Application No:	23/1928W
Application Type:	Full Planning
Location:	Somerford Farm Holmes Chapel Road, Somerford, Congleton, Cheshire East, CW12 4SN
Proposal:	The extraction of industrial sand, pipeline to transfer minerals to the existing bent farm plant site associated ancillary development, retention of the Bent Farm plant site and pressive restoration
Applicant:	Sibeco
Expiry Date:	29 November 2024

SUMMARY:
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.

The economic benefits of the proposals are clear and considered to be significant. The application 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 help contribute towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. It would also contribute to the maintenance of a 7 year aggregate landbank as required by planning policy. The proposal would provide direct and indirect benefits to the local economy by providing raw materials for a wide range of products, retaining and providing further employment opportunities and supporting local businesses and services. As such the proposal meets the requirements of the NPPF, policies MP1 and SE10 of the CELP, and CRMLP Saved Policies 45 and 54.

Mineral extraction is considered to be an acceptable in the Open Countryside and evidence has been provided to demonstrate that it is not possible to locate the proposal on one of the Preferred Areas in the CRMLP.

The scheme also provides other benefits, including the restoration back to agricultural use, and provision of a range of habitats that present an overall net gain for biodiversity. There would be some localised impacts from the proposal including those associated with landscape and visual amenity and overall loss of agricultural land, however the proposed extensive suite of planning conditions would assist in controlling and mitigating thee impacts.

As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017, Site Allocations and Development Policies

Document 2022, the saved policies of the Cheshire Replacement Minerals Local Plan, policies of the Neighbourhood Plans, and the approach of the NPPF

RECOMMENDATION: Approve subject to conditions

SITE DESCRIPTION

The application site is located to the west of Congleton and comprises of three connected parcels of land. The most northern parcel comprises a c.35 hectare area of land lying to the south of A54 and west of A536. The second is a c.28 hectare parcel of land comprising the Bent Farm Quarry processing plant site. Connecting the two areas is a narrow linear parcel of land which runs south to north west from the Bent Farm Quarry processing plant site crossing Wallhill Lane, the A534 and an area of agricultural land.

The northern parcel of land, known as 'Somerford' comprises of agricultural land with a range of ponds, hedgerows and trees. Ground levels fall gently north-westwards from approximately 89 metres AOD at the eastern boundary to approximately 86 metres at the western boundary. It is bound to the east by Somerford Farm, residential properties, Somerford Business Park, an equestrian veterinary practice and other businesses, beyond which is agricultural land and A536. Holmes Chapel Road (A54) lies directly to the north of the application site beyond which are a range of residential and commercial properties, along with commercial properties and farm buildings, and a linear woodland aligning Loach Brook. To the west is agricultural land and Restricted Bridleway RB23 which connects with Lower Medhurst Green Farm and other public rights of way, beyond which is Brereton Heath. To the south lies agricultural land, several farms, and A534.

The southern parcel of land (Bent Farm Quarry plant site) comprises a range of mineral processing plant and buildings, lagoons, accesses and areas of agricultural land. It is bound to the west by Wallhill Lane and one of the current active mineral extraction areas at Bent Farm Quarry (known as Bent Farm West). To the south and east lies the remainder of Bent Farm Quarry comprising further areas of extraction and restoration, and other quarry infrastructure/associated uses. Loach Brook is further east and land to the north is in agricultural use.

Connecting Somerford and the Bent Farm Plant Site is a linear strip of predominantly agricultural land which lies predominantly to the west of the A536, with the remainder crossing agricultural land to the south of the A534. This section of the application site crosses two public rights of way (Newbold Astbury FP11 and Brereton FP21).

A number of residential receptors lie close to or on the boundary of the application site including those located around Somerford Farm, properties to the north of A54, to the north and west of A534 and to the east of A and those lying to the east of A536, receptors in the settlements of Brereton Heath and Somerford, and off Padgbury Lane and Wallhill Lane.

The application site lies within the SSSI impact zone, Jodrell Bank consultation zone, Manchester Airport safeguarding zone. Within the CELPS the site lies within the Open Countryside, and Ecology Network – meres and mosses catchment buffer zone, restoration areas and corridor and stepping stones. The application site also lies within an area of preferred extension to silica sand quarry as identified in the Cheshire Replacement Minerals Local Plan.

RELEVANT HISTORY

Bent Farm Quarry has been operational for over 40 years and has a long planning history. The current permission for mineral extraction at the site was granted in 2009 (8/08/0375/CPO). A western extension to the site beyond Wallhill Lane was also granted in 2020 (land known as Bent Farm West) under permission 19/2173W.

Other relevant planning applications records associated with Bent Farm Quarry include:

- 15/1529W - Removal of Condition 29 on Application 8/08/0375/CPO to allow sand importation – approved at committee October 2015; awaiting s106 agreement.
- 18/5890W – application for continued extraction of Industrial Sands (and progressive restoration) until December 2023, mineral processing until December 2024 and final restoration of the whole site by 2026 – awaiting determination.
- 21/1727W - Proposed extension to Silica Sand Extraction with Progressive Restoration – approved at committee February 2022; subsequently withdrawn.
- 23/2914W – variation of 19/2173W – awaiting determination

The Somerford application site lies adjacent to and overlaps the land subject to applications for permission associated with the Congleton Link Road and there is a large planning history associated with that development.

DETAILS OF PROPOSAL

The applicant seeks planning permission for the extraction of industrial sand on land to the south and west of A54 and A536 (known as ‘Somerford’); the establishment of a pipeline to transfer the minerals from the Somerford plant site to the existing Bent Farm Quarry plant site located to the east of Wallhill Lane; along with the associated ancillary development, retention of the Bent Farm Quarry plant site and progressive restoration.

The proposal is designed to act as be a direct replacement of Bent Farm Quarry and Bent Farm Quarry West. The sand extracted at Somerford would be processed at the existing Bent Farm Quarry plant site and then loaded onto HGVs for transportation to customers processing site prior to dispatch to customers.

The mineral deposit is proposed to be extracted in 5 phases. It would be worked dry above the water table during all but the last phase where the mineral would then be dredged below the water table. The extraction area would be progressively restored over the course of the development and the majority of the restoration would be completed by the time of the dredging phase.

The total mineral resource on the site is estimated to be 3,046,033 tonnes and the deposit would be extracted at a rate of c. 336,636 tonnes per year. This would take a period of at least 10 years, with one year prior to extraction required for site establishment works and a further two years required to undertake the final restoration of the mineral extraction area, pipeline route and the Bent Farm plant site. The proposed development would therefore be undertaken over approximately 13 years however the timings are subject to prevailing market conditions therefore the applicant is seeking 15 years from commencement of the development until complete final restoration.

It is proposed that all existing operations at Bent Farm Plant Site would continue over the course of the proposed development. This includes the permitted importation and processing of silica sand and inert soils up to a maximum and of 200,000 tonnes per annum; and sand / soils blending. The overall rate of export of sand from the Bent Farm plant site taking into account current permitted activities at Bent Farm Quarry would therefore be around 600,000 tonnes per annum.

Site establishment works – Somerford Plant Site

Site establishment will commence with the construction of the Somerford Plant Site in the south eastern corner of the mineral extraction area which would be constructed on a 51m by 15m concrete apron. This would comprise:

- An enclosed 26.7m feed conveyor clad in green steel sheet cladding (which enters the slurrification plant building at a height of 9.47m);
- Slurrification plant – 8.7m by 9.4m steel frame building with a height of 11m, clad in green powder coated steel sheet cladding which would house a screen to remove oversize material to be used in the restoration of the mineral extraction area. Below the screen would be the mixing bowl which would allow water to be mixed with sand to slurrify it before being pumped along the pipeline to Bent Farm Plant Site;
- water tank – 6 metres diameter and 6 metres in height;
- 600 kVA generator;
- welfare cabin (2.3m x 3.6m x 2.3m)

Pipeline installation

Three pipes (clean water, slurrified sand and a spare) would be laid from the existing Bent Farm Quarry plant site to the proposed Somerford plant site alongside a duct containing telecoms and electrical cabling. The route of the pipeline would be approximately 2km in length. It would run below ground due west along the northern boundary of the Bent Farm Quarry plant site then would pass under Wallhill Lane and A534 for 300m using horizontal directional drilling, with the Bent Farm Quarry car park used as the launch site for the drilling and the receptor site would be at the north of Bent Farm Quarry West. The pipeline

route would then be installed using excavated trench across agricultural land passing Upper Medhurst Green Farm and public footpaths Newbold Astbury FP11 and Brereton FP21 before turning west to connect with the Somerford Plant site. A booster station/pump house would be required approximately halfway along the route at Upper Medhurst Farm comprising a pump house (4.6m by 2.2m), a control room (3.5m by 2.2m) and a transformer (2.8m by 2.2m) all surrounded by a fenceline. The pipeline establishment would be completed within one year.

