

Application No: 19/3951W

Location: ARCLID QUARRY, CONGLETON ROAD, ARCLID, CW11 4SN

Proposal: South western extension to silica sand workings, along with revisions to the development programme and restoration scheme approved under permission 09/2291W

Applicant: Mr David Robinson, Archibald Bathgate Group

Expiry Date: 13-Dec-2019

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.

Silica Sand is a nationally important strategic resource, providing feedstock for the glass, ceramics, horticulture and casting industries, and a host of other industrial uses. Minerals can only be worked where they occur and the distribution of silica sand across the UK is unevenly distributed and is limited to a small number of locations and Cheshire East contains important deposits east of the M6 motorway.

The Cheshire East Council Draft Local Aggregates Assessment identifies that there are currently insufficient reserves of silica sand to meet the requirement in the NPPF for at least 10 years supply at each site. This proposal is therefore required in order to ensure a sufficient supply of silica is maintained. It also does not meet the maintenance of at least 7 years sand and gravel landbank required by the NPPF. This proposal would therefore contribute towards the maintenance of at least 7 year supply of sand and gravel used for aggregates.

This should be balanced against any potential harm to the loss of Grade 2 and 3a agricultural land, the impact on hydrology and hydrogeology (the water table), residential amenity; particularly in terms of noise and nuisance dust impacts to sensitive receptors; along with the increase in vehicle movements in the area, the impact on the highway network and air quality and ecology and habitats.

On the basis of the above, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits, along-side long term benefits to nature conservation and return to agriculture. As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

RECOMMENDATION: Approve subject to conditions and the completion of a Section 106 Agreement.

SITE DESCRIPTION, CONTEXT AND RELEVANT HISTORY

Site Description

Arclid Quarry lies 2.5 km north east of Sandbach, 8.5 km west of Congleton and 5 km south of Holmes Chapel. The A534 Congleton to Sandbach Road splits the Quarry, with North Arclid comprising the plant processing site and former, now restored areas of quarrying lying to the north; with the active and permitted extraction areas of South Arclid and South Eastern Extension to the south. The A5022 joins the A534 some 200 metres west of the Quarry boundary and the A50 lies 200 metres to the east of the Quarry boundary.

The Application Site encompasses all mineral workings and areas of restored land covered by the consented South Arclid and adjacent South Eastern Extension, along with the South Western Extension proposed by this application. The proposed South Western Extension is situated immediately adjacent to the active working area at South Arclid.

Virtually all of the proposed South Western Extension area is agricultural land, mainly in arable use although some is used for grazing. The majority of the fields and the perimeter of the South Western Extension Area are bounded by Hawthorn hedges which have gaps in places with occasional mature hedgerow trees. A number of footpaths cross or run close to the edge of the South Western Extension Area.

Planning History and Site Development

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

In December 2001, an updated set of planning conditions was granted under the Environment Act, which effectively separated the set of conditions into North Arclid and South Arclid.

Sand extraction is currently being undertaken at South Arclid to the south of the A534 and this has been undertaken since 1996.

A small extension to South Arclid was granted in 2003 (ref 8/33385) which consolidated, through a legal agreement, all planning conditions for South Arclid into one consent so as to provide a comprehensive set of conditions for the whole of South Arclid.

In October 2008, a western extension to South Arclid was permitted (ref 8/07/0222/CPO). Again this consolidated, through a legal agreement, all the planning conditions for the various permissions over the South Arclid site; and also included for extended management of the site for 15 years post restoration.

In February 2013 an application was approved for a south eastern extension to the existing silica sand workings at South Arclid (ref 09/2291W). This was also subject to a Section 106 legal agreement securing 5 years aftercare and a further 10 years of management in respect of nature conservation and woodland planting.

PROPOSAL

The proposed South Western Extension is formed by two areas of land namely the north western block and south western block which overlap with the current mineral permission area. The South Western Extension lies to the west and south west of the current working area at South Arclid.

In total the South Western Extension covers 28.3 hectares, although 7.7 hectares of this land is already covered by extant mineral planning permissions.

The North Western Block contains a resource of approximately 1,000,000 tonnes of silica sand overlain by approximately 375,000m³ of overburden. The South Western Block area contains a resource of approximately 3,500,000 tonnes of silica sand overlain by approximately 620,000m³ of overburden. In total, the mineral reserves secured by this application would be 4,500,000 tonnes of silica.

There would be no change to the out put of sand from the quarry which is approximately 520,000 to 550,000 tonnes per annum. Approximately 5 million tonnes of mineral reserves remain at the quarry, which equates to around 9 years supply based on the current rate of extraction. The proposed extension would therefore provide a further 17 years supply.

End uses

The silica sand at Arclid Quarry is processed and sold for a wide range of industrial and leisure uses. The main markets are foundry, iron, steel and non-ferrous sectors, insulation, ceramic, paints, fillers and plastic industries. The sand also supplies the equestrian and leisure industry such as for all-weather pitches, race tracks, horse arenas, golf courses and football pitches.

Mineral extraction process

The approach to mineral extraction reflects that undertaken on the wider quarry. The site would be worked over 10 phases progressing in a broad anti-clockwise direction commencing with the north western block and then moving into the south western block. As extraction continues, the previously worked area would be progressively restored in tandem. This approach would keep to a minimum the amount of land being worked at any point in time, limit impacts on the local

environment and amenity, and also ensure the restoration of previous workings at the earliest opportunity.

The overall stages of extraction mirror the existing operations and would incorporate the following elements.

Site establishment works in each phase

The initial works in each phase would include (where necessary):

- The establishment of mitigation screening for the nearest residential receptors to the application site. This would be achieved by the advanced planting of a 4m high belt of mature trees and establishment of a 3m high soil screen mound using the soils stripped from the phase to be worked.
- Tree and hedgerow root protection zone established along the western and south western site boundary;
- Hedgerow and hedgerow tree planting along the site boundary in advance of future working;
- Overburden stripped and stored within existing active quarry areas ready to be used to restore previously worked phases;
- All of the sections of footpath that lie within the proposed extraction area diverted to new routes around the perimeter of the extraction area well in advance of mineral extraction;
- Diversion of overhead power lines crossing the South Western Extension Area in advance of mineral extraction;
- Stopping up of a section of Hood Lane; and replacement with permanent alternative routes in the south western block.

Extraction process

The extraction process would reflect current operations on site. Sand would be extracted using wheeled loading shovel and placed into a screen, then transferred onto conveyors which would be repositioned to follow the advance of mineral extraction. The conveyors would deliver the sand to a mixing chamber where it would be mixed with water and transported to the processing area via an underground pipeline where the sand would be processed to meet customer specifications and transported off site.

The extraction process would comprise mineral extraction both above and below the water table. In the north western block sand would be extracted above the water table. In the most southerly section of the south western block where the sand is located below the water table, extraction would be achieved by dewatering the quarry void. This would be done through the use of a drainage system across the base of the quarry which would direct water into a sump, from where would be mixed with the dry excavated sand and transferred by pipeline to North Arclid. The water would then be fed into the western lagoon in North Arclid for settlement and the clean water would fall by gravity into the Eastern Lagoon and be discharged into Arclid Brook once sediment has been settled out.

Access and Vehicular Movements

There would be no amendments to the existing access arrangements and no amendments to the current vehicular movements on site as sand sales are anticipated to remain at existing levels.

All sand would be transported by pipeline to the processing area. All vehicles transporting sand from the quarry would utilise the existing access from the processing plant site (Arclid North) off A534. Vehicular access to the current extraction area and proposed extension areas from A534 would be via the existing access off Hemmingshaw Lane as per current operations.

Hours of operation

The proposed hours of working for operations within the South Western Extension are the same as those currently permitted at South Arclid namely;

- 0700 hours to 1800 hours Monday to Friday,
- 0700 hours to 1230 hours on Saturdays.

Plant maintenance is permitted outside these times between 1800 and 1830 hours, Monday to Friday, and between 1230 and 1800 hours on Saturdays. No operations, other than pumping and essential maintenance, will take place outside these hours on Sundays or Public Holidays.

Restoration and Aftercare

The restoration proposals incorporate the entirety of South Arclid and adapt the existing approved restoration proposals for the South Eastern Extension to tie in with the new extension area to provide a site wide restoration scheme.

The restoration proposals have been designed to ensure that high quality agricultural land is not lost, whilst contributing to the nature conservation value of the area by creating a range of habitats that help meet local biodiversity targets.

The main features of the restoration scheme are the creation of three waterbodies (Arclid Mere, Betchton Mere and Smallwood Mere) with adjacent land returned to agricultural use where the gradient of the land permits. Boundary hedgerows with individual tree specimens would be restored and extended. Within the margins between agricultural land and water, including the edge of the waterbodies, a variety of habitats would be created.

It is proposed that the winning and working of mineral would continue until December 2041; with the site restoration being completed within 12 months of this date, or within 12 months of the permanent cessation of mineral extraction whichever is sooner. All restored agricultural land would be subject to five years' aftercare. All land restored to nature conservation after use would be managed for 15 years, in accordance with a detailed ongoing Management Plan.

