

Planning Reference No:	09/2291W
Application Address:	Arclid Quarry, Near Sandbach, Cheshire
Proposal:	South Eastern Extension of Existing Silica Sand Quarry
Applicant:	Archibald Bathgate Group Limited
Application Type:	Full
Ward:	Congleton Rural, Sandbach East and Rode
Constraints:	Open Countryside, Agricultural Land and partly outside the Preferred Area for silica sand extraction, protected species

SUMMARY RECOMMENDATION:

- Approve subject to section 106 legal agreement and conditions

MAIN ISSUES:

- Need for silica sand
- Landscape and visual amenity
- Ecology and nature conservation
- Trees and Hedgerows
- Impact on neighbouring residential amenity
- Noise
- Air Quality; Dust
- Soils and Agricultural Land
- Restoration and aftercare
- Hydrology and Hydrogeology
- Public Rights of Way
- Archaeology
- Stability
- Highways/Transport

1. REASON FOR REFERRAL

1.1 This application has been referred to the Strategic Planning Board as the proposal involves a major minerals application which required the submission of an Environmental Impact Assessment. Furthermore, the majority of the site is not identified as a Preferred Area for silica sand extraction in the Cheshire Replacement Minerals Local Plan 1999; as such it is considered to be a significant departure from the Development Plan.

2. DESCRIPTION OF SITE, CONTEXT AND RELEVANT HISTORY

2.1 Arclid Quarry lies 2.5km north east of Sandbach, 8.5km west of Congleton and 5km south of Holmes Chapel. The A534 Congleton to Sandbach road splits the Quarry site; with 'North Arclid' lying to the north and 'South Arclid' located to the south of the A534 road. This is a predominantly agricultural area, mainly in arable use although some land is used for grazing.

2.2 Planning permission for silica sand extraction at Arclid Quarry was initially granted in December 1948 for an area of 2.7 hectares to the north of the A534. This planning permission was subsequently extended on eight occasions to cover the whole area now referred to as 'North Arclid', where sand extraction has now ceased. However, the site's plant and processing machinery, office complex and the quarry's highway access on to the A534 are all located at North Arclid, as the logistical hub.

2.3 Sand extraction is currently being undertaken at South Arclid which lies to the south of the A534. Extraction commenced here in 1996. Sand is transported from South Arclid to the processing plant at North Arclid via two parallel underground pipelines where it is then processed and transported off site.

2.4 In December 2001 planning permission ref 8/31604 for the determination of new conditions for Arclid Quarry, under the provisions of the 1995 Environment Act, was granted. The revised schedule of conditions was effectively separated into a set of conditions covering North Arclid, and set of conditions covering South Arclid.

2.5 In 2003 a subsequent permission ref 8/33385 was granted for a small eastern extension to South Arclid which included a section 106 legal agreement which effectively consolidated the planning conditions for the new consented area and the existing 2001 consent at South Arclid. This effectively provided the South Arclid site with a comprehensive set of updated planning conditions, instead of the site being governed by two sets of planning conditions.

2.6 In October 2008, a further planning permission ref 8/07/0222/CPO was granted for a Western Extension to South Arclid to extract approximately 900,000 tonnes of silica sand from an 8.7 hectare site. This was also subject to a section 106 legal agreement for extended management of the site for 15 years post restoration; it also consolidated all the planning conditions for the various permissions over the South Arclid site area for consistency and for monitoring and enforcement purposes. The current permission for mineral extraction at South Arclid expires on 31st December 2022.

3. DETAILS OF PROPOSAL

The proposed development

3.1 Archibald Bathgate Group Ltd has submitted a planning application accompanied by an Environmental Statement (ES) for a South Eastern Extension (SEE) to the current silica sand workings at South Arclid. The extension would provide approximately 7 million tonnes of high quality silica sand from a 57.8 hectare site at South Arclid.

3.2 The application site boundary has been delineated so that it covers the entire permitted site at South Arclid; including the 2001 and 2003 consents, the recent western extension (2008), and the SEE to which this application is related. This extended area would result in a single consolidated planning permission for the whole of South Arclid, with one comprehensive list of planning conditions should planning permission be granted.

3.3 The total application site area is 105 hectares, which includes 52.7 hectares of land at South Arclid that already benefits from planning permission. The SEE area, which overlaps slightly with the current consented mineral permissions at South Arclid, covers 57.8 hectares.

3.4 As of 31st December 2008, there were approximately 2.3 million tonnes of permitted reserves remaining at South Arclid. This equates to a life of approximately 5 years at current extraction rates (5 year landbank). The reserves with the proposed SEE would extend the life to 15 – 18 years; projecting an approximate end of December 2030, should extraction commence in 2012. However, to allow a degree of flexibility, taking into account fluctuations in demand for silica sand, the applicant has requested an end date for mineral extraction to the end of 2035.

The application site

3.5 The proposed SEE area has been divided into two silica sand resource blocks known as the Eastern Block and the Southern Block. The blocks are separated by a strip of land running ESE-WNW; where no sand extraction is proposed due to the depth of overlying clay and where the overburden to mineral ratio makes extraction uneconomic; this has been referred to as 'The Barren Area'.

3.6 The Eastern Block is bounded by Arclid Brook to the north, and by a small stream to the east. Hemmingshaw Lane, which is a private road and forms part of a public footpath for some of its length, runs along most of the western boundary of the Eastern Block. The Southern Block comprises of several large fields, bounded by hedgerows. Hemmingshaw Lane runs through the central part of the Southern Block, and a hangar, used by the Cheshire Microlight Flying Club, is located to the south of the Southern Block. A poultry farm lies 130 metres to the east of the application site.

3.7 Virtually all of the proposed SEE area is agricultural land, mainly in arable use although some is used for grazing. The majority of the fields and the perimeter of the SEE area are bounded by hawthorn hedges which have gaps in places with occasional mature hedgerow trees.

3.8 A number of footpaths cross, or run close to the edge of the SEE area. It is proposed that all of the sections of footpath that lie within the proposed SEE area would be diverted to new routes around the perimeter of the extraction area well in advance of the mineral extraction that would take place. Following the restoration of the site, it is proposed to permanently divert one of the public footpaths within the site to an alternative route. A number of overhead power lines cross the SEE area and these would be diverted in advance of mineral extraction; utilising the 'Barren Area' for the diversion of power lines and footpaths where appropriate.

Proposed Operation

3.9 It is proposed that the sand present in the Eastern and Southern Block would be worked in seven phases. The Eastern Block is split into Phases E1, E2, and E3. The Southern Block is split into Phases S1, S2, S3 and S4.

3.10 It is proposed to utilise the same type of plant and machinery to work the SEE area as is currently used at South Arclid. Also, the general method of working would be similar to that currently employed. The main difference would be that dewatering would only take place occasionally, where sand lies below the water table. As most of the silica sand resource lies above the water table in the SEE area, a continuous programme of extraction and progressive restoration would be implemented.

3.11 However, in order to supply a range of sand products, due to the difference in geology, and the different grades of sand available in the Eastern and the Southern Blocks, it would be necessary to have part of the Eastern Block opened up for working at the same time that the Southern Block is being worked. This is required to enable the different sand grades to be blended and used to produce different sand products. However, it should be noted that whilst both areas would be opened up for working at the same time actual sand extraction would not take place from both Blocks simultaneously; only one area would be worked at any one time.

3.12 Phase E1 involves working up to Hemmingshaw Lane, and then using the overburden to create a new lane slightly further west; this would divert Hemmingshaw Lane slightly to the west to allow sand extraction to take place in the Eastern Block. Once this has been done, the current permitted South Arclid areas would be restored and allowed to fill with water to create a lake. Extraction would then proceed to Phases E2 and S1. Phase E2 would be worked in conjunction with the Southern Block as it contains a particular grade of fine, light coloured sand which would be blended with sands from the Southern Block to produce different sand products. Extraction in the Southern Block would be progressive from Phase S1 to S4, with progressive restoration taking place behind the working face, as extraction is completed. Once extraction is finished in Phase S4, Phase E2 would become the sole silica sand extraction area, followed by E3.

3.13 It is predicted that silica sand would be extracted from the SEE area at a rate of around 400,000 to 450,000 tonnes per annum. Most of the Phases would take between 3-4 years to be worked and the total working life of the SEE area would be in the region of 15 to 18 years; projecting the estimated life of the quarry to 2030, if extraction commence in 2012 as anticipated, should planning permission be granted.

3.14 The proposed hours of working for operations within the SEE area would be the same as those currently permitted at South Arclid:

- 0700 hours to 1800 hours Monday to Friday
- 0700 hours to 1230 hours on Saturdays
- No workings on Sundays or public holidays

Plant maintenance shall only be permitted outside these times between the hours of:

- 1800 to 1830 from Monday to Friday
- 1200 and 1800 on Saturdays together with such subdued lighting as required for this purpose.

Restoration and aftercare

3.15 Restoration would take place progressively as mineral extraction and overburden/soil placement progresses through the SEE area. The progressive working and restoration scheme has been designed to keep restoration as close behind mineral extraction as practicably possible to reduce its impact. The restoration proposals have been designed to ensure that high quality agricultural land is not lost, whilst enhancing the nature conservation value of the area by creating a range of habitats that help meet local biodiversity targets and providing a range of public routes through, or around the site to increase accessibility to the countryside.

3.16 Approximately 40 hectares of the SEE area would be restored back to agriculture with field boundaries recreated using species rich hedges. Where the extraction is proposed to take place below the water table, three lakes between 1.1 and 2.3 hectares in size are proposed to be formed. These would have shallow margins to maximise the potential for wetland marginal habitats to develop. 10 small ponds would also be created across the SEE area, primarily to provide habitats for great crested newts. Around 8 hectares of native, broadleaved woodland would be planted, in a number of small copses around the lakes, and in the corners of fields. Areas of nature conservation grassland would also be created around the lakes and on the southern edge of the Eastern Block.