Extraction and phasing

Mineral extraction would be undertaken progressively over 5 phases in an east to west direction. In each phase the soil and overburden would be stripped and stored or used to form soil screening mounds on the site boundary. As extraction moves westwards, the overburden and soils would be used to restore the earlier areas of extraction.

The mineral would then be extracted dry above the water table in the eastern extent of the site down to a depth of 82mAOD over a period of 3 years. During the later phases of the development as extraction moves into the western extent of the site, the mineral would initially be extracted dry above the water table down to a depth of 82m AOD over a period of approximately 2.5 years. An electric dredge would then be used to extract the remaining mineral below the water table down to a maximum depth of 70mAOD (11m below the water table). This would be undertaken over a period of 4.5 years.

The extracted mineral would be transported by conveyor to the Somerford plant site where it would be screened and slurrified, and then pumped by pipeline to the Bent Farm plant site for processing. Clean water from the Bent Farm plant site would be pumped to Somerford to be used for the slurrifying process and the silts and fine sands generated during this process would be managed through at the Bent Farm Plant site through the existing water management operation in place at the quarry.

Bent Farm Plant Site

Bent Farm Quarry plant site would be retained in order to process and dispatch sand, and manage water for use in the operations at Somerford. Additional plant infrastructure is proposed in order to allow the slurrified minerals from Somerford to be stored prior to being fed into the existing wash plant:

- water storage tank (14m by 14m with a height of 11m);
- MCC and Transformer room 5.2m x 3.5m x 2.7m
- CHP gas engine 14m x 5.4m x 5.1m (and 16.9m stack to power the pipeline and Somerford plant)

The material from Someford would be piped into the new storage tank to settle, with water and wastes taken off the top and pumped into the existing Bent Farm plant water circuit. Sands would then be pumped directly into the existing wash plant and from there on in the processing of raw sand into the sand products would be undertaken in the same way as it currently is. Sand would be

dispatched from the Bent Farm plant site both wet in covered HGVs and dry in HGV tankers. Dry product would be stored in the existing product silos.

Other operations

The existing consented importation of soil and compost for blending, and the importation of sands for drying and bagging which is currently carried out at the Bent Farm Quarry plant site would continue with no changes proposed to these activities.

Final restoration

The restoration proposals for the Somerford site comprise a mixture of lake on the western side of the site and agricultural grassland on the eastern section, with areas of hedgerows, trees and woodland blocks, wildflower meadow and shoreline planting. The Bent Farm Plant Site would be restored in accordance with the current approved restoration scheme for the main quarry site (ref 8/08/0375/CPO). The pipeline route would be restored to agricultural land following the removal of the pipeline and associated infrastructure, and the short sections of hedgerow and trees removed to install the pipeline would be replanted.

Site access

Sand processed would continue to be dispatched by HGVs using the existing access from the Bent Farm Quarry processing plant site onto Wallhill Lane.

An access would be established to the mineral extraction area at Somerford for deliveries and personnel. An existing gated farm access point onto the A54 to the north of the mineral extraction area would be upgraded to provide a metaled access of sufficient standard to accommodate the movement of site vehicles. An internal track of crushed aggregate would link the access to the Somerford plant site. A 1.8m high close boarded fence is proposed adjacent to the site access.

The proposed hours of operation for the winning and working of minerals and associated activities including mineral transfer at Somerford Quarry reflect that in use on the existing quarry which is:

- 0700 to 1900 hours Monday to Friday; and
- 0700 to 1500 hours Saturday

No changes are proposed to the consented hours of operation at the Bent Farm Quarry Plant site.

The proposals comprise EIA development under Schedule 1, Part 19 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). An Environmental Statement and Addendum accompanies the application and includes reports on hydrology/hydrogeology, ecology, noise, air quality, landscape and visual, archaeology and cultural heritage and other relevant matters. An Addendum to the Environmental Statement was also submitted on 18th January 2024 in response to a request under Regulation 25 of the EIA Regulations for further information.

POLICIES

Cheshire East Local Plan Strategy – 2010 to 2030 (CELPS):
MP1 Presumption in favour of sustainable development
PG6 Open countryside
EG2 Rural economy
SC3 Heath and well being
SD1 Sustainable development
SD2 Sustainable development principles
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The landscape
SE5 Trees, hedgerows and woodland
SE7 The historic environment
SE10 Sustainable provision of minerals
SE12 Pollution, land contamination and land instability
SE13 Flood risk and water management
SE14 Jodrell bank
CO1 Sustainable travel and transport
CO4 Travel plans and transport assessments

Site Allocations and Development Policies Document (SADPD)
ENV1 Ecological network
ENV2 Ecological implementation
ENV3 Landscape character
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland
ENV7 Climate change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water and flood risk
ENV17 Protecting water resources
HER1 Heritage assets
HER4 Listed buildings
HER8 Archaeology
HER9 Jodrell Bank World Heritage Site
RUR5 Best and most versatile agricultural land
HOU12 Amenity
INF1 Cycleways, bridleways and footpaths
INF3 Highway safety and access

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 (CRMLP)
Policy 2 Need

Policy 9 Planning applications
Policy 10 Geological content of planning applications
Policy 12 Conditions
Policy 13 Planning obligations/Legal agreements
Policy 15 Landscape
Policy 16 Plant and Buildings
Policy 17 Visual amenity
Policy 20 Archaeology
Policy 21 Archaeology
Policy 25 Ground water/surface water/flood protection
Policy 26 - 27 Noise
Policy 28 Dust
Policy 31 Cumulative impact
Policy 32 Advance planting
Policy 33 Public rights of way
Policy 34 Highways
Policy 37 Hours of operation
Policy 39 Stability and support
Policy 41 Restoration
Policy 42 Aftercare
Policy 45 Sand and gravel landbank
Policy 46 Future sand and gravel extraction
Policy 47 Sand and gravel area of search
Policy 54 Future silica sand extraction

Somerford Neighbourhood Plan (SNP)
Policy D1 Design
Policy D2 Building design
Policy N1: Green network and spaces
Policy N2 Trees and hedgerows
Policy N3 Biodiversity
Policy T1 Sustainable transport, safety and accessibility

Brereton Neighbourhood Plan (BNP)
Policy BUS01 Rural Economy
Policy ENV02 Open landscape views
Policy ENV03 Nature Conservation
Policy ENV04 Biodiversity and Geodiversity
Policy ENV05 Development and landscape
Policy ENV09 Heritage assets and their settings
Policy ENV10 Conservation and sustainable management of soils
Policy TRA01 Transport implications of new development

Newbold Astbury Neighbourhood Plan (NANP)
Policy P9 Scale, design and amenity
Policy P11 Countryside and open views
Policy P12 Woodland, trees and hedgerows
Policy P13 New development in the open countryside or Green Belt
Policy P15 Environmental sustainability
Policy P17 Buffer zones and wildlife corridors

Policy P18 Historic environment
Policy P19 Footpaths
Policy P21 Traffic
Policy P22 Parking
Policy P23 Public rights of way
Policy P25 Built environment
Policy P26 Landscape quality

Other Considerations include:
National Planning Policy Framework 2023
National Planning Practice Guidance (NPPG)
BGS Mineral Planning Factsheet Silica Sand 2020
Cheshire East Local Aggregate Assessment 2023
North West Aggregates Working Party Annual Monitoring Report 2021 (NWAAWP)

CONSULTATIONS

Nature Conservation – no objections subject to conditions for ecological mitigation, method statements and updated species surveys. Consider 30 years management of habitats is required and recommend provision of an island in the restoration scheme

Forestry – no objection subject to conditions concerning tree protection, arboricultural method statement, site supervision.

Public Health Unit – no comments received.

Highways – no objections subject to condition requiring submission of construction management plan.

Landscape – no objection subject to conditions regarding landscaping scheme and management plan.

Flood Risk Management – no objection subject to development in accordance with the surface water management strategy and flood risk assessment.

Built Heritage – no concerns.

Archaeology – no objection subject to implementation of mitigation

Environmental Health – no objection subject to conditions concerning control of noise levels, noise monitoring, hours of operation, dust mitigation, contamination strategy.

Public Rights of Way – no objection subject to conditions

Environment Agency no objection subject to condition regarding monitoring boreholes. Advice provided in respect of the proposed water circulation

system, water abstraction and discharge licence requirements, and water monitoring.

Natural England – no objection subject to securing compliance with the mitigation set out in the sHRA and design and restoration plans, dust management plan, construction environmental management plan, water monitoring scheme, surface water management strategy, soil management, and compliance with the permit.

Manchester Airport – no objection

Health and Safety Executive – no comments received from the Quarries unit.

Public Health England – no comments received.

Cheshire Wildlife Trust - object due to length of aftercare period which they consider should be 30 years

Jodrell Bank – no comment

Highways England – no comments received.

