Application No: 16/3062W

Location: DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON, SK11 9DR

Proposal: Variation of Conditions 2,4 & 5 of permission 10/3078W

Applicant: Miss Maria Cotton, Sibelco

Expiry Date: 13-Oct-2016

SUMMARY:
There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by ensuring that the remaining mineral reserves of a nationally significant mineral are fully utilised, contributing to the requirement for a landbank of silica sand. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses and enables the site to be restored to a high standard.

This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescales for the restoration of the site. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation.

Subject to the comments of the Environment Agency as a result of the further details provided, and subject to securing appropriate planning conditions and s106 legal agreement, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

SUMMARY RECOMMENDATION: Approve subject to S106 deed of variation and planning conditions

PROPOSAL

The application proposes the variation of conditions 2, 4 and 5 of permission 10/3078W to seek an extension of time to complete mineral extraction and restoration of the site.

Condition 4 states:

'*The winning and working of sand authorised by this permission shall cease by no later than 31st December 2016. The Mineral Planning Authority shall be notified in writing within 7 days of the cessation of the mineral working'*

The applicant is seeking to extend the date of cessation of mineral extraction to 30th June 2019, providing a further two years and six months for mineral extraction.

Condition 5 states:

'*The site shall be restored as far as required by condition 40 by no later than 24 months of the cessation of mineral extraction as defined by condition 4'*

The applicant is seeking to revise this condition to allow for the completion of the restoration of the quarry and the plant areas by 31st December 2020.

Revised phasing plans have been submitted to reflect the extended timescales for mineral extraction and restoration proposed. A variation of condition 2 (development in accordance with approved plans) is therefore being sought.

The application relates solely to an extension of time for mineral workings and restoration with no other changes proposed to the scale, location or processing of mineral extraction; and no changes proposed to the approved site restoration.

A separate application has been made to extend the time for working for the main area of the quarry site (reference 16/3064W), which is considered separately.

SITE DESCRIPTION

The application site is an area of circa.25 hectares which forms a south eastern site extension to Dingle Bank Quarry. It is situated between Congleton Lane and Whisterfield Lane. The quarry is located to the south of Chelford, approximately 10km to the south west of Macclesfield and 10km north west of Congleton. Access to the quarry is from the A535 which runs from Holmes Chapel to Chelford. The site is located within a predominantly flat, rural area consisting of a mixture of farmland, hedges, small copses as well as restored and current operation land of the quarry. The site lies in the Green Belt in the Macclesfield Adopted Local Plan (MBLP).

Dingle Bank Quarry extracts white sand which is principally used for industrial purposes such as float glass and Gawsworth sand which overlies the white sand in many parts of the site and is used for construction and sports/horticulture uses. Sand is extracted by the front-end loader and transferred to the processing plant in the south west of the site by conveyor. The overall quarry site comprises of current mineral extraction areas, plant and processing area,

interim and restored land. Quarrying operations are taking place in the Lapwing Lane and Parkland areas, with additional reserves being worked in the Acre Nook (Capesthorne) area which is the subject of this planning application. In the Acre Nook area, all approved areas of extraction have now been stripped of soils and overburden, and within the application site area is land which will in the long term be underwater forming part of the lake in the final restoration proposals. Other land within the application boundary includes non-operational land or that used for associated mineral activities such as temporary overburden storage, mineral storage and conveyors. The site is located within a flat rural area consisting of a matrix of farmland, hedges, woodland and restored or operational quarry land.

The closest residential properties lie along Congleton Lane, Chelford Road, Whisterfield Lane, and Lapwing Lane.

RELEVANT HISTORY

The quarry has a long planning history; the most relevant of which is as follows:

- Extension to area of mineral extraction granted in 1994 ref: 5/70745
- Time extension to permission 5/70745 granted in 2007 ref: 5/06/2558
- Time extension to permission 5/06/2558 granted in 2013 ref: 10/3080W
- Extension to area of mineral extraction into Acre Nook (Capesthorne) granted 2007 ref: 5/05/0751.
- Time extension to permission 5/05/0751 granted in 2013 ref: 10/3078W
- Time extension to permission 5/06/2557 for retention of plant for processing of sand and soil until completion of quarrying operations.

NATIONAL & LOCAL POLICY

National Policy:
The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144 and 145 with regards to planning for minerals.

