Application No: 12/1799C

Location: Former Tip, Roughwood Lane, Hassall Green, Sandbach, Cheshire, CW11 4XX

Proposal: Importation of inert material to install cover system to former tip and restoration scheme to allow change of use to informal recreational open space with ancillary car park.

Applicant: Hays Plc

Expiry Date: 07-Sep-2012

SUMMARY RECOMMENDATION
Approve subject to conditions

MAIN ISSUES

- Principle of development
- Land and groundwater contamination
- Geotechnical stability
- Impact on highways
- Impact on ecology
- Impact on local amenity
- Landscape, visual and arboricultural impacts

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a major waste application.

DESCRIPTION OF SITE AND CONTEXT

The site is located approximately 1.5km south east of Hassall Green and occupies a triangular parcel of land on the junction of Roughwood Lane and Betchton Lane.

The application site comprises the former Hassall Green landfill which was used for the deposit of industrial waste until the 1980's. The central portion of the site comprises an area of overgrown vegetation which was previously deposited with waste sludge. The land in this area is discoloured white/grey and retains a soft consistency due to the presence of sludge on the surface. To the west is a heavily wooded area which was previously used for the deposit of demolition rubble. The area to the east is an area of overgrown vegetation and woodland also used previously for this use. The northern site boundary is defined by a large earth embankment. The existing vehicular access point off Betchton Lane lies on the southeast corner of the site.

Land to the south beyond Betchton Lane, and to the east and west is predominantly open agricultural fields and woodland. Land to the north beyond the embankment is a large mature oak wood which stretches up to the boundary with Roughwood Lane beyond which are agricultural fields. Day Green Stream lies approximately 50m from the northern boundary

The general topography of the site is such that the land rises steeply to the south where views are restricted by the embankment and existing tree screen. Land falls more gently from the tip embankment down to the south eastern corner of the site.

RELEVANT HISTORY

The site was originally a sand quarry until it was commissioned in 1956 by BP Chemical Limited for the deposit of non-hazardous industrial wastes, asbestos sheeting and construction industry waste. It continued in this use until the 1980's after which it was left in a semi-restored state.

The former tip was used for the deposit of salt plant sludge and effluent sludge contaminated with mercury. Placed on top of this was demolition rubble from the old Caustic Plant and boiler house which is believed to have been contaminated with asbestos. The rubble is believed to have been capped with soil and the land has since been left un-restored.

DETAILS OF PROPOSAL

The application proposes to remediate the former tip to enable the land to be used for informal recreation and open space. In order to achieve this, a cover system is proposed on the central section of the site (an area of approximately 4500m²). A porous geo-textile material would be laid over the contaminant layer followed by a fill sub base of 350mm granular capping layer with a 150mm low nutrient growth layer above. The growth layer would be allowed to re-colonise naturally or seeded with a wildflower mix. Due to the difference in levels between the eastern and central sections of the site, some slight slope amelioration is proposed to reduce the gradients across this area of the site, and an access ramp would be constructed to allow movement across the two sections of the site.

On the western section of the site, a large area of defensive planting is proposed over the area subject to contamination. This would consist of planting dense, low lying, evergreen vegetation and would be designed to prevent access by users.

In order to stabilise the northern embankment, slope re-grading works are proposed which would comprise of removing all current vegetation along the bank, placing and compacting approximately 700m³ of inert material across the area to create a slope incline of 1:2. This would then be finished with a geo-textile layer, and completed with seeded topsoil and allowed to re-colonise naturally. A new permanent fence would also be erected approximately 1m from the toe of the proposed new slope.

It is anticipated that the works will take 12 weeks to complete and would require the importation of approximately 3600m³ of fill material. This is anticipated to generate approximately 1000 vehicle movements (500 in, 500 out) in total which would generate an average of 15 movements in and 15 out a day. These vehicle movements would not be

sustained across the whole timescale for the works as they will principally be associated with the delivery of hardcore which is likely to be over a 2 month period.

A temporary site compound would be created in the south eastern corner of the site adjacent to the site entrance, with a small internal access road linking to the main site entrance. The compound would be used to accommodate a site office, plant store, bunded fuel storage, wheel wash and adequate turning space for HGVs. An 80m long temporary haul road would also be created along the southern site boundary to enable vehicles to access the remediation area, which would be removed on completion of the works and restored back to a mowed path. This haul road will require the importation of approximately 350m³ of material. The access ramp formed during these works would be retained on site as part of the final restoration works. Two further temporary access tracks would be installed to the north of the site to allow access for HGVs to the northern embankment from Roughwood Lane.

Following completion of the proposed works, the land ownership would be transferred to the Land Trust who are a charity who own a number of sites across England. They propose to manage the site as a wildlife conservation area and also use it for public access for nature conservation education and information recreation. Initially the Land Trust propose that the site would be open to the public on a request only basis, which, subject to interest and resources may increase in frequency. Access to the recreation area will remain from the existing entrance on the south eastern corner of the site. The site compound area will be retained to provide a small car park to accommodate visitor parking which will remain locked aside from when in use by the Land Trust.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and Congleton Borough Local Plan 2005.