3.17 All restored agricultural land would be subject to five years of aftercare. All land restored to nature conservation after-use would be managed for 15 years, in accordance with a detailed, on-going management plan that would be required by a section 106 legal agreement similar to that signed and agreed in association with the 2008 planning permission for the Western Extension at South Arclid.

4. POLICIES

4.1 The proposed development has been considered against the relevant policies of the Development Plan. The Development Plan in this case includes the North West of England Regional Spatial Strategy 2021 (RSS), the Cheshire Replacement Minerals Local Plan 1999, and the Congleton Borough Local Plan First Review 2005.

4.2 The relevant Development Plan Policies are:

Regional Spatial Strategy:

DP1: Spatial Principles

DP4: Make the Best use of Existing Resources and Infrastructure

DP7: Promote Environmental Quality

EM7: Mineral Extraction

Local Plan Policy:

Cheshire Replacement Minerals Local Plan

Policy 1: Sustainability

Policy 2: Need

Policy 5: Safeguarding

Policy 9: Planning Applications
Policy 10: Geological Evidence
Policy 11: Pre-application Discussions
Policy 13: Planning Obligations
Policy 15: Landscape
Policy 16: Plant and Buildings
Policy 17: Visual Amenity
Policy 18: Jodrell Bank Consultation Zone
Policy 20: Archaeology
Policy 22: Nature Conservation
Policy 23: Nature Conservation
Policy 25: Hydrology; Ground water/surface water/flood protection
Policy 26: Noise
Policy 27: Noise
Policy 28: Dust
Policy 30: Agricultural Land – Silica Sand
Policy 31: Cumulative Impact
Policy 32: Advanced Planting
Policy 33: Public Rights of Way
Policy 34: Highways
Policy 35: Alternative Forms of Transport
Policy 37: Hours of Operation
Policy 39: Stability and Support
Policy 41: Restoration
Policy 42: Aftercare
Policy 54: Future Silica Sand Extraction

Congleton Borough Local Plan

PS8: Open Countryside
GR1: General
GR5: Landscaping
GR6: Amenity and Health
GR7: Amenity and Health
GR18: Traffic Generation
NR1: Trees and Woodland
NR2: Wildlife and Nature Conservation; Statutory Sites
NR3: Wildlife and Nature Conservation; Habitats
NR4: Wildlife and Nature Conservation; Non-Statutory Sites
NR5: Wildlife and Nature Conservation

Other Material Considerations:

National Planning Policy Statements and Guidance Notes

PPS 1: Delivering Sustainable Development
PPS 7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation
PPG 16: Archaeology and Planning
PPS 23: Planning and Pollution Control
PPG 24: Planning and Noise
PPS 25: Planning and Flood Risk

Mineral Planning Policy Statements and Guidance Notes

MPS1:	Planning and Minerals
MPS 2:	Controlling and Mitigating the Environmental Effects of Mineral Extraction in England
MPG5:	Stability in Surface Mineral Workings and Tips
MPG7:	The Reclamation of Mineral Workings
MPG15:	Provision of Silica Sand in England

5. CONSULTATIONS (External to Planning)

5.1 The Strategic Highways and Transport Manager: does not object to this development.

5.2 The Borough Council's Nature Conservation Officer: does not object to this development subject to conditions in relation to replacement habitat, additional survey work throughout the life of the development and mitigation measures.

5.3 The Borough Council's Arboricultural Officer: has indicated that there are hedgerows proposed for removal that are classified as 'Important' under the Hedgerow Regulations 1999. The balance between the need for the silica sand is required against the impacts of the proposal and potential losses of important hedgerows.

Should the benefits of the application be deemed to outweigh the loss, it is however considered that the level of detail in the submission is insufficient to ensure comprehensive protection would be secured for retained trees and hedgerows. Prior to commencement of works detailed information in respect of protection would need to be submitted for approval. It would also be necessary to ensure remedial works are carried out to retained trees. In principle, the proposals for replacement planting and restoration appear reasonable, although, as they are described in the submission as outline, approval of a detailed landscape proposals and specifications would be a future requirement.

5.4 The Borough Council's Landscape Officer: does not object to this development. It is considered that the proposed South Eastern Extension would not introduce landscape elements that are incongruous to the character area, and therefore the Borough Council's Landscape Officer would offer no objections to this application on the grounds of landscape or visual impact.

5.5 The Cheshire Archaeology Planning Advisory Service: does not object to the proposed development subject to a written scheme of investigation being submitted by the applicant and approved in writing by the Mineral Planning Authority to ensure that a programme of archaeological work is implemented, including a watching brief during topsoil stripping. The work shall be carried out strictly in accordance with the approved scheme.

5.6 The Borough Council's Environmental Protection Officer: does not object to this proposal subject to appropriate noise mitigation and dust management similar to that of the existing consent at South Arclid. This should ensure that noise and dust nuisance is adequately controlled.

5.7 The Borough Council's Environmental Health Officer: does not object to this proposal.

5.8 Public Rights of Way (PRoW) Unit; has concerns regarding the proposal to divert Public Footpath Arclid FP No. 9, which is already the subject of a temporary diversion order under section 210 of the 1971 Town and Country Planning Act, due to be reinstated in 2016. Furthermore, the PRoW Unit does not consider the permanent diversion proposed regarding Arclid FP No.7 to be entirely satisfactory, as the east west alignment of Arclid FP No.7 would be lost as a result of the restoration, therefore suggests that diversion of Arclid FP No.7 be temporary, or an alternative additional route be considered at the south of the site. Also, there is a Definitive Map Modification Order application outstanding on Arclid FP Nos. 6 & 7 and Smallwood FP No. 16 to upgrade these routes to a bridleway, therefore any diversion orders should be considered as bridleways and footpath status. A full consultation with user groups and statutory undertakers would be required before any permanent or temporary diversion under the Town and Country Planning Act could be agreed.

The PRoW Unit expects that the planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition requests for an informative to be added to any decision notice, should planning permission be granted, to inform the applicant of their obligations regarding public rights of way.

5.9 The Council's Countryside Access Development Officer: has offered further comment in addition to the PRoW Unit on the restoration Masterplan. They have suggested that the restoration scheme offers potential for the creation of several additional paths which would create circular routes around the areas of woodland, open water, and grassland that are planned. They have also requested the applicant enter into a section 106 legal agreement for a commuted sum to provide for the maintenance of the proposed permissive path and diverted public rights of way to cover costs such as strimming, weed control and maintenance.

5.10 Natural England (Ecology and Hydrology Section): initially submitted a holding objection to the proposal subject to further information being provided as they were concerned that the ES did not take into account internationally important features of the Midlands Meres and Mosses RAMSAR site. Furthermore, they felt that the ES did not consider and subsequently discount all nationally important designated sites that may have connectivity to the site. However, Natural England wishes to withdraw their holding objection to this proposal due to subsequent information provided by the applicant. They are content that the RAMSAR site would be safeguarded, should planning permission be granted.

Natural England is also content that the supplementary information provided gives assurance that the impact on the 15 sites of Biological Importance, within 3km of the proposed quarry extension would be safeguarded. They are also content that the potential impacts on the features of Sandbach Flashes SSSI have been fully considered. As such, Natural England does not object to this proposal on ecological or hydrological grounds.

5.11 Natural England; Soils, agricultural and land use section: does not wish to object to the application, but would expect that any granting of planning permission should be made subject to appropriate conditions to safeguard soil resources and agricultural interests.

Whilst this proposal would result in the disturbance of some 34.8 hectares “best and most versatile” land under the DEFRA system of Agricultural Land Classification, Natural England are generally satisfied that, subject to successful implementation and monitoring, the proposals outlined by Appendix 2 of Chapter 10 of the ES (Scheme of Soil Handling, Restoration and Aftercare), should permit the reinstatement of a broadly equivalent area, without loss of quality and in discrete blocks, suited to more productive agricultural use.

Natural England also confirms that it would be appropriate to specify agriculture as an afteruse, and for the relevant land to be reclaimed in accordance with Para 3 (1) of the 1990 Act; namely that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture.

5.12 The Environment Agency: have no objection in principle to the proposed development but recommends that the proposed development will only be acceptable if a planning condition is imposed to ensure the flow of Arclid Brook is maintained to protect the ecological value of the watercourse.

It will also be necessary to ensure that the recommendations with respect to monitoring and mitigation contained within section 5 of the Hydro-geological Impact Assessment and within the Water Management Plan are implemented. In particular, it is recommended that a planning condition is imposed requiring mitigation measures in order to maintain flow in Arclid Brook upstream of the eastern lagoon at North Arclid, as detailed in Section 3 of the Water Management Plan.

The Environment Agency have also suggested a number of informatives to be attached to any decision notice, should planning permission be granted, with regards to groundwater and information on licensing exemption on dewatering, the impact on nature conservation and the need to consult Natural England.

5.13 United Utilities: Does not object to this proposal

5.14 Cheshire Wildlife Trust: does not object to the proposal but offered a number of comments in relation to the restoration proposals and the management plan, and has suggested including a clause within the section 106 legal agreement to make provision for monitoring of Cheshire BAP species.

5.15 Manchester Airport: has no safeguarding objection to the proposal subject to the contact details of those who would be responsible for the site management, including the restoration scheme and its aftercare, are to be provided to the Manchester Airport Safeguarding Authority before site operations commence.

