Application No: 16/3298W

Location: EATON HALL QUARRY, MANCHESTER ROAD, EATON, CONGLETON, CHESHIRE, CW12 2LU

Proposal: Application to extend Eaton Hall Quarry to the North and East of the existing permitted extraction area to the North of School Lane

Applicant: Mr G Fyles, Tarmac Trading Ltd

Expiry Date: 31-May-2017

SUMMARY:

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

In terms of sustainability the proposal would satisfy the economic sustainability role by ensuring that the remaining mineral reserves are fully utilised, contributing to the requirement for a seven year landbank for sand and gravel and ten year stock of permitted silica sand reserves at the site as required by national planning policy. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses and enables the site to be restored to a high standard.

This should be balanced against any potential harm to residential amenity, BMV land and the environment resulting from the mineral working. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation. Subject to securing appropriate planning conditions, the proposal would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of CELP, CRMLP, MBLP and the approach of the NPPF.

SUMMARY RECOMMENDATION:

Subject to the Secretary of State deciding not to 'call-in' the application under the Departure from the Development Plan procedures

Approve subject to conditions

SITE DESCRIPTION

Eaton Hall quarry is located to the north and south of School Lane near the village of Eaton and lies off the A34 approximately 1km north of the northern settlement edge of Congleton. The quarry is bounded by agricultural fields to the east, the restricted byway Eaton RB1 to the north, Macclesfield Road to the south and the A34 to the west.

The quarry has been operational since the early 1970's and extracts silica sand (Congleton sand) and construction grade sand (Gawsworth sand). At present the quarry is working on land to the north of School Lane and mineral is extracted beneath the water table, creating an open body of water used as a dredging lake. To the south of School Lane lies another open water body formed by previous mineral extraction, along with the current plant processing area, sand storage areas, access road and other quarry infrastructure.

The proposed application site covers an area of 41.5ha over two parcels of agricultural land which adjoin the northern and eastern boundary of the current working area north of School Lane. The northern area comprises 21ha and is bounded by agricultural land to the north, Gorsey Moor Farm and Jack's Farm to the east with Sandy Lane beyond, Restricted Byway Eaton RB1 and the existing working area of the quarry to the south, and A34 to the west. The eastern area covers 20.5ha and is bounded to the north by Restricted Byway Eaton RB1, agricultural fields as well as Gorseymoor Farm and Fords Lane. To the east are Fields Farm and Bebbington Road, whilst School Lane forms the southern boundary beyond which is agricultural land and the village of Eaton.

A small number of properties located off Bebbington Road, Sandy Lane and the A34. Beyond this the village of Eaton is located approximately 0.2km to the south-east of the site.

PROPOSAL

This application proposes an extension of Eaton Hall quarry in a northern and eastern direction. This would release approximately 6,837,457 tonnes of silica and construction sands which would be extracted at a rate of around 400,000 tonnes per annum over a 25 year period (including restoration of the site).

Mineral extraction would mirror current arrangements with soils stripped and stored in bunds around the site to create a visual screen, as well as used for lake formation and restoration. Advanced woodland and hedgerow planting is proposed, along with retention and gapping up of existing hedgerows to provide screening for the mineral working.

The mineral would be extracted in four phases with both extension areas being extracted simultaneously. It is estimated that each phase will take approximately 5-6 years depending on market demand. During each phase sand would be extracted both wet and dry depending on water table levels, with dry working taking place at approximately 3m below the surrounding ground level and wet working taking place below the level of dry working. Dry sand above the water table would be dug out by excavator and loading shovel which would be deposited into a screener, and then transported by conveyor to the current processing area via an existing tunnel under School Lane. The wet sand below the water table would be extracted by an electronically powered suction dredger. As a waterbody is created by the

process, sand would be pushed from the edges of the pool to be dredged, thus gradually enlarging the water body. The sand and water would be pumped via a pipeline to the processing area south of School Lane. At the processing area the sand would be washed and graded, following which the silt laden waters would be discharged to the northern dredging lake created under the existing planning permission via a settlement lagoon.

During phase 1 sand would be extracted dry from the eastern extent of the northern extension and a small section of the eastern extension. The soils overlying the sand would be used to form bunds to help screen the area of extraction. Phase 2 would involve the extraction of the western extent of the northern extension with sand being worked dry, and a small section of the eastern extension worked wet. Overburden material from the extraction areas would be used to restore land worked during phase 1. Landscape bunding will also continue to be constructed on the southern, eastern and north western boundary as extraction progresses and a soil storage area would be created to house the subsoils to be used for restoration of phase 3.

During phase 3 the final section of the northern extension would be extracted dry above the water table and a large section of the eastern extension would be extracted with a mixture of dry working down to 106mAOD and wet working below this level. Progressive restoration to parts of the northern extension would be completed by spreading the subsoils and top soils previously stored in bunds around this area.

Phase 4 comprises wet and dry working of the southern extent of the eastern extension. Overburden would be placed on the remaining section of the northern extension awaiting restoration and on parts of the consented area to assist with lake formation. Once Phases 1 to 4 have been completed, mineral extraction will be completed in the remaining areas of the existing quarry south of School Lane falling under the current planning permission. This is anticipated to take place over two to three years.

It is estimated in the northern extension that extraction will take place to a maximum depth of 106m AOD (current ground levels rise from approximately 111mAOD to 117m AOD (east to west)). The eastern extension would be extracted down to 106mAOD (the land slopes up from approximately 118mAOD on the western boundary to 123mAOD on the eastern boundary). The remainder would be extracted wet below the water table to a varying depth of approximately 106mAOD to 98mAOD (east to west) to tie into the levels created by extraction on the permitted area.

Restoration

Upon cessation of quarrying activities all plant and machinery will be removed. The proposed eastern extension would be restored to a waterbody to tie in with the existing lake on site created by current mineral working. This will create one large open water body of circa. 27.8ha with a water level of 105m AOD. The banks of the lake would be restored to heathland, grassland and grassland pasture and would include areas of oak woodland planting and native hedge and tree planting. The northern extension would be restored to grassland/pasture at a level of 106m AOD to 108m AOD. The land will be restored by placing topsoil, subsoil and overburden to an approximately depth of 5m. Areas of oak woodland planting and native hedgerow planting are proposed to tie in with existing landscape features, along with the provision of new ponds.

The proposed restoration strategy is to create a large lake, along with agricultural pasture with hedgerow and field margins of heath grassland and native woodland planting. Existing hedgerow along the site boundaries would be reinforced and incorporated into the scheme and form links of vegetation throughout the site. Marginal aquatic planning will be planted in shallow margins of the lake. Rights of way alongside the tracks would also allow access around the site.

Restoration would be progressive. Existing boundary hedgerows would be reinforced with supplementary planting of native deciduous trees and shrubs, whilst blocks of advanced woodland planting and hedgerows would be planted to screen the mineral works.

Traffic, public rights of way and working operations

The scheme will generate 171 HGV movements a day (i.e. 85 HGVs in and 85 HGVs out) associated with the extraction of sand and gravel and import of soils/compost for blending. The level of traffic would be consistent with that already generated by the existing quarrying activities as there would be no intensification of quarrying as a result of this proposal and all activities on site would continue as existing.