Cadent Gas – no comments received.

Active Travel England – no comment

National Farmers Union (north) -
Water supply is vital for our members business and interruptions could seriously impact business viability and animal welfare. Question who has oversight of the proposals and monitoring to make sure that they are fit for purpose and have the desired effect. The Environment Agency should assess the proposals to make sure that the assumptions made and proposed monitoring proposed will be sufficient to protect our members water supply and if not acceptable, an alternative supply should be required by condition.

Views of Town/Parish Council
Newbold Astbury-cum-Moreton Parish Council No objection

Brereton Parish Council – object. Consider that the application is contrary to BNP policy ENV3. It has not been demonstrated that there would be no damage to Bagmere SSSI and Ramsar Site. Concerned about contaminants into watercourses which feed these sites and consider the hydrological assessment is inaccurate and flow of water into Bagmere would actually come from much further east in the site where contaminants may be encountered. Concerned about impact on local abstractions and subsequent impact on farm business, and potential for air quality impacts on health. Consider insufficient monitoring is proposed. Highway safety concerns relating to the proposed entrance and potential additional vehicles on the network. Impact on trees at the entrance. Potential for peat on the site. If permission is granted consider that conditions

are required to secure alternative drinking water supply for Lower Medhurst Green Farm if there are adverse impacts on that supply, installation of dust monitoring equipment and thresholds beyond which quarrying should cease to allow mitigation to be implemented, and no sand transported by road should the pipeline not be functional.

Congleton Town Council
Unable to come to an informed decision as they were not in receipt of Environment Agency views, therefore refer to previous views:

Objection on the grounds of

1. highways safety for the proposed new access road for HGV's – road currently single white lined.
2. This new access road will also result in an unnecessary loss of trees and hedgerows.
3. Significant concerns about air and water quality monitoring information and the need for it being made available.

Somerford Parish Council
No objection

Local Representations
Letter from MP for Congleton Constituency – loss of agricultural land and food production, potential impacts from dewatering on groundwater and boreholes, potential silting up of drains. Concern over health impacts from air pollution to large number of residents and school children in 1.5km of the site and livestock, highway impacts, hydrological impacts on the surrounding area, electrical surge demand in local communities where there are already power cuts, excess noise and dust.

In excess of 50 letters of representation have been received. A summary of the relevant planning matters raised are below and full copies of the representations are available on the Council website to view.

- Adverse effects on ground and surface water, and water quality, and associated impacts on properties, businesses, viability of farming and crop yield, local abstractions, ecologically designated sites, harm to water recovery at Bent Farm Quarry;
- Increased flood risk, particularly surface water flooding during storms. Insufficient investigations into impact on drainage and stability especially around A54. Will result in long term flooding and stability impacts on highways and surrounding areas. Periodic reviews are needed;
- Will exacerbate an already strained utilities/services, the utility companies should be consulted;
- Contaminated runoff to watercourses and associated harm to ecological sites or abstractions. Note previous incidents of quarry silt contaminating local watercourses and causing localised flooding. Question whether proposed management would be effective;
- Water management plan required with independent water monitoring and contingency arrangements for adverse impacts;

- Environmental assessments are inadequate, conflicting, missing key information, impacts are not properly assessed. They should be prepared by independent consultants and independently assessed;
- Unacceptable impacts on the countryside, farm animals and vegetation;
- Unacceptable impacts on ecological designated sites, valuable habitats and species which is not justified by the mitigation. Impact of phased working and delayed restoration on habitats and wildlife, potential for non-native species to introduce diseases, harm native species and water quality. Restoration proposals are not justified will result in different habitats replaced and will not deliver BNG. Reasons for discounting an unvegetated island are not justified and should be provided to compensate for loss of bat habitat;
- Insufficient aftercare period, new habitats will require decades of management to control non-native species and establish vulnerable species. There is no requirement on current/future landowners to maintain the land in a safe state, potential for land to be left unrestored at cost to the council;
- Proposal will extend the lifetime and restoration of Bent Farm and all associated impacts. Site has not been restored within stated timescales or within time on their lease;
- Loss of trees and hedgerows. Trees at the entrance should be retained, lost vegetation should be used for public recreation or wildlife habitat;
- Potential significant noise, vibration and light impacts will cause adverse amenity and mental health impacts, and harm the enjoyment of the countryside. The assessments do not demonstrate that the impacts will be acceptable, the proposed hours will make impacts worse;
- Potential for significant air quality impacts. Deposits will cause hazards to human health, property, wildlife and livestock;
- Lack of CEC monitoring data for small particulate matter around the locality, PM2.5 levels is only at ‘Fair’ levels. CEC should undertake an air quality assessment, especially given previous failures in air quality monitoring and should have effective safeguards in conditions;
- Air quality monitoring and mitigation is inadequate. Who will check and enforce it, self monitoring is not acceptable and doubt over effectiveness of CEC monitoring/enforcement. It needs to be done by statutory or regulatory bodies. Need real-time air quality monitoring at nearby receptors and varying distances with results made public and investigations if necessary. Residents should be notified when dust exposure is likely and prompt action should be required by the operator with repercussions for non-compliance;
- Air quality is already poor, CEC is not safeguarding health of residents. Potential risk to human and animal health, particularly the vulnerable and young from silicosis which is a comparable risk to asbestos. International research highlights the risks from particulates causing silicosis and other long term health impacts and there is no evidence that silicosis will not harm health. Note that the Planning (Quarries) Bill was proposed in 2022 and 2023 which recommends a presumption against mineral development in close proximity to settlements (1.5km buffer), and that mineral proposals should be determined by the Secretary of State. Consider that this should apply here given the number of receptors and high school within that

distance and air quality could be 10 times higher than the recommended limit;

- Robust independent data is needed to assess any risks from scientific assessments including cumulative impacts with Bent Farm Quarry and need proper public consultation. None of the air quality standards are adequate to protect against silicosis;
- Risk of accidents from poor visibility due to particulates;
- Impact on mental health;
- Question if the quality of the mineral is sufficient for silica;
- Potential impacts on unknown peat deposits which are a carbon store. Needs further investigation and peat extraction is not supported in planning policy;
- No local need or exceptional circumstances to justify the proposal;
- Impact on the current output of sand at Bent Farm Quarry has not been assessed;
- Proposals are not appropraite or in keeping with the appearance of the local area, will cause major visual blight, significantly harm the character and visual amenity of the landscape and detract from the amenity of Brereton Park. It's another industrial scar on the Cheshire Plain exacerbating the harm caused by previous mineral activity and lack of vegetation means unlike other mineral sites, the impacts cannot be mitigated;
- Cumulative impacts of this development alongside other major developments, particularly highway safety, capacity and function, will exacerbate problems on A54 especially during congestion or disruption on the road network;
- The local roads are unsuitable, in poor condition, used as rat runs and have no pavements/adequate verges but are used by pedestrians and vulnerable road users;
- Highway impact assessment does not reflect likely movements to be generated and should consider impact of extended timescales of Bent Farm. There is potential for additional traffic should the pipeline fail and this should be restricted. Who will monitor traffic volumes/times of use. Suggest part time traffic signals are necessary;
- Proposed entrance is dangerous, has poor visibility, and increases the risk of accidents. The two existing entrances to Somerford Farm should be used, or a new access should be located east/northeast of Somerford Farm. Previous accident history in his location is highlighted. There are additional risks to vulnerable road users and during heavy congestion. Sand deposits from Bent Farm cause highway safety problems. Speed limit on A54 should be lower;
- Loss of access by landowners to maintain their land. Impact on footpaths and no proposals for recreational access in the restoration;
- Risk of instability to nearby land and roads;
- Impacts on quality and amount of productive farmland which is already under pressure from new development. Impacts on food production and security which is a concern given the climate change and geopolitical situation. Question if this is the best use of the land. The existing agricultural tenant should be involved in the scheme design;

- Assessment of alternative sites is inadequate. The site has been chosen based on cost, convenience and profit and a site well away from residential areas is needed. Cumulative impacts of 4 quarries in a 7 mile radius need assessing;
- Harm to the environment and communities is not outweighed by any social, economic or financial benefits to local communities; there would be few employment opportunities and a loss of agricultural jobs;
- Potential climate change impacts and use of large amounts of electricity which should be assessed. This conflicts with Cheshire East's climate change policies and UK Government climate emergency;
- Inadequate consultation and documents not available to view. Question if correct planning procedures and due diligence is being applied. Application should be determined by the Government as CEC do not have technical expertise or capacity.
- Impact on heritage assets, operation of Jodrell bank telescope and its heritage value and setting;
- Potential for further time extensions and delayed restoration with increased harm to the community.
- Does not comply with overall approach of CELPS and conflicts with a number of policies including PG6, conflicts with neighbourhood plan policies including policy E1. This is not an allocated site and how does this impact the emerging local plan.