Development Plan:
The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Macclesfield Borough Local Plan 2004 in which the site lies in the Green Belt.

The relevant Saved Polices are: -

Cheshire Replacement Minerals Local Plan (MLP)
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 54: Future Silica Sand Extraction

Macclesfield Borough Local Plan (MBLP)
NE 2: Protection of Local Landscapes
NE 3: Landscape Conservation
NE 11 and NE14: Nature Conservation
GC 2: Green Belt
GC3: Visual Amenity
RT7: Cycleways, Bridleways and Footpaths
RT 8: Access to Countryside
DC3: Amenity
DC9: Tree Protection
DC11: Hedgerows
DC13 and DC14: Noise
DC17, DC19 and DC20: Water Resources

Cheshire 2016 Structure Plan Alteration

GEN5: Jodrell Bank Zone

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)
The following are considered relevant material considerations as indications of the emerging strategy:

PG3 – Green Belt
SD1 – Sustainable Development
SD2 – Sustainable Development Principles
SC3 – Health and Well-being
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE7 – Historic Environment
SE10 – Sustainable Provision of Minerals
SE12 – Pollution, Land Contamination and Land Instability
SE13 – Flood Risk and Water Management
CO1 – Sustainable Travel and Transport

Other considerations
National Planning Practice Guidance
Circular 6/2005
Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended)
EC Habitats Directive
Conservation of habitats and species regulations 2010

CONSULTATIONS:

Environmental Protection: no objection

Manchester Airport: no objection

Landscape: While the variation of conditions would inevitably lead to a longer period of extraction, do not consider that the resulting impacts will be significant. No objection.

Public rights of way: the development affects Public Footpath No. Lower Withington FP 23 and Siddington FP 29, as recorded on the Definitive Map of Public Rights of Way. These footpaths are the subject of a temporary diversion Order under section 257 & 261 of the Town & Country Planning Act. Under the terms of the Order these paths are due to be restored to their original alignments by the 31st December 2018. As such a further Temporary diversion Order would be required.

Recommend planning condition requiring the applicant to apply for temporary diversion order not later than 10 months prior to the expiration of the current order (31.12.2018). Advisory notes provided in respect of developer obligations concerning the public right of way.

Strategic Infrastructure Manager: no objection

Heritage and Design: no objections

Nature Conservation: do not anticipate any significant ecological issues associated with proposal. Condition two of the previous consent (listing the approved documents) makes reference to a 2010 badger methodology. The current variation of conditions application is supported by an updated badger survey that records the existing levels of badger activity and recommends that an updated survey is undertaken prior to any operations taking place in close proximity to identified setts. Condition 2c should be updated to reflect this recommendation as follows:

'Outline method statement for Badgers submitted in a letter to Cheshire East Council from Silbelco UK Ltd dated 1st December 2010; and informed by the badger survey results and recommendations made by the Updated Phase One Habitat Survey prepared by Crestwood Environmental Ltd dated 19th may 2016'.

Archaeology: All archaeological mitigation has been completed and any outstanding archaeological conditions can be discharged.

Jodrell Bank: no comments received

Environment Agency: No objection but raises the following matters.

After dewatering has ceased, a group of very large (horizontal) lakes would be established in place of the originally inclined natural water table in the sand aquifer between Snape Brook and Peover Eye.

This replacement of sand aquifer with open water will cause a preferential groundwater flow-path through the linear corridor of lakes; a permanent lowering of groundwater levels at the upstream end, and artificial raising of groundwater levels at the downstream end. Although the depletion of groundwater level at the upstream end will be less than that experienced during operational dewatering of the quarry, (and therefore unlikely to cause increased risk of resource derogation), the expected rise in groundwater level at the 'downstream' end of the staircase of groundwater dependent lakes may cause unintended consequence on third party interests.

A condition is recommended securing the submission of a Hydrological Impact Assessment which should provide a review of the hydrogeological impact of the development to date, and how the recovery of groundwater levels on cessation of dewatering will affect the restoration and aftercare scheme, and water levels in the off-site 'Farmwood Pool'. This review shall take account of the existing (pre-restoration) water levels of Snape Brook, Peover eye and Farmwood Pool, and the anticipated water level in all of the proposed lakes on site, and the anticipated water level of Farmwood Pool after restoration and groundwater recovery have taken place. All levels to be related to Ordnance Datum.