The working practices and operational hours would mirror that currently undertaken on the site. The development would sever restricted bridleway Eaton RB1. The applicant proposes to divert this bridleway prior to the commencement of mineral extraction in phase 1.

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

- 5/96/0181P Erection of additional plant and modifications to existing infrastructure granted may 1996
- 5/APP/2004/0012 Extension of industrial sand workings north of School Lane, provision of conveyor tunnel beneath School Lane, dumper crossing point, retention of existing processing plant and infrastructure
- 5/05/3042 Erection of bagging facility
- 5/06/1782p Erection of bagging and storage facility
- 12/3869W Variation of conditions of 5/06/1782P

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144, 145 and 146 with regards to planning for minerals, particularly industrial minerals.

Development Plan:

The Development Plan for this area is the Cheshire East Local Plan Strategy 2010 – 2030 Adopted July 2017 (CELP), the Cheshire Replacement Minerals Local Plan 1999 (CRMLP) and the Macclesfield Borough Local Plan 2004 (MBLP).

The relevant policies of the **Cheshire East Local Plan Strategy (CELP)** are:
MP1 and SD1 Sustainable development
SD2 Sustainable development principles
PG6 Open countryside
SE3 Biodiversity and geodiversity
SE4 The landscape
SE5 Trees, hedgerows and woodland
SE7 The historic environment
SE10 Sustainable provision of minerals
SE12 Pollution, land contamination and land instability
SE13 Flood risk and water management
SE14 Jodrell bank
CO1 Sustainable travel and transport
CO4 Travel plans and transport assessments

The relevant Saved Polices are: -

Cheshire Replacement Minerals Local Plan (CRMLP)

Policy 2 Need
Policy 9 Planning applications
Policy 10 Geological content of planning applications
Policy 12 Conditions
Policy 15 Landscape
Policy 17 Visual amenity
Policy 20, 21 Archaeology
Policy 25 Ground water/surface water/flood protection
Policy 26 - 27 Noise
Policy 28 Dust
Policy 31 Cumulative impact
Policy 32 Advance planting
Policy 33 Public rights of way
Policy 34 Highways
Policy 37 Hours of operation
Policy 39 Stability and support
Policy 41 Restoration
Policy 42 Aftercare
Policy 43 Liaison committees

Macclesfield Borough Local Plan (MBLP)

NE11 Nature conservation interests
NE14 Nature conservation
NE17 Nature conservation improvements
BE21 Archaeology
DC3 Amenity
DC6 Circulation and access
DC9 Tree protection

DC13 and 14 Noise
DC17, DC19, DC20 Water Resources

Other considerations

National Planning Practice Guidance (NPPG)
North West Aggregate Working Party Annual Monitoring Report 2015 (NWAWP)
'Collation of the results of the 2014 Aggregate Minerals survey for England and Wales' British Geological Survey/DCLG 2014
Circular 6/2005
Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended)
EC Habitats Directive
Conservation of habitats and species regulations 2010

CONSULTATIONS:

Archaeology: no objection subject to securing a programme of archaeological work in accordance with a written scheme of investigation.

Highways: no objection subject to conditions controlling the vehicle movements associated with the export of blended material.

Nature Conservation: no objection but recommend revisions to the restoration scheme in respect of increased areas of grassland/heathland and nature conservation afteruse; incorporation of scalloped edges, shallow water and sloping banks to the lake along with islands. Also recommend a long term aftercare period and conditions to ensure mitigation for protected species, bluebells, submission of details of ponds and rafts and implementation of restoration management plan.

Environmental Health: no objections subject to planning conditions in respect of:

- Control of operational working hours,
- Details of the acoustic mitigation (earth bund)
- Noise limits
- Noise monitoring plan
- Dust management plan/environmental management plan
- Fleet modernisation programme
- Best practice means to minimise noise, vibration and dust
- Measures to address any potential for land contamination from any restoration works
- Measures to deal with unexpected contamination

Public Rights of Way: no objection

Flood Risk Management: no objection subject to condition restricting discharges to the stream and no additional discharges into the watercourse without prior written consent of the LPA.

Landscape: No objection subject to additional planting being secured along the western boundary in addition to gapping up the hedges as mitigation to visual impacts from Congleton Road.

Heritage: no objections

Environment Agency: no objection subject to planning conditions securing a scheme for groundwater monitoring and a restriction on dewatering.

Manchester Airport: no objection

Natural England: no objection. Recommend clarification on proposals for soil handling and restoration methods.

Cheshire Wildlife Trust: do not object but raise concerns in relation to the adequacy of the assessment of biodiversity impacts, level of mitigation habitat provision and recommend appropriate compensatory habitat provision is secured along with monitoring and long term aftercare.

Jodrell Bank: no comments

Parish Council: no objection

REPRESENTATIONS:
Neighbour notification letters were sent to all adjoining occupants and a site notice erected. One letter of representation has been received raising the following matters:

- impacts of noise, dust and interruption to adjacent business and what assessments have been done on the impacts on amenity of adjacent neighbours.
- Impact on property prices

Applicants Supporting Information
The application is accompanied by planning drawings, a planning statement and an Environmental Statement (including non-technical summary) dated June 2016 (amended May 2017) along with associated technical assessments.

APPRAISAL:
The key issues are:

Principle of development
Impact on public rights of way
Impact on Jodrell Bank
Development in Open Countryside
Cultural Heritage
Water Resources and Flood Risk
Agricultural Land and Soils
Nature Conservation
Highway Impacts
Pollution Control

Landscape and Visual Amenity
Geotechnical Stability
Impact on Manchester Airport

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire Local Plan Strategy 2017 (CELP), the saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CRMLP) and the Macclesfield Borough Local Plan 2004 (MBLP). Material considerations include National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

The NPPF (paragraph 142) identifies that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, NPPF states that it is important to make best use of them to secure their long-term conservation. Paragraph 144 requires Local Planning Authorities to give 'great weight to the benefits of the mineral extraction, including to the economy', and 'as far as is practical, provide for the maintenance of landbanks'.

Need

Silica sand is recognised in the NPPF as an important industrial mineral. It occurs in only a very limited number of locations in the UK and is used for a range of specialist applications. It provides essential raw materials for a wide range of downstream manufacturing industries, and as such their economic importance extends well beyond the sites from which they are extracted. Silica sand is therefore treated differently from more general construction aggregate and is considered to be of national importance in national planning policy terms.

The NPPF requires mineral planning authorities to plan for a steady and adequate supply of industrial minerals by:

- Co-ordinating the planning of industrial minerals in co-operation with other planning authorities to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;
- Encouraging safeguarding or stockpiling so that important minerals remain available for use; and
- Providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment.

For silica sand, the stock of permitted reserves required by the NPPF is *"at least 10 years for individual sites"* (quarries) or *"at least 15 years where significant new capital is required".* This is reflected in policy SE10 of CELP.

Additionally national and local planning policy requires the maintenance of landbanks of at least 7 years for sand and gravel (construction sand) throughout the plan period across all sand and gravel sites.

The current permitted reserves of silica sand at Eaton Hall Quarry equate to a landbank of approximately 6.94 years, below the 10 year figure required in planning policy. The assessment of reserves submitted identifies that the proposed extensions would provide (when combined with existing permitted reserves) 4.3 million tonnes of silica sand which equates to a landbank of 10.8 years thus satisfying the 10 year requirement of the planning policy.