OFFICER APPRAISAL

Development in Open Countryside

The application site lies in the Open Countryside where development is only permitted if it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and works by public services/statutory undertakers, or other uses appropriate to a rural area (CELPS policy PG6) unless it meets one of the exceptions listed in the policy. A number of areas for future mineral extraction that are identified in the Cheshire Replacement Minerals Local Plan (CRMLP) are located in the Open Countryside, and several mineral extraction sites have been permitted in the Open Countryside including at Bent Farm Quarry and the Bent Farm West. Mineral development is therefore considered to be an appropriate use of land in the Open Countryside and the development does not conflict with policy PG6.

Development on an unallocated site

Policy 54 of the Cheshire Replacement Minerals Local Plan 1999 (CRMLP) requires any proven additional sites needed to maintain the silica sand landbank to be provided only from the Preferred Areas identified on the Proposals Map unless exceptional circumstances prevail. The application site is not located in a Preferred Area for silica sand and was advertised as a departure from the development plan.

The policy requirement to only consider Preferred Areas for future mineral development reflects the fact that when the Plan was adopted (in 1999), it was anticipated that few extensions to sites would be likely to come forward in the

early stages of the Plan as the landbank at most sites was above the 10 year policy requirement, and it was anticipated that the Plan would be reviewed after five years. That review did not take place however this still remains a 'Saved' policy which forms part of the Development Plan.

The age of the Plan means that a number of the Preferred Areas have now been worked out and are no longer available. Two of the Preferred Areas are located at Bent Farm Quarry; one lies immediately to the south/east of the site and another parcel lies to the west beyond Wallhill Lane. The western Preferred Area has been almost entirely taken up by the Bent Farm West extraction site. The other Preferred Area to the south of Bent Farm Quarry is not in the ownership of the applicant, they do not hold legal rights to extract the mineral and extraction in that area is not viable without a willing landowner. The remainder of the Preferred Areas identified in the Plan are located at greater distance from the Bent Farm Plant Site than the proposed Somerford site, with the closest being a further c.1km away.

In relation to any other unallocated land around Bent Farm Quarry which could present a more suitable alternative to the Somerford site, the applicant states that potential sites to the east and north of Bent Farm Quarry are constrained by land ownership, the presence of Loach Brook, and the mineral resources immediately to the north are sterilised by competing development. Land immediately surrounding the Bent Farm West site is also not within the control of the applicant.

It is also noted that the Council undertook a Call for Sites exercise in 2017 to enable landowners and mineral operators to put forward areas for inclusion in the emerging Minerals and Waste Plan (MWP), in order to help ensure provision of a steady and adequate supply of minerals during the Plan period. The applicant submitted the Somerford site as a potential new site for silica sand through this process and the site has subsequently been included in the draft MWP as one of the potential Areas of Search for future silica sand sites under Policy MIN.3. It has also been promoted in a further Call for Sites exercise in December 2022 as part of consultation on the draft MWP. It must be noted however that the MWP has not reached submission stage and therefore carries limited weight.

Objectors to the proposal consider that there is an overprovision of mineral sites in the local area and this proposal should be located elsewhere in the authority or in another part of the country. The cumulative impacts of this proposal and other developments including existing mineral sites have been considered as necessary in the environmental assessments supporting this application. Minerals can only be worked where they occur and also where the land is available to work them, and this limits the potential locations available for extraction. It is also noted that the characteristics of silica sand deposits such as sand grain size, sharpness and chemical purity vary at different locations and therefore silica sand deposits in other locations may not necessarily match the sand specification required for the markets served by Bent Farm, and could result in travel distances to markets increasing to unsustainable levels.

Additionally, silica sand processing has varying degrees of complexity due to the strict specifications of the end user and the processing plant infrastructure requires substantial capital investment. This further restricts options for locating new extraction sites and the applicant makes the case that there is therefore a need to utilise the existing plant processing site at Bent Farm Quarry due to financial and operational requirements.

Whilst the proposed extraction area at Somerford is located some distance from the Bent Farm Plant site, it is considered that sufficient information has been provided both within the planning application and through the submission of commercially confidential information direct to the Council to demonstrate that this is the only viable option to enable the utilisation of the Bent Farm Plant site.

Given the conclusions below in relation to the contribution that this proposal would make towards maintaining an adequate and steady supply of minerals, and the above points, it is concluded that the proposal would not be a departure from the development plan and exceptional circumstances have been demonstrated in this instance to satisfy CRMLP policy 54.

Need, Reserves and Landbank

Cheshire East contains nationally important deposits of silica sand. Silica sands are essential raw materials for glassmaking and a wide range of other industrial and specialist horticultural applications. They are valued for their chemical and physical properties and have to conform to very closely defined specifications depending on its end use. Although sand deposits are widely distributed in the UK, only a very small proportion of these possess the necessary physical and chemical properties to be considered as potential sources of silica sand. Deposits of silica sand are unevenly distributed in the UK and are found in just a small number of locations.

The British Geological Survey (BGS) identifies that the North West of England is the biggest producer of silica sand in the UK accounting for nearly 40% of total production. The applicant states that the Bent Farm Plant Site provides one of the most important sources of silica in the UK with a significant proportion of the UK's silica sand demand (around 10% of the country's total demand) deriving from this site. Specialised sands from the quarry provide the raw material for a wide range of products such as windows, clear glass containers, chemicals and filtration and the applicant states that this site contains proven, high grade specialist sand of the type required to meet the specifications of Sibelco's industrial customers and would continue to be an important national source of supply for high quality glass making sands.

<u>Planning policy requirement and landbank</u>

CELPS Policy SE10 and the NPPF Para 220 states that Minerals Planning Authorities (MPAs) should plan for a steady and adequate supply of industrial minerals (such as silica sand) by maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment. For silica sand, the stock of permitted reserves required by the NPPF is *"at least 10 years for individual sites"* or *"at least 15 years where significant new capital*

is required". Saved Policy 54 of the Cheshire Replacement Minerals Local Plan also requires the maintenance of landbanks of at least 10 years at each silica sand site throughout the plan period.

The proposed development will provide reserves to meet an ongoing need for high quality silica sand for industrial uses and would provide some limited lower quality reserves for other non-industrial uses. Given that the proposal requires significant new capital investment through additional infrastructure at the Bent Farm Plant site and the installation of new pipelines, it is considered that the 15 year policy requirement for industrial minerals could be applicable in this case.

As of December 2023, all the mineral reserves at Bent Farm Quarry have now been exhausted and the remaining reserves at Bent Farm Quarry West are c.885,000 tonnes. Based on an average 10 year sales rate of 294,160 tonnes per annum, there is approximately 3 years of permitted reserves remaining at Bent Farm West which is significantly below the 10 year policy requirement (or 15 years where significant new capital investment is required). When using a 3 year sales average (which provides a better indication of current trends in market demand), the remaining reserves reduce to 2.3 years therefore it is clear that the permitted reserves are significantly lower than the level of provision required in the NPPF, CELPS policy SE10 and CRMLP policy 54.

The proposed Somerford extraction area contains 3.046 million raw tonnes which would be extracted at a rate of 336,636 tonnes per annum. This equates to a supply of c.9 years at the site, and when combined with the remaining reserves at Bent Farm West, would provide a total of c.12 years which meets the 10 year landbank policy requirement but remains below the 15 year required in planning policy for sites where significant new investment is required.

<u>Aggregate position</u>

Cheshire East Council also has a responsibility to maintain a landbank of at least 7 years permitted reserves of construction sand and gravel aggregates over the plan period as required by paragraph 219 of the NPPF and CELPS policy SE10.

The latest Cheshire East Local Aggregate Assessment 2023 (based on data for January to December 2022) identifies that Cheshire East had an estimated 1.9 million tonnes (Mt) of aggregate sand and gravel reserve at the end of December 2022; and based on an annual requirement of 0.462 Mt, this equates to a sand and gravel landbank in Cheshire East of 4.11 years as of December 2022 which is less than the 'at least 7 years' required by planning policy. Given that this data is now 20 months out of date, this landbank position will be lower as no other consents for additional mineral reserves have been granted in that time. It is anticipated that a small proportion of the reserves at Somerford could, after processing, be potentially only suitable for use as an aggregate. Whilst this proportion is likely to be very low, this would nonetheless help to address the deficiency in the current aggregate landbank and make a small contribution to the 7 year requirement which would accord with NPPF, CELPS policy SE10 and CRWLP policy 45.

Objectors have questioned the need for this proposal given the other mineral consents granted at Bent Farm. The information above clearly demonstrates that the remaining permitted reserves at Bent Farm West are very low and well below the policy requirement. Whilst Rudheath Quarry (near Goostrey) was opened when Dingle Bank Quarry closed in 2019, it was not designed to be a direct replacement and so the Bent Farm Plant Site has taken on the shortfall to ensure that market demand continues to be satisfied. The Somerford site would act as a direct replacement of Bent Farm Quarry and Bent Farm West.