In particular, the Hydrogeological Impact Assessment should address:

- the impact of groundwater rebound on the stability of the residual land barriers between the respective lakes, and particularly the land barriers beneath the A535 and the Main River of Peover Eye and Farmwood pool.
- the likely level of each lake and the seasonal range of expected water levels following groundwater recovery, and how the 'in-combination' effect of these lakes will affect the overall groundwater gradient between NGR SJ 836, 715 and Peover Eye at NGR SJ 806, 792.
- the time scale over which the groundwater level recovery will take place compared with the proposed time scale for restoration and aftercare, and
- the effect of water level variation and wave action on the required profile of the lake margins.

Although there is no objection in principle to an extended period of excavation, the Authority is advised to ensure that before grant of permission, an adequate assessment has been made of the viability and geotechnical stability of the proposed restoration scheme.

This needs to be completed before groundwater rebound has taken place in case engineered mitigation measures have to be constructed within the footprint of the proposed lakes.

The historical hydrostatic head difference in natural groundwater levels between Snape Brook near Blake House Farm and Peover Eye near Wood End Farm is expected to be well over 20 metres prior to commencement of quarrying.

The imposition of large horizontal lakes between these two end points will to some extent permanently reduce the overall head difference, but it will concentrate all of the residual head difference across the few remaining barriers of un-worked natural ground.

If those barriers of unworked ground comprise very permeable sandy soils with low cohesion, they may be destabilised by the application of a large difference in hydrostatic head either side, and if sufficiently permeable it may be difficult to achieve or maintain the anticipated water levels in the proposed lakes.

In the case of the unworked natural barrier between Farmwood Pool and the Peover Eye, this barrier may be narrow and of low elevation in places, rendering it vulnerable to over-topping or destabilisation if the induced rise in Farmwood Pool lake level is significant.

If the water level in Farmwood Pool is above the level of the watercourse, failure of the land barrier could cause uncontrolled release of a very large volume of water. Seasonal or longer term fluctuation in lake levels may also modify the marginal slope profiles and constrain the range and type of flora that can thrive in the restoration (although this is not a matter for the Environment Agency).

If the passive but artificial rise in water level to the west, caused by the recovery of groundwater levels in an open lake replacing the aquifer, is likely to destabilise or cause over-topping of the land barrier between Farmwood Pool and Peover Eye the developer will need to devise some mitigation measure that would restore and maintain separation of the two, or that would agreeably control the rate of discharge in a way that will prevent increased flood risk on the watercourse downstream. In the event that such work needs to be carried out on third party land it may necessitate co-operation of a third party landowner and requirement of a formal Section 106 Legal Agreement under the Town and Country Planning Act.

The integrity of the Main River banks of Peover Eye; sediment mobilisation risk; peak storm discharge rate, and the potential for instability of an unworked land barrier that holds back a very large volume of water in Farmwood Pool are all matters of direct concern to the Environment Agency, but are riparian responsibilities.

If the hydraulic head difference between water bodies either side of any remaining land barrier may cause seepage rates sufficient to destabilise the downstream embankment side, the developer must devise a mitigation measure to restore permanent stability, eg by reducing or controlling the flow of water through the barrier, or by engineered reinforcement of the barrier.

Advice
If wave action and variation in water levels (seasonal or otherwise) are likely to propagate a low angle ‘beach’ line at the water’s edge, this should be accommodated into the designed slope profiles at the lake margins, rather than leaving banks to start poaching in an uncontrolled manner that may affect the long term stability of adjoining slopes.

If the currently proposed length of the main lake is problematic in respect of control of wave propagation, or to maintaining a ‘staircase’ of lake levels that more closely emulate the original overall groundwater gradient and so minimise instability of residual land barriers, it may be that mitigation can be designed by re-profiling the excavation to include low

permeability land barriers to sub-divide the lake, suitable overburden or inter-burden materials.

Natural England: No comment

REPRESENTATIONS:

Neighbour notification letters were sent to all adjoining occupants and a site notice erected. No letters of representation have been received.

Applicants Supporting Information

The application is accompanied by planning drawings and an Environmental Statement (including non-technical summary) dated June 2016.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (referred to here as the EIA Regulations) implement the European Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment which was adopted in 1985 and amended in 1997. Schedule 1 of the EIA Regulations, identifies the types of development for which EIA is mandatory and this site falls within this category due to the size of the site and is considered to be EIA development under the EIA Regulations.