For construction sand, the applicant advises that readily available permitted supplies have been exhausted. The latest figures from North West Aggregate Working Party Annual Monitoring Report 2015 suggest that the Cheshire East sand and gravel landbank is well in excess of the 7 year policy requirement (with 19 years provision); however forthcoming monitoring data is likely to indicate a more reduced landbank level. The NPPG however states that there is no maximum landbank level and an adequate or excess landbank is not a reason for withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply market demands, the suitability and availability of alternative materials and issues of possible sterilisation should production cease at a quarry site.

In respect of construction sand supply in Cheshire East, extraction at the main sand and gravel quarry (Mere Farm Quarry) has now ceased. The remainder of permitted reserves of construction sand in the authority are solely contained within silica sand quarries which produce construction sand as an ancillary product; extraction rates are therefore influenced by the rate of silica extraction. Based on the applicant's assessment of mineral reserves, the proposed extensions would release (when combined with existing permitted reserves) 1.3 million tonnes which based on the current rate of extraction equates to a 3.3 year landbank of sand and gravel.

The applicant notes that this proposal will utilise the existing processing area and will also require additional capital investment which in total amounts to £1.7 million, and the level of additional investment together with the substantial capital already invested into the site therefore represents justification for the provision of the substantial reserves within the proposed development. The applicant also states that the proposed extension is required to ensure the continuity of Gawsworth Sand onto the market while also securing valuable supplies of nationally significant Congleton Sand; and will satisfy a demonstrable need for sand, avoiding the need to identify green field sites for mineral extraction. As such it is considered that the proposed extensions would assist in contributing to the strategic provision of silica sand and construction sand/gravel landbanks which is a national and local planning policy requirement and therefore accords with policy SE10 of CELP and the NPPF.

Preferred Area of Search

The CRMLP identifies areas of preferred extensions to existing silica sand ('Preferred Area') which should be the location of any proven additional future sites needed to maintain the silica sand landbank unless exceptional circumstances prevail (Policy 54). In addition, for sand and gravel (construction sand), any requirement for additional reserves should be met (in priority order) from the Preferred Area and then through Areas of Search identified in the CRMLP unless exceptional circumstances prevail (Policy 47).

The proposed eastern extension falls entirely within a 'Preferred Area' in the CRMLP for silica sand. None of the proposed northern extension (which comprises of circa.20ha of land) lies within a Preferred Area. There are two Preferred Areas identified for silica sand which lie in close proximity to the application site; a parcel of land directly to the north of the proposed eastern extension (comprising circa.9ha), and a large area (circa.60ha) to the west of the A34 Congleton Road. No Preferred Areas or Areas of Search for construction sand are located on the site. The closest Area of Search for construction sand is located approximately 700m to the north and covers an area of approximately 850ha.

Given that approximately half the proposed site is not located on a Preferred Area for silica sand in the CRMLP nor on Preferred Area, or Area of Search for sand and gravel, the application has been advertised as a Departure from the Development Plan and it is therefore necessary to consider what exceptional circumstances exist in this instance to justify the proposed northern extension.

Alternative Preferred Areas
The 'Preferred Area' for silica sand identified in the CRMLP adjacent to the proposed northern extension has a boundary with two residential properties and a road. Mineral development in this area could generate additional adverse amenity impacts and any mitigation required could potentially result in some mineral sterilisation. This parcel of land (9ha) is significantly less than the proposed northern extension (20ha). Use of this area as an alternative to the proposed northern extension would reduce the amount of mineral reserve available. The two extensions proposed by this application would (when combined with existing permitted reserves) only marginally exceed the required 10 year landbank set out in planning policy; additionally the geological assessment submitted notes that based on borehole data collected around Fields Farm and Gorsey Moor Farm, the sand in this area appears to thin towards Fields Farm and there are high levels of overburden which would also suggest the area is not feasible or economically viable for mineral extraction. The use of the Preferred Area may therefore not provide sufficient mineral resource to meet the national and local policy requirements.

Historic site investigations undertaken by the applicant into the other Preferred Area for silica sand west of A34 demonstrates the presence of thick overburden with 20m of clay above just 2.5m of Gawsworth sand and a complete absence of silica sand, suggesting that the overburden increases in thickness westwards into the Preferred Area and there are potentially limited or no silica sand reserves in this area. Only one borehole was drilled however in the 60ha of land included in the allocation which is not considered to be sufficient to provide a robust assessment of mineral reserves present in this area.

Despite this, an expansion of the quarry into this Preferred Area is unlikely to be feasible or economically viable. There would be practical and operational challenges by working one area west of the A34 whilst finishing working and restoring the permitted area north of School Lane due to the need to store overburden and soils on other parts of the quarry whilst extraction is being carried out and the need to utilise the existing processing plant south of School Lane. This would involve the transportation of large volumes of material and minerals across a major A road. Additionally the applicant estimates that the current proposed extension would require infrastructure investment of circa. £1.7 million; as such the financial costs of transporting mineral and material across a major A road is likely to be substantially higher. Equally for sand and gravel the closest Area of Search identified in the CRMLP is

over 700m to the north of the site. For these same reasons, the extension of the existing site into the identified Area of Search area is considered neither practical nor economically viable.

The proposals are a natural extension of the site and allow the current working area to be expanded north and eastwards. The applicant identifies that the proposals for working the two extension areas in a planned sequence of phases has been designed to achieve a consistent ratio of industrial and construction sand through the development notwithstanding the complex geology, and achieve successful progressive restoration. If the quarry was only extended eastwards within the Preferred Area, there would be a significant amount of time within the lifetime of the development where there would be limited or no extraction of construction sand which would not provide the continuity of both silica and construction sand required to ensure reserves are responsive to market demand.

The development of the northern extension would avoid unnecessary sterilisation of mineral resources that are otherwise unprotected by any mineral safeguarding designation in the Minerals Local Plan. Additionally, the two proposed site extensions subject to this planning application were put forward by Tarmac as potential site extensions in the 'Call for Sites' exercise undertaken by the Council in 2014 as part of the evidence base for the emerging Local Plan to identify potential new mineral sites. Following detailed assessments, both were recommended to be included as site allocations in the emerging Minerals and Waste Development Plan Document.

On the basis of these points it is considered that there is sufficient justification to warrant the development of a new mineral site on land not identified as a Preferred Area or Area of Search in the Minerals Local Plan and this meets the requirements of policy 5 and 47 of CRMLP.

Development in Open Countryside
CELP policy PG6 does not support development in the open countryside unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and works by public services/statutory undertakers, or other uses appropriate to a rural area. It has previously been accepted that mineral development is appropriate in the open countryside in this located through the grant of a number of historical permissions on the Eaton Hall Quarry site. As this is a direct extension of the existing quarry it is considered that this principle applies to the proposed development. Equally Preferred Areas for future silica sand and Areas of Search for sand and gravel identified in the CRMLP are located within the open countryside, thus there is an acceptance of mineral development in the open countryside. As such it is considered that the development does not conflict with policy PG6

Sustainability

The National Planning Policy Framework definition of sustainable development is:

"Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they

will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment"

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Social sustainability

Impacts on public rights of way
Restricted Bridleway Eaton RB1 runs along the northern boundary of the current mineral extraction area (north of School Lane) and connects A34 Congleton Road to Fords Lane. This bridleway would be directly affected by the mineral extraction and an application for a formal permanent diversion around the western and northern boundary of the proposed northern extension area has been submitted. The public rights of way officer advises that the new diverted route is considered to be an acceptable alternative as it provides a longer route through the countryside with more accessible gradients than is provided by the current route. The diverted route would be ready for use on commencement of the development and this could be secured by planning condition. The application is therefore considered to accord with CRMLP policy 33 as there would be no unacceptable adverse impact on, or result in a net loss of, a public right of way.