NATIONAL & LOCAL POLICY

National Policy:

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

Of particular relevance are paragraphs 11, concerning sustainable development and paragraphs 203, 205 and 207 with regard to planning for minerals, particularly industrial minerals.

Development Plan:

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy 2010-2030 (CELPS), the Cheshire Replacement Minerals Local Plan 1999 and the saved policies from the Congleton Borough Local Plan First Review 2005 (CBLPFR).

POLICIES**Cheshire East Local Plan Strategy (CELPS)**

The following are considered relevant material considerations:

PG 6 Open Countryside
EG 1 Economic Prosperity
EG 3 Existing and Allocated Employment Sites
SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows, Woodland
SE 10 Sustainable Provision of Minerals
SE 12 Pollution, Land Stability and Land Contamination
SE 13 Flood Risk and Water Management
SE 14 Jodrell Bank
CO 1 Sustainable Travel and Transport
CO 4 Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Cheshire Replacement Minerals Local Plan 1999 (CRMLP)

Policy 2 Need
Policy 9 Planning Applications
Policy 10 Geological Content of Planning Applications
Policy 12 Conditions
Policy 13 Planning Obligations

Policy 15 Landscape
Policy 17 Visual Amenity
Policies 20 & 21 Archaeology
Policy 25 Ground Water/Surface Water/ Flood Protection
Policies 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
Policy 54 Future Silica Sand Extraction

Congleton Borough Local Plan First Review 2005 (CBLPFR)

PS8 Open Countryside
GR6 Amenity and Health
GR7 Amenity and Health
GR18 Traffic Generation
NR2 Statutory Sites
NR3 Habitats
NR4 Non-Statutory Sites
NR5 Non-Statutory Sites

The Parishes of Arclid, Betchton and Smallwood do not currently have Neighbourhood Plans.

Other Considerations:

National Planning Practice Guidance (NPPG)
Cheshire East Local Aggregate Assessment 2018
North West Aggregates Working Party Annual Monitoring Report 2016 (NWAAMP)
BGS Mineral Planning Factsheet Silica Sand 2020
'Collation of the results of the 2014 Aggregate Minerals Survey for England and Wales' British Geological Survey/DCLG 2014
EC Habitats Directive
Conservation of Habitats and Species Regulations 2017

CONSULTATIONS (External to Planning):

Highways England:

No objection. No additional conditions other than those on the extant permission have been requested.

Head of Strategic Infrastructure:

No objection. No additional conditions other than those on the extant permission have been requested.

Flood Risk Management:

No objection, subject to a condition relating to ground water level recording.

Forestry: No objections are raised. Notes that no healthy trees would be removed from the north western block. The South Western Block works would require the removal of mature hedgerow trees. Proposals are included for the protection of retained trees, including a 5 – 7 metre stand off, which would accommodate a re-routed footpath and bridleway. Note that the extent of mature tree loss would be significant, it appears that only 14 of the trees surveyed would be retained. In accordance with CELPS policy SE5, mature tree losses associated with this proposal are a material consideration.

With respect to hedgerows, it is noted that the extension areas would result in the loss of 3442m of existing hedgerows. The submitted Arboricultural Impact Assessment states that none of the hedgerows were considered to be 'important' under the Hedgerow Regulations 1997; although it is noted that a standalone assessment against the criteria in the Hedgerow Regulations 1997 has not been submitted and a number of historic hedgerows are identified would may meet these criteria.

Whilst tree and hedgerow impacts have been identified, should planning permission be granted, it would be important to secure by condition:

- A detailed Tree Protection Scheme and Arboricultural Method Statement to secure full root protection areas;
- A site specific engineer designed no dig specification for the surfacing of the re –routed footpath and bridleway located in tree root protection areas;
- Detailed specifications for all new tree and hedge planting as part of detailed landscape proposals and implementation of the planting in accordance with the proposed phasing.
- Management of the new tree and hedge planting to ensure establishment.

Environmental Health:

No objection subject to conditions/informatives relating to land contamination.

Environment Agency:

No objection subject to a condition relating to ground water level recording.

National Grid:

No objection.

Natural England:

Require a Habitat Regulations Assessment (HRA) to be undertaken, this has been completed to the satisfaction of the Council's Principal Nature Conservation Officer.

Health and Safety Executive (Quarries Inspector):

No objection.

Historic England:

No objection.

Cheshire Archaeology Planning Advisory Service:

No objection subject to the implementation of a programme of archaeological work.

Public Rights of Way:

Originally submitted objections to the proposals due to issues with footpaths. Subsequently the applicant has put forward clarification on this matter and the PRow officer is satisfied that the proposals are acceptable.

Sandbach Footpath Group:

Supports the methods of working and extending the quarry and is confident that the development will proceed in a professional and methodical way.

Jodrell Bank Observatory:

Jodrell Bank has not submitted written comments on this application but has confirmed verbally that they will not be submitting objections to the proposals.

Manchester Airport:

Have concerns about the species of bird that the lakes would attract and would like to see islands maintained for Terns and wading birds.

Arclid Parish Council:

None received at the time of report writing.

Betchton Parish Council:

None received at the time of report writing.

Smallwood Parish Council:

Support the application.

REPRESENTATIONS:

At the time of report writing 10 comments have been received, 3 in support of the proposal and the others expressing the following concerns:

- Noise pollution, in particular reversing beepers
- Sand dust and possible risk to health
- Proximity of the quarry extension to existing dwellings
- Inadequate restoration proposals
- Noise survey was not carried out for a long enough period
- Land stability
- Impact on wildlife
- Newt fencing should be erected
- Ponds shown on previous application have not yet been provided
- Work already starts before 7am as prescribed by the previous permission

- Damage to the byway from quarry vehicles
- Increase in traffic movements
- Increased production and on-site processing
- The quarry should pay towards road improvements
- Movement of Footpath 7 for the second time
- Impact on property prices
- Compensation should be paid to affected properties

The supporting representations put forward the importance of silica sand as a resource and the benefits to the local economy including employment.

APPRAISAL:

The key issues relating to this application 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 East Local Plan Strategy (CELPS), the saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CMRLP) and the saved policies of the Congleton Borough Local Plan First Review 2005 (CBLPFR). Material considerations include the National Planning Policy Framework (NPPF) and the National Planning Policy Practice Guidance (NPPG).

Need for Silica (Industrial) Sand and Aggregates

The NPPF (paragraph 203) identifies that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource and can only be worked where they are found, NPPF states that it is important to make the best use of them to secure their long-term conservation. Paragraph 205 requires LPA's to give great weight to the benefits of mineral extraction, including to the economy.

Silica sand is defined (in the British Geological Survey (BGS) minerals planning factsheet, 2020) as sand which normally has a silica content of more than 95%. Silica sand is recognised in the National Planning Policy Framework (NPPF) as an industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted.

Silica sand is recognised in national policy as an important industrial mineral. It occurs in only a limited number of locations within the UK and is unevenly distributed. Silica sand is used in a range of specialist (non-aggregate) applications. Therefore, silica sand is treated differently from more general construction aggregate materials in terms of mineral planning.

Cheshire East contains nationally important deposits of silica sand which are of economic importance, and the British Geological Survey identifies that Cheshire's silica sand resources are some of the most important in the UK accounting for approximately 40% of total output in Great Britain (BGS, 2020). There is an ongoing need for silica sand and Arclid Quarry supplies approximately 12-15% of the UK's total production of silica sand and 20% of UK's foundry sand.

There are currently four operational silica sand quarries in Cheshire East all providing feedstock for a diverse range of industrial uses and customer specifications, including glass, ceramics, sports use, horticulture and casting industries. Permission was also granted in 2019 for a fifth quarry at Rudheath Lodge as a cross boundary site with Cheshire West and Chester Council which secured approximately 3.3 Mt of silica sand and has recently commenced on site. All the operational silica sand sites in Cheshire East also produce some aggregate sand and gravel as a by-product of silica sand production in varying quantities. Arclid Quarry however supplies only nominal amounts of aggregate sand which are derived from poor quality overburden material.

Policy SE10 of the CE Local Plan Strategy (2017) and the NPPF (2019) Para 208 states that Minerals Planning Authorities (MPAs) should plan for a steady and adequate supply of industrial minerals and ensure these are maintained. Paragraph 208 of the NPPF states that reserves at individual industrial silica sand sites should be at least 10 years, and at least 15 years where significant new capital is required. Likewise, saved Policy 54 of the Cheshire Replacement Minerals Local Plan 1999, seeks to maintain landbanks of at least 10 years at each silica sand site throughout the plan period.

The NPPF and accompanying PPG for Minerals suggests the stock of silica sand sites should be used to assess when further permitted reserves are required at industrial mineral sites. It states that "*The required stock of permitted reserves should be based on the average of the previous 10 years sales for each silica sand site and have regard to the quality of the sand and the use to which the material is put*".