On the basis of the above, it is considered that the proposal would accord with CELPS policy SE10, CRMLP policies 45 and 54 and the approach of the NPPF in ensuring the maintenance of sufficient landbank of silica sand at this site.

Demonstration of available mineral resource

A Mineral Resource Assessment has been submitted that estimates there to be an exploitable deposit of suitable volume and quality of mineral to act as a replacement for the reserves at Bent Farm Quarry West. The sand deposit around Somerford has been analysed through a series of boreholes and standpipes across the site and the results demonstrate that the mineral is of a suitable quality to suitable for its end use in foundry and glass applications which reflects the markets currently served by the Bent Farm Plant Site. The individual customer requirements and specifications for the grade of sand can be produced by separating the sand into different size fractions and the Bent Farm processing site would have the production plant required to achieve this. This therefore meets the requirements of policies SE10 of the CELPS, and policy 10 of the CRMLP.

Residential Amenity and Pollution Control

CELPS policy SE12 requires all development to be located and designed so as to not result in harmful or cumulative impacts from all forms of pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Where the effects of pollution cannot be minimised and mitigated, the development will not normally be permitted. SADPD policy HOU12 similarly seeks to protect the adjoining or nearby receptors from unacceptable harm to amenity from environmental disturbance or pollution. The NPPF at paragraph 191 contains similar provisions.

Noise and vibration

CRMLP policy 26 does not permit developments which would give rise to unacceptable levels of noise pollution. The NPPF requires potential adverse noise impacts to be mitigated and reduced to a minimum and proposals should avoid noise giving rise to significant adverse impacts on health and the quality of life. National Planning Practice Guidance (NPPG) advises that noise limits for normal quarry activities should not exceed the background noise level at existing noise sensitive receptors by more than 10dB(A) or a total of 55dB between the hours of 0700 and 1900 hours. For temporary noise generating activities, the recommended daytime noise limit is 70dB for up to 8 weeks.

The noise assessment has calculated short and long-term noise levels at a number of worst case sensitive receptors which have been compared to

measured baseline noise levels. During all phases of the development, there are no predicted exceedances of the recommended NPPG noise levels at any sensitive receptor, and no cumulative effects with any other noise generative development in the area.

A consolidated Noise Management Plan has been submitted covering the existing noise monitoring and mitigation at Bent Farm Plant site and providing additional measures to protect receptors in the vicinity of Somerford Quarry. The plan identifies a range of mitigation to be implemented in the operation of the quarry which includes:

- Establishment of soil screening bunds on the site boundary prior to extraction
- Cladding of the Somerford processing plant;
- Covered conveyor;
- Use of a buried pipeline to transport the mineral to avoid use of HGVs;
- Use of broadband reverse alarms;
- Measures to investigate and address any noise complaints received.

Quarterly monitoring is proposed at the nearest sensitive receptors around the extraction area, pipeline and the Bent Farm Plant site, the results of which would be reported to the Local Planning Authority. Measures are included for reviewing and amending site operations should any noise level be exceeded. The noise assessment identifies that with this mitigation in place, there would be no residual significant adverse noise effects at any of the sensitive receptors and no further mitigation is necessary.

The Environmental Health Officer is satisfied with the proposed method, location and frequency of noise monitoring set out in the noise management plan. Conditions are recommended for compliance with the noise management plan, restrictions on the hours of operation to that set out in the application, and restrictions on noise levels from temporary and operational activities on site to reflect the advice in NPPG. Subject to these being imposed, it is considered that noise arising from the development would not give rise to any adverse impacts on amenity and would accord with CELPS policy SE12, SADPD policy HOU12 and CRMLP policy 26, NANP policy P9 and the NPPF.

Impact from glare

Low level lighting is proposed for mobile and static plant operating during some hours of the winter months which would be located below surrounding ground levels and screened by bunds. There are no changes proposed to the existing lighting arrangements at the Bent Farm Plant Site and no concerns have been raised by the Environmental Health Officer or Landscape Officer with regards to potential for light spill, glare or sky glow from the proposals. No conflict with CELPS policy SE12 or SADPD policy HOU12 is anticipated.

Air Quality

Where a proposal would cause harm to air quality, planning permission will be refused unless the impacts are mitigated (SADPD policy ENV12). Similarly, development is not supported unless mitigation measures are implemented to

minimise dust emissions (CRMLP policy 28). NPPF also requires planning decisions to contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of any Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. The nearest Air Quality Management Area (AQMA) is the Congleton AQMA No.2 (West Road, Congleton) located c.1.7 km to the east of the site.

Local representations have raised concerns over the existing air quality in the area and potential for dust and particulates to result in harm to health, property, wildlife habitats and animals.

Vehicle emissions

With respect to vehicle emissions resulting from the development, the air quality assessment identifies that the proposed level of vehicle increases resulting from the temporary construction traffic would be below the criteria set out in relevant technical guidance where a detailed assessment of emissions is necessary, and there would be no increase in operational traffic from the Bent Farm plant site. As such, it is considered that road traffic emissions impacts would not cause any significant effects.

Combustion gas emissions

The assessment of combustion gas emissions (nitrogen dioxide and carbon monoxide) from the proposed replacement gas engine is based on a worst case scenario of the pollutants being at maximum concentration over a 24 hour/365 days a year basis and demonstrates that the proposed stack height would be sufficient to ensure that the long term nitrogen dioxide impacts are negligible, and short term nitrogen dioxide and carbon monoxide concentrations are insignificant. Equally the predicted concentrations of pollutants at potentially sensitive human receptors and AQMA locations would be insignificant, and emissions are unlikely to pose detrimental effects on ecologically sensitive sites or species.

Dust emissions

Government research shows that dust particles greater than 30 micrometres make up the largest proportion (c.95%) of mineral dusts that would be emitted during minerals operations. The Institute of Air Quality Management (IAQM) guidance on mineral dust states that "*adverse dust impacts from sand and gravel sites are uncommon beyond 250 metres …. it is commonly accepted that the greatest potential for high rates of dust deposition and elevated PM10 concentrations from both large (>30 micrometres) and small dust particles occurs within 100 metres of a source. Intermediate-sized particles (10 to 30 micrometres) may travel up to 400 metres, with occasional elevated levels of dust deposition and PM10 possible. Particles less than 10 micrometres have the potential to persist beyond 400 metres, but with minimal significance due to dispersion*".

There are 12 dust sensitive receptors located within 250m of the dust source, along with receptor positions on five Public Rights of Way. 6 of those receptors

are within 250m of the Somerford extraction area, with the remaining within 250m of the Bent Farm Plant Site.

A range of factors can influence the degree of dust creation on mineral sites including the extraction rate and method, drop heights, moisture content, particle sizes, duration and location of material handling, and weather conditions. The phased approach to working and the varied daily activities would influence the frequency and duration of dust generation depending on where the plant is located and distance to the receptor. As such there would likely be frequent periods of time when mineral extraction activities are either a sufficient distance (greater than 250m) to a receptor or are not occurring for extended periods. Additionally, the use of dredging during some phases would limit dust generation and the sluriffication of the mineral during transport would also reduce the potential for dust when the material is processed at the Bent Farm plant site.

The submitted air quality assessment and dust management plan identifies a range of mitigation and best practice operations to be implemented. This includes:

- Phased site preparation, extraction and restoration to limit disturbed ground and open sand faces;
- Seeding screen bunds and long term stockpiles;
- Dust suppression sprays and damping down of any short term stockpiles;
- Daily visual inspections to identify the need for any additional mitigation;
- Limited vehicles moving around the site and use of covered conveyors and pipelines to transport minerals;
- Use of rubble strip and road sweeper to minimise track out of debris onto the local road network;
- Mitigation to prevent dust and mud transfer to the public highway is already undertaken on the Bent Farm Plant Site;
- Compliance with the existing dust management plan at the Bent Farm Plant Site

Additional boundary dust monitoring is also proposed with samples analysed monthly at a laboratory, and the results compared against baseline levels and relevant guidance in order to identify where dust deposition may lead to complaints. This would allow dust controls measures to be modified as necessary. With this mitigation in place, the air quality assessment concludes that the impact of dust effects on sensitive receptors would not be significant, and no cumulative impacts with other developments in the local area is predicted.

Local representations and Somerford Parish Council are concerned over the scope of the air quality assessment and the number of receptors used that are within 250m of the proposal. They consider that additional air quality monitoring measures both within Somerford and beyond the boundary of Somerford Farm are required and consider that independent monitoring should be carried out.