Impact on Jodrell Bank
Policies SE14 of CELP does not permit development which would impair the efficiency of the Jodrell Bank radio telescopes. Jodrell Bank advise that they have no comments on this proposal and it is also noted that the existing quarry site also falls within the consultation zone and was previously considered acceptable. It is therefore considered in the absence of any objection from Jodrell Bank that the development would not impair the efficiency of the telescope and complies with policy SE14.

Environmental sustainability

Impact on agricultural land and soil resources

Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality (NPPF para 112). All development will be expected to avoid the permanent loss of agricultural land quality of 1, 2 or 3a (Best and Most Versatile (BMV)) unless the strategic need overrides the issue (Policy SD2 of CELP).

The proposal would affect 34.29ha of BMV land (15.85ha of Grade 2 and 18.44ha of grade 3a) which is currently used for grazing (northern extension) and arable farming (eastern extension). 5.14ha of BMV land would remain undisturbed by the proposals (including land on the consented site); whilst a further 3.11ha of BMV land would be restored as part of the consented restoration scheme. The restoration of the proposed eastern and northern extension would provide 15.19ha of BMV land (11.42 of grade 2 and 4.05ha of grade 3a). In total 27ha of BMV land would be available on completion of the restoration (including land in the consented site); resulting in an overall loss of 7ha.

Natural England has reviewed the proposals with regard to protection of soil resources and impacts on BMV land. Whilst not objecting, concerns are raised regarding the degree of surplus soils remaining on restoration and whether the amount of agricultural land proposed has been maximised. Concern is also raised in respect of the potential for good quality top soils to be used as subsoils and requirements for drainage.

The amount of agricultural land provision in the restoration scheme has been maximised as far as possible; however the geological and hydrological conditions on site dictate the extent of mineral extraction and resulting landform on its completion. The area taken up by the lake cannot be reduced as this is created by silica sand extraction and a substantial amount of the silica deposit is located beneath the water table. Any reduction would sterilise nationally important mineral reserves which would conflict with national and local planning policy and the mineral can only be worked where it is found.

The proposals include for improvements to the grade of BMV land on completion of the restoration where possible; some of the grade 3a soils stripped from the extraction areas would be used to restore parts of the consented extraction area thus providing improvements over the existing quality of land. Following the aftercare period, the soils will be capable of supporting arable and pastoral farming enabling the current agricultural practices to recommence following restoration. A soils management plan has been submitted which details appropriate soil handling methods to protect soil resources during soil handling, storage, and replacement, and appropriate depths of soil replacement on restoration. It identifies that the majority of soils would be used in restoration, and any surplus would be retained on site and used for habitat creation and to stabilise the lake margins. With respect to drainage the applicant advises that soil profiles are of permeable textures and therefore drainage is unlikely to be required.

Whilst the concerns of Natural England are noted it is considered that the proposal provides as much agricultural land as possible given the constraints on the site. It provides an appropriate balance of land uses taking into account the need to maximise a nationally significant mineral resource, landowner requirements and other factors such as biodiversity and landscape provision.

It is accepted within the CRMLP that the scale and depth of most silica sand workings in the authority means that it is inevitable that some agricultural land will be lost but should be kept to a minimal as far as possible; and the 'Preferred Areas' designated for future silica sand extraction in the CRMLP all comprise predominantly BMV land with significant areas of Grade 2 quality land so the loss of BMV to facilitate silica sand extraction has been accepted in planning policy. Additionally with respect to the NPPF, it is the loss of 'significant' areas of BMV land which is of principal concern, and a recent Inspectors appeal decision has defined 'significant' in this context as the loss of over 20ha of BMV; therefore the loss of 6.88ha is not considered as significant under this definition. Furthermore, with respect to the restoration of mineral sites, NPPG states that where working is proposed on BMV land, the proposed after-use need not always be for agriculture.

On the basis of these points and subject to securing the measures contained within the soils management plan, and the restoration and aftercare arrangements by planning condition, the proposals are not considered to result in any significant adverse impacts on BMV land and would not harm soil resources; furthermore on completion of the restoration the land would be restored to an acceptable form of afteruse and be capable of being used for either arable or pastoral farming. This accords with policy SD2 of CELP and the approach of the NPPF and CRMLP.

Impact on farm business

The ES includes an assessment on farm business and notes three farm businesses will be impacted by the proposals namely Fields Farm, Gorsey Moor Farm and Jack Fields Farm. The farms are under a tenancy and stock cereal crops and livestock (dairy and beef cattle). The applicant advises that they have signed a lease holding with the mineral operator and are aware of the farm business impacts associated with the proposed mineral extraction. On this basis a farm business impact assessment is not required and the impacts on the farm businesses (taking account of the proposed mitigation) are not considered to be significant.

Nature Conservation

Designated sites
Within 2km of the site lies Madams Wood Site of Special Scientific Interest (SSSI), Cocksmoss Wood and Cranberry Moss Local Wildlife Sites (LWS). Natural England does not consider that the SSSI represents a constraint in determining this application. No hydrological impacts are anticipated on either LWS, and a dust management method statement would protect against any contamination of Cocksmoss Wood, which could be secured by planning condition.

Protected species

Great crested newts
The majority of ponds supporting great crested newts within 250m of the development would be unaffected and all ponds would be retained; however there is a potential for loss of terrestrial habitat and some impacts during the operational phase of the development.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("LPAs") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Test 1: Overriding Public Interest

The economic benefits of mineral extraction in maintaining supplies of locally and nationally important reserves to contribute to the policy requirement for mineral landbanks are set out above and have previously been accepted in the grant of the current mineral permission. Whilst the proposals may result in some disturbance or harm to small numbers of the population; any such harm could be appropriately managed and mitigated. Given this, the proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great created newts, setting aside the proposed mitigation that can be secured.

Test 2: No satisfactory alternative

The alternative option is a 'do nothing scenario'. However should no development take place the specialist mitigation for great crested newts would not be provided which would be of benefit to the species.

Test 3: "the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range".

All great crested newt ponds would be retained as part of the proposals and all newts would be removed and excluded from the working areas. The loss of terrestrial habitat would be mitigated by the creation of hibernacula and rough grassland habitat, and any ponds not used by newt that are lost would be replaced on a 1:1 basis. The Nature Conservation Officer

considers the proposed mitigation and compensation to be sufficient to maintain the favourable conservation status of the local population of great crested newts, subject to mitigation being secured by planning conditions. Therefore, providing appropriate conditions are included, it is considered that the proposal meets the third test.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there is no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on great created newts, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Other protected species
The mitigation identified for great crested newts would address any impacts on common toad. The site has low value for foraging and commuting bats and there are no roosts on site. A detailed bat survey is recommended prior to the felling of any trees with bat roost potential. An outlying badger sett would also be closed under license and there would be some loss of foraging habitat which would be progressively replaced through site restoration. An updated badger survey and mitigation strategy is recommended for works after April 2018.