In May 2016 the Council issued a Scoping Opinion under the EIA Regulations which offered advice on the issues to be covered in the Environmental Statement (ES). The adequacy of the ES is addressed later under the Environment section. The ES addresses the following issues: landscape and visual, ecology, land classification, archaeology, groundwater control and hydrology, transport, noise, dust, socio economics and cumulative impacts.

APPRAISAL:

The Council as Minerals Planning Authority has a duty under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 to determine this application in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the saved policies of the Cheshire Replacement Minerals Local Plan 1999 (MLP) and the Macclesfield Borough Local Plan 2011 (MBLP) and the Cheshire 2016 Structure Plan Alteration.

This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), which allows planning permission to be given for development of the same description as development already permitted but subject to different conditions. The development, which the application seeks to amend, will by definition have been judged to be acceptable in principle at an earlier date at the time the planning permission was granted. If permitted, the MPA is in effect granting a fresh permission and as such need to look at wider considerations affecting the original grant of permission.

Section 73 provides a different procedure for such applications from that applying to full applications for planning permission, and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted, though

in doing so the authority should have regard to all material considerations and determine the application in accordance with the development plan unless material considerations indicate otherwise.

The key issues are:

- Principle of further mineral extraction until June 2019 and restoration by December 2020
- Need and mineral sterilisation
- Development in green belt
- Traffic and highway impacts
- Landscape and visual impacts
- Pollution control
- Water resources and geotechnical stability
- Archaeology
- Nature conservation
- Impact on amenity
- Impact on radio telescope and Manchester Airport
- Public rights of way

ECONOMIC SUSTAINABILITY

Development that accords with an up to date development plan should be approved unless material considerations indicate otherwise. The policies in the NPPF are material considerations which planning authorities should take into account. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

Need and mineral sterilisation

The NPPF (paragraph 142) identifies that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, NPPF states that it is important to make the best use of them to secure their long-term conservation.

The proposal is for the continued extraction of industrial minerals - silica sand, which is a mineral of recognised national importance (NPPG para 221) and the British Geological Survey (BGS) identify that that Cheshire is the most important source of silica sand in Britain. The NPPG identifies that industrial minerals are essential raw materials for a wide range of manufacturing industries and their economic importance therefore extends well beyond the sites from which they are extracted. Silica sand processing is of varying degrees of complexity and typically requires a high capital investment in plant, and within the UK, deposits of silica sand occur in only limited areas and quantities and the special characteristics of silica sand extraction means that the industry has a restricted distribution.

The National Planning Policy Framework (NPPF) states that mineral planning authorities should plan for a steady and adequate supply of industrial minerals by providing a stock (at least 10 years for individual silica sand sites) of permitted reserves to support the level of

actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment (para.146). Equally policy 54 of MLP also confirms that the Council will seek to maintain a landbank of silica sand of at least 10 years at each production site throughout the plan period. The required stock of permitted reserves for each silica sand site should be based on the average of the previous 10 years sales (NPPG para.90).

The applicant states that sand has been extracted at Dingle Bank Quarry for over 80 years and for some 30 years the quarry was the main UK source of silica sand for float glass production. They state that the reason for the delay in completion of the development as currently approved has been the result of a slower rate of mineral extraction from the reserve than originally anticipated. This downturn has resulted in a re-evaluation of when permitted reserves of mineral are likely to be worked out on best estimate forward predictions. In recent years, the mineral extraction rate from the quarry has been in the region of 0.6 million tonnes per annum. The site off-take is likely to be nearer 0.5 million tonnes per annum going forward. There are in the region of 1.3million tonnes of reserve remaining. There is therefore a continued need for the reserves of this high quality industrial sand and to sterilise the remaining reserves through not working it would contradict national and development plan policy. The proposed time extension would also provide direct and indirect benefits to the local economy by providing a source of sand to UK industries and ensure the site is fully restored to an acceptable condition. The Council are therefore satisfied that there is a need to extend the time by which extraction can cease to assist in maintaining the landbank and avoid sterilisation of the mineral. The timescales proposed are also considered to be realistic and justified and the Council is also satisfied that, through progressive restoration which is being undertaken on site, the site will achieve a final satisfactory restoration within a reasonable timescale.

