Application No:	16/3282W
Location:	EATON HALL QUARRY, MANCHESTER ROAD, EATON, CONGLETON, CHESHIRE, CW12 2LU
Proposal:	Application to vary planning permission 5/APP/2004/0012 under section 73 of the Town and Country Planning Act 1990 (as amended) to develop land without compliance to conditions
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 and the environment resulting from the extended timescales for the restoration of the site. The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation. Subject to 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: Approve subject to planning conditions

SITE DESCRIPTION AND HISTORY

Eaton Hall Quarry is a silica sand quarry that has been operational since the early 1970s. It is located near the village of Eaton, Cheshire and is approximately 1km north of the edge of Congleton. The quarry site is broadly bounded by restricted Byway Eaton RB1 and agricultural fields to the north; A34 to the west, Macclesfield Road to the south and agricultural fields to the east.

The quarry covers an area of approximately 96 hectares and is split in half by School Lane. The current mineral extraction area is located to the north of School Lane and includes an area of open water used as a dredging lake. To the south of School Lane is a large open water body used as a dredging lake created by previous mineral extraction, along with site offices, processing plant, dry packing operation, sub-stations, sand storage areas, car parks and truck stocking areas. The site also has mineral storage areas, tanks and pipelines. Access into the site is off A34 via an internal access road which runs around the north west edge of the lake in the southern section of the site.

There are 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 seeks to vary a number of planning conditions on the current mineral permission (Reference: 5/APP/2004/0012) to extend the timescales for mineral extraction, processing and restoration for a further 25 year period.

A northern and eastern extension to the site is proposed under a separate planning application (Reference: 16/3298W). These two areas would be extracted first prior to the remaining mineral reserves from the current permission being worked on land to the south of School Lane. This process would take a 25 year period and the existing quarry infrastructure and processing plant would be required during this period. At present all mineral extraction and processing must cease by 2026, with restoration completed by 2027. In order to ensure consistency across permissions should the proposed quarry extensions under application 16/3298W be approved, this application seeks to vary the conditions to:

- Extend the time for mineral extraction, processing and export, and restoration of the site by 25 years.
- Permit the transportation of overburden, soils and minerals from the proposed extension area to the processing area on the consented site;
- Revise the working and restoration schemes to reflect the proposed site extensions.

This would ensure that the permitted mineral reserves in the area south of School Lane can be extracted; ensure that site infrastructure, plant and machinery can be utilised throughout the planned lifetime of the site and enable the complete restoration of the quarry.

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 relating to traffic movements and hours of operation

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 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 objections

Highways: no objection

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

Public Rights of Way: no objection

Flood Risk Management: no objection

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

Manchester Airport: no objection

Landscape: no objection

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

Jodrell Bank: no comment

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.

Built Heritage: no comment

Parish council: no comments received

REPRESENTATIONS:

One letter of objection has been received raising concerns over:

- Deleterious impact on the area
- Unacceptable disruption and disturbance from increased noise pollution, airborne pollution, traffic volumes or route disruption for residents of surrounding local roads.

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, Visual Amenity and land 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 (LPA) 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'*. Paragraph 145 of NPPF and the CELP requires minerals planning authorities to plan for a steady and adequate supply of aggregates; making provision for the maintenance of landbanks of at least 7 years for sand and gravel (policy SE10). In addition, with respect to silica sand, NPPF requires LPAs to provide a stock of permitted reserves of 10 years for each individual silica sand site. This approach is mirrored in the CELP.

Eaton Hall Quarry has reserves of both construction sand (Gawsworth sand) and nationally important silica sand (Congleton sand). 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; whilst the available permitted reserves of construction sand have now been exhausted. The latest figures from North West Aggregate Working Party Annual Monitoring Report 2015 suggest that the Cheshire East construction sand and gravel landbank is well in excess of the 7 year policy requirement; however forthcoming monitoring data is likely to indicate a more reduced landbank level. The total landbank size is however 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. A large proportion of the construction sand available within the authority is extracted as a by-

product of extracting silica sand and its supply is therefore, to a certain extent dependent on demands for silica sand. Furthermore, Mere Farm Quarry which was the only construction sand quarry within Cheshire East has now closed. Therefore the landbank for construction sand reported in future is expected to be lower and potentially under the 7 year requirement set out in the NPPF.