The applicant identifies that the stock of permitted reserves at present is approximately 5,000,000 tonnes. Based on the average sales output this means the life of the remaining reserves is approximately 9 years. As such Arclid Quarry does not currently comply with the NPPF and CELPS Policy SE10 requirement for at least a 10 year supply at each site. Borehole data submitted with the planning application confirms the existence of a further 4,500,000 tonnes of silica in the proposed extension area. The proposed extension would therefore result in silica sand supply for approximately 17 years based at current production rates, ensuring the supply of silica sand at Arclid Quarry remains above the 10 year planning policy requirement.

Aggregate reserves

NPPF and CELPS Policy SE10 requires the maintenance of a landbank of aggregates (sand and gravel) of at least 7 years across the Authority.

As with all operational silica sand sites in Cheshire East, Arclid Quarry contributes a small proportion of aggregate sand and gravel as a by-product of the extraction of silica sand.

Forecasting of demand for aggregate sand and gravel is set out in the Cheshire East Local Aggregate Assessment 2018 (LAA). The LAA identifies that as at 31.12.2018, the aggregate sand and gravel landbank is low at 4.64 years which does not meet the NPPF requirement for the maintenance of at least 7 years sand and gravel landbank. This proposal would therefore make a small contribution towards the maintenance of at least 7 year supply of sand and gravel used for aggregates.

Geology

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

The application is accompanied by sufficient information to prove the quantity and quality of the mineral reserves in the proposed extension areas. Sand deposits worked at South Arclid belong to the Middle Sand which cut into the underlying stiff glacial tills. Within South Arclid and the South Western Extension areas the thickness of the sand is generally less than 25 metres, typically 7-15 m thick in the North Western Block area and 18-22 metres in the South Western Block area. South Arclid contains deposits of Gawsorth Sands and Congleton Sands which are distinguishable by their colour and slight grain size variation. The overlying Gawsorth Sands are orange-brown in colour and coarser grained than the underlying Congleton Sands which are pale buff brown to greyish white in colour. The absence of impurities and the uniform particle size of the sand are the key features that make the sand suitable for a wide variety of industrial applications.

Silica markets and uses

CRMLP policy 5 states that an application for mineral working will not be permitted where it would involve the use of high quality materials for low grade purposes. In respect of this point the applicant has identified that historically the largest market for Arclid's minerals was the foundry industry, and despite the decline in major foundries in the UK, Arclid has supplied mainly smaller, more specialist foundries. The high specification sands have been used in the foundry industry for a range of binder and resin coating systems.

The applicant identifies that sand from Arclid Quarry now has a wide range of end uses as detailed in the description of the development. Based on the information submitted by the applicant it is considered that this complies with CRMLP policy 5.

Development not on a Preferred Area

Where new mineral reserves are required in order to achieve or maintain the 10 year supply at each site required by planning policy, saved Policy 54 of Cheshire Replacement Minerals Local Plan requires additional sites or extensions to be provided from Preferred Areas identified in the Plan unless exceptional circumstances prevail. The proposed extension areas are not located within a Preferred Area identified in the Plan.

One Preferred Area is identified at Arclid Quarry on the north eastern boundary. Part of this Preferred Area has already been granted planning permission as part of the South Eastern Extension and is now being worked.

The Preferred Areas were delineated more than 25 years ago and were based on geological information available at that time. Since then more extensive geological and other environmental surveys have been carried out. The applicant notes that these surveys identify that the remaining Preferred Area is not viable for mineral extraction for a number of reasons:

- Parts of the area is constrained due to protected species;
- A section of Arclid Brook runs through the area which would need to be redirected and would result in significant ecological and hydrological impacts;
- The remaining area is not a large enough deposit to be worked in isolation; and.
- Importantly the mineral reserves in this area do not contain sufficient silica sand resources to help maintain the minimum policy requirement for a 10 year supply at the quarry.

The geological investigations identified that there were more extensive viable, high quality silica sand resources in other parts of the quarry on the land which now forms the consented South Eastern Extension; and on the land which comprises this proposed extension.

In the absence of any remaining viable/economic mineral reserves on the Preferred Areas identified in the Plan, further permitted reserves are required to be brought forward on land not identified in the Plan in order to maintain the 10 year supply required by planning policy and Policy 54 permits this where exceptional circumstances are demonstrated. On the basis of the above points, it is considered that the case put forward by the Applicant to justify why the remaining Preferred Area cannot come forward at this time is acceptable and provides the exception circumstances required in this instance.

It is also noted that the proposed South Western Extension has been submitted for assessment as part of the Mineral Call for Sites exercise being carried out to identify new sites as part of the emerging Minerals and Waste Development Plan Document (MWDPD) and will be subject to detailed assessment and consideration as the MWDPD is progressed.

On the basis of the above points it is considered that the proposed extension would comply with saved policy 54 of Cheshire Replacement Minerals Local Plan.

Impact on Public Rights of Way

The South Western extension will directly affect Arclid Footpath 7 and Bridleways 10 and 11. A scheme of footpath and bridleway diversions has been incorporated into the proposed progressive working and restoration plans.

Additionally, the proposals also include for retaining a permissive footpath to the south of Congleton Road, linking Arclid Footpath 3 and Arclid Footpath 9 and the creation of a new further permissive route (east-west) that would be likely to be implemented between 2032 and 2035 as mineral extraction and restoration continues.

The ongoing need to keep users of footpaths separate from active quarrying operations means that maintaining permissive footpaths is the only practicable solution and means that the operator can safely continue operations, whilst allowing public access opportunities.

The provision of the permissive routes would be secured under the Section 106 Legal Agreement. The long term, post restoration of the Public Rights of Way network, in terms of the type, location and timescales would also be secured by the Section 106 Legal Agreement.

The Public Rights of Way officer welcomes the commitment to secure long term future access to the paths currently shown as permissive paths on the Restoration Plan through a s106 legal agreement and considers that the proposals to further divert the bridleways are acceptable in principle. Subject to these measures being secured it is considered that there would be no long term adverse impacts to users of the public rights of way network and the diversions

proposed would provide adequate mitigation whilst works progress and an improvement overall to public access provisions.

As such, this complies with Policies SC3 (Health and Wellbeing), SE6 (Green Infrastructure) and CO1 (Sustainable Travel and Transport) of the CELPS; Policy GR16 (Footpath, Bridleway and Cycleway Networks) of the CBLPFR and Policies 13 (Planning Obligations/Legal Agreements) and 33 (Public Rights of Way of the CRMLP.

Impact on Agricultural Land and Soil Resources

A Soils and Agricultural Assessment Report has been submitted with the application. This details the types and grades of soils on the site as shown below:

- The extension areas are predominantly Best and Most Versatile land (BMV) with a small amount of grade 3b in the south western block.
- Topsoil is sandy clay loam; the subsoil is predominantly sandy clay loam with some medium sand in the south western block.
- For the purpose of designing the working and restoration scheme the north western block profile comprises 36cm of topsoil over 32cm of subsoil, and the south western block comprises 30cm of topsoil over 25cm of subsoil.
- The minimum target restoration is 30cm of topsoil over 25cm of subsoil.

The total BMV agricultural land affected by the proposed development is 37.38 hectares; this comprises the extant application area and the proposed extension area. Restoration includes 26.11 hectares of BMV land; therefore there would be a net loss of 11.27 hectares of BMV land. Natural England consider any loss of BMV land over 20 hectares to be significant therefore it falls below that threshold.

Although there would be a net loss of BMV land, the loss would be as a result of land being restored to nature conservation habitat which would provide an enhancement to biodiversity or lost as a result of the restoration of the lakes.

It is considered that all soil resources would be used sustainably and that there would be no significant, permanent or long term adverse impacts on best and most versatile agricultural land.

Natural England are satisfied that that the site working, and reclamation proposals meet the requirements for restoration and aftercare of minerals development, as set out in current Minerals Planning Practice Guidance and consider that, based on the physical characteristics of the land on restoration, it would make a restoration to agriculture achievable. They also consider that sufficient detail has been provided to demonstrate that a substantial area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality.

As such, it is considered that, with conditions to ensure the implementation of practices outlined in the ES with regards to soil handling and the subsequent

submission and implementation of a full restoration and aftercare scheme, that this proposal would be in accordance with Policy 30 'Agricultural Land – Silica Sand' of the CRMLP.

Open Countryside

The site is located in the Open Countryside of the Congleton Borough Local Plan First Review 1999 and Policy PS8 applies. As stated above, whilst the proposal would result in the disturbance of approximately 37 hectares of best and most versatile land, this would not be a permanent loss of agricultural land in the open countryside as the site would be progressively restored.

The proposed 11 hectares that would be lost to agriculture is regrettable, however this is proposed to be put to nature conservation to enhance the biodiversity of the site, or to restoration the lakes. Furthermore, it is considered that the need for the nationally strategic silica sand resource would outweigh the loss of this agricultural land in the open countryside. It is also considered that the proposal would not have a permanent impact on the openness of the countryside and the impact of mineral extraction on the open countryside in this location has been accepted by virtue of the long history of permission for mineral extraction on this site. As such it is considered to be in accordance with Policy PS8 of the Congleton Borough Local Plan First Review.