The relevant development policies are;

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 18: Water Resource Protection and Flood Risk
Policy 23: Noise
Policy 24: Air Pollution; Air Emissions Including Dust
Policy 25: Litter
Policy 26: Odour
Policy 27: Sustainable Transportation of waste
Policy 28: Highways
Policy 29: Hours of Operation
Policy 32: Reclamation

Congleton Borough Local Plan (CBLP)

Policy GR1: New Development
Policy GR4 and GR5: Landscaping
Policy GR6, GR7 and GR8: Amenity and Health

Policy GR9: Accessibility, Servicing and Parking
Policy GR17: Traffic Generation
Policy NR1: Trees and Woodlands
Policy NR5: Wildlife and Nature Conservation
Policy NR6: Reclamation of Land
Policy BH4: Effect of Proposals on Listed Building
Policy RC1 and RC4:Recreation and Community Facilities
Policy PS8: Open Countryside

On the Congleton Borough Plan Proposals Map the site is located adjacent to a Site of biological importance to which Policy NR4 applies. It is also situated adjacent to an area at risk of flooding to which Policy GR21 applies.

Other Material Considerations

The revised EU Waste Framework Directive 2008 (rWFD)
Government Review of Waste Policy in England 2011 (WPR)
Government Waste Strategy 2007 (WS2007)
Cheshire Consolidated Joint Waste Management Strategy 2007 to 2020
Cheshire East and Cheshire West and Chester Councils Waste Needs Assessment Report ('Needs Assessment')

National Planning Policy and Guidance

National Planning Policy Framework (2012)
PPS 10: Planning for Sustainable Waste Management

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

The site is near the junction of Roughwood Lane with Betchton Lane, south of Hassall Green. It is anticipated that around 3600 cubic metres of material will be imported, for strengthening of the retaining bund (750 cubic metres), providing a capping layer over the site (2500 cubic metres) and 350 cubic metres for internal haul roads. This will be carried in rigid axle, 4-axle lorries carrying between 8 and 10 cubic metres of material. In addition there will be other movements associated with the operation. Overall it is estimated that the works will require 500 lorry movements each way and the number of deliveries will vary between 15 movements per day, i.e. one or two movements each way per hour.

Deliveries would be within site working hours of 8am to 6pm on Mondays to Fridays or as stipulated by planning condition. On this basis the delivery movements would take between four and eight weeks to complete.

The intended access route for lorry traffic is from the B5078 Chells Hill at Lawton Heath End via Betchton Lane. The length of Betchton Lane to be used, 0.8 mile, is narrow (approx 4.5m) with a limited number of passing places though with generally good forward visibility. The route to the site from the west through Day Green is much worse in width and alignment and has fronting properties. The route from Hassall Green is subject to a weight limit precluding its use. Thus the only practical route to the site is via Betchton Lane from Lawton Heath End.

Given the moderate scale of the works and lack of alternative access options I have no grounds to support an objection on highway grounds. However, I consider it desirable for the applicant to pay for temporary signs on Betchton Lane and Roughwood Lane advising users of the additional lorry traffic. This will make road users aware of the additional traffic, and encourage them to use alternatives. Betchton Lane is very lightly-trafficked, but forms part of the National Cycle Network and is likely to be used by walkers and horseriders. Whilst it is impossible to avoid some meeting of lorries and other local traffic, I feel it is important to avoid the likely disruption and damage to verges and road edges should two lorries meet. Accordingly it will be necessary to regulate deliveries such that large vehicles do not pass each other on Betchton Lane.

Regulation of vehicle movements may be made in various ways, such as waiting for the arrival of one vehicle before the departure of another, or coordination by phone. I do not wish to be too descriptive at this stage as the method required will depend on the haul route, loading/unloading times and number of vehicles employed, but I wish to have conditioned a Method Statement that will eliminate or at least minimise the risk of vehicle conflicts on Betchton Lane.

Within the site facilities will be required to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and to ensure that vehicles can enter and leave the site in forward gear.

Accordingly, I request that the following or similar planning condition be applied to this application:

Prior to the commencement of development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which specifies the delivery route, warning signing provided, regulating of deliveries to and from the site, manoeuvring to allow movements on and off the highway in forward gear and wheel-cleaning. The development shall then proceed in complete accordance with this Method Statement. Reason: In the interests of highway safety to minimise disruption to vehicular traffic/pedestrian routes and to protect the amenity of local residents.

The Council's Environmental Protection Officer:

No objections are raised to the above application subject to the following comments with regard to contaminated land.

The application area has a history of quarry and waste tip use and various stages of site investigation have shown that contamination is present on the site.

- The application is for a recreational area which is a sensitive end use and could be affected by any contamination present
- The applicant has supported the application with various contaminated land assessments including a detailed quantitative risk assessment for human health. This has shown that the proposed remedial strategy will mitigate against risks to human health for the proposed worst-case scenario of the site's future use as an open recreational area.

- Should the review of the slope stability assessment show that there is an unacceptable risk of slope failure due to the extra loading of material, this section would OBJECT to this application as the remediation scheme would be unable to be implemented and human health would not be suitably protected.