5.16 The Health and Safety Executive (Quarries Department); does not object to this proposal and confirms that the proposal has taken into account the Quarry Regulations 1999.

6. VIEWS OF THE PARISH / TOWN COUNCIL:

6.1 Sandbach Town Council does not object to the proposal, however due to the on going use and wear of the A534, Sandbach Town Council have requested if there could be a small charge per load of sand dispatched as 'planning gain', to go towards highway maintenance in the area.

6.2 All parish council's potentially affected by this development have been consulted; both at the pre-application stage and during the statutory consultation period but no comments have been received to date.

7. OTHER REPRESENTATIONS:

7.1 Four letters of objection and concerns have been received from local residents of Arclid Shire Barns and the Villa Farm Residential Development. Concerns raised include:

- The need for the South Eastern Extension;
- Extending the life of the quarry and cumulative impact of more extensions at the site;
- Lack of timeframes for phases;
- Loss of high quality fertile farmland;
- Destruction and management of existing wildlife habitat;
- Landscape and visual impact;
- Impact on residential amenity from proximity to residential properties, noise, dust, light pollution, hours of operation and request appropriate mitigation/controls, should planning permission be granted;
- Stability and subsidence issues;
- Monitoring and enforcement;
- Impact on highways and vehicular access to and from Hemmingshaw Lane;
- Destruction of footpaths;
- Effect on property prices; and
- Health and safety regarding the possibility for children drowning in lakes;

A letter has also been received from the Villa Farm Resident's Limited who raises concern over the impact on dewatering, water flow on Arclid brook, and the impact on hydrology.

7.2 Seven letters have been received supporting the proposals at South Arclid. These have been mainly from employees of the Archibald Bathgate Group or businesses associated with the sand quarry. The main issues raised include the economic benefits of keeping the quarry open and maintaining silica sand supplies at the quarry, the retention of local jobs, and the importance of the quarry to the local economy which would maintain other local companies who rely on the quarry for their business.

A letter of support from a local ornithologist also highlights the environmental and ecological benefits of the quarry, which will be examined in detail subsequently within the report.

8. APPLICANT'S SUPPORTING INFORMATION:

8.1 The planning application was accompanied by a Written Statement and an Environmental Statement (ES) which were both prepared by Sloane Mead dated July 2009 on behalf of the Archibald Bathgate Group Ltd.

8.2 The scope of the ES includes;

- Landscape and Visual Amenity;
- Ecology (including protects species surveys);
- Noise;
- Air Quality;
- Soils and Hydrogeology;
- Stability; and
- Archaeology.

8.3 Additional surveys were required subsequently as a result of the consultation exercise. These included;

- A Tree Inspection for Bats (27th November 2009);
- A Further Aerial Tree Inspection of tree 1629 (14th January 2010); and
- A Hedgerow Survey and Assessment (December 2009)

9. OFFICER APPRAISAL

9.1 Policy Consideration

9.1.1 The proposed development has been considered against the relevant policies of the Development Plan. The Development Plan in this case includes the North West of England Regional Spatial Strategy 2021 (RSS), the Cheshire Replacement Minerals Local Plan 1999 and the Congleton Borough Local Plan First Review 2005.

9.1.2 Policy 54 of the Cheshire Replacement Minerals Local Plan 1999 specifically relates to future silica sand extraction. This policy advises that the Council will seek to maintain a landbank of at least ten years of silica sand at each production sites throughout the plan period. Policy 54 stipulates that any proven additional sites needed to maintain the landbanks should only be provided from land identified in the Preferred Areas as defined by the proposals map, unless exceptional circumstances

prevail. The majority of the application site is not identified as a Preferred Area and the application is therefore considered to be a departure from the Development Plan.

9.1.3 Minerals Planning Guidance Note 15 (MPG15) contains guidance on silica sand, its uses and extraction issues. MPG15 states that silica sand resources are scarce within the UK, with extraction concentrated in a few areas of the country. Furthermore, silica sand is a nationally strategic resource recognised by national and local planning policy for its uses. The guidance emphasises the importance of maintaining an adequate supply of silica sand from all sources, and advises that, the environmental implications of working the mineral must be carefully balanced against the need for the mineral. MPG15 advises that the Mineral Planning Authorities (MPAs) should aim to ensure that landbanks of at least 10 years are maintained for individual sites, and that when calculating landbanks regard should be had to the quality of the sand and the use to which the material is to be intended. Silica sand is an essential raw material for many industrial processes including the manufacture of glass, production of foundry castings, and ceramics.

9.1.4 On careful consideration of the application against the relevant policies set out above section 4, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the subsequent text below.

9.2 *Principle of Development – Need and impact on site reserves*

9.2.1 MPG15 emphasises the importance of Silica Sand as a nationally strategic resource. Due to the national need for silica sand it is important that each production site is adequately provided for. MPG15 and Policy 54 'Future Silica Sand Extraction' of the Cheshire Replacement Minerals Local Plan seek to maintain a landbank of *at least* 10 years at each silica sand site. At the end of December 2008, the quantity of permitted, workable silica sand reserves at South Arclid was approximately 2,322,000 tonnes. Average annual outputs provided within the application over 2006, 2007 and 2008 was 450,000 tonnes. Consequently the Arclid Quarry landbank was approximately 5 years, based on figures provided at the end of 2008. This is considered to be a very low level of reserves for a specialist, capital intensive silica sand operation such as Arclid Quarry, and is below the guidance landbank reserves for each site. There is a clear need for further reserves to be released at Arclid Quarry to maintain future production and the landbank at this site.

9.2.2 The proposed SEE would release a further 7,023,000 tonnes of silica sand, which equates to a landbank of 15 years based on the average production between 2006 – 2008 at Arclid Quarry. Furthermore, the applicant predicted that it would be unlikely for the application to be determined before the end of 2010 (taking into account potential delays in agreeing the heads of terms for the section 106 legal agreement), by which time the remaining permitted reserves and landbank at Arclid Quarry would be only around 3 years. The existing permitted reserves within South Arclid, added to the proposed reserves within the SEE would therefore increase the site's landbank to around 18 years as of the end of 2010. Such a landbank is considered to be in accordance with current policy where a minimum landbank of 10 years is required.

9.2.3 Policy 54 of the Cheshire Replacement Minerals Local Plan requires that any proven additional need for silica sand should be taken from areas identified as Preferred Areas within the plan. The Preferred Area for future silica sand extraction at Arclid (illustrated in Inset Map No.7 in the Cheshire Replacement Minerals Local Plan) covers the majority of the Eastern Block. Land to the east and the north of the proposed site area is also part of the designated Preferred Area, but due to potential environmental impacts the entire Preferred Area was not included within this planning application as a stream runs through the north of the Preferred Area. The Southern Block however does not lie within the Preferred Area.

9.2.4 The main reason why the Southern Block is not within a Preferred Area in the plan is because the Cheshire Replacement Minerals Plan is an old document; the Arclid Preferred Area was originally delineated more than 17 years ago, based on geological information available at the time. Since then, extensive geological surveys have been undertaken, within the preferred area, and on land to the south. This geological work identified a viable, high quality silica sand resource within the Southern Block.

9.2.5 At an early stage of formulating the proposal for the SEE planning application, a detailed assessment of the whole of the Preferred Area was carried out. This assessment took account of the geological information and environmental constraints and identified the Eastern Block as the main resource within the Preferred Area. The land to the east of the Eastern Block was discounted because it contains a significant population of protected species. The land to the north of the Eastern Block was discounted as it lies to the north of Arclid Brook and is not a large enough deposit to be economically viable if worked in isolation. Continuous extraction north of the Arclid Brook would entail the removal and diversion of the brook which would have significant environmental and ecological impacts.

9.2.6 The main viable silica sand resource within the designated Preferred Area lies within the Eastern Block and only contains 2.1 million tonnes of silica sand. It is therefore considered that the Preferred Area does not therefore contain a sufficient silica sand resource to maintain the minimum 10 year landbank as this would only amount to approximately 4.5 years.

9.2.7 The Preferred Area at South Arclid is based on out of date information, but there has not been an opportunity to update this until work commenced on the Cheshire Minerals Development Framework (MDF) in 2006. Detailed representations were made to Cheshire County Council by the applicant to include the Southern Block as part of the Arclid Quarry Preferred Area within the MDF. Unfortunately due to Local Government Reorganisation, the timescales for the adoption of a new MDF to replace the existing Cheshire Replacement Minerals Local Plan are uncertain. It is considered not practical or viable for the applicant to wait for the outcome of the MDF process before submitting the planning application for the SEE.

9.2.8 For the reasons outlined above, it is considered that sufficient exceptional circumstances set out by the applicant justify working outside of a designated Preferred Area.

9.2.9 Policy 5 of the Cheshire Replacement Minerals Local Plan 1999 states that working of minerals will not be permitted where it would involve the use of high quality minerals for low grade purposes. The sands extracted at Arclid Quarry serves important industrial sectors such as the foundry industry, and the quarry supplies specialist sands to a range of other uses. The applicant states that silica sand sales from the quarry have increased in recent years as a result of growth in the leisure industry, tile adhesives and fibreglass loft insulation markets, where specialist sands are required to meet customer specifications. The applicants state that the specialist markets supplied by the quarry requires a high specification sand, and that general construction sand would not be appropriate for these end uses.

9.3 Landscape Character

9.3.1 Mineral extraction is a major land-use in the area surrounding the application site and has been a predominant activity in this area for more than 60 years. Sand quarrying over large parts of this area has changed the landscape from that normally associated with the Cheshire Plain. Sand extraction is currently taking place in the South Arclid Quarry and is progressing in a north westerly direction. The farming practices in this area have led to medium scale farmland with primarily arable, but also some pastoral farming. Hedgerow oaks and thorn hedges are important features in this landscape.