The northern and eastern extensions to mineral working proposed under application 16/3298W would release a further 6,837,457 tonnes of sand (construction and silica combined). In addition, under the current planning permission, a further 916,000 tonnes of silica sand remains on land to the south of School Lane. This application would therefore enable the existing permitted reserves to be extracted to contribute to the landbank requirement in planning policy. Additionally should application 16/3298W be approved, it would provide the site infrastructure necessary to allow the remaining mineral reserves to be extracted and avoid unnecessary sterilisation of minerals meeting the requirements of NPPF and policy SE10 of CELP. A time extension of 25 years is therefore considered reasonable and acceptable in this context.

Development in the 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 location through the grant of a number of historical permissions on the Eaton Quarry site. No changes to the approved development are proposed aside from an extension of time and amendments to the phasing and restoration plans to tie in with the proposed extension areas. The proposals would prolong the period within which there would be impacts from mineral extraction on the landscape however there would be no significant increase in the degree of harm over this period as the operations would remain largely the same, and the degree of impacts would continue to reduce as restoration progresses and worked areas reduce. The site is also well screened by existing vegetation and bunds established as part of the current quarrying which assists in reducing the overall impacts associated with mineral operations. The revised plans would also ensure that on cessation of mineral extraction, a good quality of restoration is achieved. As such it is considered that this development does not conflict with policy PG6 of CELP.

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.

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 impacts on BMV land have already been accepted by virtue of the previous mineral permissions on the site. The revised restoration scheme proposed would provide 27ha of BMV land across the wider quarry site (including land in both this application and under application 16/3298W); which is an overall loss of 7ha compared to the current land available on the quarry site.

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 proposed extraction

areas under application 16/3298W would be used to restore parts of the consented extraction area of permission 5/APP/2004/0012, 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 landuses 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 Development Plan 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 the loss of 7ha of BMV land is not considered to be 'significant' in the context of the NPPF. 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 impacts on the adjacent farm businesses has already been accepted by virtue of the current planning permission and the applicant advises that the farms have signed a lease holding with the mineral operator and are aware of the farm business impacts associated with the proposed mineral extraction. As such the impacts on the farm businesses (taking account of the proposed mitigation) are not considered to be significant.

Nature Conservation

The impacts on designated sites have already been accepted in the grant of the current permission and no additional impacts from the proposed amendments are anticipated. Natural England does not consider that Madams Wood SSSI represents a constraint in determining

this application, and there are no anticipated adverse impacts on Cocksmoss Wood and Cranberry Moss Local Wildlife Sites (LWS) which could be protected from any dust deposition from any mineral activities by dust management measures secured by condition.

Protected Species

Great crested newts
The current restoration scheme includes for mitigation to protect great crested newts. Updated surveys have been undertaken to inform the revised working and restoration proposals which identify a small cluster of ponds on the northern and southern boundary of the application site supporting great crested newts which would be affected by these amendments. Additionally there is a potential for loss of terrestrial habitat and some impacts during the operational phases of the quarry.

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 secured through the revised restoration proposals 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".

As part of the revised restoration proposals all great crested newt ponds would be retained 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 quarry is identified as having 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 quarry supports a number of species including Priority Species and some habitat would be lost as a result of the revised proposals. Cheshire Wildlife Trust (CWT) do not raise any objections but consider that the cumulative impacts of the continued and extended quarrying alongside other consented schemes have not been sufficiently addressed and are likely to be significant at a County level. They recommend provision of an enhanced area for ground nesting bird habitat within the restoration scheme to ensure no net loss of 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 and it is noted that the impact on breeding birds has previously been accepted in the grant of the current consent.