Breeding/wintering birds
The site supports a number of species including Priority Species and some habitat would be lost as a result of the proposals. Cheshire Wildlife Trust (CWT) do not raise any objections but consider that the cumulative impacts of the proposal alongside other consented schemes have not been sufficiently addressed and are likely to be significant at a County level. They recommend enhancing an area of the site to ensure no net loss of ground nesting bird habitat or alternatively securing offsite provision. No concerns are raised by the Council Nature Conservation Officer aside from noting the loss of habitat for breeding birds.

The applicant notes that the phased working would result in the current habitat on site (comprising 41ha of improved grassland/farmland/poor semi-improved grassland) being gradually removed over time, and on restoration there would be 25ha of grassland pasture and 2.3ha of heathland habitat (not including the large lake to be created) brought forward in a phased manner as restoration progresses. The proposals also include for:

- Retention and reinstatement of large areas of habitat specifically for declining wetland and farmland bird species;
- Retention of hedgerows and field boundaries available for use during the development;
- Reinstatement of native species hedgerows of a higher biodiversity value than those being replaced with greater density of available food.

Additional species not presently breeding on the site may also be attracted by the new restored habitat such as little ringed plover, sand martin and barn owl. The applicant also estimates that there are significant areas of agricultural habitat available within 5km of the site to mitigate any temporary displacement during certain periods of mineral working.

During mineral extraction extensive areas of open bare ground, standing water and grassed bunds are created which often provide breeding bird habitat; this is evident on other mineral sites in the authority which have a range of bird species established on the site during active

mineral extraction. It is also noted that the legal protection afforded to breeding birds on active mineral sites (as opposed to agricultural fields which are largely exempt from such restrictions) are also likely to support breeding bird productivity.

Whilst the concerns of CWT are noted, on the basis of the above, and given the other constraints influencing the restoration scheme which are discussed further below, it is considered that the impacts on breeding birds are acceptable. The potential for increasing areas of habitat within the restoration scheme is considered below.

Impact on Habitats
Areas of new heathland habitats are proposed which are a priority for nature conservation and would be guided by a heathland restoration strategy to be secured by planning condition as recommended by the Nature Conservation Officer. The translocation of affected Native Bluebells (a Local BAP species) to an area of established woodland is also recommended.

The proposals would result in an overall net gain in native hedgerow provision which are a Priority habitat, and appropriate management arrangements are set out in a hedgerow management strategy which could be secured by planning condition.

The woodland habitats on site are also a Priority Habitat of County value. An area of 0.22ha would be lost to the development; with circa.10.23ha of replacement compensatory woodland planting proposed. This net gain in compensatory planting is considered acceptable to account for the loss caused by the development.

Restoration scheme design and aftercare arrangements
Overall the Nature Conservation Officer considers the proposed mix of lake, tree/hedgerow planting and grassland/heathland habitats to provide nature conservation benefits. Revisions to the final restoration scheme are recommended in respect of increasing the areas of nature conservation and species rich grassland/heathland, along with incorporating additional feature in the lake including islands, scalloped edges and gently sloping banks. CWT do not consider that the impacts on habitats resulting from the time lag between initial damage from mineral extraction and replacement habitats some years later has been sufficiently assessed and therefore consider there is an overall significant net deficit on biodiversity which requires compensation; a matter which the applicant disagrees over.

The restoration scheme has been revised as far as is reasonably practical with increased areas of grassland/heathland, scalloped edges and rafts in the lake for wintering/breeding birds. With respect to the other suggestions of the Nature Conservation Officer, the applicant advises that in some areas this is not feasible due to geotechnical and geological restrictions and the extent of material likely to be necessary to construct islands in deep open water; a matter which is accepted.

Whilst an increase in habitat provision would benefit biodiversity, this would reduce the amount of BMV land and farmland available to the existing farm business. As noted above, the lake area cannot be reduced without impacting on nationally important silica sand reserves. Given that the proposed afteruse of the site is predominantly to agriculture which is identified as an acceptable afteruse in the NPPF and CRMLP, the restoration proposals are considered to provide an appropriate balance of land uses, taking into account the need to maximise mineral resource use, protect soil resources and BMV agricultural land, as well as

protect the landscape and biodiversity and landowner requirements. As such, an increase is not considered feasible or justified in this regard.

Aftercare arrangements
The Nature Conservation Officer, Forestry Officer and CWT consider that long term aftercare should be secured; noting that the Priority woodland requires in excess of 30 years to establish. CWT also consider that dedicated funding should be secured for the long term management and monitoring period.

Aftercare is required to '*ensure that, following site restoration, the land is brought up to the required standard which enables it to be used for the intended afteruse*' (NPPG); which in this case is primarily to agriculture with some provision for nature conservation uses. The proposed five year aftercare period would be informed by a restoration and aftercare management plan tailored to the needs of each habitat/land type to ensure it is supported during the early stages of formation so that at the end of the aftercare period, the land is at a standard whereby it does not have to be treated differently from undisturbed land. The applicant considers that five years is sufficient and highlight that they do not own a large proportion of the land. They also note that five years is a generally accepted practice for mineral development, reflecting planning legislation. They therefore consider it unreasonable and impractical to extend the timescale further and seek any financial arrangements for any long term monitoring.

The TCPA 1990 (Schedule 5) makes it clear that mineral planning authorities cannot require any steps to be taken after the end of a statutory 5 year aftercare period without the agreement of the minerals operator. Additionally saved policy 42 of CRMLP states that the Council will require mineral development to be subject to a programme of aftercare management for a period of up to five years.

The majority of the land would be returned to agriculture and Natural England raise no concerns over the aftercare period proposed. Likewise the measures contained within the aftercare management plan for the establishment of the wildlife habitats, aside from the woodland, are considered acceptable and would comply with policy SE3 of CELP. The five year period proposed would also meet the requirements of the Act and CRMLP.

With regard to the woodland to be planted as replacement 'Priority' habitat, whilst the five years would ensure the initial planting is established, it is not likely to ensure it reaches the standard required to be considered as 'Priority' woodland. As such there is likely to be an overall negative impact in terms of biodiversity and forestry as a result which would conflict with CELP policy SE3. This policy conflict needs to be balanced against the strategic economic need for mineral provision and other sustainable development factors presented by the scheme. On balance, given the majority of the site would be subject to acceptable aftercare arrangements and the proposed timescales for the other habitats proposed are acceptable, it is not considered that there are sufficient grounds to warrant refusal of the scheme due to impacts on woodland in this instance.

Landscape and Visual Impacts
In terms of landscape character, the main impacts will result from the change from agricultural farmland to mineral working, with the resultant loss of vegetation and field boundaries. The impacts range from slight to moderate adverse during extraction and negligible following

restoration but would be temporary in nature and would reduce over time through progressive restoration.

Visual impacts from receptors would be partially screened by existing vegetation, boundary screening provided by the proposed soil bunds created by soil stripping, the proposed advanced woodland planting and gapping up of existing hedgerows. The method of working also limits the amount of open areas of extraction and proposes progressive restoration which further minimises visual impacts. Furthermore, the woodland located to the west of the proposed northern extension is now being retained, which will provide additional screening in addition to the proposed woodland planting in this area. With regards to the closest residential properties (all situated between 40 to 90m away from the northern and eastern site boundary), the proposed soil bunds would provide a visual screen for all properties during the course of the development. Some would have upper storey views which may in part be mitigated by existing vegetation however the visual impacts are not assessed as significant. Views from footpaths would be partially screened by intervening vegetation and bunding.