As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

Demolition and construction phase of development

Hours of operation

The hours of demolition / construction of the development (and associated deliveries to the site) shall be restricted to:

Monday – Friday 08:00 to 18:00 hrs

Saturday 09:00 to 14:00 hrs

Sundays and Public Holidays Nil

Reason: In the interests of residential amenity

CONDITION

- *The development shall not be used until the remedial/protection measures included in the approved report (Phase II Geo-Environmental Assessment, Hassall Green, July 2012, Issue 2 - Final) have been fully implemented and completed.*
- *Once the remediation is complete, a Site Completion Statement detailing the remedial/protective measures incorporated into the development hereby approved shall be submitted to and approved in writing by the LPA in full prior to the first use of this development.*

CONDITION

- *The areas proposed for defensive planting should be securely fenced off, and the fencing not removed until the planting has become established and effective. Evidence of this shall be provided for the LPA's approval in the aforementioned Site Completion Report. Once the planting is deemed to have become established and effective, a report shall be submitted to and approved in writing by the LPA in full prior to the removal of the fencing.*

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development and having regard to policy NR6 of the Congleton Borough Council Local Plan.

Informative.

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA)

should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Archaeological Officer:
Note that the field immediately to the west of the application area is recorded in the Cheshire Historic Environment Record as the possible site of a particularly early salt works, which was established in the late 17th century. The proposals will not, however, affect this area and are entirely concerned with the former tip which, it would appear, began life as a sand extraction pit whose extent is well seen on the 19th-century mapping and the aerial photographs dating to the 1940s. In these circumstances, no further archaeological mitigation will be required with regard to this application.

Public Rights of Way Officer:
The development does not appear to affect a public right of way. The Salt Line, owned by Cheshire East and managed by the Countryside Team is quite close to this site and may wish to be consulted on this proposal.

Please note the Definitive Map is a minimum record of public rights of way and consequently does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

Countryside Management Service:
None received

Nature Conservation Officer:
The application is supported by a number of habitat and protected species surveys. The Great Crested Newt survey undertaken did record newts in one of the nearby ponds, however it was concluded that the development would be unlikely to have an adverse impact on this species.

No evidence of roosting bats were recorded during the previous surveys however two trees were identified as having potential to support roosting bats. As the surveys were undertaken in summer 2011 these survey should be updated if any work remains to be done to either of these trees.

With regard to the updated badger information, no evidence of badgers being active on the site was recorded and the previously identified setts continue to be dis-used by badgers. It is advised that badgers do not present a constraint on the proposed development.

In respect of breeding birds, if planning consent is granted standard conditions will be required to safeguard breeding birds.

It was always anticipated that the existing habitats on site would be lost/damaged however it is important that we are clear as to what form the restoration will take. Capping with a low nutrient status soil and natural colonisation is the preferred approach from an ecological perspective. A colony of orchids has been recorded on site. The submitted ecological

assessment recommends that the colony is translocated elsewhere on site to prevent its loss to the remediation of the site. I recommend that the applicant submits proposals for the translocation of the orchids as part of the post remediation proposals.

Landscape/Forestry Officer:
The site is principally an area of open ground with areas of scrub and trees around the perimeter. There is mature woodland to the north. In principle, restoration of the site appears a reasonable course of action which could have landscape and ecological benefits however; there are some issues with the submission.

Forestry

The submitted tree survey relates to trees to the north of the site, outside the site edged red and makes no reference to on site trees. It is not clear to what extent trees would be lost as part of the proposals although it appears losses may be limited to an area of young trees to the south of the site and potentially some losses in the vicinity of the proposed haul road. This needs to be clarified in the submission.

Subject to the tree losses being deemed acceptable, to avoid damage during the remediation process, I would expect to see protective measures for retained trees on site.

Landscape
Some concerns are raised regarding the line of the haul road and the potential for harm to existing established grassland habitat. It would be preferable if the existing track to the north of the site could be utilised.

There appears to be some inconsistency regarding habitat creation post remediation. The submitted ecological assessment makes reference to the site being allowed to vegetate naturally following remediation. Subject to the agreement of the Nature Conservation Officer, this may be acceptable. However, in the planning statement reference is made to the creation of wildflower grassland to the specification of the Land Trust. It is unclear therefore whether the proposals include the seeding of the proposed grassland habitat. No specification is provided for the defensive planting or the grassland. This needs to be clarified.

The submitted remediation strategy specifies a covering of top soil as a growing medium. Topsoil would not be suitable for wildflower grassland establishment.

It is not clear what final treatment the retained car park would have.

Conclusion: It is recommended that further information is sought to clarify the issues raised.

The Environment Agency:
The Environment Agency has no objection in principle to the proposed development but would like to make the following comments.

Contaminated Land
We have reviewed the Phase II Geo-Environmental Assessment, Hassall Green, WSP Environmental Ltd, Project Number 18806/001 Date: March 2011 report with respect to potential risks to controlled waters from land contamination:

We have previously reviewed a number of reports in respect of this development and last provided comments within our letter dated the 10th January 2011 (Ref: SO/2010/108364/01-L1) a copy of this letter is attached.

Based on the information provided we understand that the proposed development will consist of the importation of inert material to install a cover system on the former landfill site and a restoration scheme to create recreational open space.

We have reviewed the additional report provided and our assessment in respect of the risk to controlled waters remains unchanged from our previous assessment outlined in the letter dated 10th January 2011.

We understand that remedial works will mainly be restricted to the installation of a cover system over Zone 2 and further assessment of the north bund to model the potential effects of the proposed earthworks on the stability of the bund.