The applicant highlights that the phased working would result in the current habitat on the quarry 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 across the whole quarry site which is 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 whole 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 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 within the final restoration scheme 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. The lake area cannot be reduced without impacting on nationally important silica sand reserves as a large proportion of the silica reserves are beneath the water table. 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 landuses, 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, visual impacts and land stability

New development should not have an unacceptable impact on the landscape or on the visual amenities of sensitive properties (CRMLP policy 15 and 17) and should respect local landscape character (CELP policy SE4). The main visual receptors are those properties surrounding the site boundary and users of the public bridleway RB1.

The proposed time extension would result in a prolonged period within which there will be open areas of mineral extraction and associated activities. The visual and landscape impacts are however mitigated by the existing substantial vegetative planting on the site boundary which partially screens views into the site. Furthermore the progressive restoration and careful working practices enable any impact to be minimised and reduced over time as more land is restored.

The revised plans proposed include for the removal of some of the existing screen bunds within the current mineral permission to allow new areas of extraction to take place. These screen bunds were originally established as part of historical quarrying and provide visual screen to nearby receptors. Further replacement screening is however proposed in order to provide mitigation for any landscape and visual impacts during these phases of the development. In terms of impacts on views from the public right of way, the proposed diverted route of the bridleway to the north of the current quarry boundary would increase the distance of receptors to the extraction area, and move the route of the bridleway from the edge of the quarry into agricultural fields which benefit from some partial vegetative screening and from screening due to the topography of the land.

The amended restoration scheme provides for a natural landform 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. The Landscape Officer raises no concerns with the amendments proposed. The suite of planning conditions on the current consent concerning landscape screening and site restoration would be replicated as necessary on any new consent and the 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
The impacts on existing trees and hedgerows resulting from mineral extraction has already been accepted in the grant of the current permission. The revised restoration scheme includes for (across the whole site north of School Lane) 10.23 ha of new woodland and 1580m of hedgerow which 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. Overall this is considered to provide a reasonable approach to the restoration of the area in the long term. Extended aftercare provisions are recommended by the Forestry Officer 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 revised restoration scheme is considered acceptable and accords with saved policy 41 of CRMLP.

Land stability
The revised working an restoration proposals have been informed by a geotechnical stability assessment which identifies that the proposed excavation design, screen bunds and restoration profiles 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.

Pollution Control and Hydrology

The proposed development would prolong the timescales within which the effects of mineral extraction on local amenity and the environment are likely to be present. The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source and sets a range of appropriate noise standards applicable to mineral activities. 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; whilst policy DC19 does not normally support proposals which would damage groundwater resources or prevent the use of those resources.

The current consent provides a suite of conditions to ensure there is no harm to the local environment, human health or amenity which would be replicated on any new consent (and amended as necessary to reflect those imposed on the new site extension under 16/3298W should that be approved or to reflect other extant consents on the site as necessary). In respect of noise this includes controls over the hours of working, set noise levels for mineral activities, regular noise monitoring, and implementation of best practicable means to minimise noise from machinery, plant and vehicles. The Environmental Health Officer does not anticipate any significant cumulative noise impacts as a result of the development alongside the operation of the Congleton Link Road or cumulative impacts on site from the mineral activities as the phases would be worked sequentially.

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.

No changes are proposed to the methods of working and existing operational practices to control air and water pollution currently adopted on the site which would be controlled by planning condition. There are measures in place under the existing permission for effects on local groundwater levels and surface water features to be monitored by the operator using a network of monitoring equipment in accordance with a monitoring scheme approved under the current permission. These measures would be replicated on any new consent and updated as necessary to reflect the most recent environmental standards and the requirement for monitoring will remain in place throughout the development and restoration.

