

Planning Reference No:	09/2806W
Application Address:	Mere Farm Quarry, Chelford Road, Nether Alderley.
Proposal:	Extension to sand workings
Applicant:	Hanson Quarry Products Europe Ltd, Hanson House, 14 Castle Hill, Maidenhead, Berkshire, SL6 4JJ
Application Type:	Major mineral application
Grid Reference:	382310 375011
Ward:	Bucklow Alderley
Expiry Dated:	13 Dec 2009
Constraints:	Manchester Airport Safeguarding, Wind Turbine consultation area, Green Belt

SUMMARY RECOMMENDATION:

Approve subject to conditions and amended Section 106 legal agreement

MAIN ISSUES:

Validity of application

Need for sand extraction

Impact on hydrology

Loss of agricultural land

Protected species

Ecological enhancement and restoration

1. REASON FOR REFERRAL

This application was deferred from Strategic Planning Board on 5th January 2011 for the following reasons:

- (a) For more detailed information regarding proposed mitigation and restoration measures, plus public access to the area after the quarry ceases working; and
- (b) Further consideration to the establishment and operation of a Liaison Committee on the site

2. DESCRIPTION OF SITE AND CONTEXT

The site is located approximately a kilometre east of Chelford, to the north of the A537 and east of the A535, and 8km west of Macclesfield. Access to the quarry is by a dedicated tarmac road with deceleration and acceleration lanes directly off the A537. This access road connects with the processing plant, stockpile area, site offices and car park.

The proposed site is a 6 ha extension to the north west of the existing quarry. This land is currently improved pastureland surrounded by hedges and fencing with occasional mature trees. The land has been classified as grade 2 and 3a agricultural land which is considered best and most versatile.

Immediately to the south of the extension lies the active excavation of the existing quarry with previously quarried areas to the south east now consisting of a large lake. The processing plant, settling lagoons, stockpiles and offices lie approximately a kilometre east of the proposed extension. Beyond a 60 metre wide strip of agricultural land to the west of the site lies the A535.

The closest properties on the A535 are approximately 350m to the south west, whilst Roadside Farm lies 300m to the north with the land falling to Pedley Brook a further 450m north. To the north east of the site and north of the quarry are a number of isolated properties all gaining access off Bollington Lane, with most set within existing woodland. The nearest of these properties to the site is Sandewood Farm which lies approximately 250m to the east. Public footpath Chelford No 2 has been diverted to the north of the existing excavation and currently runs through the proposed site in an east west direction.

Existing screen mounding and tree planting ensures that the majority of active workings or site infrastructure are not visible from either the west (A535) or the south (A537) and existing woodland to the north and east also aid to screen activity.

The quarry has generally been worked from east to west exploiting a sand body that has varied in thickness between 10 and 25m and consists of two deposits separated by a clay band varying from 2 to 4 metres thick. Soils and clay overburden tends to vary in depth between 0.4 to 1.5m. Historic extraction rates for the sand vary between 250,000 and 280,000 tonnes a year, although this rate has dropped in recent years due to the downturn in the economy. The maximum production is equivalent to 42 HGV's a day.

From 1988, the local water table has been reduced by continued pumping to enable sand to be removed down to 60m AOD although recent depths are between 63 and 65m AOD, equal to a working depth of less than 20m. Ground levels outside the quarry vary from 90m AOD to the east of the quarry to 78m to the west.

Sand is excavated by wheeled front loaders and taken by conveyor to a pump house where oversized material (stone) is sieved out and the sand is mixed with water and then pumped by pipeline to the processing plant. Sand is then settled out and the surplus water further settled in lagoons and a large lake, ready for reuse or discharge via pipeline crossing third party land to Pedley Brook.

3. DETAILS OF PROPOSAL

A 6 ha extension to the quarry is proposed in a northern direction. Of the 6 ha, 3.5 ha would be excavated and the remaining 2.5 ha used for screening and soil storage. An additional 500,000 tonnes of sand would be extracted from the area.