Nature Conservation

Ponds

Pond 6, which would be lost under the existing planning consent, has been subject to an aquatic invertebrate survey. This pond is situated to the north of the only building on the site, approximately 850m west of the A50 Newcastle Road. All species recorded were relatively common in Cheshire; this pond does however have notable nature conservation value. The loss of pond six would be compensated for through the creation of 7 additional ponds. The Principal Nature Conservation Officer is satisfied that this is adequate compensation for the loss of pond 6 and would lead to a significant gain in aquatic habitats; and recommends that the detailed design plans for the ponds are approved prior to construction, which can be secured by planning condition.

Hedgerows

Native hedgerows are a priority habitat and hence material consideration. The two extension areas would result in losses of existing hedgerows of up to 3442m. The submitted restoration masterplan includes proposals for the creation of native hedgerows. These would comprise 4645 linear metres of hedgerow, with 185 new hedgerow trees (Pendunculate Oak and native Black Poplar).

Whilst a formal assessment under the Hedgerow Regulations 1997 has not been undertaken, the historic importance of them is acknowledged by the applicant.

Their ecological importance is very limited due to the way that they are cut each year. Consent under the separate legislation would be required for their removal.

Bats and Barn Owls

The single building on site is of negligible suitability for roosting bats and barn owls. It would be removed as part of the ongoing quarrying works, but as it is not suitable for these species, the Principal Nature Conservation Officer advises that specific mitigation for its loss would not be required.

Trees

A total of 26 trees were identified in the survey as having potential to support roosting bats. These trees were subject to further bat surveys in 2019 and no evidence of roosting bats was recorded. It is therefore considered that roosting bats are not reasonably likely to be affected by the proposed development.

Whilst no evidence of roosting bats was recorded there is a possibility that bats may begin to roost within these trees prior to their removal as part of the proposed development. The Principal Nature Conservation Officer recommends further surveys prior to the removal of selected trees of importance, and the identification of mitigation and compensation which can be secured by planning condition.

No trees were identified as having potential to support Barn Owls.

Foraging and Commuting Bats

Five species of bat were recorded on site including species which are a priority for conservation and a material consideration for planning. Only two bat activity surveys were undertaken with no survey data being available for the peak activity season in the summer. Bat activity was however relatively low during the submitted surveys

The Principal Nature Conservation Officer considered that the proposed development would result in the loss of foraging habitat of moderate value for bats and this loss is not likely to be significant enough to amount to an offence under the habitat regulations. The bat habitat created as part of the restoration of the quarry would compensate for that lost as part of the proposed development but would not be complete for a number of years.

To avoid any impacts on bats as a result of any lighting on site it is recommended that if planning consent is granted conditions are attached requiring submission of lighting details in accordance with the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK). This could be secured should permission be granted.

Breeding and Wintering Birds

Only two survey visits were undertaken during the breeding bird survey, which may mean that some bird species present may have been missed during the surveys. However, the Council's Nature Conservation Officer is satisfied that we have sufficient information to understand the bird interest at the site.

A number of priority bird species, which are a material consideration for planning, were present on site during both the breeding and wintering season. These bird species would be adversely affected by the loss of hedgerows and other habitat as a result of the proposed development.

Yellow Wagtail, an uncommon bird in Cheshire, was recorded as breeding on site during the surveys. A site with regular breeding by this species would qualify as a Local Wildlife Site and be considered to be of County importance.

It is considered that the proposed quarrying operations are likely to inadvertently create temporary habitats that will be used by other species of priority birds and the proposed restoration scheme also has the potential to deliver suitable habitat for both wintering and breeding birds. The proposed restoration scheme has the potential to deliver beneficial habitat for this species. The Principal Nature Conservation Officer recommends the submission of details of specific habitat creation measures and management proposals for this species which can be secured by planning condition.

Great Crested Newts

This protected species was recorded at three ponds during survey undertaken to inform the submitted ecological assessment.

The proposed development would result in a high magnitude adverse impact on Great Crested Newts as a result the loss of both aquatic and terrestrial habitat and through the killing or injuring of any animals present on site during the works.

European Protected Species

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations.

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 2017 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 being 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.

Overriding Public Interest

Silica sand can only be worked where it is found and the need for it is of great economic importance.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No development on the site

In this case again, the mineral can only be worked where it is found and as such there is no alternative.

Detriment to the Maintenance of the Species Population

To compensate for the impacts of the proposed development upon Great Crested Newts the applicant is proposing the construction 7 additional ponds and associated habitats.

The Principal Nature Conservation Officer advises that, in the event that planning permission is granted, the proposed compensation would be adequate to maintain the favourable conservation status of the affected Great Crested Newt population. A condition could be imposed to ensure that the operations are carried out in accordance with the submitted Great Crested Newt mitigation measures.

Common Toad

This priority amphibian species was recorded on site. The impacts of the proposed development upon this species would be similar to those for Great Crested Newts. The habitat creation proposed as part of the restoration scheme would be adequate to address the potential impacts of the proposed development upon this species.

Badgers

A number of badger setts are present around the extension areas. It is likely that two setts would require closure under the terms of a Natural England license to avoid Badgers being harmed during the proposed works. The proposed works would also result in the localised loss of Badger foraging habitat.

The precise impacts of the proposed development and the level and type of mitigation required would however be dependent upon the level of Badger activity on site during the lifetime of the proposed quarry extensions. The Nature Conservation Officer therefore recommends that in the event that planning consent is granted a condition should be attached which requires an updated Badger survey to be undertaken prior to any works commencing in each phase of the development.

Polecat, Hare and Hedgehog

There are recorded of these three priority species in the broad vicinity of the application site.

Brown Hare

A single Brown Hare was recorded on site during the submitted surveys. It is considered that the proposed development would be likely to have a minor impact upon this priority species due to the loss of habitat. The habitats created as a result of the restoration of the quarry are likely to be sufficient to compensate for this loss.

Reptiles, Water Vole and Otter

These protected species are unlikely to be present or affected by the proposed development.

Biodiversity Net Gain and Restoration Proposals

Local Plan policy SE 3 (5) requires all developments to deliver a net gain for biodiversity.

Quarry restoration schemes provide an opportunity to deliver significant gains for nature conservation. In order to realise the opportunities presented by the restoration of this site the Nature Conservation Officer advises that the restoration scheme should be designed to include the following features:

- gently sloping banks (1:20)
- extensive areas of shallow water
- low lying vegetation free islands and peninsulas
- minimisation of tree planting around the lake
- creation of acid grassland/heathland
- provision of Sand Martin nesting banks
- bat boxes on retained trees.

Many of these features have been incorporated into the proposed restoration and this is supported.

The islands and wetland areas proposed for Arclid Mere and Smallwood Mere have the potential, if designed appropriately to, be of significant nature conservation value. To maximise their potential value it is recommended that they be topped with gravel and designed to ensure that they are low lying during the summer and partially submerged during winter. Blocks of woodland planting to the north of Betchton Mere should also be relocated to ensure that an open aspect is maintained to the proposed wetland habitats which would serve to maximise their suitability for important wading birds.

A detailed habitat creation design strategy could be secured by condition to be approved in liaison with the Principal Nature Conservation Officer in the event that planning permission is granted. The strategy should include details designs and method statements for the creation of:

- Islands
- Ponds
- Acid grassland/heathland, sand martin banks
- Wetland habitats including shallows/reedbeds and smaller ponds.
- Lowland meadows
- Installation of bat and bird boxes (including barn owl).
- Creation of gently sloping banks (1:20) in the vicinity of the proposed wetland habitat creation areas.
- Habitat for Yellow Wagtail

Habitat Management and Monitoring Plan

The Council's Principal Nature Conservation Officer has recommended the submission of a habitat management and monitoring strategy for a period of 25 years. It is noted however that the extant permission for the rest of the quarry (09/2291W) requires a habitat management and monitoring strategy for the 5 years of aftercare (statutory) plus 10 years of management, as each sub phase is completed.

The restoration proposals incorporate the entirety of South Arclid and adapt the existing approved restoration proposals for the South Eastern Extension to tie in with the new extension area to provide a site wide restoration scheme.

The nature of habitats proposed in the restoration of the new extension areas reflect those which have been approved on the wider site and which are subject to 15 years long term management. The applicant has agreed to the timescales for habitat management aftercare as per the existing arrangements (namely 5 years of aftercare (statutory) plus 10 years of management).

In respect of the request for a longer 25 year management period, the applicant notes that the 15 years of management which is being proposed would comprise a habitat management and monitoring strategy for each phase for the 5 years of statutory aftercare, plus 10 years of management; allowing for more control of the implementation of remedial actions and identification of management priorities, along with a review of the management and monitoring every 5 years during the lifetime of the long term aftercare period.

Whilst the 25 years period requested by the Principal Nature Conservation Officer would be preferable; in this instance given these considerations, it is not considered that imposing a 25 year aftercare period would be reasonable, justified or appropriate given that the same habitats on the remainder of the quarry would be subject to the shorter 15 year period of aftercare. The 15 year period proposed is considered acceptable and commensurate given the habitats being created and the extent of management and monitoring being proposed.

The proposals are therefore considered to be in compliance with Policies 13 (Planning Obligations/Legal Agreements), 22 and 23 (Nature Conservation), 41 (Restoration) and 42 (Aftercare) of the CRMLP and CELPS policy SE3.