In response the Council Environmental Health Officers advises that the assessment reflects relevant legislation, policy and guidance. The mitigation and monitoring proposed is already implemented at Bent Farm Quarry and has historically been demonstrated to be sufficient to control dust and ensure no adverse impacts on receptors. The Officer advises that the chosen receptors used in the assessment are representative of those sites with the potential to be most affected, no significant effects are predicted at these receptors, and the assessment adopts a worst case scenario of the plant operations taking place permanently and over the whole area which would not be the case in reality. The Officer considers that the proposed dust monitoring locations are acceptable as they would be positioned outside those properties with the potential for the greatest exposure so would give a good indication as to the dust levels elsewhere. No additional mitigation is considered necessary by the Environmental Health Officer.

On this basis and subject to the proposed mitigation being secured by planning condition, it is considered that any fugitive dust or other emissions would be adequately controlled and would not give rise to any adverse impact on the amenity of residents or the local environment and therefore would comply with NPPF, SADPD policy ENV12, and CRMLP policy 28.

Health and Wellbeing

Representations have raised concerns over the impact of the proposal on health and wellbeing. The potential effects of the development on human health have been considered throughout the Environmental Statement and no significant impacts are identified in the assessments. Controls built into the design of the development and proposed conditions would mitigate and manage any environmental effects to levels which are unlikely to have an impact on human health and wellbeing.

Particular concern has been raised regarding the potential for particulate matter from the mineral operations to lead to harm to human and animal health and the local environment, particularly from silicosis. Reference is made to international research highlighting risks from this disease and a proposed Bill in UK Parliament (Planning (Quarries) Bill) in 2022 and 2023 which sought a presumption against mineral development in close proximity to settlements. It must be noted that this Bill was not progressed through Parliament.

It is important to clarify the distinction between nuisance dust such as that deposited on property and Particulate Matter.

Dust refers generally to particles that have a diameter between 10 and 75 micrometres. Particulate Matter refers to smaller sized particles with a diameter of up to 10 micrometres (known as PM10) and within that is a sub category PM2.5 for particles with a diameter of up to 2.5 micrometres. Respirable crystalline silica is the term used to refer to silica in crystalline form in the PM2.5 fraction. Silicosis is primarily an occupational disease resulting from very high exposure to particulate matter from respirable crystalline silica over a prolonged period.

The Health and Safety Executive advise that '*one of the health risks from working in the quarry industry is that of exposure to fine dust containing crystalline silica (otherwise known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as "silicosis". It usually takes a number of years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease'.*

The Institute of Air Quality Management (IAQM) provides guidance on the assessment of PM10 (which includes PM2.5), advising that a detailed assessment is only required where the background concentrations of PM10 exceeds 17 micrograms/m3, as below this value there is little risk that the proposed development will have any effect. The background PM10 concentrations in the area around the application site are identified in the Defra 2018 background maps as 10.02 - 11.06 micrograms/m3. Particulate matter effects have therefore been considered and screened out for further assessment based on IAQM guidance and the potential effect is concluded to be negligible and not significant. Concern has been expressed in local representations that the Defra data is out of date. The Environmental Health Officer however advises that those maps are the most up to date available and contain predictive data up to 2030 and are therefore acceptable to be used in the assessment.

It is noted that the risks associated with this proposal are low as the conditions required to create high levels of RCS typically involve high energy processing of the mineral such as grinding or crushing taking place inside a building. The Somerford Plant site does not propose any of these activities and is solely to be used for screening out larger particles and for slurrying the sand with water to allow it to be pumped to the Bent Farm Plant site to be dried. The drying of sand at Bent Farm Plant site is an activity that takes place in an internal environment and is subject to the use of control measures (filters etc). This has been carried out for over 40 years and no changes are proposed to that process. The implementation of the dust suppression measures outlined above would also minimise the risk of any RCS emissions from the site.

With respect to the other concerns expressed in local representations, there are no requirements in planning policy or legislation for a separation buffer around mineral sites. The air quality assessment is based on the most relevant technical guidance and demonstrates that the potential for particulate matter effects are negligible, and consultees are satisfied with the scope and conclusions of the assessments.

Whilst understandably local people have expressed concerns regarding potential impacts on human health and this is a material consideration, given the views of the technical consultees and the conclusions of the technical

assessments, it is considered that only limited weight should be attributable to the perception of harm to public health. There is no compelling evidence that clearly demonstrates that the proposed development would pose a potential significant risk to the local population due to RCS. The Environmental Health Officer has raised no concerns over the proposal or over the impacts from PM10 and is satisfied with the scope of the air quality assessment, and CEC Public Health Unit and the UK Health Security Agency (Formerly Public Health England) have been consulted on this proposal and have made no comments. It is considered that the impacts of the proposal would be controlled and mitigated to an acceptable level and the proposal would therefore be unlikely to have a significant adverse effect on public health. As such the proposal would meet the objectives of CELPS policy SC3 and would accord with CELPS policy SE12, SADPD policy ENV12 and the NPPF.

Land Contamination

NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Most of the site has been in agricultural use since the mid-19th Century, with Bent Farm Quarry established in the latter part of the 20th Century. There are also records of a Foot and Mouth burial pit associated with Wallhill Farm. The land contamination assessment identifies that there is no evidence that any contaminants are present in sufficient concentrations to pose a risk to future site users, controlled waters or may contain significant volumes of leachate or gas generating materials. The likelihood of the Foot and Mouth Disease virus surviving within the recorded burial pit to present a biological risk to future site users is negligible and residual concentrations of contaminants within any leachate is unlikely to pose a risk to controlled waters. Additionally, no enclosed spaces are proposed where ground gases may accumulate.

As such, the assessment concludes that the site is likely to be suitable for the proposed use, any contaminants that may be present are unlikely to have a significant impact on sensitive receptors and remedial action is unlikely to be required.

The Contaminated Land Officer raises no concerns with the assessment and recommends a condition to secure a discovery strategy for addressing any suspected contamination encountered. With this mitigation in place, the proposal is considered to accord with CELPS policy SE12.

Water Resources, Flood Risk and Drainage

CELPS policy SE13 requires developments to reduce flood risk and be located in accordance with the sequential approach. Surface water should be managed sustainably and runoff rates should be reduced. Development should also protect water resources, avoid adverse impacts on water quality and quantity and provide opportunities to enhance biodiversity, health and recreation. New developments should comply with the Water Framework Directive by ensuring there is no deterioration in the status of inland waters, unless suitable mitigation measures are in place. SADPD policy ENV16 also sets out a series of criteria

that must be satisfied with respect to managing surface water sustainably and protecting watercourses. SADPD policy ENV17 also states that development proposals will not be permitted that are likely to have a detrimental impact on the flow or quality of groundwater or surface water. CRMLP policy 25 contains similar provisions.

Hydrological and ecological baseline conditions

The extraction area is divided between the catchments of Bagmere and Loach Brook. Surface and groundwater on the Bagmere catchment flows to the west from the mineral extraction area towards the Midlands Meres and Mosses Phase 1 Ramsar site and Bagmere SSSI (1.6km to the west) which is a water dependent designation, and two streams (c.220m to the south and c.360m to the west of the site) flow into this SSSI. Open water and small drains located c.0.5km northwest of the mineral extraction area feed into The Moss and Brereton Heath which in turn then also drains into Bagmere SSSI. The Loach Brook catchment slopes towards the northeast with groundwater from the site providing baseflow to Loach Brook (c.160m to the north) and the River Dane (c.860m to the north). The River Croco also lies c.1.7 km south west and joins up with the River Dane.

Impacts on baseflows in wetlands, watercourses and sensitive habitats

Objections and concerns were initially raised by consultees including the Environment Agency, Natural England and the Council Ecologist and from local representations over the potential significant hydrological effects of the proposed dewatering and discharges on the Midland Meres & Mosses - Phase 1 Ramsar, the SSSI sites at Bagmere, River Dane and Sandbach Flashes, along with Loach Brook and Marsh South of Bagmere Local Wildlife Site. Other concerns included the scope of the hydrological assessment, impacts on water abstraction (including cumulative impacts with other mineral sites) and associated impacts on farming, water quality, scope and extent of monitoring and the need for bespoke mitigation.

The proposals have been revised to exclude dewatering with extraction below the water table now proposed to be undertaken by a dredger. This would ensure there would be no net loss from the catchments as the water volume removed during dredging would be recorded and an equivalent volume returned to the extraction site via the pipelines. During phases where the mineral is extracted dry above the water table, the water used to create a slurry to transport the mineral would be transferred through the existing settling lagoons at the Bent Farm Plant site to allow sufficient settlement to remove any suspended solids and would then be returned by pipeline to the extraction site.

Based on the amended proposals, the hydrological impact assessment concludes:

- There would be no loss of water or addition of water to either Bagmere SSSI or River Dane SSSI catchment;
- There would be no significant drawdown of groundwater levels in the aquifer away from the site;

- No reduction in flow of water in the streams feeding the Midlands Meres and Mosses Ramsar site and Bagmere SSSI, Loach Brook, the River Dane and River Croco;
- There would be negligible effects on Brookhouse Moss SSSI, and the Moss at Brereton Heath;
- Direct rainfall run-off to the surrounding watercourses would reduce as the void created during extraction would cause rainfall to infiltrate groundwater and remain within the catchment, providing baseflow support to streams.
- There would be no cumulative impacts in combination with the operation of nearby mineral sites.