No objections are raised by the Environment Agency or Environmental Health and the regulatory controls imposed by other environmental legislation would remain in force. Subject to the imposition of conditions controlling noise and vibration impacts, air and water pollution and impacts on water resources, the proposed extension of time for the mineral working is considered acceptable and accords with the approach of the NPPF, and policies 25, 26, 27, 28, and 37 of CRMLP, and DC3 and Dc19 of MBLP.

Highway impacts

Mineral development should not have an unacceptable adverse impact on traffic (NPPF para. 143) and development should only being refused on transport grounds where residual cumulative transport impacts are severe (para. 32). CRMLP policy 34 does not permit mineral development unless (amongst others) the traffic associated with the proposal can be accommodated within the existing highway network; the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety, and the junction arrangements should be satisfactory in terms of layout and safety. 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 impacts of the quarrying operations on traffic levels and the local transport network has been assessed in previous planning applications and deemed acceptable and the quarry would extract at the same rate during the extended period as at present so no significant changes are proposed in terms of the nature or volume of traffic generated at the site.

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. Additionally the existing planning conditions requiring records of HGV movements to be kept could be replicated 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.

Cultural Heritage

Part of the current planning permission boundary is identified as a Site of Archaeological Importance on the MBLP Proposals Map. No new areas of mineral extraction are proposed by this application and no direct or indirect impacts on this designation are anticipated given the nature of amendments proposed by the application. The Archaeology Planning Advisory Service have no comments on this application and it is considered that the proposed development is acceptable, subject to the replication of the existing planning conditions concerning the implementation of the approved programme of archaeological work. No other impacts on cultural heritage assets are anticipated by the scheme.

SOCIAL SUSTAINABILITY

Impacts on Manchester Airport

The previous restoration scheme was considered acceptable by Manchester Airport in terms of aerodrome safeguarding and the amended proposals 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.

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. Should the proposed site extensions under application 16/3298W be approved, 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 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 on the grant of permission 16/3298W (if approved). 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.

Jodrell Bank

Policies SE12 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 proposed time extension would not impair the efficiency of the telescope and complies with policies GC14 and 18.

ECONOMIC SUSTAINABILITY

The economic benefits of the proposal in terms of securing the long term provision of minerals to meet planning policy requirements and avoid unnecessary sterilisation of mineral reserves have been assessed above. The site also provides direct and indirect benefits in terms of employment at the site and economic benefits to the local industries and services associated with the quarry which the proposed time extension would support. This supports the approach of the NPPF and CELP.

Other matters

A range of other planning conditions are included on the current consent in respect of controlling working practices, soil handling and protection of soil resources, tree and hedgerow protection, and lighting mitigation which would be imposed on any new consent to ensure the continued protection of the environment and local amenity.

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 enable the current permitted mineral reserves and new extension areas to be worked (should they be approved), helping to 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