In summary, we can confirm that whilst the groundwater beneath the site has been impacted by some contaminants, the overall risks to controlled waters (in particular the nearby Day Green Stream) from the site in its current state is not considered to be significant. Therefore, we can confirm that we would have no specific requirements for remediation to protect controlled waters receptors at this time. However, given that elevated levels of heavy metals and Volatile Organic Compounds were detected within the soils we recommend that the following planning condition is attached to any planning permission to ensure any risks to controlled waters are appropriately assessed and mitigated.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason

To ensure a safe form of development which poses no unacceptable risk of pollution.

Comments in respect of further Environmental Assessment

We note that works are proposed to mitigate slope stability issues and provide a cap to the remaining uncapped areas of the sludge lagoon. While we would have an input in this regard if the site was licensed and regulated by us this is not within our remit in relation to historic landfills and would fall to the Local Authority to assess.

Natural England:

We have adopted national standing advice for protected species. As standing advice, it is a material consideration in the determination of the proposed development in this application and should therefore be fully considered before a formal decision on the planning application is made.

The protected species survey has identified that the following European protected species may be affected by this application: bats and great crested newts. Our standing advice sheets for individual species provide advice to planners on deciding if there is a 'reasonable likelihood' of these species being present. They also provide advice on survey and mitigation requirements.

We have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and you should use our standing advice to assess the impact on these species.

With respect to the bat survey and mitigation strategy, the standing advice to the authority is that "Permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements".

With respect to the Great Crested Newt survey and mitigation strategy, the standing advice is that the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with NPPF and Section 40 of the NERC Act.

On the basis of the information available to us with the planning application, Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of bats and great crested newts and therefore avoid affecting favourable conservation status. It is for the local planning authority to establish whether the proposed development is likely to offend against Article 12(1) of the Habitats Directive. If this is the case then the planning authority should consider whether the proposal would be likely to be granted a licence. Natural England is unable to provide advice on individual cases until licence applications are received since these applications generally involve a much greater level of detail than is provided in planning applications. We have however produced guidance on the high-level principles we apply when considering licence applications. It should also be noted that the advice given at this stage by Natural England is not a guarantee that we will be able to issue a licence, since this will depend on the specific detail of the scheme submitted to us as part of the licence application.

Soils, Land use and Reclamation
In view of the small size of the site, Natural England does not propose to make any comments.

VIEWS OF THE PARISH / TOWN COUNCIL

None received

OTHER REPRESENTATIONS

4 letters of objection have been received by local residents who have raised issues concerning:

- The proposed access for HGVs along Betchton Lane may be unsuitable and is already used by horse riders, walkers and cyclists; being part of the National Cycle Network (Route 5). There is increased risk of vulnerable user groups.
- Concern HGVs would damage local roads and verges and query who would pay for repairs.
- Questions the suitability of having a recreational open space with ancillary car park in such an isolated area
- Highlights current problems on site with fly tipping, trespass, anti-social behaviour and potential for the scheme to make this worse.
- Concerns over the current contaminated materials stored on site and potential for any ground disturbance to cause off site contamination. Queries what long term monitoring arrangements for watercourses there would be.
- Queries who would use the recreational space given the contaminants on the site and who would benefit from these.

OFFICER APPRAISAL

Principle of Development

The land has a historical use originally for sand quarrying and later as a waste disposal site for deposit of industrial contaminated materials. It is accepted that the use of the site for these purposes would have necessitated eventual site remediation, although this has never been done to any acceptable level. The principle of restoration of the site is therefore considered acceptable and the use of the land for informal recreation is also considered appropriate to this rural area.

Land and Groundwater Contamination

The former use of the site by BP Chemicals Limited as a landfill from the 1950's until the 1980's has left a legacy of contamination and poor quality restoration which now presents a hazard to the environment and human health.

A range of contaminated land investigations have been carried out to inform this scheme. These identified that a variety of wastes have been deposited at the site over three phases

- 1956 – 1970's: Deposit of salt plant sludge and effluent sludge. Both types of sludge are contaminated with mercury;
- Deposit of demolition rubble from the old Caustic Plant in the 1970's. This appears to have been placed on top of the sludge. Concrete bases believed to be from Hooker Cells are visible on the surface in the north west corner of the site.
- Deposit of demolition waste from the boiler house in the 1980's. This has been placed in the south eastern corner of the site on top of the sludge. It is understood that the rubble is contaminated with asbestos, although it is reported that the rubble was capped with soil.

Whilst the site is now overgrown with vegetation, the presence of the grey/white sludge is apparent on the surface of the site due to its very soft consistency. No further activity is thought to have taken place on site since.

Previous intrusive site investigations have identified a number of potential contaminants in the leachate on site. However, these were not considered likely to pose a risk to groundwater or nearby watercourses. A number of metals including mercury were also identified as exceeding applicable guidance thresholds. The Phase II Geo-Environmental Assessment submitted with this application identifies the potential for direct contact with contaminated materials/soil/shall groundwater during site works, and third party exposure to contaminated materials via direct inhalation of dust.

In terms of risk to human health from soil contamination, six chemicals are identified as exceeding the most conservative assessment criteria. Further detailed modelling demonstrates that only one exceeds site specific target levels and, given the cover system proposed, the risks to human health from contamination are anticipated to be negligible. Equally should the use of the site for recreational purposes intensify in the future, the assessment identifies that the risks from these contaminants would be mitigated by the proposed cover system.