Statutory Designated Sites

The proposed development is located 2km from the Midland Meres and Mosses Phase one RAMSAR. This application falls within Natural England's SSSI impact risk zones for quarry related applications. Natural England have been consulted on this application to advise on the potential impacts of the proposed development upon statutory designated sites. Natural England considers that the proposed development is not likely to have a significant effect upon the features for which the Ramsar site was designated.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant Effects'. At the request of the Council the applicant has undertaken a shadow assessment. The shadow assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required. The Principal Nature Conservation Officer advises that the Council adopts the shadow assessment and it is available to view in full on the file. The conclusions of the shadow assessment are set out below.

'This Shadow Habitats Regulations Assessment makes the recommendation that it can be concluded that the project will have no significant adverse effect on the

conservation objectives and integrity of the European site (or the associated Bagmere SSSI and the separate Brookhouse Moss SSSI.)

Landscape and Visual Impacts

The proposals involve two extensions and the extension of mineral working for an additional 8 years, until 2038, with restoration delays of between 2 and 4 years in the central part of the site and 4 to 6 years to the southern part of the site.

A Landscape Assessment has been submitted which identifies that the extension area is not within any nationally or locally protected landscape areas. Views into the extension are generally limited due to the flat, low lying landform of the surrounding area and the screening effect of hedgerows and trees.

The assessment identifies that the effects on the wider landscape character will be limited during the extractive operations. Some key landscape features would need to be removed during extraction; however it would not result in notable wider effects on the landscape character given the proposed mitigation and backdrop of the existing working areas at South Arclid. The assessment concludes that the proposals would have direct local impacts on landscape character in the short term due to the removal of agricultural fields, hedgerows and trees however on restoration it would have a negligible impact and the proposal would incorporate rolling restoration to lessen any impacts.

On restoration the north west block would be restored back to agricultural fields and the south western block back to a mere. The appearance would be similar to the existing site restoration proposals.

In terms of visual impacts, medium scale effects are anticipated for viewpoints near Hemmingshaw Lane, Betchton FP9 and Bridleway Arclid AR11 however following the formation of the screening mound the impact would be reduced to minor as views of the quarry activities would be lost from view. Following the initial short term effects associated with the western screening mound formation for both footpath users and residents at Gravel Bank Farm, there would be a reduction in visual effects. A similar impact would arise at Arclid Cottage Farm and Shire Barns. There may also be some impacts for footpath users near Hood Land which would reduce over time with mitigation.

The delayed restoration of the consented scheme resulting from this proposal would have some impact initially on views from Hemmingshaw Lane and from the south and west however this impact would reduce over time as the proposed restoration scheme is implemented and established. In the long term potential beneficial visual impacts are anticipated including for the footpath network to the east of Arclid Cottage Farm, Shire Barns and Gravel Bank Farm.

The Council's Principal Landscape Officer has assessed the application documents and broadly agrees with the submitted Landscape and Visual Assessment and offers no objections to the proposals. Mitigation includes

- advance woodland planting along the western and southern perimeters of the extension area to augment existing boundary treatments
- Incorporate the western screening mound and native tree and shrub planting along the western boundary of the site to ensure acceptable visual effects for residents and recreationalists
- Rolling restoration at the earliest opportunity as extraction progresses ,

On the basis of the above mitigation being secured by planning condition it is considered that the proposal would accord with CELPS policy SE4 and CRMLP policy 15.

Trees and Hedgerows

CELPS Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience and support biodiversity.

The submission includes an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement. The tree survey identifies 14 Grade A trees, 40 B trees, 35 C trees and 3 U together with 21 hedgerows.

The report indicates no healthy trees would need to be removed from the north western block. Excavation in the south western block would necessitate the removal of mature hedgerow trees, leaving perimeter trees where possible. The Arboricultural Method Statement proposes the protection of retained trees, including a 5 – 7 metre stand off.

The extent of mature tree loss would be significant with 14 of the trees surveyed to be retained. The restoration proposals however include for:

- 185 hedgerow trees,
- approximately 11.82ha of natural regeneration and scrub areas,
- native broadleaf woodland planting covering a total of 71,300sqm with dry woodland mix on the upper slopes and native woodland on the lower slopes

In respect of hedgerows, the proposals would result in the loss of up to 3442m; however 4645 linear metres would be replaced including 1385m established during the early phases of bridleway diversion works.

Whilst some concern is raised by the Arboricultural Officer regarding the extent of tree loss, given the above it is considered that the proposed restoration scheme would provide an improvement over the existing provisions and detailed planting schemes would be secured by planning condition which could be approved in liaison with the Arboricultural Officer to ensure sufficient replacement provision is made.

With respect to impacts on hedgerows, the submitted Arboricultural Impact Assessment states that none of the hedgerows were considered to be 'important' under the Hedgerow Regulations 1997. The Arboricultural Officer notes that a standalone assessment against the criteria in the Hedgerow Regulations 1997 has not been submitted and a number of historic hedgerows identified may meet these criteria.

In response the applicant highlights that whilst the loss of any important hedgerow is a material consideration and any loss is regrettable, it is not possible to undertake the extraction of nationally important silica sand without the removal of trees and hedgerows. The unavoidable losses of hedgerows from within the extension areas should be considered, in the planning balance, in conjunction with the significant socio-economic and other benefits of silica sand extraction. In addition to these benefits the applicant notes that the restoration proposals include for:

- As highlighted above, proposed new and retained hedgerows totalling 4645 linear metres including 1385 linear metres that would be established during the early phases of ongoing bridleway diversion works
- Provision of approximately 185 new hedgerow trees at a spacing of 25 metres
- Approximately 11.82ha of natural regeneration and scrub areas on the steep restored slopes as part of integral area of the woodland planting/edge mix
- Native broadleaf woodland planting using native species covering a total of 71,300sqm.

A significant proportion of this compensation and mitigation planting would also occur during the earliest phases of the development. The Arboricultural Officer acknowledges these points and notes that the mitigation being proposed in this application is very reasonable and would result in any overall net gain. On the basis of these points and the views of the Arboricultural Officer it is considered that the impacts to hedgerows is acceptable and the proposals would accord with CELPS policy SE5.

Water Resources and Flood Risk

A Hydrogeological Impact Assessment and Flood Risk Assessment has been submitted. The report combines published regional data and the results of site investigations and comprises the following:

1. A review of the baseline hydrology, geology and hydrogeology around the extension area;
2. Identification of surface water and groundwater features surrounding the extension area;
3. Formation of a Conceptual Hydrogeological Model for the extension Area;
4. The proposed outline development plan and proposals for water management throughout the proposed development;

5. A Flood Risk Assessment (FRA) written in accordance with the NPPF and the Planning Practice Guidance (PPG): Flood Risk and Coastal Change;
6. A Hydrogeological Impact Assessment (HIA)); together with proposals to mitigate hydrogeological risk;
7. Consideration of Cumulation of effects with existing permitted operations and development at South Arclid.

Currently no water management takes place within the proposed extension area as it is agricultural land. Dewatering currently takes place in South Arclid, where a pump is used to draw the water table down to the depth of base of the excavation. Water is then transferred to North Arclid, where it is settled in the Western Lagoon before entering the eastern lagoon and the being discharged into Arclid Brook.

The extension area will be dewatered using a pump and the field conveyer will deliver the moist sand and dewatered groundwater will be piped to the existing mixing chamber in the north eastern corner of South Arclid. The sand will then be mixed with groundwater, before being pumped to the processing plant at North Arclid, using the existing underground pipeline.

Following completion of workings at the quarry, the dewatering will end, and the water table will return to pre-working elevations.

The Environment Agency has assessed the proposals and has no objection. They note that the water management records of the site are important to secure and maintain the monitoring, and to determine the actual impact on water levels at the boundary of neighbouring land. They also qualify the predictions made about the actual impact of the development and inform upon the ability to achieve the final proposed restoration. As such they recommend a condition relating to boreholes, monthly groundwater level recording and groundwater monitoring which could be imposed on any grant of planning permission.

In respect of potential for flooding, the extension area is within Flood Zone 1, which is at very low risk of flooding. The proposed development in the north western block is from pasture/grassland to mineral extraction, with restoration back to pasture/grassland and as such is considered to be acceptable development in Flood Zone 1.

During active dewatering of the quarry, groundwater levels will be reduced, but the Flood Risk Assessment considers that water levels will return to their pre-dewatering elevations during restoration.

The Local Lead Flood Authority (LLFA) also has no objection in principle to the proposed extension in working area; and also support the request for a groundwater monitoring condition by the Environment Agency.

Subject to the above mitigation being secured, no adverse impacts on water resources in terms for water quality or flow, or adverse impacts from flooding are

anticipated and the proposal would accord with the NPPF and CELPS Policies SE12 and SE13, and CRMLP Policy 25

Highway Impacts

Mineral development should ensure that 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.