As such, no significant impacts are predicted on the groundwater levels or baseflows in nearby wetlands, watercourses and sensitive habitat sites. Natural England support the use of dredging and withdraw their objection subject to the mitigation set out in the Biodiversity section of this report. The Environment Agency also support the amended proposals and advise that their concerns regarding adverse impacts on groundwater have been addressed.

Impacts on waterbodies and local abstractions

The small waterbodies and ponds located in the vicinity of the mineral extraction area would be unaffected by the proposal as they are entirely recharged from rainfall. There are four licenced groundwater abstractions located within a 4 km radius of the mineral extraction area which are used for general agriculture and mineral washing, the closest of which is c.300 m south of the mineral extraction area. The Environment Agency initially objected due to potential adverse impacts on nearby abstractions resulting from the lowered water table and concerns over the scope of the assessment. Following the removal of dewatering, the effects on all nearby abstractions are assessed as negligible and not significant. The Environment Agency agree with these conclusions and are now satisfied with the potential impacts on any groundwater abstractions.

Impacts following restoration

Natural England raised initial concerns over the ability to recreate the pre-extraction hydrological conditions on site following restoration. The assessment confirms that on restoration, there would be unimpeded groundwater flow through the aquifer and no significant net loss of water from the catchment. Any potential for sediments to adversely affect any hydrological link between the lake and aquifer would be limited, and the lake has been designed with capacity to accommodate any potential water level rise resulting from settlement of sediments. As such the restoration conditions would closely mimic previous groundwater conditions and both Natural England and the Environment Agency are now satisfied with the proposals.

Water quality impacts

Local residents are concerned that sediment could block local watercourses, reduce water quality and harm biodiversity, with reference made to recent discharges from the quarry which is claimed to have caused pollution to nearby watercourses.

Bent Farm Quarry currently discharges water to Loach Brook under a permit regulated by the Environment Agency which requires monitoring and mitigation of any suspended solids. The proposed extraction at Somerford Farm would not require any off-site discharges to local watercourses, therefore there would be no additional risk to groundwater or surface water quality and no anticipated significant changes to the water sedimentation in Loach Brook and River Dane SSSI.

A range of operational best practice and mitigation would be implemented to address any risk of suspended sediments from on-site runoff. This includes:

- No uncontrolled surface water runoff of contaminated water;
- Runoff retained within the mineral extraction area during soil stripping and material stockpiling;
- Use of perimeter bunds to redirect surface water into the mineral extraction area;
- Seeding of stockpiles and bunds to prevent erosion;
- Silt fences to intercept any sediment within the runoff until storage areas are sufficiently vegetated;
- Vegetation in the periphery areas providing further natural filtration of sediments;
- Implementation of a Construction Environmental Management Plan as detailed further below.

Given these measures and the distance from the soil mounds to the site boundary, the concentration of suspended sediments in any runoff would be similar to that currently experienced on the site. Should any spillages occur which pose a contamination risk, these would be retained within the active quarry void and managed in accordance with the quarry's existing standard operational procedures. The implementation of these measures could be secured by planning condition.

Natural England were initially concerned over the potential for pollutants trapped in underlying rocks to reach ecologically designated sites, or for pollutants to flow along the pipeline during its installation. No contamination is anticipated from this greenfield site, the aquifer is expected to have good natural filtration capabilities and the pipeline would be installed at shallow depth in a trench, and would be isolated from the aquifer or above the level of the natural water table, as such there would be no impact on groundwater flow. Potential for contamination along the pipeline route would be mitigated by adopting standard best practice operational procedures in its installation. Natural England are now satisfied with these impacts subject to mitigation measures being secured (as detailed in the Biodiversity section of this report). The Environment Agency are also satisfied with the impact on water quality and refer to Natural England's advice as the technical lead on this matter.

<u>Water monitoring scheme</u>
A water monitoring scheme is proposed for the operation and restoration of the site which includes the installation of additional monitoring boreholes between the site and Bagmere, water metres to record daily transfer volumes between

the two plant sites, monitoring of the groundwater, lake levels, water quality and annual reporting to the Council. Natural England and the Environment Agency have reviewed the scheme and are satisfied with these arrangements subject to their inclusion in the review process and subject to periodic checks of monitoring boreholes and repair or replacement of those damaged or lost which can be secured by condition. The implementation of the monitoring arrangements and provision of off site monitoring boreholes could be secured by planning condition and a s106 legal agreement.

Impact on peat

Natural England initially raised concerns that, should the areas of peat located to the west outside of the application site become hydrologically isolated or affected by soil or water changes, it may no longer be capable of restoration and degrade with resulting adverse effects from carbon emissions. The applicant notes that the exclusion of dewatering and removal of associated impacts on groundwater levels, flow, catchment diversion and water quality would mean there would be no link between the proposed development and the peat and therefore no adverse impacts. Natural England are satisfied with these points.

Water framework directive impacts

The hydrological assessment considered that the proposed development would have no significant impact on the quantitative or chemical status or objectives for the Weaver and Dane Quaternary Sand and Gravel Aquifers waterbody, and no significant impact on the ecological and chemical objectives of the two surface waterbodies, or the hydrological regime supporting element. No concerns or comments have been made by Natural England or the Environment Agency on this matter.

On the basis of the views of the Environment Agency and Natural England, and subject to the implementation of the mitigation identified above it is considered that the proposal would not result in any adverse impacts on groundwater, surface water or water quality and would not result in adverse impacts on any designated ecologically sensitive sites or local groundwater abstractions. As such it would accord with CELPS policy SE13, SADPD policies ENV16 and ENV17, and CRMLP policy 25.

Flood risk and drainage

The application site lies in Flood Zone 1 with a low probability of flooding from rivers. Areas of Loach Brook to the north lie within flood zone 2 however any peak river height would still be well below the elevation of the application site. Sand extraction is identified as a ‘water compatible’ land use in the NPPF and is therefore appropraite for this location, and the application of the Exception Test is not necessary. There is no anticipated risk of groundwater flooding due to the depth of the groundwater table. Some areas of the application site are identified at high risk of surface water flooding however given the geology and design of the proposals, the risk is very unlikely.

The Council Flood Risk Management Officer initially objected due to insufficient information on the periphery areas of the site, potential for increased surface

water runoff leaving the site due to the proposed temporary bunds, and the need to consider land drains in the extraction area. Local representations have also expressed similar concerns, particularly the potential for water to flow onto the A54 and adjacent land.

The flood risk assessment and surface water management strategy note that:

- The presence of higher ground between the site and A54 would prevent most surface water runoff flowing onto the highway, aside from one area in the north east where the proposed screening mound would direct water inwards towards the excavation. The volumes and rates of off-site runoff in that area would be significantly reduced as a result of the proposed bunds;
- As the extraction void increases, there would be a corresponding reduction in off-site greenfield runoff as water would drain inwards into the excavation and then infiltrate naturally into the underlying sand;
- Removing the upper till would improve the infiltration pathways into the sand below which would have a beneficial effect in surface water management;
- The increase in impermeable area created by Somerford Plant site and access road would be mitigated by the perimeter bunds and drainage designs which would direct runoff into the excavation;
- Any land drains on the mineral extraction area would be retained and remain functional for as long as the progressive extraction permits. Appropriate silt control measures would be put in place around screening bunds and overburden areas to prevent existing drains from silting up due to mobilised sediments from the laying of loose soil;
- Overall the proposal would not result in any increase in runoff rates and volumes leaving the site;
- On restoration, surface water would flow into the proposed lake which has been designed with sufficient allowance for any lake level rise (taking into account increases for climate change) and the water would infiltrate into the aquifer providing a flood risk betterment compared to the pre-development conditions. There is therefore no risk of runoff leaving the mineral extraction area and the risk to off-site receptors would not be increased.

With respect to the need for a maintenance strategy, recommendations are made in the surface water management strategy for frequent inspections of the silt fences for sediment build up and compliance with this strategy could be secured by planning condition. On this basis, the Council Flood Risk Management Officer confirm that they are satisfied with the proposals.

Nature Conservation

CELPS policy SE3 seeks to protect areas of high biodiversity value. Proposals affecting internationally designated sites are not supported unless there are no alternatives, imperative reasons of overriding public interest are demonstrated, and compensatory measures are provided. Development which would adversely affect a Site of Special Scientific Interest (SSSI) are not normally permitted and exceptions should only be made where the benefits of the

development, at this site, clearly outweigh both the impacts on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Proposals which would have a significant impact on a site with a local or regional designation, valued habitats or species would not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. All development should aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Impacts on International and European designated sites

The internationally designated Midland Meres and Mosses Phase 1 and Phase 2 Ramsar sites lie within 1.7km and 8.8km of the application site. The site also falls within the Impact Risk Zone for several SSSI, including Bagmere SSSI (1.5km away), Brookhouse SSSI (1.7km away), Holly Banks SSSI (1.6km away) and River Dane SSSI (0.8km away).