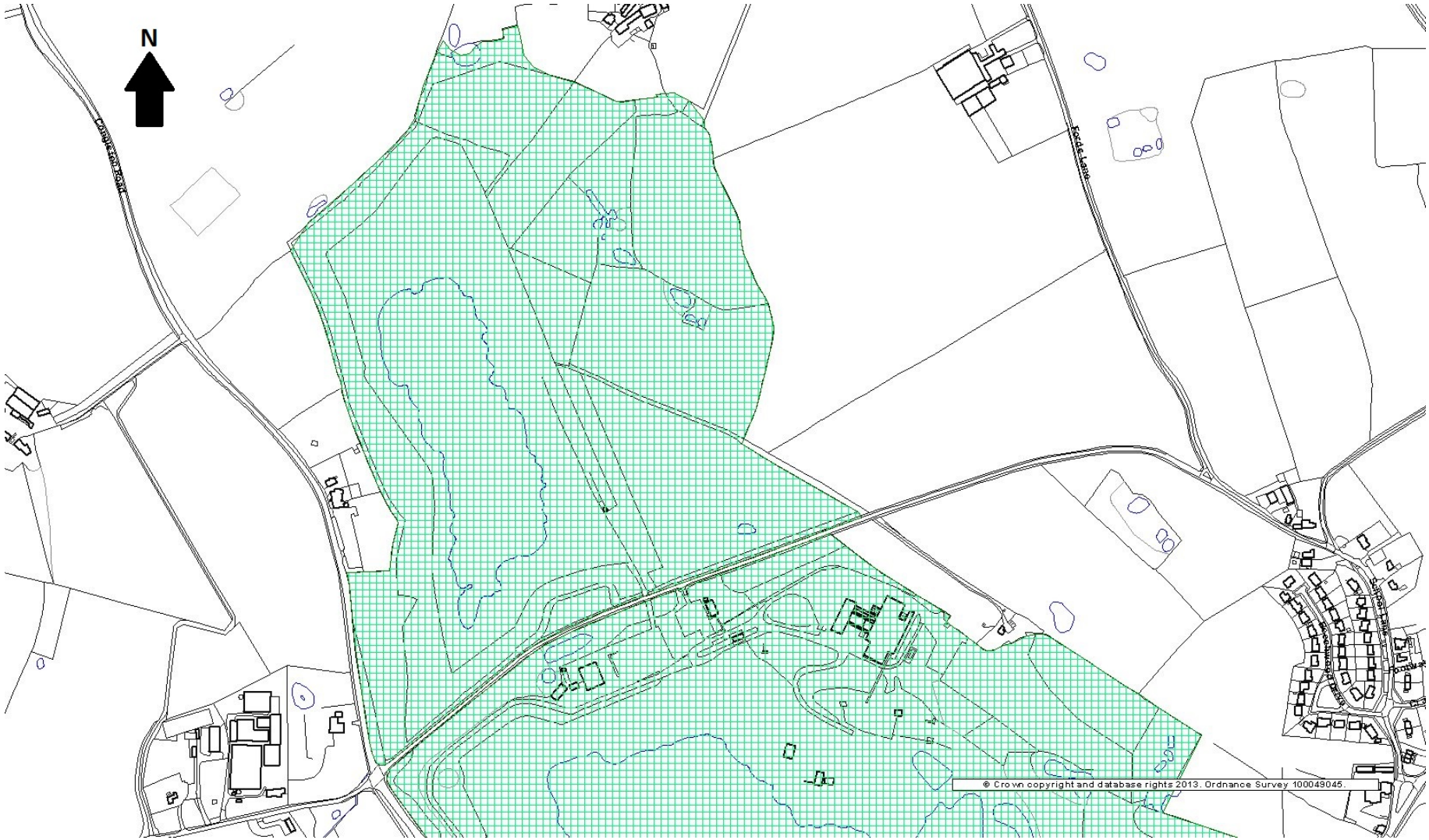
That the application be approved subject to the imposition of planning conditions in respect of:

1. **All the conditions attached to permission 5/APP/2004/0012 as relevant unless amended by those below;**
2. **Revised restoration plan;**
3. **Revised phasing plans and annual report of mineral working undertaken over previous and future 12 month period**
4. **Extension of time for a period of 25 years from the date of commencement**
5. **Confirmation of date of commencement**
6. **Provision of ecological mitigation measures**
7. **Best practice for controlling vibration**
8. **Dust control measures in accordance with dust management method statement**
9. **Implementation of soil management plan**
10. **Measures to deal with unexpected contamination**
11. **Details and implementation of mitigation for protected species**