The proposals would not alter the frequency of vehicle movements or alter the road routes used to transport the sand which at present leaves the site predominantly in a westerly direction travelling along the A534 to join the M6 motorway. There are no proposals to materially increase the output from the site as a result of this development. Vehicle movements are anticipated to remain at their current levels with only the normal fluctuations that are already occurring as a result of the changes in demand for sand from customers. As such no increase in HGV movements or change to the nature of vehicles are anticipated.

It is also noted that the vehicle movements associated with the export of sand from the site are all from the processing plant at North Arclid which is subject to a separate planning permission and the processing plant does not form part of this application.

There would be no impacts associate with the transportation of mineral from the proposed extraction area to the processing area as the existing conveyors and underground pipelines would continue to be used.

Furthermore, as a large proportion of the mineral extraction proposed in the two extension blocks would be above the water table, and much of the site is to be restored back to agricultural land, the soil/overburden would remain on site, initially to provide screening mounds/bunds and subsequently used for restoration purposes, thus negating the need to remove this soil/overburden off site via the existing access off Hemmingshaw Lane. Other than the minimal movement of plant and machinery associated with extracting the sand, there would be no HGVs accessing the proposed extension areas.

Concerns have been expressed by objectors about potential for increased traffic movements, damage to roads and noise from reversing beepers. It should be noted that the only access for South Arclid is Hemmingshaw Lane and there is no other access to the quarry workings. This is secured by condition 10 of the existing permission (09/2291W) and this restriction would be replicated on any new permission should the application be approved.

No highway objections have been raised by the Head of Strategic Infrastructure.

The proposal is therefore in compliance with Policy CO1 (Sustainable Travel and Transport), of the CELPS, Policy GR 9 (Accessibility, Servicing and Parking Provision) of the CBLPFR and Policy 34 (Highways) of the CRMLP.

Residential Amenity

CRMLP Policies 25, 26 and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. CBLPFR Policies GR6 and GR7 do not support development which would significantly harm the amenity of nearby residents or sensitive receptors due to increased air, land, water, light or noise 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) 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 42dB(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.

In support of the application, a noise survey was undertaken. This included collecting baseline sound level data during a 24 hour period and measurements were made at six locations selected to represent existing noise sensitive premises closest to the site. Assessments were also made for potential for noise from short term and normal operations.

The noise assessment concludes that potential noise levels are not expected to exceed the recommended levels. The assessment details general mitigation measures which will aid in controlling the level of noise from the proposed development and which can be secured by planning condition. This includes:

- Setting noise limits - during normal operations noise levels at noise sensitive properties is recommended to not exceed background noise level by more than 10dB(A); and during short term operations (soil stripping, bund formation/removal), operations should not exceed 70dB at noise sensitive properties and should be limited to a period not exceeding 8 weeks in a year at any one property.
- Control over working hours to reflect the current permitted hours of operation
- Expanding the existing scheme of noise monitoring to include the proposed extension areas
- Controls over the hours of plant maintenance

The reports methodology, conclusion and recommendations are accepted by Environmental Protection.

There have been concerns expressed about the proximity of mineral activity to neighbouring properties. The closest properties at Arclid Cottage Farm and Arclid Shire Barns lie adjacent to the boundary of the north western block, separated from the site by an access track. Additional mitigation is proposed in areas where the mineral activity comes in close proximity to the residential

receptor. In this location it is noted that Arclid Cottage Farm (the closer of the two properties) already benefits from screening in the form of mature Italian cypress trees and a hedge on the residential boundary. In between these features and the site boundary is an access track and a further hedgerow. Along the application site boundary in this location, the applicant proposes a vegetative screen of 4m high mature trees and a 3m high and 35m wide soil screen bund which would be situated between the proposed tree belt and the mineral extraction area. The distance between the property and the boundary of the working area would be approximately 80m which is some considerable distance. It is also noted that as the mineral extraction deepens, the noise impacts would lessen. Whilst the initial soil stripping activities may present some short term temporary impacts, once the mitigation is established, these impacts would lessen and would also reduce as mineral extraction deepens. Additionally the phased mineral working would mean that the impacts are controlled and only likely whilst the mineral extraction is taking place in the phase closest to those properties

With respect to concerns about potential noise impacts from reversing beepers, it is accepted that there may be instances where these are audible, and the noise assessment does not consider that such impacts would be significant. Controls would be in place regarding hours of operation at the site; this is monitored by the Council and no issues of non-compliance with this have been raised. Reversing beepers heard outside these hours could come from any number of nearby sources, where there is no control over hours of operation.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, the Council has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

Air quality impacts have been considered within the air quality assessment.

The report considers whether the development will result in increased exposure to airborne dust particles with special consideration given to PM10 and PM2.5 sized particles.

There were several years selected for the predicted concentration of these particles. These were 2018, 2021, 2025 and 2030.

The assessment concludes that three of the chosen receptors may experience a slight adverse impact as a result of the extension, with the remaining receptors experiencing a negligible impact. The report then goes on to state that the

existing dust management procedures the site uses will likely offset the adverse impacts experienced. Environmental Protection agrees that by rigorously following the robust existing mitigation measures the impacts of this extension should be minimal and has no further need to add further conditions as part of this proposal.

Land Contamination

There are areas within the application site which may have been infilled in the past, and as a result there is the potential for parts of the site to be contaminated. The Environmental Protection unit has the Contaminated Land assessment. The information presented states that there is a low potential for contamination, however if any potential contamination is encountered during the development, all work in that area should cease and Environmental Protection should be contacted for further advice.

The Contaminated Land team has no objection to the proposals subject to conditions in respect of dealing with unexpected contamination and recommend. Subject to this being secured no adverse impacts are anticipated with respect to potential for contamination and this would accord with CELPS policy SE12, and CRMLP policy 25

General Amenity Issues

It is considered that, with the necessary controls on noise, dust management, hours of operation, phased working and progressive restoration as stated above, that the proposals would be in accordance with Policy SE 10 'Sustainable Provision of Minerals' of the Cheshire East Local Plan Strategy, Policies 26 and 27 'Noise', 28 'Dust', 31 'Cumulative Impact' and 37 'Hours of Operation' of the Cheshire Replacement Minerals Local Plan and Policy GR6 'Amenity and Health' of the Congleton Borough Local Plan First Review.

Cultural Heritage

Archaeology

The application is supported by a heritage assessment. This document considers the archaeological background to the area, including discoveries made during earlier phases of mineral extraction, and concludes that the watching brief maintained during previous phases of quarrying should be maintained in the event that planning permission is granted.

The watching brief will be focussed on the inspection of areas stripped of topsoil and will allow the recognition and recording of any archaeological remains. It is considered that this approach is appropriate and that the work may be secured by condition.

As such it is considered that the proposal accords with the approach of Policy SE7 (The Historic Environment) of the CELPS and Policies 20 and 21 of the CRMLP.

Geology and Geotechnical Considerations

CRMLP Policy 39 states that an application for new mineral working will not be permitted where it would result in unacceptable adverse levels of subsidence.

A geotechnical assessment undertaken by independent geotechnical consultants.

The geotechnical assessment confirms that exploratory drilling has been carried out to determine the thickness of the overburden and the mineral reserves at the site.

South Arclid will continue to be worked by stripping soil and overburden and then removing the sand in benches. The bench face heights will be maintained within the maximum reach of the excavators. The sand will be loaded onto a field conveyer which will be extended as the workings are developed.

The stability of the permitted and proposed excavations and the various soil and overburden storage mounds has been assessed using computer software and recommendations have been made regarding their design and construction. The proposed working method for the north western block should fully mitigate any risk of lateral displacement of the strata. Suitable standoffs are recommended to safeguard adjacent properties, services and soil screening mounds.

Dewatering is required to recover some of the mineral reserves, but existing practices at South Arclid should ensure that adequate measures are taken to achieve the required drawdown prior to excavation. The risks posed by excessive groundwater inflows and the mobilisation on fines are well understood and can be minimised by preventing the continued excavation of saturated sand.

The excavated slopes will be covered and fully supported as part of the proposed restoration works and recommendations have been made with regard to the preparation of the ground and the placement of overburden materials. The restored landform, as proposed, will remain stable in the long term.

The restoration will involve the creation of lakes. These will be founded on Lower Boulder Clay which has very low conductivity and is thick enough to protect the underlying salt bearing strata. The risk that any dissolution and subsidence might be reactivated by the proposed works are therefore considered to be very low.

Calculations show that very little settlement is likely to occur around the proposed excavations as a consequence of dewatering. This is because of the over-consolidated nature of the glacial deposits.

The operator will be required to inspect all of the working areas on a daily basis. Formal weekly inspections of all the excavated slopes will also be carried out. These measures will ensure that in the event that significant instability should occur, immediate action can be taken to remedy the situation. The appointed geotechnical specialist will undertake 12 monthly inspections as is the current practice.

It is also noted that such matters are covered by relevant mining and health and safety legislation under which the proposals would be regulated by Health and Safety Executive who have confirmed that they have no objections to the application. It is considered that the proposal is in accordance with Policy 39 'Stability and Support' of the Cheshire Replacement Minerals Local Plan 1999.