The proposed variation of conditions would therefore support the approach of the NPPF and MLP.

Development in the Green Belt

The application site is located in the Green Belt. NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Mineral development is not inappropriate in Green Belt provided it preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. MLP advises that mineral extraction need not be inappropriate within Green Belt provided that high environmental standards are maintained and the site well restored.

The principle of continued mineral development on this site has already been accepted and no changes to the approved development are proposed aside from an extension of time and minor amendments to the restoration scheme. As such, the ‘appropriateness’ of the development in the Green Belt has already been previously assessed and accepted. Whilst the development would prolong the period within which there would be an impact on the openness and visual amenity of the Green Belt, there would be no increase in the degree of harm over this period as the operations would remain the same, and the degree of intrusion into the openness of the Green Belt will continue to reduce as restoration progresses and worked areas reduce. The site is also well screened by existing vegetation and the advanced planting which assists in reducing the overall impacts associated with mineral operations.

Furthermore the development provides for a good quality restoration scheme which ensures high environmental standards are achieved in the green belt. As such it is not considered that this development would conflict with the objectives for the use of land in the Green Belt and complies with the approach of the MLP and the NPPF.

ENVIRONMENTAL SUSTAINABILITY

Paragraph 144 of NPPF sets out a number of points that should be considered when determining planning applications. They include:

- ensure in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/ or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards through the application of appropriate conditions, where necessary.

Traffic and Highway impacts

NPPF requires developments that generate a significant number of movements to be supported by a Transport Statement/Assessment. Mineral development should not have an unacceptable adverse impact on traffic (para. 143) and development should only being refused on transport grounds where residual cumulative transport impacts are severe (para. 32). The MLP policy 34 does not permit mineral development unless (amongst others) the traffic associated with the proposal can be accommodated within the existing highway network; and the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety.

The impacts of the quarrying operations on traffic levels and the local transport network has been assessed in previous planning applications and deemed acceptable. This application proposes no change to the nature or volume of vehicles generated, nor the access arrangements on site. The Councils EIA Scoping Opinion for this application considered that a Transport Statement was required to compare the historic/existing traffic movements with those expected going forward, and provide a review of personal injury accidents on the highway network in the vicinity of the site. The applicant has provided this information and the Strategic Infrastructure Manager has no objection to the proposals.

On the basis of these points it is considered that the proposal will not adversely impact on the highway network and there would be no reasons for refusal on highway safety or capacity grounds. It is therefore considered that the proposal is in accordance with the MLP and NPPF.

Landscape and Visual Impacts

New development should not have an unacceptable impact on the landscape or on the visual amenities of sensitive properties (MLP policy 15 and 17) and should respect local landscape character (MBLP policy NE2). The NPPF requires that there are no unacceptable adverse impacts on the natural environment (taking into account any cumulative effects) and mineral development provides for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

The scheme proposes no amendments to the existing activities on site or the final restoration scheme. Amendments are proposed to the approved phasing plans however this is to reflect the longer timescales for working and restoration and do not alter the overall approach to phasing established previously.

The landscape and visual impacts of mineral extraction and restoration have previously been considered acceptable in the grant of previous permissions, however the impacts of extended timescales of working and restoration need to be assessed. The Landscape and Visual Assessment of the Environmental Statement identifies that the site is largely screened from views of residential properties within the surrounding area by screening mounds. The current permission includes for a number of significant mitigation measures to reduce the visual impacts of quarrying which are or will be established on site as work progresses. This includes:

- Locating sand and overburden to the low lying base of the existing quarry;
- Advanced planting of hedgerows and trees to fill gaps in boundary screening;
- Soil stripping tied in with progressive restoration to limit the extent of visual impacts;
- Use of temporary amenity screen mounds to screen principal viewpoints such as residential properties and footpath 29.

The applicant considers that these measures control any potential impacts on landscape and visual impact and that the additional time required to complete mineral activities would enable the advanced planting and natural screening to become more established.

There are no amendments to the approved restoration proposals which will extend the lake created through the approved restoration on the main part of the quarry. Marshland and reedswamp will be established on the lake margins, with woodland, scrubland and wildflower meadow on the banks.