12. **Implementation of habitat mitigation**
13. **Heathland restoration strategy**
14. **Implementation of hedgerow management plan**
15. **Restoration drainage arrangements**
16. **Limits on off-site dewatering**
17. **Updated groundwater monitoring and mitigation**
18. **Implementation of restoration/aftercare in accordance with approved plans and aftercare management plan**
19. **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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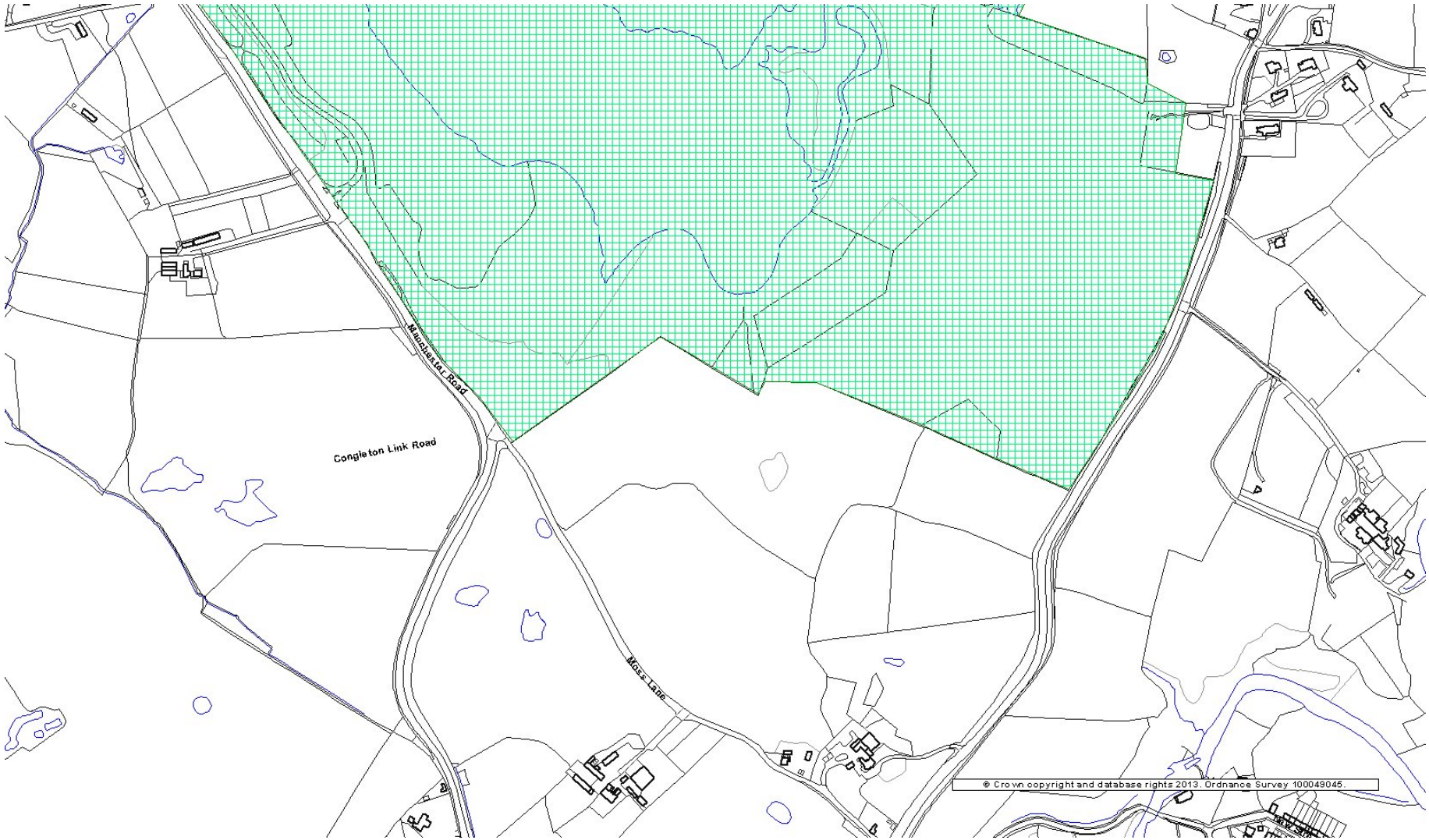
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