The extent of restoration proposals are considered acceptable to ensure that a natural landform is achieved on completion of all mineral working which reflects the character of the area and incorporates vegetative features which are reflective of the landscape of the area. All restored land would be subject to a period of aftercare in accordance with a detailed restoration and aftercare management plan. Subject to securing these provisions, it is considered that the proposals would not have an unacceptable impact on the landscape or visual amenities of sensitive receptors and would accord with saved policies 15 and 17 of CRMLP.

Impacts on forestry
All existing trees and hedgerows will be retained as far as possible and reinforced where necessary. A significant number of mature trees would be removed to accommodate mineral extraction along with 0.23ha of woodland, and 935m of hedgerow. The loss of the individual trees and woodland is considered by the Forestry Officer to be high in amenity terms.

The proposals would require the removal of hedgerows which exist along field boundaries that are shown on the 1840 Tithe Map. They pre-date the Enclosure Act and are therefore deemed to be 'Important' under the Hedgerow Regulations 1997, and as such the loss is a significant material planning consideration. To offset this, the proposals include for 10.23 ha of new woodland and 1580m of hedgerow. This represents a 5ha increase in woodland over the consented restoration scheme. Additionally, 2400m of gapping up is proposed with new native species rich hedgerow and hedgerow trees planted as part of the restoration plans which would provide a net gain in terms of the overall linear meterage.

The retention of the two blocks of woodland to the west and south west of site, along with the proposed planting is considered by the Forestry Officer as reasonable mitigation when balanced against the collective proposed arboricultural implications. Overall the forestry officer considers that the proposals would provide a reasonable approach to the restoration of the area in the long term. Extended aftercare provisions are recommended to ensure the woodland is established which the applicant does not consider necessary or justified. This matter has been addressed in the above section. Tree protection measures are also recommended which can be secured by condition. The level of mitigation planting is

considered sufficient to outweigh the loss of trees and 'Important' hedgerow, and is considered to comply with saved policy 41 of CRMLP.

Water Resources and flood risk
Mineral extraction has the potential to locally increase the volume of rainfall reaching the underlying aquifer and reduce the amount of time it takes rainfall to reach the watertable, which has the potential to raise groundwater levels immediately surrounding areas of extraction. The proposals are expected to raise groundwater levels around the extraction areas by 0.35m particularly around the western and southern boundaries of the dredging lake being created, but the impact would diminish over a 200m distance. The depth to groundwater in the aquifer is such that the anticipated rise in groundwater levels is not predicted to cause significant impacts.

The development would require the removal of one groundwater abstraction well; and three others are likely to be seasonally affected by the anticipated changes in groundwater levels. Legal agreements are in place with all affected landowners to secure replacement water supplies should the development cause adverse effects on the wells. No other anticipated effects to existing groundwater supply sources are expected as a result of the mineral extraction, and no significant off-site discharges of groundwater or surface water run-off are likely.

In order to address initial concerns by the Environment Agency regarding the impacts of the expanded dredging lake on the hydrology of the local area; restrictions on off-site dewatering to Fernhill Stream are recommended where the levels of the southern lake and River Dane demonstrate this is necessary. This can be secured by planning condition and would be informed by the current groundwater monitoring scheme which would be expanded to incorporate the new site extensions. Water levels in each lagoon and the boreholes around the site would be monitored, with the results reports periodically to the Council in order to identify any long term trends on and around the site. This would also assess any secondary impacts of modified groundwater levels, along with identifying mitigation as necessary for the duration of the development and aftercare period. These matters could be secured by planning condition and the Environment Agency and flood risk management team are satisfied with these provisions.

In respect of protection of water quality, the same working practices currently adopted on site would be implemented and there is anticipated to be a negligible likelihood of surface water quality derogation as a result of the proposals and no adverse impacts anticipated on existing abstractions, or sites of ecological interest. Subject to securing the mitigation measures identified, it is considered that the proposals would accord with policies SE12 and SE13 of CELP and saved policy 25 of CRMLP which does not support development which would have an unacceptable impact on groundwater or surface water regimes.

<u>Flood Risk</u>
The development is located in flood zone 1 and is considered to be appropriate development in this flood zone, having a flood risk vulnerability classification of 'water compatible' in the NPPG. With respect to groundwater flooding, the depth to groundwater is more than sufficient to ensure any increased rainfall as a result of climate change would not increase risk of flooding from the dredging lake created by the extraction proposed, and the size of storage provided by the lake could accommodate any surface water runoff. As detailed

above, off-site discharges to Fernhill Stream would be controlled as necessary (and informed by the groundwater monitoring scheme) to ensure there is no increased risk of flooding. Furthermore the frequency and duration of pumping is regulated by the Environment Agency. It is therefore not considered that the development would present any adverse impacts on or off site with respect to flood risk and complies with NPPF, policies SE12 and SE13 of CELP and saved policy 25 of CRMLP.

Highway Impacts
Mineral development should ensure traffic can be accommodated within the existing highway network, the volume and nature of traffic should not create unacceptable adverse impact on amenity or road safety, and the junction arrangements should be satisfactory in terms of layout and safety (policy 34 of CRMLP). Development should also not significantly injure the amenities of adjoining or nearby sensitive land uses due to traffic generation and access (Policy DC3 of MBLP).

The existing quarry permission has no limit on vehicle movements and HGVs movements are permitted over a 24 hour and 7 days a week period. The proposal is anticipated to generate 170 HGV movements (85 in and 85 out) a day, which represents approximately 1.3% of the 5 day average two way flows on the A34 serving the site. This traffic is already accommodated on the highway network. In addition to exporting minerals, the site also exports sand/soil/peat mixes which involves the importation of soils and compost averaging one HGV per day. These vehicle movements are controlled by planning condition on the current consent restricting movements to 400 per week (200 in and 200 out) during the summer months (with permitted movements reducing in winter reflecting the seasonally dependent nature of the product). Car and light vehicle movements will also continue at the existing rate and will utilise the existing access off on School Lane. The existing access for HGVs off A34 via a priority T junction with a deceleration and acceleration lane is considered acceptable and no concerns are raised over the capacity of the highway network or road safety concerns.

The Head of Strategic Infrastructure considers that the proposal is acceptable subject to replicating the existing planning conditions restricting HGV movements for the production of blended sand/soil/peat which can be imposed on any new consent. As such the application is not considered to present any adverse impacts on the local highway network or road safety and complies with policy 34 of CRMLP and DC3 of MBLP.

Pollution Control
CRMLP policies 25, 26, and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. MBLP policy DC3 does not support development which would significantly injury the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution**.**

Noise and Vibration
With regards to mineral development, the NPPG advises that noise level limits should not exceed background noise levels by more than 10dB(A) between 0700 and 1900 hours. Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable, and the total noise from the operations should not exceed 55dB(A) (with limits reduced to 42 dB(A) during night time hours). During temporary operations for site

preparation and restoration, increased daytime noise levels of up to 70dB(A) at noise sensitive properties are advised.