With respect to the risk to groundwater, elevated concentrations of contaminants have been identified. However, these are demonstrated to be well below the generic assessment criteria given the end use proposed. Likewise for ground gas monitoring, whilst elevated concentrations of carbon dioxide have been identified, given the proposed end use, the assessment identifies that this would not cause any risks to the site. Four trial pits identified the presence of asbestos. The material is considered to be in a friable condition which has the potential for fibre release if disturbed. In terms of remediation, it is proposed that part of the area would remain undisturbed and the remediation strategy recommends that trial pits are excavated to delineate the extent of contamination. Defensive planting is proposed in this area to assist in restricting access to the site. The other areas identified in the assessment are not considered a risk to human health as these will be remediated with the cover system proposed.

Based on the findings of the intrusive site investigation and the risk assessment, no significant risk to human health have been identified. A remediation strategy is set out in the assessment which outlines the need to remove any human health contact with the soft land/sludge by means of installing a cover system of at least 500mm across the site. These principles have been incorporated into the design of this scheme. The remediation strategy recommends further investigations to establish the full geographical extent of asbestos on the site and further investigation into the condition of the soils beneath the concrete blocks on the western side of the site.

The assessment identifies a number of good site practice measures to provide mitigation with respect to human health. These include:

- management of dust levels to prevent offsite migration;
- provision of on-site washing facilities;
- adoption of appropriate Health and Safety measures for workers likely to come into contact with contaminated soils/asbestos; and
- adequate protection for plant installing the cover system given the bearing capacity of the land in this area.

The Environmental Health Officer identifies that the application is for a recreational area which is a sensitive end use and could be affected by any contamination present. However,

they note that various contaminated land assessments have been provided, including a detailed quantitative risk assessment for human health. This has shown that the proposed remedial strategy will mitigate against risks to human health for the proposed worst-case scenario of the site's future use as an open recreational area.

The Environmental Health Officer does not raise any objection on the basis that the review of the slope stability assessment demonstrates there is no unacceptable risk of slope failure due to the extra loading of material proposed by this scheme; a matter which is discussed in the next section of this report. They also recommend planning conditions to secure the completion of all remedial/protection measures identified in the Phase II Geo-Environmental Assessment; and the provision of a Site Completion Statement. Planning conditions are also recommended to require secure fencing for the areas proposed for defensive planting until such time as the vegetation has become adequately established. Subject to the imposition of these conditions, it is considered that the scheme would accord with policy 12 and 18 of CRWLP, policies GR1, GR6, GR7 and GR8 of CBLP, and the approach of NPPF and PPS10.

Geotechnical Stability

The northern boundary of the site is currently defined by a 5m high embankment which slopes down to the adjacent land at an angle of 1:1.5. Historical intrusive investigations identified the slope to comprise of Made Ground namely an upper layer of silty gravelly sand/sandy gravel, overlying a medium grained sand fill. The contaminated waste mass on site is contained within this perimeter embankment. Previous investigations have concluded that the embankment was not engineered and there is no evidence to suggest any type of lining system was constructed. There is evidence of historical movement of the slope along its length at various locations.

Previous investigations have identified that the embankment is below the minimum identified 'factor of safety' against sliding and therefore only considered marginally stable. As such, it was recommended that further monitoring/geotechnical testing be undertaken to examine the options available to improve the stability of the slope.

An updated slope stability assessment has been undertaken to inform this application, which takes into account the impact of the proposed 0.5m level of fill material across the site and operation of construction plant/machinery on the stability of the bund. This assessment also concluded that the slope has a very low factor of safety and the steepest sections of the slope would in theory be prone to shallow surface slips. In view of these findings, the Council sought independent external specialist geotechnical advice on the adequacy of the remediation scheme proposed. The opinion of the geotechnical team is that the slope is potentially unstable and does not have an adequate factor of safety against sliding, and slope stabilisation works are recommended to secure the slope.

The applicant has since undertaken further intrusive investigations of the embankment and has identified a scheme of mitigation works. This involves removing all vegetation on the slope and constructing a supporting 'wedge' or crushed stone or hardcore by laying and compacting an additional 700m³ of fill material to achieve a more gradual 1:2 slope. This would then be finished with low nutrient soils and allowed to re-colonise naturally. The advice of the independent geotechnical consultant is that this approach would secure the integrity of the slope. A series of recommendations for the final detailed stabilisation works are provided which can be secured by planning condition. On the basis of the advice of the geotechnical

consultants, it is considered that the scheme would provide an acceptable solution to the instability problems on the site. as such, it is considered that the scheme accords with policy 12 of CRWLP, policy GR7 of CBLP and the provisions of PPS10 and NPPF.

Highway Impacts
Concern has been raised by local residents that the scheme will generate highway impacts arising from additional traffic on the local road network and conflict of heavy goods vehicles (HGVs) with sensitive road users including pedestrians, cyclists and horse riders.

The scheme would generate approximately 1000 vehicle movements (500 in, 500 out), which equates to an average of 15 daily movements to the site (approximately one to two vehicle movements each way per hour). These vehicle movements would not be sustained continuously across the anticipated 12 week period proposed for the works; but would largely be required for the delivery of hardcore over a 2 month period (approximately) in the middle phases of the scheme. The vehicle used in the transportation of material would be rigid axle 8-wheel lorries each with a load capacity of between 8 and 10 cubic metres of material.