Impact on Manchester Airport

Manchester Airport raises no issues with the extraction workings, but do have concerns about the restoration proposals. This is because of the potential to support a significant number of Geese and wildfowl. They express a preference for islands to be designed to support Terns and wading birds.

In response to this, the Restoration Masterplan now includes provisions for nesting Terns and wading bird species and aims to minimise as much as possible the attraction of Geese. The final detailed design of the restoration proposals could be secured by planning condition in liaison with Manchester Airport.

Other Matters

Residents have expressed concerns about the impact of the proposals on the saleability and market value of property. This is not a material planning consideration in the determination of this planning application.

The site is within the outer zone for consultation with Jodrell Bank Observatory. JBO has stated verbally that they have no objection to the scheme.

S106 Requirements

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, aftercare, management and monitoring are necessary, directly related to the development and fairly and reasonably related in scale and kind to

the development due to the need to ensure restoration of the quarry takes place in an appropriate and timely way.

CONCLUSIONS

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

Since minerals are a finite source and, can only be worked where they are found, it is important to make the best use of them in order to secure their long-term conservation, and Local Planning Authorities should give great weight to the benefits of mineral extraction, including to the economy, and as far as 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 year supply of industrial mineral at the site as required by national and local planning policy.

In addition 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.

RECOMMENDATION:

Approve subject to the following conditions and a Section 106 Agreement to secure:

- a) **The provision of a 15 year aftercare and management scheme**
- b) **Annual monitoring and reporting of protected and Cheshire BAP species during the 15 year aftercare and management plan period**
- c) **Footpath maintenance and management during the 15 year aftercare and management period**

1. Commencement

The development hereby approved shall be commenced within 3 years from the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act and to enable the Local Planning Authority to set a commencement date for monitoring and triggering the timetable for the programme of other conditions, schemes and management plans. To enable the Local Planning Authority to observe and confirm commencement.

2. Approved Plans

The development hereby approved shall be carried out in full accordance with the approved plans, documents and schemes submitted unless modified by the conditions attached to this permission set out below. These are:

The Written Statement and Environmental Statement, including Figures and Appendices

Plan no. ABG/SWE/01 – Arclid Quarry Location Plan

Plan no. ABG/SWE/02 – Application Site

Plan no. ABG/SWE/03 – Site Environs

Plan no. ABG/SWE/04 – Location and Summary of Boreholes

Plan no. ABG/SWE/05 – Outline Working Scheme

Plan no. ABG/SWE/06 – Diversions of Footpaths & Electricity Lines

Plan no. ABG/SWE/07a – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07b – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07c – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07d – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07e – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07f – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07g – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07h – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07i – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/08 – Restoration Masterplan

Plan no. ABG/SWE/09 – Restoration Masterplan: Cross Sections

Plan no. ABG/SWE/10 – Cross Section from Arclid Farm Cottage and Arclid Shire Barns

Plan no. ABG/SWE/12 – Recreational Users Plan

South Arclid Quarry: South Western Extension Ecological Impact Assessment. (ERAP (Consultant Ecologists) Ltd, July 2019). Document reference: 2018-151.

Technical Appendix 1: Extended Phase 1 Habitat Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019)

Technical Appendix 2: Brown Hare Survey 2018 to 2019 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 3: Aquatic Invertebrate Survey at Pond 6 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 4: Licensed Bat Survey and Assessment: Trees (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 5: Bat Activity Transects and Static Surveys (ERAP (Consultant Ecologists) Ltd, July 2019)

Technical Appendix 6: Non-breeding and Wintering Bird Surveys 2018-2019 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 7: Confidential Addendum: Badger Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019)

Arboricultural Impact Assessment. Treetec, Version 5 dated: 5th April 2019 South Arclid Quarry, South Western Extension, near Sandbach, Cheshire. Restoration Details (Bright and Associates). Dated July 2019.

Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations. (Ref: 2443 BSS Arclid \ FIG 22 NEW BH).

Restoration Masterplan with Ecological Annotations (Figure 3 (Revision A) dated 16th January 2020. Ref. ERAP ref. 2018-151).

Written Statement. Technical Appendix 4: Contaminated Land.

Written Statement: Appendix 5 – Restoration Scheme (narrative) including Soils Balance Table.

Arclid Quarry South Western Extension. Soils and Agricultural Assessment Report.

Environmental Statement Section 7: Noise Assessment. (Vibroch Limited. Document reference: R19/10133/4/AP).

Environmental Statement Section 8: Air Quality Assessment. (Vibroch Limited. Document reference: R19.10134/5/AG).

Reason: To define the details and schemes which are approved for the avoidance of doubt and to assist compliance and monitoring of the development.

3. Duration / Cessation of Mineral Working

The winning and working of minerals from South Arclid shall cease no later than 31st December 2041. All buildings, roads, plant, machinery and other structures used in connection with this development hereby approved shall be removed within a twelve month period following this date, or within 12 months of the permanent cessation of mineral extraction at South Arclid, whichever is the sooner and the restoration works, as required under conditions 29 and 30, shall be completed accordingly.

Reason: To define the life of the development and to ensure the site is restored at the earliest opportunity.

4. Hours of Working and Plant Maintenance

The hours of operation for the winning and working of mineral including processing, loading and dispatch shall be 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. There shall be no working or operational development on Sundays or Bank and Public Holidays. Site maintenance and emergency repairs shall only be permitted outside of these hours in accordance with condition 20 of this permission.

Reason: To limit the impact on the residential amenity.

5. Access

No vehicles, except cars and maintenance vehicles, shall enter or leave South Arclid via Hemmingshaw Lane other than between the following times:

07:00 – 18:00 Mondays to Fridays

08:00 – 13:30 Saturdays

Reason: To ensure that access to and from the site is only at the locations which were identified in the planning application. To limit the impact on the residential amenity and in the interests of highway safety.

6. Movement of Topsoil

The movement of excess topsoil derived from topsoil stripping hereby permitted shall be restricted to between April and October (inclusive). The associated Heavy Goods Vehicle movements shall not exceed 5 in and 5 out (10 movements) per day on Mondays to Fridays, and 3 in and 3 out (6 movements) on Saturdays, with no movements of soils on Sundays or Public Holidays unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To limit the impact on the residential amenity and in the interests of highway safety.

7. Working Operations

Sand shall only leave South Arclid by way of the existing pipeline between South Arclid and North Arclid; each location defined as shown on Plan no. ABG/SWE/01 – Arclid Quarry Location Plan.

Reason: To limit the impact upon residential amenity and safeguard the character of the area.

8. Soils Handling

Soils shall be stripped, handled, stored and placed in accordance with Arclid Quarry South Western Extension: Soils and Agricultural Assessment Report, Chapter 8: Mitigation Measures and Appendix 2: Soil Handling. All soil handling operations shall take place when soils are in a condition which does not compromise the structure of the soil. Soil handling techniques shall be used to minimise compaction of soils, including avoiding running heavy vehicles over soils, as set out within the MAFF Good Practice Guide for Handling Soils Sheet 1: Soil Stripping with Excavators and Dump Trucks.

Reason: To safeguard the integrity of soils structure as a growing medium and to ensure successful restoration of the mineral working site for agricultural, woodland and wildlife conservation use.

9. Phased Working and Restoration

All mineral extraction operations and progressive restoration shall take place in accordance with the phased working as set out in the approved plans:

Plan no. ABG/SWE/07a – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07b – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07c – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07d – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07e – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07f – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07g – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07h – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07i – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/08 – Restoration Masterplan

Reason: To ensure that the site is worked in the manner as set out in the Planning Statement and Environmental Statement. In the interests of residential amenity, progressive working and restoration.

10. Annual Progress and Review Meeting and Report

Within 3 months following the commencement of development, an inaugural meeting during initial site preparation works for the South Western Extension and thereafter an annual progress and review meeting and report of progress and works to be carried out in the following year shall be undertaken and the reports submitted to the mineral planning authority for written approval within one month from the date each meeting takes place. The meetings and reports shall continue annually until the completion of the Landscape and Ecological Management Plan (as set out in condition 18) and aftercare period (as set out in condition 30). The review shall set out any unplanned alterations or mitigation works to the operations, the programme of restoration, planting and aftercare works, and timescales.

Reason: To assist compliance and monitoring of the development with the planning permission and to provide a mechanism for non-material alterations which may arise as operations progress to ensure a high-quality restoration and aftercare is carried out.

11. Noise Limits

Noise from South Arclid shall not exceed 55dBA LAeq 1 hour as measured free-field at a minimum of 3.5m from any reflecting surface other than the ground at any noise sensitive residential property. For a period not exceeding 8 weeks in any given calendar year, the noise limit shall not exceed 70dBA LAeq 1 hour as measured free-field at a minimum of 3.5m from any reflecting surface other than the ground at any noise sensitive residential property to allow soils stripping, soils storage, landscaping and restoration works to take place.

Reason: To reduce the impacts of noise from the site and to safeguard amenity.

12. Noise Monitoring

Within twelve months of the date of this permission an updated noise monitoring scheme for South Arclid shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include provision for the number and location of noise monitoring points, the frequency of monitoring, information to be collected and the submission of results to the Minerals Planning Authority. The development shall subsequently be carried out in accordance with the approved noise monitoring scheme throughout the life of the development.