9.3.2 The topography of the area is undulating and consequently views across this area are restricted. The application area has elevations ranging from approximately 75m to 80m AOD, with the land at its highest level to the east and falling to the west of the application area. The land rises gradually to the south east then increases to the southeast of the Macclesfield Canal. There are distant views across to the Pennines, and Mow Cop and The Cloud are visible from a number of locations.

9.3.3 The ES identifies the relevant National Character Areas, as well as the relevant Character Type and areas, as indicated in the most recent Landscape Character Assessment adopted by Cheshire County Council in March 2009; namely the Lower Undulating Farms and Woodlands and the character type as LFW2 Brereton Heath Character Area.

9.3.4 There are a number of residences at various distances around the SEE site, amongst those identified, to the north, is the Legs of Man Public House, to the west Arclid Cottage Farm and Arclid Shire Barns, to the north Fairfield Villa Farm Housing Development, to the north west Arclid Green House Farm and Arclid Green Farm, also Arclid Hall Farm.

9.3.5 Policy 15 'Landscape' of the Cheshire Replacement Minerals Local Plan 1999 states that an application for the winning and working of minerals will not be permitted unless during the operational life of the development it would not have an unacceptable impact on the landscape. It is considered that the proposal at South Arclid would not introduce landscape elements that are incongruous to the character of the area. Furthermore, it is considered that the landscape restoration Masterplan would make a positive contribution to the landscape, and as such is in accordance with Policy 15 of the Cheshire Replacement Minerals Local Plan 1999.

9.4 Visual and Landscape Impact

9.4.1 Policy 17 'Visual Amenity' of the Cheshire Replacement Minerals Local Plan 1999 requires any application to be adequately screened from public view, and that any development would not have an unacceptable impact on the visual amenities of sensitive properties.

9.4.2 The ES includes a Landscape and Visual Impact Assessment which identifies that the area is dominated by elements related to existing quarry workings, such as exposed sand and bunds, and then identifies the landscape quality of South Arclid as being low. It is considered that this is an accurate description of the landscape, which would also apply to the existing working quarry area of South Arclid. The landscape quality of the proposed SEE area is classified as 'medium' to 'good'.

9.4.3 The ES indicates that the low lying and generally undulating landform of this area prevents mid to long range views of the proposed SEE area, and also, that close range views were determined to be within 400m of the SEE area boundary.

9.4.4 It is considered that the 'Zone of Visual Influence' is generally limited to approximately 350m from the boundary. The ES indicates views are generally restricted because of the flat, low lying landform, combined with existing trees and hedgerows. The Visual Impact Statement indicates that the main visual receptors would include users of public footpaths, as well as users of minor roads, and a number of individual residents. It is considered that the most significant visual impacts will be from public footpaths, relating to a loss of visual amenity. There would be significant impact for users of a number of footpaths, in some cases the impact this will extend for the whole working life of the south east extension, a period of up to 18 years.

9.4.5 The application shows that there would be a screening mound to the north of the Eastern Block, formed from overburden and soils removed from phase E1 and planted with native shrubs. This screening mound would remain in place until the end of the extraction period, to help screen views from the north, NW and NE.

9.4.6 It is considered that there would be a number of visual impacts as a result of this SEE, including the loss of existing trees, as well as the creation of soils screening bunds/mounds and overburden storage bunds/mounds. However, the soil screening bunds/mounds would be erected strategically in places during extraction phases around the boundary of the site and also the boundaries of the different phases of the Southern Block which would effectively screen views from users of the public footpaths. These screens would be moved, as the site would be worked and subsequently restored progressively in a phased manner.

9.4.7 All topsoil storage bunds/ mounds would not exceed 3 metres in height, all subsoil bunds/ mounds would not exceed 5 metres in height, and all overburden mounds proposed shall not exceed 5 metres in height in the Southern Block, and shall not exceed 10 metres in the Eastern Block. All soils placed into stores for a period exceeding 6 months would be seeded to grass to prevent erosion and stored in accordance with best management techniques. These bunds/mounds would also act as a visual screen.

Trees and Woodland

9.4.8 The development proposal would require the removal of significant lengths of existing hedgerows and hedgerow trees together with a copse of trees, which would also have an impact on the landscape. A total of 2,400 metres of hedgerow would be removed and 5 trees would be removed on grounds of sound arboricultural management. A further 14 low quality trees and 55 moderate quality trees would be removed due to conflict with the proposal. No high quality trees would be removed. There are no Tree Preservation Orders in the vicinity and no record of ancient woodland.

9.4.9 Boundary hedgerows would be retained with gaps planted up as soon as possible, this would be conditioned. Stand off areas would be provided to protect retained hedgerows and trees on the periphery of the site. The mitigation proposals would involve phased restoration replacing field boundaries using species-rich hedgerows and a number of small woodland areas (approximately 8 hectares in total) to replicate the pattern of woodland in the local landscape and to increase woodland provision in the area.

9.4.10 Cheshire has a low percentage of woodland cover and mature hedgerow trees make an important contribution to landscape character. The removal of hedgerows and a large number of trees would result in a significant loss in the landscape and it would take many years for replacement planting to establish and have visual impact. Whilst the restoration scheme has the potential to make a positive contribution to the landscape in the longer term, and proposed new woodland areas are to be welcomed, in the short term replacement planting cannot replicate mature features in the landscape. The successful retention of trees and hedgerows on the boundaries would be entirely dependant on comprehensive protection measures with appropriate stand off distances.

9.4.11 An assessment has also been undertaken to establish if any of the hedgerows proposed for removal qualify as 'Important' under the Hedgerow Regulations 1997. The assessment identified one hedgerow as important due to wildlife/landscape grounds as it contains an average of 4 woody species, and it is adjacent to a public footpath. It should be noted however that the adjacent FP No.9 is only temporary in this location, as it is subject to a diversion order which expires in 6 years time. However, before any substantial development can commence in Phase E1 (the first Phase) FP No.9 would be required to be diverted. As soon as the Diversion Order is confirmed the important hedgerow would cease to be categorised as such. In terms of timescales, should planning permission be granted, the applicant would submit the application to divert FP No.9, as soon as planning permission is received. In such circumstances it would therefore be anticipated that this hedgerow would cease to be 'important' later this year or early next year, rather than 6 years time.

9.4.12 The assessment also indicates that there is cartographic evidence of a pre-enclosure field system in the vicinity, although the comment is made that the system has been severely compromised by the removal of a significant number of field boundaries since the 1970s.

9.4.13 An amendment to the Hedgerows Regulations 1997: A guide to the Law and Good Practice states that a hedgerow is 'important' if it was recorded by 24 March 1997 in a Record Office document as forming part of an integral part of the pre-1845 field system. It is relevant to note that the document states "The completeness of the field pattern is irrelevant". Taking this into account, it appears that despite the footpath diversion, the proposed development would impact on hedgerows considered to be "important" under the Hedgerow Regulations 1997. The potential impact on historic field boundaries therefore remains an issue. However, Policy NR3 of the Congleton Borough Local Plan First Review states that proposals for development that would result in the loss or damage of important hedgerows will only be allowed if there are overriding reasons for allowing the development, and where the likely effects can be mitigated, or the habitat successfully recreated on or adjacent to the site.

9.4.14 The loss of trees, also the loss of a hedgerow that is considered to be 'important' and historic field boundaries is considered regrettable. However, as discussed previously, MPG15 states that silica sands are scarce and this nationally strategic resource is only concentrated in a few areas of the country. The guidance emphasises the importance of maintaining an adequate supply of silica sand from all sources, and advises that the environmental implications of working the mineral must be carefully balanced against the need for this nationally strategic mineral.

9.4.15 It is considered that the national need for silica sand, as an essential raw material for many industrial processes including the manufacture of glass and production of foundry castings would outweigh the losses of the important hedgerow, pre-enclosure system and trees. Furthermore, the proposal provides restoration and aftercare schemes which includes replacement planting. Also, should planning permission be granted, a section 106 legal agreement would ensure 15 year extended management of the nature conservation areas post restoration.

9.4.16 It is however considered that the level of detail in the submission is insufficient to ensure comprehensive protection would be secured for retained trees and hedgerows. Prior to commencement of works detailed information in respect of protection would need to be submitted for approval. It would also be necessary to ensure remedial works are carried out to retained trees. These issues would be covered by appropriate conditions, should planning permission be granted.

9.4.17 In principle the proposals for replacement planting and restoration appear reasonable, although, as they are described in the submission as outline, approval of a detailed landscape proposals and specifications would be a future requirement. Conditions could also be used to secure controls over advanced and progressive planting areas, and a section 106 agreement would ensure the submission of a detailed ongoing management plan for 15 years post restoration to ensure establishment and maintenance of landscaping and replacement planting.

9.4.18 It is considered that there would be a landscape impact due to changes in landform and land-use, as well as the loss of existing ponds and associated vegetation, hedgerows and hedgerow tree loss. However, this impact would be considered to be of a minor nature and furthermore not be permanent as the site is progressively worked and restored.

9.4.19 With the proposed visual mitigation measures detailed above it is considered that there would be a minor to moderate adverse visual and landscape impact whilst the SEE is being worked. However, the progressive extraction and restoration would go some way towards minimising this. Furthermore, the restoration proposals would result in a moderate beneficial effect on the landscape character of the extension and surrounding area, effectively making a positive contribution to the landscape.