There is now less than a year of permitted reserves remaining and the applicant considers the proposed reserves, which are the last available, should provide an additional three years of production, taking working up to the permitted completion date for the quarry of 2014. Six on-site jobs, together with servicing and HGV driving jobs would be safeguarded for the duration of the additional excavation works.

Soils would be stripped from the excavation area and stored in mounds up to 3m high for topsoil and 5m high for subsoil along the north, east and west boundaries of the site or partially used directly to restore other parts of the quarry. Overburden would be relocated to the existing working area to create an island within what would become one of a number of restored lakes.

Existing hours of quarry working are 0730 to 1800 Monday to Friday and 0730 to 1230 on Saturdays, with no working on Sundays or Bank Holidays. The proposed extension would retain these hours.

Restoration of the site is proposed and would result in an additional 3.5 ha of lake, 0.2 ha of marginal habitat and 2.3 ha of woodland. An amendment to the existing proposed restoration of the quarry immediately adjoining the proposed extension would also be required. It is proposed to separate a lake to the south west of the existing quarry, from that now proposed, with a land bridge along which the diverted public footpath No 2 would be relocated (its original route). To the north would be the new lake containing an island and significant marginal habitat. Land to the west, north and east of the new lake would be planted to woodland.

4. RELEVANT HISTORY

Mere Farm Quarry is a large established sand quarry that has operated since the 1970's under several planning permissions, the latest of which is 5/06/02940 granted in June 2008 and permits extraction until April 2014 followed by a comprehensive restoration scheme. The sand extracted, has been used for concrete and building purposes.

5. POLICIES

Regional Spatial Strategy

DP1: Spatial Principles

DP4: Make the best use of existing resources and infrastructure

DP7: Promote Environmental Quality
EM7: Mineral Extraction

Local Plan Policy

Cheshire Replacement Minerals Local Plan

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity

Policy 20: Archaeology

Policy 23: Nature Conservation

Policy 25: Ground Water/ Surface Water/ Flood Protection

Policy 26/27: Noise

Policy 28: Dust

Policy 29: Agricultural Land

Policy 31: Cumulative Impact

Policy 33: Public Right of Way

Policy 34: Highways

Policy 37: Hours of Operation

Policy 41: Restoration

Policy 42: Aftercare

Policy 47: Sand and Gravel Area of Search

Macclesfield Borough Local Plan

NE 2: Protection of Local Landscapes

NE 3: Landscape Conservation

NE 11: Nature Conservation

GC 2: Green Belt

RT 8: Access to Countryside

DC 19: Water Resources

Other Material Considerations

Mineral Planning Statement 1

6. CONSULTATIONS

Manchester Airport has raised concerns regarding the possible increased risk of bird strikes and would wish to see a number of conditions added to any permission.

Natural England has not objected to the application but does recommend a condition to protect breeding birds and draws the Council's attention to the regulations governing protected species.

The Environment Agency have been significantly involved with issues relating to surface and groundwater on and around the site, partially in response to complaints and objections received. They originally objected to the proposed development but have, based on further information and negotiation, withdrawn that objection. See later comments on ecology.

The Archaeological Officer has no objection to the proposal subject to conditions relating to a watching brief including advanced notification of commencement and access by the archaeologist to the site.

The Environmental Health Officer raises no objection to the proposal.

The Public Rights of Way Officer raises no objection to the proposal and notes the affect on Public Footpath No 2 Chelford. The standard advisory note covering work on public rights of way is recommended for inclusion within any decision notice.

The Highway Engineer notes that the existing access is to be used and the proposal would not generate more traffic than existing. Therefore, as the existing development has not caused any significant highway issues, he has raised no objection.

The **Council's Ecologist** has no objection to the proposed development subject to conditions to ensure;

- no development within 30m of badger setts
- that a further badger survey is undertaken immediately prior to commencement
- that a standard condition is applied to protect breeding birds
- barn owl boxes are provided
- a detailed landscaping plan is provided
- a management plan is submitted and agreed.

Overall, it is considered the restoration of the quarry is likely to secure significant gains for nature conservation.