There are a number of sensitive receptors located in all directions from the site. Noise modelling has been carried out for dry and wet working for each of the phases and restoration activities which identifies that during temporary operations for site preparation and restoration (when typically noise levels can be higher), along with during normal mineral activities, the noise levels are predicted to remain within the levels set out in NPPG and therefore noise associated with the proposals would have a negligible impact. It is also noted that the quarry will only operate during the daytime, and additional noise mitigation will be gained as the quarry face drops below the existing ground level. No significant cumulative noise impacts are anticipated as a result of the development alongside the operation of the Congleton Link Road. The Environmental Health officer does not consider that there would be any cumulative impacts on site from the mineral activities as the phases would be worked sequentially and no objections are raised subject to the imposition of conditions in respect of:

- Controls on operational working hours and restriction on time periods for site preparation and restoration works
- Construction and maintenance of the proposed earth bunds
- controls on noise levels as per the guidance in NPPG and noise monitoring

The applicant has requested a more flexible noise limit with average noise levels measured over a typical working week to allow for occasional periods where noise levels may be exceeded for a short period of time. Given that the noise assessment concludes that without mitigation the noise levels in NPPG can be met at each receptor, and given that the NPPG already incorporates a flexible approach to controlling noise from mineral activities, it is not considered necessary or justified to provide further allowances in any planning condition.

With respect to vibration, the assessment identifies that there may be short term minor adverse effects on sensitive receptors located in the immediate vicinity of the development however this would only occur for limited periods during the development. No specific vibration mitigation measures are proposed however a range of good working practices are recommended to be adopted by the operator including careful choice of plant and machinery to avoid any likely to cause significant vibration at sensitive receptors, and use of low speed limits in the vicinity of sensitive receptors. With the implementation of mitigation, no significant residual impacts from vibration are predicted and no concerns are raised by the Environmental Health Officer.

Subject to the imposition of these measures, the development is not considered to pose any adverse impacts on sensitive receptors and complies with policies 26 of CRMLP and DC3 of MBLP, and the approach of the NPPF.

Air Quality

Air Quality impacts associated with mineral extraction can include dust emissions from surface stripping and soil handling/storage during mineral working, and haulage of material, along with the emissions of NO2 and ultra-fine particles from vehicle movements.

The Environmental Statement (ES) predicts that the dust impacts associated with the different phases of mineral extraction would largely result in insignificant effects on nearly receptors.

Those properties located within 250m of the working areas are predicted to have a moderate to minor adverse effect for all phases of the development apart from during phase 1 where the effects are major to moderate adverse at some properties. Following the implementation of mitigation however these are reduced to insignificant across all phases of the development. An updated dust management plan has been submitted which can be secured by planning condition and this would include for dust monitoring, along with mitigation such as:

- Recording dust deposition at nearby receptor locations, in order to identify causes and take appropriate measures to reduce emissions;
- Erecting screens or barriers as deemed necessary;
- Compaction, grading and maintenance of haul roads;
- Wheel cleaning facilities (preferably automated) within the site; and
- Regular removal of spilled materials from haul roads;

The air quality assessment does not take account of potential impacts from vehicle emissions. The Environmental Health Officer notes that air quality is of increasing concern, especially around the Congleton area. Many of the HGVs associated with the quarry would travel through Congleton until the bypass is constructed and HGVs emit higher levels of harmful pollutants than light vehicles. Increased emissions from road transport have the potential for worsening air quality, and to adversely affect health. The Environmental Health Officer notes that the cumulative impacts of consented developments around Congleton are likely to lead to significant increases in traffic related emissions. Mitigation in the form of a fleet modernisation programme is recommended for those HGVs under the control of the mineral operator to mitigate the increase in emissions and this could be secured by planning condition on any consent.

Subject to the imposition of these planning conditions it is considered that the proposals would not result in significant adverse impacts on air quality and would comply with policy 28 of CRMLP and policy DC3 and DC13 of MBLP, along with the approach of the NPPF.

Land Contamination

The current use of the application site is agricultural land and as such the risks of encountering potential contamination from the proposed mineral activities are low. Only site won material would be used for restoration with no other material imported. No objections are raised from the contaminated land officer and a planning condition is recommended in respect of managing any risks from unexpected contamination encountered on site which is considered acceptable.

Cultural Heritage

There are no designated heritage assets within the site. Four Grade II listed buildings are located circa. 430m – 760m to the south east of the proposed eastern extension; with a further three located west of Congleton Road circa. 870m to 1180m from the proposed northern extension. A grade I building (Church of St James and St Paul) is located circa 1470m north of the proposed northern extension. With respect to the grade II listed buildings, the proposed development would not physically impact on the heritage assets or impact their settings. It is not considered that there would be any impact on the Grade I church given the distance to the site and the presence of Congleton Road. The built heritage officer considers that the proposals would not have any adverse impacts on these heritage assets.

In respect of buried archaeological remains, there is one non-designated heritage asset identified within the site boundary (the findspot of a Bronze age axehead). The previous archaeological watching brief for the consented working area revealed little archaeological evidence apart from field drains and field boundaries potentially forming the early limit of the Eaton Hall estate. There is no evidence that the proposed extensions would disturb buried remains of greater significance. A written scheme of investigation for archaeological watching brief has been submitted which is considered acceptable by the Cheshire Archaeological advisory service and its implementation can be secured by planning condition. This accords with policy 20 of CRMLP.

Geological conditions

CRMLP policy 10 states that an application for the winning and working of minerals should be supported by adequate geological information to prove the existence of the mineral, its quantity, and quality by reference to appropriate British Standards and any special chemical or physical properties.

A geological background and mineral reserve assessment has been submitted which demonstrates a large quantity of high quality reserves within the application site, supported by an extensive programme of borehole drilling. It identifies that the deposit consists of varying thickness of overburden above Gawsworth (construction) sand and Congleton (Silica) sand and that the Gawsworth and Congleton sands in the proposed extension areas are similar in quantity to that in the current quarry and would be suitable to supply existing markets. This is considered to satisfy the requirements of CRMLP policy 10.

Geotechnical Stability

A stability assessment has been submitted which identifies that the stability of the excavated sub-water slopes within the eastern and northern extension areas are adequate. For the dry excavated slopes above the water line the assessment identifies that the slope gradients within the upper dry slopes will be stable for the temporary period prior to restoration. Once restored, the slopes would be in excess of 1.4 and this would indicate that the stability of these slopes would be adequate. Additionally the screening bunds have been assessed and whilst it is identified that some minor surface erosion may occur, given the local height of the bunds any movement would not be considered significant. Overall therefore the assessment considers that the proposed excavation design and restoration profiles for the extension areas are adequate and as such no significant adverse impacts are anticipated with regard to land instability. It is also noted that such matters are covered by relevant mining and health and safety legislation under which the proposals would be regulated.

Impact on Manchester Airport

The previous restoration scheme was considered acceptable by Manchester Airport in terms of aerodrome safeguarding and the amended proposals incorporating the new extension areas are not considered by Manchester Airport to present any adverse impacts from bird strike risks and no objections are raised. The proposals are not considered to pose any impacts in terms of aerodrome safeguarding.