The applicant has indicated that the intended access route for HGV traffic to the site is from the B5078 Chells Hill at Lawton Heath End via Betchton Lane. The length of Betchton Lane to be used is narrow (approx 4.5m) with a limited number of passing places, although it has generally good forward visibility. This is considered the only practical route to the site because the route west through Day Green is considered much worse in width and alignment and has fronting properties. The route from Hassall Green is subject to a weight limit precluding its use.

The Highway Officer accepts that this is the only feasible route into the site and, given the moderate scale of work, temporary duration for up to 8 weeks, and the clear lack of alternative options, it is considered that there are no grounds to support an objection on highway grounds.

It is acknowledged that whilst it will be impossible to avoid HGVs and other local traffic meeting, the provision of a method statement detailing the procedures in place to regulate traffic associated with the scheme will help to ensure HGVs have no need to pass each other en-route/from the site along Betchton Lane and thus minimise the likely disruption and damage to verges and road edges. It is considered that the method statement could detail measures to control vehicle routing, delivery times and site access/egress details (including the supervision of a banksman) and this would ensure that the any unacceptable impacts arising from the proposal can be satisfactorily mitigated. The daily maximum vehicle movements could also be restricted by planning condition to ensure the impacts on the local highway network are minimised.

In respect of the impact of the scheme on sensitive road users grounds, the Highways Officer notes that Betchton Lane is very lightly-trafficked, but does forms part of the National Cycle Network and is likely to be used by walkers and horse riders. In order to protect these user groups, a planning condition is recommended to require the applicant to provide temporary signs on Betchton Lane and Roughwood Lane, making road users aware of the additional temporary lorry traffic and encouraging them to use alternative routes.

The Highways Officer also requests that provision of facilities on-site to prevent the deposition of extraneous matter (mud, debris, etc) on the public highway and to ensure that vehicles can enter and leave the site in forward gear. This can also be secured by planning condition.

On completion of the works, the site compound would remain as an informal car park for future users to prevent the need for cars to park directly on Betchton Lane/Roughwood Lane. As the site would be owned and managed by the Land Trust, it is their intension that it would be open on an infrequent basis and by invitation only; primarily for small minibus parties subject to their agreement. As such, the car park would only be large enough to allow a minibus to enter, turn around and exit in a forward gear and would not have any formal designated spaces. The Highways Officer does not consider that this would have any detrimental impact on the local highway network.

In view of the proposed scale and temporary nature of the works, and given the basis of the measures proposed to ensure the impact of HGVs on Betchton Lane is controlled, and provisions to protect other sensitive road users, it is considered that the scheme would not have an unacceptable impact on amenity or road safety and would accord with policies 12 and 28 of CWLP; GR1, GR6, GR16 and GR18 of CBLP along with the provisions of PPS10 and NPPF.

Ecology
Whilst having a high level of contaminated material, the general topographical conditions on the site and existing vegetative/woodland cover provides some nature conservation value. An initial walkover survey and range of protected species surveys was undertaken to identify the potential ecological impacts of the remediation works.

Badgers
The original badger survey undertaken in 2011 confirmed the presence of a main badger sett and an additional annex sett at the site and recommended the sett should be closed, with an artificial sett created off site with barriers to prevent any re-entry. Following subsequent site monitoring, further badger information was provided in 2013 which identified no evidence of badgers being active on the site and that the previous setts are no longer in use. On this basis, the Nature Conservation Officer advises that badgers do not present a constraint on the proposed development. In order to ensure that any Badgers moving over the site or foraging within it during the period of the works are not harmed by the scheme, a condition could be imposed to ensure the following measures are implemented:

- Work only allowed between 8am and 6pm.
- Any holes or trenches left open overnight to have a means of escape provided.
- Where possible, all materials, especially those containing lime, to be stored so that badgers cannot access them.
- Where any works are proposed to the fencing, access to the site to be left for badgers. Badger gates can be installed if necessary. Contractors to be reminded that this access cannot be blocked.

Bats
Mature woodland to the north of the site was identified to have the highest potential to support roosting bats. Only two trees in this area (outside of the application site) have low to medium potential to support bats and these trees will be protected during the period of remediation

works. The survey also confirmed the presence of foraging bats along the site boundaries but very little activity within the site itself. There was no evidence of roosting activity within or immediately adjacent to the site and the Nature Conservation Officer considers that Bats do not present a constraint to the proposed scheme.

The survey does however recommend a precautionary approach to avoid any indirect or direct impacts on the species, with recommendations made in respect of timing of tree works and retention of trees as foraging habitats. On completion of the works, the proposed natural colonisation of the land by floral species is likely to provide a range of foraging and roosting opportunities for bats.

Birds

The site was assessed for its suitability for breeding birds and very few birds were encountered despite the fact that woodland, hedgerow and grassland have the potential to support nesting birds. As such no detrimental impact on breeding birds is anticipated.

Reptiles/Great Crested Newts

Whilst there are no ponds within the site itself, there are ponds within 500 metres of the site. The reptile survey indicates that there are no reptiles on the site. As such, they are unlikely to cause a constraint to the remediation works.

A small sized breeding population of great crested newts were identified within a pond 280m to the south east of the site. The survey considered that whilst the terrestrial habitat around the pond is generally good, the wider landscape offers little suitable habitat and newts are therefore unlikely to move far from the hedgerows. Equally given that the pond is over 250m from the site and immediately surrounding the pond is a swathe of suitable habitat, it is highly unlikely that great crested newts are present on the application site. The Nature Conservation Officer therefore advises that Great Crested Newts do not present a constraint to the scheme.