9.4.20 It is therefore considered that the proposed SEE would not introduce landscape elements that are incongruous to the character area and this application should not be refused on the grounds of landscape or visual impact. As such, it is considered that the proposed SEE is in accordance with the provisions of Policies 15 'Landscape' and 17 'Visual Amenity' of the Cheshire Replacement Minerals Local Plan 1999.

9.5 Nature Conservation

9.5.1 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places;

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

and provided that there is;

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

9.5.2 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection;

- a requirement on Local Planning Authorities (LPAs) to have regard to the Directive's requirements above; and
- a licensing system administered by Natural England.

9.5.3 Policy 23 'Nature Conservation' of the Cheshire Replacement Minerals Local Plan 1999 states that mineral development should maintain the local network of flora and fauna, and upon restoration, make a positive contribution to the area's nature conservation and physical environmental resources of the area. Policy NR2 'Statutory Sites' states that proposals for development that would result in the loss or damage of sites of nature conservation importance including RAMSAR sites, SSSI's and any site or habitat supporting species that are protected by law, will not be permitted. Furthermore, developers will be required to submit a comprehensive assessment of a proposal impact on nature conservation as part of an application to develop a site which may affect any of the stated sites.

9.5.4 Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. “This may potentially justify a refusal of planning permission.”

9.5.5 PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

9.5.6 PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

9.5.7 The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

9.5.8 In this case a full ecological impact assessment of the proposal has been submitted in support of the planning application. Subsequent tree inspections for bats have been conducted for the presence of bats on site. The ecological chapter of ES identifies a number of actual and potential ecological issues; I will comment on each of these in turn.

Protected Species

9.6.9 Great Crested Newts (GCN)

Three ponds identified as supporting GCN would be lost to the proposed development. The submitted GCN mitigation is considered to be brief, but does cover the general principals of clearing newts from the site prior to the commencement of working ; it identifies receptor areas for trans-located newts and proposes replacement habitat in the form of ponds, woodland planting, hedgerows and rough and species rich grassland areas as part of the restoration proposals.

However, the nature conservation officer had slight concerns with regards to the amount of survey effort undertaken. Only four survey visits have been undertaken for pond six which would be lost to the proposed development. This level of survey effort is adequate to establish presence, but six visits are recommended by Natural England to provide a population estimate. Based on the results of the four surveys undertaken it would appear that the population is likely to be small, however in accordance with the guidance two additional visits undertaken at the optimal time of the year should be undertaken to confirm this.

Updated surveys of all the ponds would be required prior to the submission of a Natural England GCN license application as the survey data needs to be less than

three years old at the time of the application is made. Given that pond 6 would not be affected until the final phase of the development (Phase S4), the status of the population could be affected during this time period.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest.

As stated previously silica sand resources are scarce in the UK and this mineral is considered to be a nationally strategic resource. Minerals can only be extracted where they are found therefore there is no satisfactory alternative. Whilst the applicant has only undertaken four surveys of pond six they have provided justification as to why 6 surveys have not been undertaken which is considered acceptable. On balance, considering the habitat creation and mitigation proposed, the low numbers of newts recorded so far, and the potential time delay between the granting of planning permission and the loss of pond six, it is considered that there would be limited ecological benefit in requesting further surveys prior to the determination of this application. It is considered that the proposed development would, with the proposed restoration proposals lead to an overall gain for GCNs.

9.6.7 Bats

A bat survey has been undertaken as part of the ES, and subsequent tree inspections for bats have been undertaken relating to the trees identified for removal that have moderate potential or above to support a bat roost.

The out come of the assessment is such that this satisfies concerns that bats are not 'reasonably likely' to be present in the trees proposed for removal. However, as this application is complicated due to the potential long delay between granting planning permission and the phased implementation of the scheme, the applicant would be required to submit updated bat surveys throughout the life of the project prior to commencement of work in Phases S2, S3, S4, E2 and E3.

9.6.8 Badgers

In order to avoid the destruction or disturbance of active badger setts the proposed development would result in the permanent or temporary closure of a number of subsidiary and outlier setts. The main sett has been identified and would be retained. All work relating to the disturbance or closure of setts will be undertaken under license from Natural England. Badgers activity in the area is not thought to be solely restricted to the application site as the local group is also believed to forage in the surrounding countryside. In addition, the long-time scale associated with the extraction phase and the on-going restoration works would reduce the impacts associated with the disturbance of badger foraging and commuting habitat surrounding the setts. The submitted badger survey and assessment, and the proposed mitigation measures appear to be thorough, and it is considered that all reasonable steps would be undertaken to reduce potential adverse impacts on badgers. As with other species it is hoped that the final restoration scheme for the quarry will lead to an overall enhancement for the site.

9.6.9 Breeding Birds

A number of the habitats that will be lost to the proposed development offer potential for breeding birds. The standard breeding bird protection condition would be required to ensure nesting birds are not disturbed.

9.6.10 Biodiversity Action Plan (BAP) Priority Habitats and Species

Local and UK BAP priority habitats and species are a material consideration for planning purposes. A number of Cheshire BAP species and habitats are either known to or thought to potentially occur on the application site. These include the brown hare, a number of bird BAP species, the mud snail and the common toad.

Whilst there would undoubtedly be some disturbance and habitat loss associated with this proposed development, it is considered that the final restoration scheme for the site would lead to an overall increase in habitat available for Cheshire BAP species which would facilitate long term benefits for local biodiversity and nature conservation. Furthermore, it is proposed that an invertebrate survey would be carried out on the affected ponds prior to implementation of the GCN mitigation scheme and the findings used to inform detailed design of the new ponds; this survey would identify the presence of any invertebrate species of conservation value, and recommend any subsequent mitigation that may be necessary.

9.6.11 Loss of Ponds

Four ponds would be lost to the proposed development and ten new ponds would be created. This is considered acceptable as the additional ponds would provide suitable habitats for nature conservation.

9.6.12 Geodiversity

Part of an exposed face of extraction area would be retained on the southern edge of the eastern block. This is intended to provide nesting habitat for sand martins. This proposal is welcomed. In order to make a contribution to the Local Geodiversity Action Plan the nature conservation officer has suggested that it should also be made available for geological study if at all possible.

9.6.13 General

Due to the long term nature of the proposed extraction activities it is essential that the site is subject to ongoing ecological monitoring and survey to ensure that no adverse impacts not anticipated at this initial stage occur.

It is considered that much of the detail of this scheme appears to be deferred until the site management /habitat creation plan is produced. However, notwithstanding the above outstanding protected and BAP species issues, it is considered that the broad principals of the scheme are satisfactory and that the final restoration scheme would provide an overall gain for nature conservation in accordance with PPS9. It is considered that the proposed mitigation, habitat creation and planting, along with the subsequent woodland management, is sufficient to ensure that there would be no adverse impact upon the ecological value of the site in the long term.

The impact of the proposed development on protected species has been fully addressed within the planning application. Mitigation measures have been proposed and it is considered that the imposition of suitable conditions on any planning

permission would ensure that there would be no adverse impact upon any protected species. Furthermore, it is considered that due to the scarcity of silica sand resources, and the national need for this strategic resource recognised by MPG15 that there are no suitable alternatives for this proposal, and that there is a national overriding public interest. Furthermore, the section 106 legal agreement would ensure the long term management of the nature conservation areas.

9.6 Residential Amenity

9.6.1 Local residents have raised concerns in relation to the proposal having an unacceptable impact on their residential amenity including issues such as noise, dust, lighting and the cumulative impact of the site and extending the life of the site further to that already permitted.

Noise

9.6.2 A full noise assessment of the development proposals has been carried out and submitted as part of the ES. The assessment identifies key receptors around the SEE are that could experience some impact from noise. Existing background noise levels have been measured, together with noise emissions from the main items of plant that are used at South Arclid. This information has been used to calculate the predicted noise level at each key receptor.

9.6.3 The Council's Environmental Protection Officer has examined these documents and recommends that the proposed planning conditions as stated within Chapter 8 'Noise Assessment Report' should be attached to any decision notice, should planning permission be granted, with the exception of noise limits for properties on Newcastle Road where the normal working noise limit should be conditioned to 54db LAeq facade, as opposed to 57db LAeq facade as stated in this document.

9.6.4 The existing noise monitoring scheme for South Arclid should be revised to ensure that monitoring occurs during periods that receptors would be most sensitive, particularly when working near Arclid Green House Farm, when the mound has been removed. The properties chosen on Newcastle Road should also be located at the most sensitive at that time and should represent the site facing facade.

9.6.5 These conditions should ensure that noise nuisance is adequately controlled. It is considered that, based on the information submitted within the ES that predicted noise emitted from the proposed operations at the SEE would be within the noise limits suggested by MPS2, and those already set under the current planning permission (with the amendments as stated above) for South Arclid. As such, with the inclusion of noise mitigation and monitoring conditions, it is considered that the proposals accords with the provisions of Policies 26 and 27 'Noise' of the Cheshire Replacement Minerals Local Plan 1999.

Air Quality; Dust

9.6.6 The potential for dust impacts from the proposed SEE has been assessed and considered. A range of mitigation measures are proposed to ensure that dust generation is minimised and are considered acceptable. These include, effective site management, the implementation of a revised dust management plan similar to that of the existing plan for South Arclid, and planting of screening mounds. It is considered that these mitigation measures would be sufficient to control dust emissions on site, and that the risk of adverse impacts due to dust would be low.

9.6.7 As such, with the proposed conditions for dust management and mitigation, it is considered that this proposal would not give rise to unacceptable levels of dust. The proposal provides a schedule of phased working and restoration, proposes seeding of screening mounds, and a revised dust management plan would be required. As such, it is considered that with the proposed mitigation that the proposals accords with the provisions of Policy 28 'Dust' of the Cheshire Replacement Minerals Local Plan 1999.