Whilst the visual impact of quarry activities would be prolonged, given the above the landscape officer does not consider that the resulting impacts would be significant and such impacts would reduce over time as the restoration progresses. The final restoration scheme and requirement for progressive restoration of the site is secured by planning condition, along with statutory aftercare arrangements which would all be replicated on any new consent. As such the scheme accords with policies 15 and 17 of MLP, MBLP policy NE2, the approach of the NPPF.

Pollution Control

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. MBLP policy

DC3 does not support development which would significantly injury the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution; whilst policy DC19 does not normally support proposals which would damage groundwater resources or prevent the use of those resources.

Noise

There are no changes proposed to the current working practices as part of this application and the impact of these activities has already been assessed and considered acceptable in the grant of the previous mineral permissions.

The NPPG sets a range of appropriate noise standards for normal mineral operations including normal activities not exceeding background noise levels by 10dB(A) during normal working hours; and total noise from operations not exceeding not exceeding 55dB(A) or 42dB(A) during night time. The EIA Scoping Opinion identified that as there are no changes to the physical areas of mineral working, a further noise assessment is not required to support this application.

The ES identifies that detailed assessments of noise impacts from the mineral operations have been undertaken in support the previous applications which demonstrate compliance with the existing noise limits. The ES identifies that the predicted increase in noise at the nearest residential properties associated with the mineral activities on the site are within 5dB(A) of existing background levels which accords with NPPG. Conditions imposed on the existing planning permission restrict the length of time for soil stripping by noise sensitive properties and implementation of best practical means to limit noise from plant and machinery. There is also a requirement for regular noise monitoring to be carried out to ensure compliance with noise levels. The existing planning conditions for controlling noise impacts would be replicated on any consent and the Environmental Protection Officer notes that the site has operated a significant time without causing any adverse impacts and therefore raises no objection. As such no significant adverse noise impacts from the proposed time extension are anticipated.

Air Quality – Dust and emissions

The impacts of airborne sand from quarries in terms of impact on residential amenity (nuisance) and impact on health have previously been considered and deemed acceptable in the grant of the previous permissions. Given that there is no increase in the area of extraction or change in the location of mineral working, the EIA Scoping Opinion did not identify the need for further assessment. The ES notes that the previous assessments submitted with the original planning applications identified that atmospheric dust levels are within recognised guidelines and concluded that there would not be an unacceptable impact from atmospheric dust and deposited dust during the working of the site. Additionally no changes are proposed to the methods of working and existing operational practices to control air pollution currently adopted on site. The current planning conditions requiring measures to be adopted to control dust on site, and the current requirement for monitoring of dust would be replicated on any new consent. As such no adverse impacts from dust are anticipated with this proposal.

The transport statement submitted with the application shows a 17% reduction in HGV movements in the future compared to previous levels generated by the mineral workings. On

this basis the Environmental Protection Officer does not raise any objection in terms of air quality impacts.

Land and water pollution

There are established practices adopted on site to control pollution to land and water which would continue to be employed and no concerns have been raised by the Environmental Protection Officer or Environment Agency over the potential for pollution or risks of contamination as a result of this proposal. A range of planning conditions are imposed on the existing permission to control methods of working to protect against pollution impacts which include control over handling of fuels and measure to prevent release of pollutants into watercourses, all of which would be replicated on any consent. Equally the regulatory controls imposed by other environmental legislation would remain in force. No adverse impacts from pollution to land or water are anticipated as a result of this proposal.

Water resources and geotechnical stability

In order to understand the full impacts of the continued quarrying at acre nook east on local hydrology, this has been considered in the context of the hydrological impacts of the whole quarry on ground and surface water. The quarry extract the sand dry by pumping groundwater from a sump into Dingle Brook (a process known as dewatering). In the area to the north west (known as Parklands) however there is an inclined borehole beneath the A535 to allow water to be pumped from the quarry to Farmwood pool on the western side of the A535. By this method groundwater seeping into the quarry from Farmwood Pool is pumped back to assist in maintaining the lake water level. This system is routinely monitored under a requirement of the Environment Agency and on the existing planning permission.

The ES identifies that the impacts on surface and groundwater was assessed as part of the original application and were deemed acceptable. For surface water the main streams are Dingle Brook and Snape Brook which flow into the Peover Eye. Historically a monitoring system was set up at the request of the National Rivers Authority (Now the Environment Agency). The monitoring ran for several years and demonstrated that there was no evidence that existing dewatering affects stream flows. As such the ES concludes that this proposed extension of time will not result in any additional effects on surface water.

