any detritus which may be carried onto the public highway from vehicles emerging from the site.
- 19.** All materials imported and deposited at the site shall be strictly inert and non-leachate forming.
- 20.** There shall be no chemical testing or processing on site and no exportation of any materials off site.
- 21.** All plant shall be silenced, operated and maintained in accordance with the manufacturers specification at all times.
- 22.** No repairs, maintenance and re-fuelling of plant or vehicles shall take place within 30m of Alum Brook.
- 23.** No lighting shall be installed at the site without prior written approval of the LPA.
- 24.** No burning of materials shall take place at the site.
- 25.** The maximum land levels of finished landform shall be in accordance with the details shown on the drawings numbered 5299MHE.001 and 5299MHE.002.
- 26.** An aftercare scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the written approval of the LPA within 6 months of the date of this permission. The aftercare scheme shall include provision for:
  - I. Measures to be taken to ensure appropriate plant growth;
  - II. Detail of any surface water drainage to ensure that the site will be free draining and including, where appropriate, identification of discharge points and measures to control run-off and prevent erosion;
  - III. The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of any haul road and hardstanding areas.

The aftercare shall be carried out in accordance with the approved scheme.