Light Pollution

9.6.8 Residents have raised concerns regarding light pollution from the proposal. The current workings at South Arclid are not floodlit, and it is not intended to use floodlighting at the proposed extension. During winter periods, there may be some localised lighting around key parts of the quarry infrastructure, but these would be turned off when the working/plant maintenance ceases. Furthermore, they would not be floodlights; they would just be sufficient to enable safe working within the permitted hours of work.

9.6.9 The proposed working hours for the SEE would be the same as currently is permitted for the South Arclid site: 0700 – 1800 hours Monday to Friday, 0700 – 1230 hours Saturdays, with plant maintenance permitted outside these times between 1800 – 1830 hours Monday to Friday, and between 1230 -1800 hours on Saturdays together with such subdued lighting as is required for illumination purposes. No operations would be permitted on Sundays or public holidays.

9.6.10 Should planning permission be granted, the above hours of operations would be conditioned in line with current permitted hours of work. The Environmental Protection Officer has not raised any concerns regarding light pollution for the proposal.

Cumulative Impact

9.6.11 Concerns have been raised by local residents in relation to the extension of the life of the quarry and cumulative impact of more extensions at the site. MPG15 states a general preference to extend existing sites as means of minimising the potential environmental disturbance. Also bearing in mind the scale of investment required to open new silica sand quarries, and the infrastructure required this would be extensive on new sites to create a new quarry of this scale.

As the proposed SEE at South Arclid would be utilising the existing processing plant and machinery at North Arclid, it is considered that, as there is a proven need, and proven resources available in the SEE area, that there would be no material planning reason to refuse this application on cumulative impact.

9.6.12 The application states that, whilst phases in the Eastern Block would be opened up at the same time of that in the Southern Block, they would not be operated, or sand extracted out of these phases at the same time. Sand from the Eastern Block would be extracted with sand from the Southern Block to enable suitable blending to produce alternative sand products. Furthermore, the site would be worked and restored in a phased manner which would reduce the impact. The application also states anticipated timescales for each phase to provide some level of certainty to local residents on when each phase would be extracted and subsequently restored. Furthermore, it is considered that the proposal would not have an unacceptable adverse impact on the landscape character or amenity of the area and as such it is considered to be in accordance with the provisions of Policy 31 'Cumulative Impact' of the Cheshire Replacement Minerals Local Plan 1999.

General Amenity Issues

9.6.13 It is considered that, with the necessary controls on noise, dust management, hours of operation, phased working and progressive restoration as stated above that this proposal would be in accordance with Policies; 26 and 27 'Noise', 28 'Dust', 31 'Cumulative Impact' and 37 'Hours of Operation' of the Cheshire Replacement Minerals Local Plan 1999, and Policy GR6 'Amenity and Health' of the Congleton Borough Local Plan First Review.

9.7 Soils, Agriculture and Land Use

9.7.1 Concerns have been raised by residents regarding the potential loss of high quality fertile farmland. The ES included an Agricultural Land Classification (ALC) survey of the SEE area. The ALC survey confirmed that the SEE area comprises of 34.8 hectares of "best and most versatile" land (agricultural grades 2 and 3a) as classified under the DEFRA system of Agricultural Land Classification, with the remainder of the site of a lower quality. The ALC includes proposals for soil handling and storage to minimise the impact on the physical characteristics of the soil. It also includes an outline restoration and aftercare scheme for the restored agricultural land.

9.7.2 The findings of the ALC survey have been used in the design of the development programme and the restoration proposals put forward. Different soil types would be stripped, stored and replaced separately, and the restoration contours have been designed to maximise the amount of best and most versatile agricultural land on the restored site.

9.7.3 Only approximately 3 hectares of best and most versatile land would be lost as a result of the proposed development. This however would be put to nature conservation land to enhance the biodiversity of the site, or as part of the

restoration lakes. Whilst this proposal would result in the disturbance of some 34.8 hectares “best and most versatile” land, it is considered that, subject to successful implementation and monitoring, the proposals (outlined by Appendix 2 within Chapter 10 of the ES entitled; ‘Scheme of Soil Handling, Restoration and Aftercare’) should permit the reinstatement and restoration of a broadly equivalent area, without loss of quality and with the creation of discrete blocks, suited to more productive agricultural use.

9.7.4 It is considered that all soil resources would be used sustainably, and that there would be no significant, permanent or long term adverse impacts on best and most versatile land. As such, it is considered that, with conditions to ensure the implementation of practices outlined in the ES with regards to soil handling, and the subsequent submission and implementation of a full restoration and aftercare scheme, that this proposal would be in accordance with Policy 30 ‘Agricultural Land – Silica Sand’ of the Cheshire Replacement Minerals Local Plan 1999.

9.8 Open Countryside

9.8.1 The site is located in the Open Countryside of the Congleton Borough Local Plan First Review 1999 and Policy PS8 applies. As stated above, whilst the proposal would result in the disturbance of approximately 35 hectares of best and most versatile land, this would not be a permanent loss of agricultural land in the open countryside as the site would be progressively restored.

9.8.2 The proposed 3 hectares that would be lost to agriculture is regrettable, however this is proposed to be put to nature conservation land to enhance the biodiversity of the site, or the restoration lakes. Furthermore, it is considered that the need for the nationally strategic silica sand resource would outweigh the loss of this agricultural land in the open countryside. It is also considered that the proposal would not have a permanent impact on the openness of the countryside. As such it is considered to be in accordance with Policy PS8 of the Congleton Borough Local Plan First Review.

9.9 Hydrology

9.9.1 Villa Farm Residents Limited have raised concern over the impact on dewatering, the impact on hydrology and specifically the water flow on Arclid brook. They have expressed concern about the proposed development in respect of its potential effect on the dilution of treated sewage effluent which is discharged into the Arclid Brook from their private water treatment works. The discharge, which is consented by the Environment Agency, is to the Brook in the reach upstream of the lagoon in North Arclid. When the application was being compiled the applicant requested relevant data from the Environment Agency in the vicinity of the proposed development when preparing the ES. However, this consent was not highlighted and it was, therefore, incorrectly described in the ES as a storm water overflow, on the basis of discussions with Bathgate Silica Sand staff on site.

9.9.2 Arclid Brook was the main receptor considered in the ES, and the potential effect of the development on both low flows and high flows was assessed in considerable detail. The conclusions of the ES were:

- There would be some potential for the proposed development to affect low flows in the Arclid Brook. Mitigation of these effects would be achieved by the proposed Water Management Plan (WMP) which would set out steps to ensure that flows in the Arclid Brook would be monitored, and are augmented if they fall below certain threshold values;
- The existing WMP for the South Arclid Site should be subject to a detailed review, and with approval from the MPA/Environment Agency; and
- As the predicted effects of the proposed development would be similar in scale and nature to those of the existing operations at South Arclid, it is assumed that the WMP would largely comply with the MPA/Environment Agency requirements for protection of the environment.

9.9.3 The ES identifies some small, residual effects on flows in the Arclid Brook as a result of the proposed development. This could lead to a theoretical reduction in the dilution of the treated effluent from this discharge. However, it is considered that the change would not be significant and would only affect the short reach of the stream between the discharge and the lagoon. It is therefore considered that the proposed revision to the existing WMP provides an appropriate mechanism for ensuring that flows in the Arclid Brook in the vicinity of the consented discharge are maintained at existing levels.

9.9.4 With regards to dewatering it is also important to note that, whilst the proposed development would be nearer to the Arclid Brook than the existing operations at South Arclid, due to the smaller area and depth of dewatering proposed, the predicted dewatering rate is significantly lower than the current dewatering rate. It is considered that the resultant predicted effects on flows in the Arclid Brook would be therefore similar to the current situation, or at worse a slight, but not significant decrease.

9.9.5 Mitigation measures are already in place at South Arclid to maintain the flow of Arclid Brook by means of planning condition attached to the 2008 planning permission for the whole of South Arclid. As the nature and scale of predicted impact with regards to impact on hydrology for the SEE area are very similar to those for the current workings at South Arclid, it is considered that the current WMP would be an appropriate mechanism for protecting the water environment from any potential adverse effects from the working of the extension area.

9.9.6 Should planning permission be granted, a single set of new conditions would cover the entire workings at South Arclid and take into account the existing conditions, and similar conditions would be imposed, to ensure that any impact on hydrology is mitigated.

9.9.7 Prior to the commencement of the development, mitigation should be put in place to maintain the normal flow of Arclid Brook, as detailed in Section 3 of the existing WMP. The existing approved Arclid Quarry WMP would need to be revised to incorporate the extension area, and submitted for written approval and implemented as such, and a condition would be imposed to require the continued

submission of annual water management report throughout the life of the site. It would also be necessary to ensure that the recommendations with respect to monitoring and mitigation contained within section 5 of the Hydro-geological Impact Assessment of the ES are implemented prior to commencement of development and implemented throughout the life of the quarry.

9.9.8 It is considered that, the nature and scale of predicted impacts for SEE are very similar to those for the current permission at South Arclid. Therefore, with the above mitigation and implementation of the revised WMP, it is considered that the proposal would not have an unacceptable adverse impact on hydrology in the area, dewatering and the flow of Arclid Brook. As such, it is considered that the proposals accord with the provisions of Policy 25 'Hydrology' of the Cheshire Replacement Minerals Local Plan 1999.

9.9.9 Furthermore the Environment Agency have no objection to this application and it is important to note that the Environment Agency are the regulating body that would issue, monitor and enforce water discharge consents.