The Council Landscape Officer notes that there would be a loss of hedgerow and mature trees and that this would have a moderate impact in terms of landscape impact. Proposed screening, using soils, would effectively screen the site except for users of footpath No 2 during operations. No objections are raised.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

Nether Alderley Parish Council has no objection to the proposed development, but considers it should receive benefits from a Section 106 legal agreement.

8. OTHER REPRESENTATIONS:

Objections have been received from 9 local residents, some of which relate to ongoing neighbour and third party disputes, one of which has now been resolved leading to the withdrawal of an objection. The issues raised were:

- The application is invalid as no ownership (blue line) information has been provided.
- The application boundary doesn't cover the whole development as the full quarry and any discharge routes should be included and owners notified accordingly
- The application should be accompanied by an Environmental Impact Assessment.
- The quarry has caused ponds and brooks to dry out and affect wildlife including great crested newts.
- Great crested newts have been inadequately surveyed.
- The quarry has caused flooding.
- There is no need for the sand. The quarry is big enough already and further green belt and farmland would be lost.
- Noise.
- Promised benefits in terms of restoration are not being delivered.
- The site isn't being adequately maintained

Further representation from Emery Planning Partnership was received in a letter dated 16th March 2011. The salient points were:

- Public access and recreational facilities provided at other quarries in Borough.
- Clarification on mitigation and restoration in terms of planning gain required.
- Liaison group should be set up before committee.
- Hanson's should be responsible for final restoration and future maintenance.
- A statement of future intentions is required.
- Condition required to deal with provision of public access and soft recreational facilities accessible by the public, and replication of current conditions
- When will quarrying cease?
- Minerals Policy Guidance/Statements refer to providing opportunities for communities, conservation and increased public access.

9. APPLICANT'S SUPPORTING INFORMATION:

The application was accompanied by;

- supporting statement,
- revised restoration plan,

- Assessment of Environmental Impact of Noise, prepared by Vibrock Ltd and dated 29/05/2009,
- Ecology Report dated 06/03/2009,
- Agricultural Land Classification and Soil Resource Survey, dated 05/01/2008,
- Landscape and Visual Assessment, dated June 2009,
- Water Issues Assessment, prepared by Entec 20/07/2009, to which were later added;
- Water Features Survey, prepared by Entec dated 14/04/2010
- Flood Risk Assessment prepared by Entec dated 14/04/2010.
- Letter from applicant dated 12 May 2010 enclosing a note on translocation (of GCN's) from ponds within existing permitted area.

10. OFFICER APPRAISAL

Principle of Development

The application is valid as the appropriate forms and plans have been submitted.

It is not necessary to include within the application the remaining currently consented quarry and plant, nor long existing off-site water discharge arrangements as raised by an objector. Moreover, it is not included in this application. The Council therefore has no jurisdiction to look at this.

Prior to the submission of the application, the proposed development was subjected to screening under the Town and Country (Environmental Impact Assessment) (England and Wales) Regulation 1999, and the then Cheshire County Council provided an opinion that an Environmental Statement was not required. This opinion was challenged by a local resident and the views of the Government Office for the North West were sought. The Government Office concurred with the Council that no Environmental Statement was necessary to accompany the application and the application was therefore valid.

Mere Farm Quarry has produced building and construction sand for use in the local economy since the 1970's. The use of the quarry for sand production has therefore been established.

The current planning permission (5/06/2940) requires the completion of extraction and final restoration of the site by 28 April 2014. Reserves of sand in the currently consented area are now becoming exhausted and the operator is now seeking consent to work an additional 3.5 ha area that

would provide 500,000 tonnes of sand over a three year period. The additional extraction would be undertaken within the existing time limits for completion and are proposed to be worked in accordance with existing conditions attached to the quarry's operation.

Whilst the demand for sand is linked to economic activity and therefore has declined in recent years, there is still a need. Mineral Planning Statement 1 emphasises the need to ensure there is an adequate and steady supply of minerals, such as sand, utilised by society and the economy. To meet need, the Statement provides guidance on the provision and maintenance of landbanks, which for sand is set at 7 years supply. The North West Aggregates Working Party established the Cheshire sand reserves at 31st December 2008 as 16.4 million tonnes, which was equivalent to 8.3 years historic supply. Consequently, there is considered to be a need for further reserves to be released.