The survey identifies that a licence from Natural England will not be required to undertake the works. However, in order to safeguard the local population, precautionary recommendations are made in respect of removing all suitable vegetation within the area to be remediated during the active amphibian period. This would be done under a watching brief by a qualified ecologist, in order to check for the presence of great crested newts. Should any great crested newts be found during this process, works would cease whilst a licence from Natural England is acquired. The Nature Conservation Officer considers this approach is acceptable.

Overall restoration scheme

In terms of ecological mitigation, it is anticipated that there will be some loss/damage to existing habitats in order to undertake the remediation necessary. The Nature Conservation Officer advises that following completion of the works, capping with a low nutrient status soil and natural colonisation is the preferred approach from an ecological perspective, and it is considered that the final restoration details, including ecological mitigation can be secured by means of a planning condition.

A colony of orchids has been recorded on eastern part of the site that is not subject to direct remediation. The submitted ecological assessment recommends that the colony is translocated elsewhere on site to prevent its loss. This can be secured by planning condition.

Given the scale and nature of works proposed within the boundary of the site, it is not anticipated that there would be any direct or indirect impacts on the adjacent SBI.

On the basis of these conclusions, and subject to the planning conditions above, it is considered that the scheme would not have a detrimental impact on nature conservation interests and could, in the long term, provide additional ecological value to the site. As such, the scheme accords with policy 12 and policy 17 of CWLP, and policy NR4 and NR5 of CBLP, along with the approach of PPS10 and NPPF.

Impact on Local Amenity

There are not anticipated to be any significant impacts arising from noise/vibration or odour associated with this scheme given the scale of the development, material proposed to be imported, the relatively short duration of works and the limited number of residential properties in the local area. No objections are raised by the Environmental Health Officer or Environment Agency and, in order to ensure the amenity of local residents is protected, the hours of remediation activity (including vehicle movements) could be restricted by planning condition 0800 to 1800 hours Monday to Friday and 0900 to 1400 hours on Saturdays, with no works on Sundays or public/bank holiday. No lighting is proposed for either the site remediation works or the long term use for informal recreation and education, and this would be controlled by planning condition.

A wheel wash would be accommodated on the site to ensure that there are no impacts arising from material being deposited on the highway. The contractor would also be responsible for ensuring that the public roads used for site access are kept clear of mud through the use of road sweeper at regular intervals. These measures could be secured by planning condition.

Concern has been raised that the scheme may result in more instances of anti-social behaviour in the local area. Local residents have highlighted that the site has previously been subject to fly tipping, anti-social behaviour and there are instances of speeding on the local roads. The scheme will bring the land back into use as an informal area for education and recreation and as such will increase the amount of informal surveillance in the area. The site will also retain and where necessary repair the existing fences, and retain the locked gates which will act as a deterrent to any trespassers. The car park to be created on completion of the remediation works will remain locked unless in use by the Land Trust.

Landscape, Visual and Aboricultural Impacts

The general topography of the site is such that the land rises steeply to the southern site boundary where views are restricted by the embankment and existing tree screen along the boundary with the road. Land to the east of the site comprises an open grassed area where the land levels fall more gently down to the south eastern corner of the site. To the north, beyond the site is a mature woodland screen which extends to the northern perimeter with Roughwood Lane.

<u>Visual impacts</u>

With respect to impacts on visual amenity, views of the western and central sections of the site from the southern site boundary (where the main remediation works would take place) are currently restricted by vegetation and the existing topographical conditions. Further east there are partial views from the southern site boundary due to gaps in the vegetation.

However, no significant works are proposed in this area aside from the temporary haul road which would have short term limited impacts. Whilst there may be some minor visual impacts arising from the site compound, this would be for a temporary duration and it is not considered that this would be significant. On completion of the works, a permanent car park would remain on the site of the compound area. The visual impacts arising from this would not be significant as it would be screened to some degree by vegetation on the site boundary.

Arboricultural Impacts

No significant impacts are anticipated to the dense mature oak woodland beyond the northern site boundary, as all trees would be retained aside from those few required to enable access to the embankment. The scheme would result in the removal of trees and vegetation along the northern embankment. No information has been provided in the Tree Survey to indicate the number of trees to be removed or their value. However, any loss is considered necessary in order to secure the slope stabilisation works which is essential to the wider site remediation. Trees would be removed from the central portion of the site to implement the geo-textile cover system. Whilst there is limited information contained in the tree survey for this area of the site, these trees appear to be predominantly birch saplings which are not considered to be of significant size or value. The loss of these trees is also considered essential to secure the remediation of the site to an acceptable standard and limit any risk to human health and the environment.

The western section of the site is a naturally regenerated woodland area comprising of oak birch and goat willow of approximately 5 to 10m in height. No trees would be removed from this section aside from a small amount of thinning out necessary as part of the remediation works. The remediation strategy proposes further defensive planting of dense, low lying evergreen vegetation such as Hawthorn, Blackthorn, and Blackberry within this area. No trees would be removed from the eastern section of the site as this area is not subject to direct remediation activity. The proposed haul road which cuts across this area would be constructed with appropriate tree protection measures installed to ensure trees are protected throughout the duration of works. The provision of protected measures for all retained trees on site can be secured by planning condition to avoid damage during the remediation process.