9.10 Public Rights of Way and Accessibility

9.10.1 The ES identifies the public footpaths that are in the extension area and those crossing or within close range of the application site. Arclid FP No.9 runs along part of Hemmingshaw Lane through the proposed Eastern Block, then along the eastern edge of the Southern Block where it meets Arclid FP No.7 and Smallwood FP No.16.

9.10.2 FP No.7 runs to the west, through the Southern Block and along the outside of the western boundary of the extension area. A short stretch of Arclid FP No.6 runs through the southern part of the extension area. It is proposed to divert those that lie within the boundary of the proposed extraction area via the 'Barren Area', as shown on Drawing No. ABG/SEE/06 within the application.

9.10.3 Arclid FP No. 9 is the subject of an outstanding diversion order made under section 210 of the TCPA 1971, and section 32 of the Minerals Workings Act 1951 in 1986, and effective for 30 years; the original alignment is supposed to be re-instated after this time, in 2016. Under the proposals put forward, the alignment of FP No.9 would not coincide with the original alignment, which would be partly subsumed by the large lake. Furthermore, it has come to light that there is a definitive map modification order application outstanding on Arclid FPs No. 6 & 7 and Smallwood FP No.16 to upgrade these footpaths to bridleways. Further discussions would be required with the PRoW Unit and the Legal Department to establish how the subsequent diversion of a FP that was already subject to a Diversion Order would be achieved, and to resolve the outstanding map modification orders.

9.10.4 Concerns have been raised by residents with regards to the destruction and loss of public footpaths. As stated, footpaths would be progressively diverted along new routes during the working of the SEE area. Therefore, there would be no net loss of footpaths as a result of the proposal. Significant lengths of new footpaths would also be created, adding to, and enhancing the local footpath network.

9.10.5 It is considered that the permanent diversions proposed are not entirely satisfactory as the east west alignment of Arclid FP No.7 would be lost to the restoration of the site but would be diverted elsewhere on the site. Travelling from a west to easterly direction on Arclid FP No.7 it is currently approximately 600 metres to link with Smallwood FP. No.16. To travel the same journey on the proposed diversion would be approximately 1500 metres; a very significant increase and not necessarily desirable. Therefore, PRow unit have recommended that a temporary diversion (under section 216 of the Town and Country Planning Act 1990) of FP No.7 and No.6 could provide an acceptable compromise during the extraction phases, and the subsequently reinstated in the same alignment following the substantive restoration of the site. However, if this option is not viable, a permanent diversion of the route should be considered possibly to the north of the most southerly lake proposed to link up to the existing footpath network.

9.10.6 The applicant and landowner have agreed to this permanent diversion. It is considered that this diversion to the north of the small lake in the Southern Block would allow the walker to experience some of the wildlife interest proposed in the restoration, and would also provide another attractive circular option to offset the loss of the direct link. It would also provide a more appropriate alternative permanent diversion for the proposed loss of Arclid FP No.7 as it is reflective of the current routes of FP No. 6 and 7. Furthermore, this new footpath would create an additional 500 metres of definitive footpath over and above the additional length of 460 metres already proposed by the restoration proposals.

9.10.7 With regards to accessibility around the site post restoration, as a response to the consultation of the planning application, it is proposed to create a 'permissive path' at the northern boundary of the site, adjacent to the A534, to link FP No.9 and FP No.3; thus providing a circular route around the main lake at South Arclid as recommended by the Cheshire East Countryside Access Development Officer. The proposed new path should be located on the field side of the boundary hedge to separate users of the FP from vehicular traffic on the A534, and it should have a minimum width of 2 metres.

9.10.8 A definitive route, as requested by the Countryside Access Officer, dedicated by the landowner as a public right of way, is not at present a viable option in this instance as the ownership of the land is uncertain. The primary land owner of the South Arclid Site believes the majority of this strip of land was sold to Cheshire County Council in the 1970s for a road widening scheme. Unfortunately Cheshire East Council do not have any records of this land being in their ownership, so therefore the applicant is reluctant to dedicate the land to become a public right of way, as the land may be required in the future for road widening. They are however willing to create the 'permissive path' as described above. This permissive path would link to the suggested diversion around the south of the site and would allow an increased length of circular route allowing walkers to walk around the entire site.

9.10.9 The Countryside Access Development Officer has also suggested consideration should be given to a new footpath route on the south west boundary of the main South Arclid Lake (yet to be formed). This would afford users a greater opportunity to view the water body, and associated wildlife, and would offer a well

connected circular route which avoids cross-field paths. This option has been considered, however, this route would cross environmentally sensitive areas that would be created as part of the restoration of the site. As such, it is considered that such a footpath with associated walkers would conflict with the biodiversity potential that this nature conservation area would provide and negate the anticipated benefits for biodiversity. Furthermore there is already a definitive route (FP No. 13 and No. 7) running parallel to this proposed route to the south outside of the application boundary so it is considered that there is already provision in the area not to warrant any additional paths in this location of the site.

9.10.10 A full consultation with user groups and statutory undertakers would be required before any permanent diversion under the Town and Country Planning Act 1990 could be agreed. The applicant would have to apply for temporary and permanent diversion orders under separate applications aside to this determination.

9.10.11 It is considered, that the proposed creation and/or diversions of additional permanent footpaths, and the additional permissive route would create interesting circular routes. Furthermore, it would not lead to a 'net loss' of public rights of way and it is considered that the proposed restoration would make a positive contribution to the public rights of way network. As such, it is considered that this proposal accords with the provisions of Policy 33 'Public Rights of Way'. Whilst the applicant is not willing to provide a commuted sum for the maintenance of the footpaths on the site, they would be prepared to include a maintenance schedule for all diverted and new footpaths that lie within the application area within their 15 year aftercare and maintenance scheme which should ensure long term management post restoration.

9.10.12 The statutory Rights of Way Improvement Plan of the former Cheshire County Council recognised the value and demand for circular routes for walkers. The restoration of the proposed SEE offers an opportunity to create new routes to link up the existing public rights of way, thereby offering an improved facility for the people of Sandbach and Arclid to exercise and enjoy the environmental and habitat improvements, that would be delivered through the restoration phase of the proposal, should planning permission be granted.

9.11 Archaeology

9.11.1 The ES includes an archaeological desk-based assessment. The report concludes that the known archaeological remains from within the application area are of a fairly minor nature, with low significance and no visible remains. It is considered that a watching brief during topsoil stripping would represent an appropriate level of archaeological mitigation. This would allow any as yet unknown sites that were revealed during topsoil stripping to be investigated and recorded. The Cheshire Archaeological Planning Advisory Service advises that this represents an appropriate strategy, although it should be noted that since the report was compiled ongoing examination of various aerial photograph collections has identified a circular feature at the southern end of the application area. This may represent a ring ditch prehistoric burial mound which has been levelled by more recent ploughing.

9.11.2 It is considered however, that as this feature was not recorded at the time the report was compiled, that it could be a feature of more recent date, and therefore it is considered that a pre-determination evaluation would not be appropriate in this case. The site may be dealt with within the programme of archaeological work outlined above, although topsoil stripping in this area will need to be carried out with particular care and under direct archaeological supervision.

9.11.3 The implementation of the programme of archaeological work, including a watching brief during topsoil stripping would be secured by condition to ensure that a written scheme of investigation is submitted by the applicant and approved in writing by the Mineral Planning Authority. The work should be carried out strictly in accordance with the approved scheme. As such, it is considered that this proposal accords with the provisions of PPG16 and Policy 20 'Archaeology' of the Cheshire Replacement Minerals Local Plan 1999.

9.12 Stability and Geotechnical Assessment

9.12.1 Concerns have been made in relation to stability and subsidence which may be caused as a result of this application. The nearest residential properties lie between 110 – 250 metres from the application boundary. At present, in accordance with the Quarries Regulations 1999, the existing quarry is inspected every 3-6 months by independent geotechnical consultants to ensure the stability of the site.

9.12.2 The ES included a geotechnical assessment of the development proposals undertaken by independent geotechnical consultants, in which the stability of the excavation slopes was assessed. The slope stability analysis demonstrated that third party properties would not be affected by the proposed development. Furthermore, under the requirements of the Quarries Regulations 1999, a formal inspection of all excavation slopes would take place weekly, and the independent geotechnical consultants would continue to carry out inspections every 3-6 months, in accordance with the Quarries Regulations.

9.12.3 A full Geotechnical Assessment Report, as defined in the Regulations would be compiled before extraction commences in the SEE, and would form part of an existing document that assesses the stability of the whole of South Arclid.

9.12.4 HM Inspector of Health and Safety has no objections to the application and is satisfied that the applicant has taken due consideration of the Quarries Regulations 1999. It is considered that this proposal is in accordance with Policy 39 'Stability and Support' of the Cheshire Replacement Minerals Local Plan 1999.

9.13 Highways/Transport

9.13.1 No changes to the current levels of HGV movements from Arclid Quarry are proposed both at the North Arclid Site and the South. At present, all sand extracted from South Arclid is transported to the processing plant at North Arclid by pipeline. Should planning permission be granted, the same processes would be adopted for the SEE, and extracted sand from the extension would also be

transported by pipeline to North Arclid; this would be conditioned. Furthermore, as the majority of the extraction is proposed to be above the water table, and much of the site is to be restored back to agricultural land, the soil/overburden would remain on site, initially to provide screening mounds/bunds and subsequently used for restoration purposes, thus negating the need to remove this soil/overburden off site via Hemmingshaw Lane as is approved for the South Western Extension. Other than the occasional movement of plant and machinery, there would be no HGV movements to access the SEE area via Hemmingshaw Lane.