The proposed extension is located within an Area of Search as identified within the Cheshire Replacement Minerals Local Plan and therefore subject to policy 47 of the Plan which states:

Any additional reserves required to maintain the landbank for sand and gravel will only be permitted from within the Area of Search as defined on the Proposals Map, unless exception circumstances prevail.

The extension site therefore has policy support.

Green Belt and Agriculture

The quarry is within the Green Belt.

Planning Policy Guidance 2: Green Belts, identifies that:

- minerals can only be worked where they are found,
- their extraction is a temporary activity
- mineral extraction need not be inappropriate development or conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored.

It is considered that the proposed extension is not contrary to Green Belt policy.

The proposed development will entail the permanent loss of some grade 2 and 3a agricultural land, this being considered the best and most versatile. However, this loss is balanced by the prudent use of a mineral resource

and the restoration of the site to provide biodiversity and the creation of a number of valuable habitats, primarily open water, reedbeds, and tree planting.

Ecology

The site is within the consultation zone for Manchester Airport where development likely to result in increased bird strikes on aircraft can be of concern.

The Airport Authority has made a number of recommendations to be applied as conditions that would reduce any hazard, including:

- constructing the proposed island so that it remains sparsely vegetated,
- reduce shallow margins and plant reeds or emergent vegetation,
- require marginal fencing should Canada Geese become established,
- prohibit feeding and produce a bird management plan.

All are recommended as conditions and could be incorporated within a revised restoration and management plan.

The Council's Ecologist has also recommended conditions, including a detailed landscape plan, that can pick up on the issues above together with a management plan.

In order to access sand below the water table, the quarry workings have been pumped dry since 1988. This has artificially reduced the water table within the area of pumping and surrounding areas. The pumping is only necessary within the area of extraction, so pumping has ceased in those areas worked out, and the water table has returned to approximately original levels.

Surface water flows have also been affected over the life of the quarry. Where surface water originally would have flowed out of the quarry site, it now flows internally into the ponds and lakes created. Therefore, there has been a small impact on watercourses since quarrying commenced.

An existing Section 106 legal agreement attached to the quarry development requires:

- monitoring boreholes to be regularly checked
- flows within Bag Brook to the south of the quarry to be augmented if necessary.

Further augmentation of local ponds is carried out by the operator voluntarily on landowner's requests.

The Environment Agency has noted some discrepancy between existing water discharge consents and actual discharges and is in discussion with the operator to vary or regularise these consents. These are not planning matters.

Waterflows

Surface water on the proposed extension site flows eastwards to a small intermittent watercourse that runs along the east boundary of the extension site. This watercourse then runs in a northerly direction to feed Pedley Brook. The loss of surface water flow from the majority of this 6ha site is not considered to be significant. There will be no impact on surface waterflows within Bollington Pits which is over a kilometre to the east.

Pumping

Objections have been received claiming existing ponds are affected by the pumping exercise and down-draw of the water table and this will be made worse by a further extension to the quarry.

As the underlying geology in this area is sand, ponds can only exist if they are on a perched water table, which in this area is provided by fluvial and glacial clays. Providing the water table isn't in continuity with these clay drift deposits (which doesn't appear to be the case), movements in the water table caused by pumping are not likely to impact on ponds.

Water loss from ponds occurs through evaporation and transpiration and or leakage through an imperfect seal. Water levels within ponds may also be affected by reduced surface flow into them. Historic reduction in surface flows are likely to be related to past excavation. It is considered that the temporary further pumping to the extension site is unlikely to have any additional impact on local ponds.

Flooding

The objection relating to flooding was investigated and found to be caused by woodland clearance unrelated to quarry activity.

Great Crested Newts

The proposed development is not likely to result in an adverse impact upon great crested newts. Whilst earlier phases of the quarry development have encountered the species and mitigation ponds and habitats have been created, it is not considered they are present within the area now applied for.