Reason: To minimise environmental impact and to safeguard the amenities of residents in the local area.

13. Dust Management

The best available techniques, including measures identified in Section 3.0 and Appendix 3 of the submitted Air Quality Assessment (document reference: R19.10134/5/AG), shall be used at all times to ensure that dust emissions and propagation is minimised. Such measures shall include:

- a) the control of vehicle speeds;
- b) ensuring compaction, grading and maintenance of haul roads;
- c) minimising soil stripping to the area required for mineral production during the following 12 months;
- d) fitting vehicles with upswept exhausts wherever appropriate;
- e) minimising the drop height when loading materials;
- f) avoiding overloading of transfer plant, thus reducing spillages;
- g) enclosing processing plant where a dry process is used, where practicable;
- h) regular maintenance of plant and machinery in accordance with the manufacturers specification;
- i) the seeding of all soil and overburden mounds as soon as practically possible following their construction
- j) regular spraying of stockpiles and site haul roads wherever appropriate.

Reason: To reduce the impacts of dust disturbance from the site and to safeguard amenity.

14. Archaeological Mitigation Strategy

No development shall take place within the South Western Extension Area until the applicant has secured the implementation of a programme of archaeological investigation, observation and recording in accordance with a Written Scheme of Investigation (WSI) which has been submitted to the Mineral Planning Authority. The scheme shall include undisturbed areas of the Application Site previously subject to a WSI and shall include a watching brief during topsoil stripping. The approved development shall be carried out in strict accordance with the approved scheme.

Reason: In the interest of proportionately investigating, understanding and recording the archaeological significance of any artefacts discovered as a consequence of the approved development.

15. Contaminated Land

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Mineral Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Mineral Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

16. Lighting Scheme

Prior to the installation of any new or replacement permanent external lighting at South Arclid, details of the proposed lighting scheme should be submitted to the Local Planning Authority. The scheme should include details of the:

- Proposed lighting regime;**
- Number and location of proposed luminaires;**
- Luminaire light distribution type;**
- Lamp type and power;**
- Mounting height, orientation direction and beam angle;**
- Type of control gear.**

Reason: In the interest of wildlife conservation, environmental protection and residential amenity.

17. Protection of Trees and Arboricultural Site Supervision

Prior to any ground clearance, tree works or soil stripping within the South Western Extension Area, a Tree Protection Scheme and Arboricultural Method Statement shall be submitted to the Mineral Planning Authority. The details shall include:

- All tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required), including stages at which actions and monitoring will be reported to the Mineral Planning Authority,
- Details of the precise location of the 'no dig' surfacing for the diverted footpaths / utility infrastructure and the mineral extraction area,
- A site specific 'no dig' design for the surfacing of any diverted public rights of way and utility infrastructure within tree and hedgerow root protection areas including an illustrative cross-section drawing.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect and enhance landscape character and ecological interests.

18. Landscape and Ecological Management Plan

Prior to any ground clearance, tree works or soil stripping within the South Western Extension Area, a Landscape and Ecological Management Plan (LEMP) addressing landscape and biodiversity protection, enhancement and management during the extraction of silica sand hereby permitted shall be submitted to the Mineral Planning Authority. The issues which shall be addressed in the LEMP include:

- i. Measures to be taken to protect habitat and species present on site as identified in the South Western Extension Ecological Impact Assessment by ERAP Consultant Ecologists Ltd [ref: 2018-151];
- ii. Details of Habitat Creation as shown on the approved drawing: Plan no. ABG/SWE/08 – Restoration Masterplan, comprising phasing and method statements for the creation, establishment and aftercare management of each habitat type to include:
 - a. Islands
 - b. Trees and hedgerows
 - c. Ponds
 - d. Sand martin banks
 - e. Wetland habitats including shallows/reedbeds and smaller ponds
 - f. Lowland meadows
 - g. Installation of bat and bird boxes (including barn owl).
 - h. Creation of gently sloping banks (1:20) in the vicinity of the proposed wetland
 - i. Habitat creation areas
 - j. Habitat for Yellow Wagtail
- iii. A timetable detailing:
 - a. The carrying out of all habitat protection and creation measures,
 - b. The implementation of habitat and species management for the duration of silica sand extraction hereby permitted,
 - c. The duration of the subsequent aftercare period for each habitat created and timescales for the completion,
 - d. Details of the annual review and update of the LEMP.

The development shall be carried out in accordance with the approved LEMP including any revisions as agreed in writing by the Mineral Planning Authority thereafter.

Reason: To protect and enhance landscape character and ecological interests.

19. Plant and Machinery

All plant and machinery shall be maintained in good working order to minimise unnecessary noise.

Reason: In the interest of residential amenity.

20. Site Maintenance and Emergency Repairs

Site maintenance and essential repairs are permitted outside of the operational hours. No repairs or maintenance which is capable of generating reasonable complaint due to noise such as from drilling, hammering, power tools, impact driver or running motors or engines, shall take place between the night-time hours 23:00 to 06:00 hours.

Reason: In the interest of residential amenity and the safe operation of the site.

21. Groundwater Monitoring 1

Prior to commencement of extraction of sand from the South Western Extension hereby permitted, boreholes 2019/01, 2019/02, and BH P11R as shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443 BSS Arclid \ FIG 22 NEW BH) shall be drilled, replaced or deepened as appropriate.

Reason: To allow for the monitoring and protection of groundwater.

22. Groundwater Monitoring 2

Prior to any extraction of sand from the South Western Extension hereby approved, groundwater level recording shall commence in the locations shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443 BSS Arclid \ FIG 22 NEW BH). The monitoring undertaken shall:

- i) Record groundwater levels within each borehole shown on Figure 22,
- ii) Record the water level in, and the location of, each quarry sump at the same intervals as the groundwater level monitoring,
- iii) Record the quantity of water removed from each sump identified at iii) during the preceding month,
- iv) Record the location water was transferred to.

All recorded levels, locations and abstractions shall be included in an annual monitoring report. The groundwater monitoring scheme shall be maintained for the duration of the permitted operations.

Reason: To allow for the monitoring and protection of groundwater.

23. Storage of Materials Harmful to Water Quality

Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bund walls. The volume of the bunded compound should be at least 110% of the total tank capacity. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. At filled points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent adversely affecting watercourses passing through or outside the site.

24. Protection of Bats

Prior to the removal of trees T6, T7, T10 and T18 as identified in Technical Appendix 4: Licensed Bat Survey and Assessment: Trees (ERAP (Consultant Ecologists) Ltd, June 2019) Bat Survey and Assessment of Tree, a bat survey shall be undertaken and submitted to the Mineral Planning Authority. The submission shall record any evidence of roosting bats and include appropriate mitigation and compensation measures.

Reason: To safeguard biodiversity.

25. Protection of Newts

The development hereby approved shall be undertaken in accordance with the great crested newt mitigation detailed in paragraphs 5.6.4 – 5.6.6 of the Technical Appendix 1: Extended Phase 1 Habitat Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019), unless varied by licence granted by Natural England.

Reason: To safeguard biodiversity.

26. Protection of Badgers

Prior to the commencement of works within each Phase (as detailed at condition 8 of this planning permission), a survey relevant to working within that phase for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to the Mineral Planning Authority. Site works shall be carried out in complete accordance with approved measures.

Reason: To safeguard biodiversity.

27. Vegetation Clearance

The removal of any trees and hedges shall take place outside the bird nesting season (1st March to 31st August inclusive), unless the site is surveyed for nesting birds by a qualified ecologist prior to their removal. If nesting birds are found, a scheme to protect nesting birds shall be submitted to the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason: To avoid harm to nesting birds during the bird breeding season.

28. Restoration Scheme

The site shall be restored in accordance with the approved restoration plan (Plan no. ABG/SWE/08 – Restoration Masterplan) and in accordance with details agreed subject to the approved Landscape and Ecological Management Plan (condition 18).

Reason: To ensure the site is satisfactorily restored and to avoid endangering the safe operation of aircraft through the attraction of birds.

29. Final Aftercare Scheme

No later than the 31st December 2040 or within 6 months of the permanent cessation of the silica sand extraction hereby approved, whichever occurs sooner, a detailed aftercare scheme for a maximum duration of 15 years shall be submitted to the Mineral Planning Authority.

The aftercare scheme shall account for the phasing of the approved development and address actions outstanding from the LEMP (condition 18), provide for annual inspections and the carrying out of any necessary remedial measures, including the replacement of any planting failures, cultivating, fertilising, seeding, watering, drainage and other treatment of the land. An annual report of the aftercare works shall be forwarded to the Mineral Planning Authority no later than the 31st March during each year of the aftercare period.

Reason: To ensure the positive restoration and aftercare of the site to delivery environmental enhancement.

30. Inspection of Planning Permission

From commencement of development until the cessation of mineral extraction a copy of this permission, including all documents approved and agreed in accordance with this permission, shall always be available for inspection at the site office during normal hours.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved documents.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice

Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence Vice Chair) of the Strategic Planning Board 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.