9.13.2 As this proposal would not alter existing levels of HGV movement, it would not be expedient to include a clause in the legal agreement to raise funds for highways maintenance and improvements as requested by Sandbach Town Council.

9.13.3 The proposal would not alter the existing levels of HGV movements from Arclid Quarry therefore it is considered that this proposal would not give rise to unacceptable vehicle movements that would harm the local highway network, and as such, it is considered that the proposal accords with Policy 34 'Highways' of the Cheshire Replacement Minerals Local Plan 1999, and GR6 'Amenity and Health' and GR18 'Traffic Generation' of the Congleton Borough Local Plan First Review.

9.14 None Material Planning Considerations

9.14.1 Residents have raised concerns in relation to the impact of the proposal on the saleability and market value of property. Also, concerns have been raised regarding the increased possibility of children drowning in the lakes created. These issues are not material to the determination to the planning application.

10 CONCLUSIONS

10.1 The planning application seeks permission to extend an existing silica sand site at South Arclid. It is considered that, with the proposed mitigation measures outlined above that would be conditioned, that the proposed extension would not result in an adverse impact upon local amenity, and that the environmental impacts of the development could be mitigated sufficiently to ensure no net adverse impact.

10.2 The proposed extension would increase the quarry's landbank to 18 years, which is in accordance with national and local policy, and that exceptional circumstances have been demonstrated to justify working an area outside of the identified preferred area. It is considered that the proposal represents a sustainable way to extract a high quality, and strategically important sand to prevent the reserve being sterilised.

10.3 The loss of an important hedgerow, trees, and a small amount of agricultural land and diversion of public footpaths is regrettable; however the need for this nationally strategic resource outweighs the minimal losses that this proposal would present. Notwithstanding the potential loss of nature conservation and protected species habitats it is considered that due to the scarcity of silica sand resources in the UK, and the nationally strategic nature of silica sand for high end uses, that there are no alternative sites in the area for this proposal, and that there is an overriding

public interest. Furthermore, with extended aftercare and management of the nature conservation areas this would provide via a section 106 agreement would ensure that the land is restored in a way to make a positive contribution to the landscape and biodiversity. On balance it is considered that there would appear to be no material planning reason why permission should not be granted.

11. RECOMMENDATION

RECOMMENDED: That, subject to the Secretary of State deciding not to 'call-in' the application under the Departure from the Development Plan procedures:

(1) A planning obligation under Section 106 of the Town & Country Planning Act 1990 be entered into with the applicant to provide for;

- (a) The provision of a 15 year aftercare and management scheme from the date of the completion of restoration of the South Eastern Extension**
- (b) Annual monitoring and reporting of protected and Cheshire BAP species during the 15 year aftercare and management plan period**
- (c) Footpath maintenance and management during the 15 year aftercare and management plan period**

(2) Planning permission be granted, subject to conditions covering in particular the following:

1. All relevant conditions of 8/07/0222/CPO
2. Standard
3. Written notice for commencement of development
4. Written notice for commence of extraction in each phase
5. Written notice for completion of extraction in each phase
6. Written notice for completion of restoration in each phase
7. Approved plans
8. Duration of consent until 31.12.2035
9. Sand only to be transported to North Arclid via underground pipeline
10. Protection of breeding birds
11. Submit updated bat surveys throughout the life of the project prior to commencement of work in Phases S2, S3, S4, E2 and E3.
12. Submission of an aquatic inveterate survey of the ponds to be lost prior to the implementation of the GCN mitigation.
13. Detailed Management/habitat creation plan including proposals for monitoring and on-going survey work
14. Design for replacement ponds.
15. Recommendations in the ES regarding nature conservation mitigation
16. Plant gaps in boundary hedges
17. Northern Screening Mound constructed around the northern perimeter of the eastern block and remain for the duration of the development
18. Temporary screening mounds erected in phases of Southern Block as per approved plans to screen views

19. Stockpile heights for topsoils, subsoils and screening bunds and seeded to prevent erosion.
20. Scheme of soil handling, restoration and aftercare to safeguard soil quality implemented in accordance with Appendix 2 of Chapter 10 of the Environmental Statement.
21. No soils/overburden to be removed off site.
22. Remove PD rights
23. Any plant/machinery coloured dark green 12B29 as specified in colour code BS4800
24. Hours of operation – as existing
25. Noise; best available techniques and noise attenuation on plant/machinery
26. Revise the existing noise monitoring scheme submitted for written approval
27. Noise limits
28. Dust management/mitigation scheme
29. Best available techniques for dust mitigation
30. Programme of archaeological works
31. Watching brief during topsoil stripping
32. Restoration and aftercare scheme submitted for approval 12 months post approval and implemented in full accordance with the scheme
33. Water pollution control
34. Revise existing Water Management Plan to include SEE area and mitigation to maintain normal flow of Arclid Brook as detailed in Section 3 of the existing WMP and subsequent continued submission and implementation of annual report throughout the life of the site
35. Implementation of recommendations with respect to monitoring and mitigation contained within section 5 of the Hydro-geological Impact Assessment and within the Water Management Plan.
36. Comprehensive Tree Protection Plan including details of stand-offs
37. Arboricultural method statement including remedial works for existing trees
38. Detailed restoration Masterplan and replacement landscaping scheme including advanced and progressive planting areas
39. Revised final phasing plan
40. Revised restoration cross sections to account for changes to restoration Masterplan

Informatives

Public Rights of Way

Public Rights of Way – landowner and operators obligations

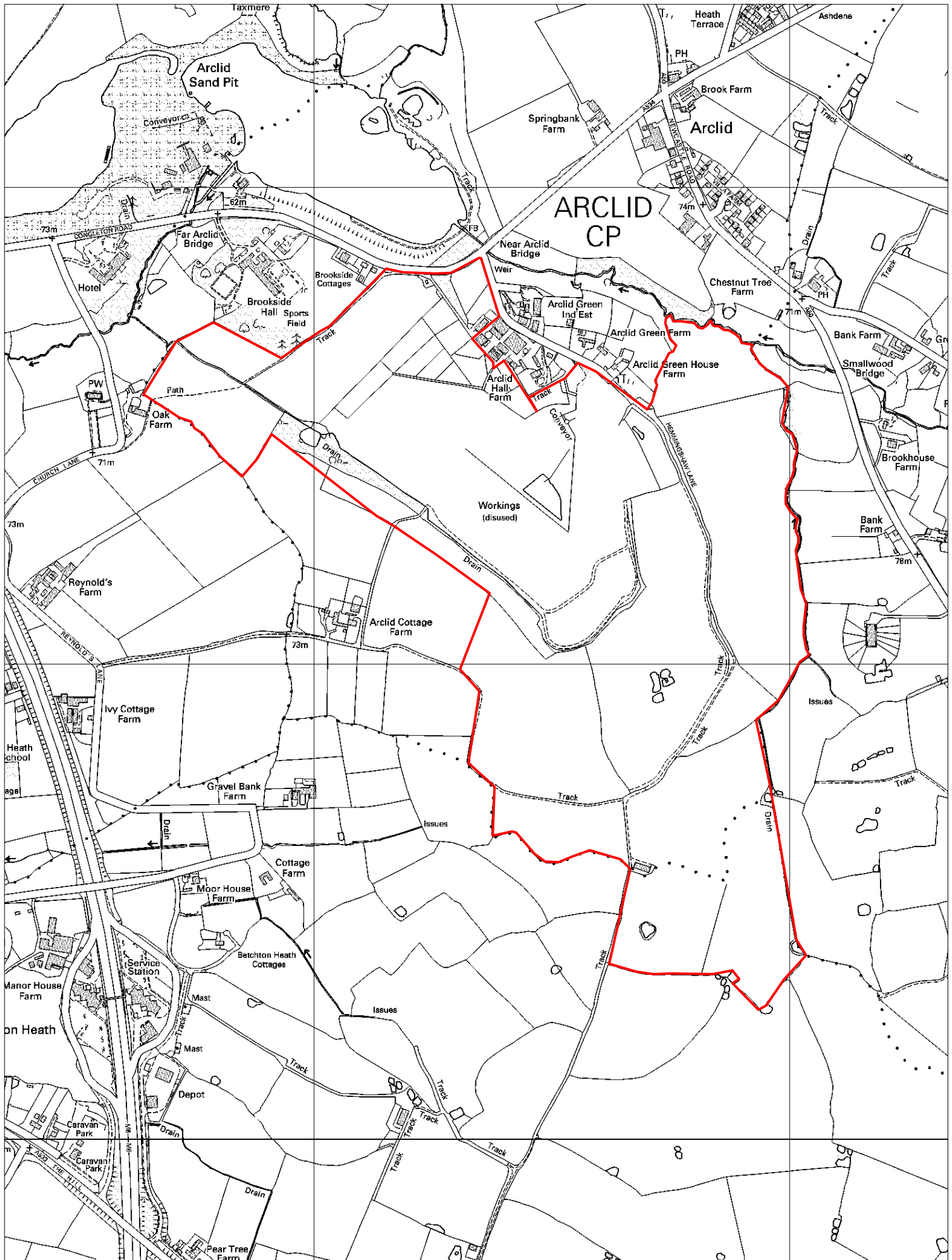
Permissive path; information on materials and standards, it should be located on the field side of the boundary hedge to separate users of the FP from vehicular traffic on the A534, and it should have a minimum width of 2 metres.

Environment Agency

Groundwater and information on licensing exemption on dewatering

Airport Safeguarding

Airport safeguarding re bird strike



ARCLID QUARRY, CONGLETON ROAD, SANDBACH, CHESHIRE, CW11 4SN

NGR : 378,470 - 361,310

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