Badgers

A number of badger setts have been recorded around the site and it is recommended that no disturbance takes place within 30 metres of them. There will also be a slight loss of foraging area and although tree planting is proposed as part of the restoration it is considered an element of fruiting trees should be planted as mitigation. These matters can be controlled by condition and incorporated within detailed landscape and management plans.

Promised Restoration

Local residents have complained that promised restoration and amenity facilities have yet to materialise. However, it should be noted that whilst the restoration will provide such facilities, the site is still an active quarry and subject to health and safety constraints. As such, public access can not at this time be provided within the quarry working areas. The proposed extension would not extend the workings or restoration of the site beyond the consented completion date of 2014.

The Parish Council consider that planning gain should be delivered through a Section 106 legal agreement but have not indicated what is necessary or why. Operators of large facilities, such as quarries, do at times voluntarily offer planning gain and this is often incorporated into a legal agreement. However, Local Authorities can only impose such agreements in cases where the development would be unacceptable without the agreement. That is not the case here.

The existing permissions for the operation of the quarry, including the latest 5/06/02940, granted in June 2008, have approved comprehensive restoration schemes that will return the land to a mix of agriculture, woodland, nature conservation and series of lakes.

The current application would increase the quarry area by 6ha and entail an amendment and addition to the existing restoration within the north-west part of the quarry. An additional 3.5ha of lake, 0.2 of margin habitat (mainly reedbed) and 2.3ha of woodland would be created as part of the overall restoration of the quarry. A detailed restoration plan has been submitted with the application and minor amendments to it, as recommended by Manchester Airport Authority, to minimise the likelihood of bird strike, can be achieved to it by the conditions recommended, namely the submission and approval of a detailed landscaping plan and a habitat and management plan. As indicated in the original committee report, the restoration proposals are considered acceptable.

The restoration scheme does provide significant habitat gain: it is principally for nature conservation, amenity and agricultural use. Aftercare and maintenance of the restored site can be controlled by condition

requiring a 5-year scheme, in view of the nature conservation uses proposed it is recommended this be extended by Section 106 to a total of 15 years, that is an additional 10 years beyond that required by condition.

An existing Section 106 legal agreement requires the monitoring of hydrology in accordance with an approved scheme and augmentation of flows in Bag Brook. These agreements will need to be reviewed within an updated agreement by way of a deed of variation should permission be granted.

Residents have also raised issues over site maintenance and noise. These are issues that have and will continue to be investigated by the monitoring and enforcement officer. The Environmental Health Officer has no objection to the proposed extension, subject to existing conditions including those dealing with noise being applied.

An initial objection regarding a disputed water discharge pipe that has operated since 1988 and handling the flow of surplus water from the site to Pedley Brook has now been resolved between the quarry operator and landowner and the objection removed.

Future Public Access

Existing public rights of way crossing the site and subject to diversion orders, will be reinstated as part of the restoration. The land owners (The Chester Diocesan Board of Finance and Astle Estate) to whom the land will revert once restoration and aftercare periods finish, have indicated they are not prepared to allow public access on their land other than the re-establishment of public rights of way. Furthermore, there are currently no proposals for the future leisure or other recreational use of the site and its lakes. Future uses would need to be subject to further planning applications, should any proposals come forward. There will be public access to the site through the reinstatement of the existing public right of way which would pass through the restoration scheme.

In its previous deliberations the Committee made it clear that there was an expectation that public access should be improved as part of the ultimate restoration scheme. The Council therefore needs to consider the reasonableness of either refusing the application on the lack of access provision or imposing a condition that achieve this objective.

In considering proposals for new mineral extraction, Mineral Policy Statement 1 (MPS1) indicates that local Authorities should:

“Have regard to the positive or negative effects that minerals operations may have on rural communities and the extent to which adverse impacts of such operations could be moderated, but recognise that such developments can often also offer

opportunities for these communities especially at the restoration stage” [Paragraph 14].