For groundwater the ES identifies that previously, field investigations and groundwater modelling have been used to determine the impacts of the dewatering on groundwater and these results were used to design the landform and restoration programme. An extensive network of groundwater monitoring boreholes has also been in place for a number of years which are routinely monitored and the ES identifies that there are no adverse effects on the local groundwater environment.

The Environment Agency, whilst not raising any objection have identified that the restoration proposals are for a group of large (horizontal) lakes in place of the originally inclined natural water table. There is concern that this will cause a permanent lowering of groundwater levels at the upsteam end, and artificial raising of groundwater levels at the downstream end. In particular they are concerned over the impact on the stability of the residual land barrier between the lakes, especially beneath the A535 and Farmwood Pool, and Peover Eye. They

are also concerned about the effects of this and the changes to groundwater on Farmwood Pool and the potential for potential flooding on third party land and on Peover Eye.

They recommend that an assessment of the viability and geotechnical stability of the proposed restoration scheme is provided prior to the determination of the application to enable engineered mitigation to be included in the proposed lakes where necessary; and a condition is recommended requiring a Hydrological Impact Assessment be submitted to provide a review of the hydrogeological impact of the development to date, and how the recovery of groundwater levels on cessation of dewatering will affect the restoration and aftercare scheme, and water levels in the off-site 'Farmwood Pool'.

It is noted that a range of hydrological and geotechnical assessments considering the impacts of the mineral extraction and the feasibility of the proposed restoration on groundwater and land stability was submitted with the original applications. This was assessed by relevant technical bodies at that time and considered acceptable in the grant of planning permission. This application does not propose any change to the method of dewatering that has long been established on site, nor are any changes proposed to the approved restoration scheme. This restoration scheme was considered acceptable by relevant technical consultees at the time of granting the original consent. Additionally a scheme detailing groundwater control measures was required to be submitted by planning condition on the original consent and the submitted detail provides information on groundwater levels, dewatering of the site, bank stability, discharge and borehole data. It is also noted that there are planning conditions and requirements under the s106 legal agreement to control and monitor impacts on water resources from this development.

The applicant considers that the original technical assessments, and subsequent data provided to discharge planning conditions demonstrate that the concerns of the Environment Agency have already been adequately addressed in the original application. This detail has been provided to the Environment Agency who are currently reviewing the data and their views will be provided in an update report to Members. Subject to the Environment Agency being satisfied that the historical data demonstrates that these matters have been adequately addressed it is considered that the scheme would accord with planning policy. In such circumstances relevant planning conditions concerning control of water resources, and any as recommended by the Environment Agency in their revised comments would be imposed on any new consent.

Archaeology

The ES identifies that an assessment of the archaeological potential of the site was previously undertaken as part of the original applications which revealed little of potential archaeological interest; similarly continued operations at the site have not identified any archaeological finds.

The potential impacts on features of archaeological significance has been deemed acceptable in the grant of previous permissions and the Cheshire Archaeology Planning Advisory Service note that all archaeological mitigation has been completed on site. There is a planning condition on the main quarry permission (10/3080W) to address the potential for encountering unexpected archaeological remains during the course of the excavation which could be replicated on any consent to provide consistency across the two sets of permissions and no

additional conditions are requested by the Archaeologist. Given the above and given that no new areas of extraction are proposed, no adverse impacts on archaeology are anticipated.

Nature Conservation

Policy 23 of MLP requires mineral development to ensure the local network of nature conservation features are maintained and proposals which would adversely affect nature conservation interests will not normally be permitted (MBLP policy NE11).

The EIA Scoping Opinion identified the need for an extended phase one survey and desk study to be undertaken. The submitted surveys identified that there are two badger sets within the survey area and recommends that prior to any works within these areas an updated badger survey is undertaken, which can be secured by planning condition. There was no evidence of great crested newt or retiles present in the survey area. Overall the majority of habitats at the site are assessed as being of low ecological value, but are considered to be suitable for foraging and commuting bats, and breeding birds. The assessment recommends that the woodland areas, scrub and trees not affected by the development are retained and protected during the development where possible.