PLANNING BALANCE

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

demonstrably outweigh the benefits. It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case the development would provide significant benefits to the economy. The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation, and Local Planning Authorities should give 'great weight to the benefits of the mineral extraction, including to the economy', and 'as far as is practical, provide for the maintenance of landbanks'. The economic benefits of the scheme are therefore clear and considered to be significant. The proposal would release a substantial amount of nationally significant mineral reserve which occurs in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. It would enable the Council to ensure a 10 years supply of industrial mineral at the site as required by national and local planning policy which is not currently provided by the site at present. Additionally the proposal would release reserves of construction sand contributing to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products. The scheme also provides social benefits in terms of providing a more acceptable public right of way across the site with more accessible gradients for users.

With respect to environmental sustainability benefits are provided through the mitigation during mineral activities and on completion of the comprehensive restoration scheme. This includes provision of a large lake, grassland, heathland and pasture, an overall net gain in hedgerow provision and provision of hedgerows of higher biodiversity value. The scheme also provides new ponds and habitat for protected species, improvements to BMV land, and a net gain in woodland planting.
This should be balanced against the harm to biodiversity resulting from the potential loss of habitat particularly for ground nesting birds, delay in the provision of replacement habitat due to the timescales when restoration would take place, and impact on Priority habitat resulting from the lack of long term management. Additionally the minor loss of BMV land and the longer period of mineral extraction on local amenity need to be considered.

Overall the harm caused by the scheme is considered to be significantly outweighed by the benefits arising from the proposal, most notably the significant strategic national importance of maintaining silica sand reserves and ensuring this nationally significant mineral reserve is not sterilised. The potential harm to residential amenity and the environment can be adequately mitigated by planning conditions and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of CELP, CRMLP, MBLP and the approach of the NPPF.

RECOMMENDATION

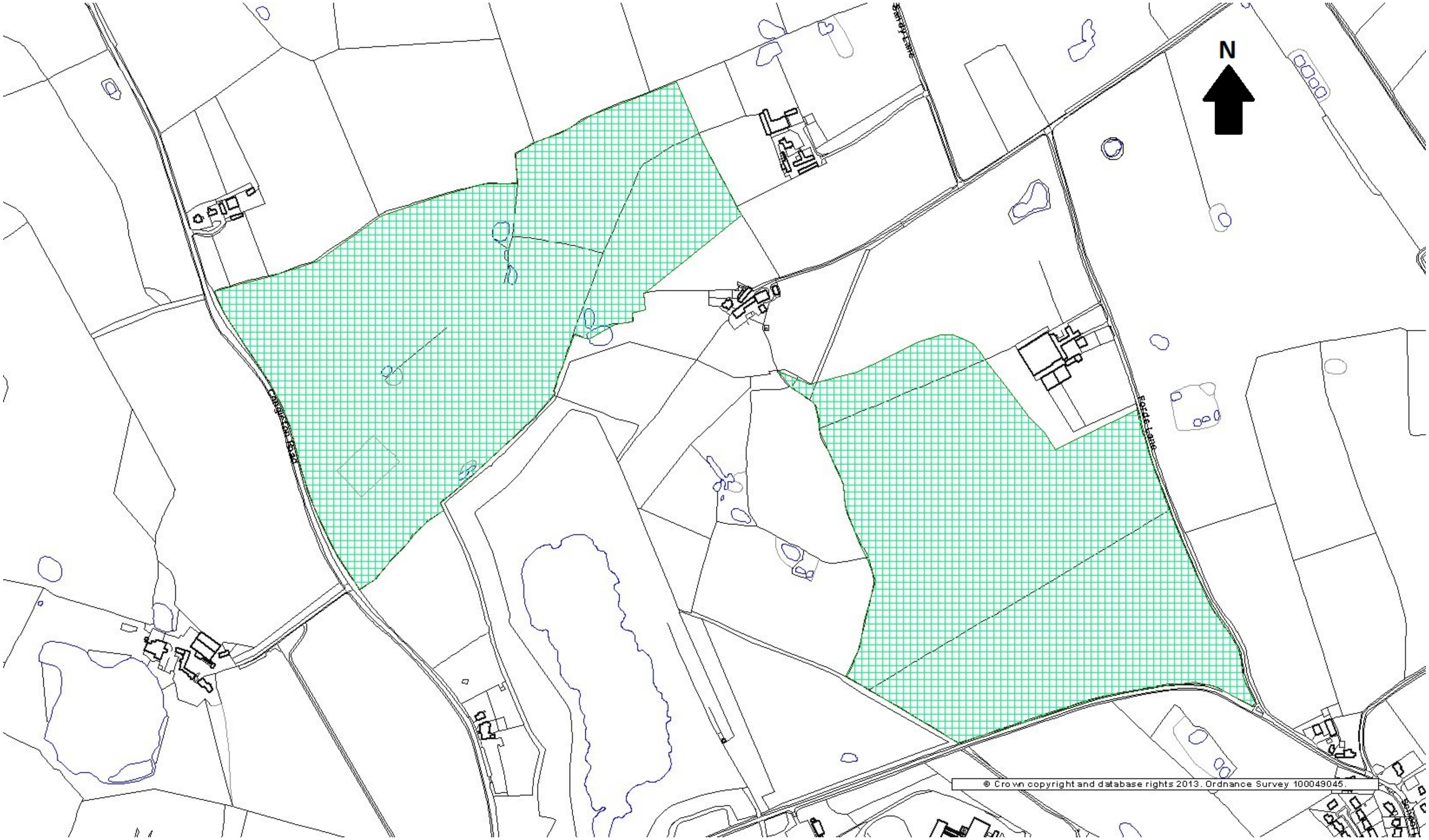
That subject to the Secretary of State deciding not to 'call-in' the application under the Departure from the Development Plan procedures, planning permission be granted subject to the following conditions:

1. **Approved documents**
2. **Commencement of development**
3. **Cessation of mineral working and restoration within 25 years of commencement**
4. **Hours of working**
5. **Vehicle numbers from blended mixes and records of movements**
6. **Access arrangements**
7. **Method of working**
8. **Depths of extraction**
9. **Phased working and annual report of mineral working undertaken over previous and future 12 month period**
10. **Protection of trees/vegetation**
11. **Plant and machinery**
12. **Noise limits**
13. **Implementation and maintenance of noise mitigation**
14. **Best practice for controlling vibration**
15. **Dust control measures in accordance with dust management method statement**
16. **Drainage and pollution control**
17. **Lighting details to be agreed**
18. **Archaeological mitigation**
19. **Site maintenance**
20. **Soil handling, storage and use in accordance with soil management plan**
21. **Measures to deal with unexpected contamination**
22. **Details and implementation of mitigation for protected species**
23. **Updated protected species surveys**
24. **Implementation of habitat mitigation**
25. **Submission of heathland restoration strategy**
26. **Submission and implementation of bluebell translocation method statement**
27. **Implementation of hedgerow management plan**
28. **Provision of alternative public right of way and protection of route for the duration of the development**
29. **Restoration drainage arrangements**
30. **Mitigation for derogated abstraction**
31. **Limits on off-site dewatering**
32. **Groundwater monitoring and mitigation**
33. **Controls on water quality**
34. **Fleet modernisation programme**
35. **Implementation of restoration/aftercare in accordance with approved plans and restoration and aftercare management plan**
36. **Aftercare for five years**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning

(Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

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