When contemplating restoration, Paragraph 19 indicates the Local Planning Authority should:

“take account of the opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility, which may be achieved by sensitive design and appropriate and timely restoration”

and

“maintain or improve the Public Right of Way network around restored mineral sites as far as practicable”;

Policy 41 of the Minerals Local Plan also underlines that amenity and recreation are important considerations in the restoration of mineral sites.

Given this policy context it appears appropriate to require an enhancement in public access as part of the restoration of the proposed development. The land owners will stand to benefit from the extraction of additional aggregate from the site and this will prolong and extend the life of the quarry; it does not appear at all unreasonable to seek to mitigate this by meeting some of the communities aspirations for better restoration.

In accordance with advice in Circular 11/95 it is only appropriate to link improvement to the development now being considered – it would not be reasonable to revisit the restoration conditions of the wider site. Never the less the proposed extension will create opportunities in the vicinity of the new lake on the northern fringe of the site. A circular walking route could easily be created around this lake by linking up to the restored public footpath and the path within the broad verge of Alderley Road. It is therefore recommended that a scheme for improved public access be required by condition.

Community Payment

The applicant has indicated that they are not prepared to offer a community payment in mitigation for the quarry extension, but will consider any application for community projects made to them under the aggregate tax provisions, independent of the application. There are no grounds upon which a community payment can be required.

Liaison Committee

Further discussion with the applicant (Hanson) has taken place and steps are in hand to establish a Liaison Committee for the site. Members will be aware it is common practice to establish and operate such committees on major mineral and waste sites. Indeed, the nearby Dingle Bank Quarry has an effective committee that has operated for several years.

Whilst Hanson's have indicated a willingness to voluntarily operate a liaison committee, it can and should be the subject of a condition that requires the operator to submit and agree the terms of reference for such a committee and thereafter operate the committee until the site is restored or such earlier time as may be agreed between the operator and the Council.

11. CONCLUSION

The proposed extension to Mere Farm Quarry would enable an additional half million tonnes of sand to be extracted over the remaining three years of the quarry's existing consent. The extension area lies to the north-west of the existing quarry and would involve the progressive excavation of 3.5 ha of agricultural land within a 6 ha field; the remaining land being utilised for soil storage. The extension is proposed to be worked in accordance with the existing conditions applied to the quarry. The existing restoration plan for the quarry, which includes a number of lakes and ponds, tree planting, areas for nature conservation and agriculture, would need to be amended. This will result in additional areas of lake, woodland and habitat creation.

Whilst there would be a small loss of quality agricultural land this is compensated for by the release of sand reserves and restoration that will provide significant biodiversity. It is not considered the extension would adversely impact on protected species.

Development of the quarry over past decades has entailed the local water table being affected by continuous pumping and also led to localised reductions in surface flow. Whilst the water table will rebound once quarrying is completed in 2014, historic impacts on surface flows will remain. It is not considered that the extension will significantly impact on either surface or groundwater flows.

Opportunities for limited additional access exist within the area of the extension - and this can be governed by condition. In addition an appropriate Liaison Committee can be secured through the suggested condition which the applicant is willing to establish.

12. RECOMMENDATIONS

APPROVE subject to entering into a deed of variation to update the existing Section 106 agreement and enter into further agreement to secure an additional 10 year aftercare scheme beyond the five years required by condition and subject to the following conditions:-

1. The replication where relevant of the existing 68 conditions attached to the current permission for the quarry that deal with:

**Duration of working
Hours of working
Traffic
Method of working
Plant and machinery
Noise
Dust
Drainage
Pollution control
Archaeology
Site maintenance
Soil stripping and storage
Restoration
Aftercare
Plus additional conditions;**

2. **No working within 30 metres of badger setts**
3. **Additional badger survey in advance of working**
4. **Protection of breeding birds**
5. **Provision of barn owl boxes**
6. **Submission of detailed landscaping plan**
7. **Submission of a habitat and management plan**
8. **Submission of a proposed scheme for enhanced public access in the vicinity of the extension**
9. **Submission of details of a Liaison Committee to be agreed by LPA, which shall operate until the Quarry is fully restored, unless otherwise agreed**