There are not anticipated to be any interim or long term negative effects associated with the proposed time extension and on completion of the restoration proposals there are likely to be benefits associated with the establishment of new habitats. It is also noted that the existing permission includes the requirement for long term management of the wildlife habitats to be created around the restored lake area on the site. These requirements would be imposed on any new consent. The Nature Conservation Officer considers that there are not anticipated to be any significant ecological issues associated with the proposals.

The continued imposition of planning conditions in line with the existing consent (where applicable) will enable the effective control and mitigation of ecological impacts and secure an acceptable restoration of the site. As such the scheme accords with MLP Policy 9, 22 and 23; MBLP Policies NE.11 and NE.14 and the approach of the NPPF.

SOCIAL

Impact on general amenity

No amendments are proposed to the working practices on the site, nor has any application been made to vary the planning condition relating to hours of operation. It is considered that all general amenity issues have been assessed and mitigated through the existing consent, and are suitably controlled through planning conditions and other legislation. Controls over hours of operation for mineral extraction and plant maintenance are in place through the existing consent. Such controls would remain in place by replication of earlier planning conditions should planning permission be granted. It is considered that this would be sufficient to ensure compliance with planning policy including policies 9 and 37 of the CRMLP and policy DC3 of MBLP.

Impact on radio telescope

The site is located within the Jodrell Bank consultation zone. Policy GC14 of MBLP does not permit development which would impair the efficiency of the radio telescope. The impact on

Jodrell Bank has previously been accepted in the grant of the previous permission and no changes are proposed to the method of working or areas of mineral working. Jodrell Bank were consulted on this application and no comments have been received; however in view of the nature of this application and given the above no adverse impacts on the radio telescope from extending the timescales for mineral working are anticipated.

Impact on Manchester Airport

Manchester Airport do not raise any aerodrome safeguarding concerns with the proposals. They note that should there be any modifications to the approved restorations schemes then detailed aerodrome safeguarding assessments would be required. As there are no proposed amendments to the approved restoration scheme, it is not considered that there are any adverse impacts in terms of aerodrome safeguarding.

Public rights of way

MLP policy encourages any restoration to, where appropriate, make a positive contribution to the public rights of way network; whilst Policy RT8 of MBLP states that encouragement will be given for the public to gain access to wider areas of the countryside for informal recreation. NPPF also states that planning policies should seek to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users. With regard to the restoration of mineral sites MLP policy 23 requires there to be a positive contribution to the physical environmental resources of the area.

Temporary diversions of footpaths crossing the site have been established as the mineral working has progressed. The mineral working currently affects Public Footpath Siddington FP 29 which is subject to a Temporary Diversion Order and which is due to be restored to its original alignment by December 2018, reflecting the current permitted mineral restoration timescales. As such a further Temporary Diversion Order would be required. The public rights of way team recommend that this is secured prior to the expiration of the current order by means of a planning condition. It is considered that there are separate statutory procedures outside of the planning system under which this can be achieved and this would be unnecessary, and would not meet one of the six ‘tests’ as set out in the NPPF.

PLANNING BALANCE

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The economic benefits of the scheme are clear in that it enables the remaining mineral reserve to be exported and utilised thereby providing direct and indirect benefits to the local economy. This proposal enables the remaining permitted mineral reserve to be worked, avoiding the sterilisation of a nationally significant mineral. The scheme would also present clear environmental benefits in terms of enabling the site to be properly restored to a high standard, and provides for an overall net gain for nature conservation. This should be balanced against any potential harm to residential amenity and the environment resulting from the extended timescale for completing the mineral activities and site restoration.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing controls through the planning conditions and s106 legal agreement and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of MLP, MBLP and the approach of the NPPF and Local Plan Strategy.

RECOMMENDATION

Subject to comments from the Environment Agency confirming that there will be no significant adverse impacts that cannot be mitigated resulting from the proposed development

That the application be approved subject to prior appropriate Deed of Variation or new planning agreement under s106 TCPA which secures the implementation of the management plan referred to in the Agreement of 8th January 2007 as varied by the Deed of Variation dated 20th September 2013

AND
Subject to the imposition of the following conditions:

All the conditions attached to permission 10/3078W unless amended by those below;
Revised phasing plan;
Extension of time for mineral extraction to 30th June 2019 with restoration completed by 31st December 2020
Updated badger survey
Measures to deal with unexpected archaeological finds

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.