Landscape and restoration

The proposal would involve the importation of fill material which will increase ground levels by 0.5m across the central section of the site. Re-grading works are also proposed on the northern embankment to secure its long term stability. Given the topography on the site, and degree of vegetation cover on and immediately surrounding the site, the works proposed would not have any significant impacts on the landscape.

The Landscape Officer has raised particular concern over the routing of the temporary haul road and any potential harm to the existing established grassland habitat, with preference given to using a northern route across the site. The applicant has advised that it is necessary to use a southern alignment for the haul road as the current unstable ground conditions created by the deposit of sludge make it difficult to transport vehicles/plant delivering material required in the proposed cover system across this area.

As part of the cover system for the central part of the site, a growth layer is proposed on top of the fill material which will be seeded with a wild flower mix or allowed to re-colonise

naturally. The final details of this will form part of a detailed landscape scheme to be agreed with the Nature Conservation and Landscape Officers. Equally the works to the embankment would include a layer of seeded topsoil which would re-colonise naturally. An informal 500m circular path is also proposed which would be demarked on the site by mowed grass to redirect walkers away from the areas affected by contamination.

Whilst the landscape officer has raised concerns over the level of detail proposed for the final restoration scheme, it is considered that the broad principles of site remediation are acceptable. It would be important to ensure a sensitive balance between any ecological and landscape value gained through the final site restoration details and, as such, a detailed landscaping scheme could be secured by planning condition, to be agreed in direct discussion with both the Landscape and Nature Conservation Officer. This could include provision for:

- Proposed planting scheme for the defensive planting in zone 3;
- Details of tree protection measures to be adopted on site;
- Details of supplementary planting to mitigate against any loss;
- Translocation measures for the colony of orchids on site;
- Details of soils types and seeding (as necessary) to secure capping with a low nutrient status soil and natural colonisation
- Details of the proposed circular path

Subject to securing the final landscape restoration details, it is considered that the scheme would accord with policy 12 and 14 of CRWLP, and policies GR1, GR2, GR5 and NR1 of CBLP, as well as the provisions of NPPF and PPS10.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site has previously been used for the deposit of a range of contaminated waste arising from the chemical industry. No formal remediation was undertaken and the land has been left to become overgrown. The site now presents a hazard to the local environment and human health and requires effective remediation to bring it back into beneficial use. On completion of the remediation works, it is proposed that the land be managed by the Land Trust for informal low level recreation and education.

The scheme proposes three phases of work namely:

- provision of a 0.5m cover system on the central part of the site to address the area of contaminated sludge;
- defensive planting to the contaminated section of land on the west of the site; and
- re-grading works to the northern embankment to address instability issues.

The remediation scheme is considered acceptable and it has been demonstrated that it will mitigate against risks to human health given the future end use proposed. It has also been demonstrated that the scheme will pose no risk to groundwater, the nearby Day Green Stream or the adjacent SBI.

A number of geotechnical investigations have been undertaken which have demonstrated that the re-grading works will ensure the stability of the northern embankment.

The scheme will generate a requirement for HGV movements from B50778 Chells Hill via Betchton Lane. It has been demonstrated that this is the only feasible route for deliveries to the site and, given the moderate scale of works, temporary duration of the scheme and lack of alternatives, it is accepted that this is acceptable, subject to the provision of controls over vehicle routing and delivery arrangements to minimise conflict with other road users particularly walkers, cyclists and horse riders.

A range of surveys have been submitted which demonstrate there will be no significant impacts on protected species and the scheme is also not anticipated to give rise to significant visual, landscape or arboricultural impacts. The final restoration scheme could provide opportunities for ecological and landscape improvements and a full detailed landscape scheme can be secured by planning condition.

No significant impacts on local amenity arising from either the remediation works, or end use for low scale recreation/educational use are anticipated and controls can be imposed by planning condition to ensure the site is adequately managed.

Overall, the benefits arising from the remediation of this site are considered to outweigh any short term detrimental impacts arising from the remediation works proposed; (in that it will enable the effective and safe remediation of a heavily constrained site and enables a long term beneficial afteruse). On consideration of all these material planning considerations, it is considered that the scheme accords with the approach of the Development Plan and provisions in PPS10 and NPPF.

RECOMMENDED:

That the application be APPROVED subject to the following:

1. **Standard conditions**
2. **Control over type and amount of material to be imported**
3. **No processing of materials on site**
4. **Scheme to control dust**
5. **Implementation of remediation/protection measures and provision of site completion statement**
6. **Methods to address any unexpected contamination on site**
7. **Hours of operation**
8. **Restriction on overall HGV movements and daily movements**
9. **Provision of temporary road signs**
10. **Method statement for regulating vehicle movements**
11. **Facilities to prevent deposit of extraneous material on highway**
12. **Provision of wheelwash**
13. **Entrance gate to remain locked aside from when in use by visiting parties**
14. **No external lighting**
15. **Fencing to be installed for defensive planting**
16. **Badger mitigation measures**
17. **Provisions to safeguard nesting birds**
18. **Scheme of measures for detailed stabilisation works**
19. **Provision of full tree survey prior to works commencing on site**
20. **Provision of full tree protection measures**

21. Full landscape restoration scheme