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant Effects'. The applicant has prepared a 'shadow' Assessment of Likely Significant Effects and Appropriate Assessment (Shadow HRA), the conclusions of which are set out below and the full assessment is available to view on the file.

The Shadow HRA has assessed the potential for any significant effects in combination with other plans or projects within 10km radius of the site and concludes that there will be no significant impact on any designated sites. In the absence of mitigation, it concludes that there could be impacts upon Bagmere SSSI and the Midland Meres and Mosses Phase 1 Ramsar due to potential degradation of the habitat through direct and indirect changes in hydrological processes; and as such an Appropriate Assessment is required to consider those impacts judged likely to have a significant effect and assess whether they would result in an adverse effect on the integrity of the qualifying features of the sites.

The Appropriate Assessment identifies that, with respect to potential risks from road traffic emissions, no designated site falls within the recommended distance. Dust monitoring and management is proposed and construction activities would not have significant impacts on qualifying bird species associated with Sandbach Flashes SSSI and the site is not considered functionally linked to the SSSI. The restoration proposals would also have a positive impact by creating ecological corridors for qualifying bird species.

The Appropriate Assessment takes account of proposed mitigation measures to address potential adverse impacts on hydrology as detailed in the water resources, flood risk and drainage sections of this report. This includes a surface water management strategy with measures to reduce off-site discharges and avoid sediment-laden emissions to external watercourses that interact with designated sites. With the mitigation in place, the Shadow HRA demonstrates that there will be no increase in runoff rates and volumes leaving the Site, and no decrease in water quality off site, and therefore no significant impact to the qualifying features of the designated sites, including Midland

Meres and Mosses Phase 1 Ramsar, Bagmere SSSI and River Dane SSSI, will occur.

Natural England concur with the conclusions of the shadow HRA, subject to the embedded mitigation being secured by condition. This includes the submission of a construction environmental management plan (CEMP), and will incorporate the Emergency Spill Response Plan, Dust Management Plan, Noise Management Plan, Arboricultural Impact Assessment / Tree Protection Plan and species specific Precautionary Working Method Statements. Natural England also recommend the implementation of the water monitoring scheme, surface water management strategy and compliance with design and restoration plans. They also advise that the proposal would not have significant adverse impacts on Sandbach Flashes SSSI. The Council Nature Conservation Officer advises that the Council adopts the shadow HRA and supports the conditions requested by Natural England.

Impact Local Wildlife Sites, Bluebells, Hedgerows and Common Toad

Given that there would be no groundwater drawdown, no significant adverse effects on Pool Wood or Marsh South of Bagmere Local Wildlife Sites are predicted. There would be a loss of Bluebell habitats which are priority species and which would result in an adverse impact significant at the local scale however translocation of bluebell habitat is proposed, the details of which could be secured by planning condition. The proposal is also likely to have a localised adverse impact on Common Toad (a priority species) as a result of loss of terrestrial habitat however the Nature Conservation Officer advises that the mitigation for great crested newts would address any impacts and the proposed new waterbodies created on site in the restoration would present long term benefits.

The proposed development would result in the loss of 610m of existing hedgerow, including loss of one classified as 'Important' under the Hedgerow Regulations (251m lost) with a corresponding loss of biodiversity. 1.154m of new hedgerow will be planted during as part of the restoration planting scheme, which is in addition to the 1.85km of retained hedgerow on site, of which 0.84km would be enhanced as part of the proposal. Whilst compensatory hedgerow planting is proposed, the loss of hedgerows (a priority habitat) is a material planning consideration and any loss that provides a significant contribution to the amenity, biodiversity, landscape or historic character of the area requires a demonstration of clear overriding reasons for allowing the development and no suitable alternatives (CELPS Policy SE5). Where impacts are unavoidable, there must also be a net environmental gain. The strategic overriding economic reasons for the development are set out above and it is considered that there are no suitable alternatives for the reasons set out in this report. The proposal has also maximised hedgerow retention as far as possible and the Nature Conservation Officer advises that the proposed replacement planting is sufficient to address that lost. As such it is considered that the proposals accord with CELPS Policy SE5.

Great crested newts and bats

Great Crested Newts (GCNs) were found within one pond within the Somerford extraction area and a further five off-site ponds close to the application site boundary. In the absence of mitigation the Nature Conservation Officer advises that the proposal would result in the loss of a great crested newt breeding pond and terrestrial habitat, and a risk of this species being harmed during the construction phase.

Vegetation and waterbodies on site have also been identified as key foraging and commuting features for bats, particularly on the southern site boundary. A number of trees were identified as having high or moderate potential suitability for roosting bats and one tree proposed to be felled has evidence of a minor roost for a relatively common bat species. The Nature Conservation Officer advises that the use of the tree is likely to be limited to small numbers of animals for short periods of time, and there is no evidence of a significant maternity roost present. The loss of the roosts associated with the trees on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

It should be noted that since European Protected Species have been recorded on site and are likely to be adversely affected by the proposal, the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license 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

The economic benefits of mineral extraction in maintaining supplies of locally and nationally important reserves and contributing to the required mineral landbanks are set out above. Whilst there may be some disturbance or harm to small numbers of these populations; any such harm could be appropriately managed and mitigated. Given this, the proposal contributes to meeting an imperative public interest, and that interest is sufficient to override the protection of, and any potential impact on great created newts and bats, setting aside the proposed mitigation that can be secured.

Alternatives

There is an alternative scenario that needs to be assessed which is no development on the site. In this case, the mineral can only be worked where it is found and satisfactory evidence has been provided to demonstrate there are no other sites surrounding the application site which could act as a suitable alternative.

Detriment to the Maintenance of the Species Population

The Nature Conservation Officer advises that whilst a number of GCN ponds would be lost, these provide poor quality breeding habitat and have poor surrounding terrestrial habitat. A greater number of ponds would be provided in the restoration proposals including a large lake which would significantly increase the available standing water habitat on site and the pond habitat would be of higher quality and would be managed specifically for amphibians. Whilst there would also be a reduction in the total extent of terrestrial habitat available, the Nature Conservation Officer advises that this is low value habitat which would be replaced by habitat of higher quality. The proposed increase in hedgerow provision and enhancements to retained hedgerows would also provide higher quality foraging, commuting and hibernating habitat for amphibians.

The Nature Conservation Officer advises that with this compensation in place, this would maintain the favourable conservation status of the species. Planning conditions are recommended for the submission of details of ponds, and a method statement of amphibian Reasonable Avoidance Measures.

With respect to roosting bats, the maintenance of the vegetation on the southern boundary would allow connectivity to the wider landscape. The Nature Conservation Officer advises that the proposed tree planting, bat boxes and supervision of tree felling by licenced ecologist are likely to maintain the favourable conservation status species of this bat species. Planning conditions are recommended for updated bat surveys and tree assessments, mitigation report prior to each phase of development and revised lighting proposals to mitigate light spill on hedgerows.

The Nature Conservation Officer also advises that there would be a significant impact on foraging habitat at a local scale and the restoration proposals should ensure that this is adequately compensated for through habitat creation. This is assessed as part of the Biodiversity Metric considerations below.

Impact on breeding birds

Small numbers of breeding pairs of priority bird species, which are a material consideration for planning, were recorded on and adjacent to the site. The Nature Conservation Officer advises that the proposal is likely to result in significant impacts at the local level due to the direct loss of habitat and disturbance during operations. An abundance of suitable breeding bird habitat is however available in the wider landscape and the extent of suitable habitats that would be affected is proportionally very small. The proposals would not lead to a significant loss of suitable habitats or of fragmentation effects and the extraction process is likely to inadvertently create suitable temporary habitat for some priority bird species associated with open habitats. On completion of the restoration, there would be a significant increase in the quantity of available breeding and nesting habitat for birds, with significant net gains for woodland and scrub habitats, and significant enhancements to the hedgerow network.

The Nature Conservation Officer recommends a planning condition to safeguard nesting birds and advises that sufficient compensatory habitat should be provided as part of the restoration process in relation that lost. This is assessed as part of the Biodiversity Metric considerations below.

Impact on badgers

Disused sets have been identified in the area. The progressive extraction and restoration would result in habitat loss however there is sufficient habitat in the wider area to sustain the population therefore no significant effects are likely. Following restoration, there would be a significant increase in the quality of commuting and foraging habitat. The Nature Conservation Officer raises no concerns over the impact on badgers and recommends updated badger surveys are secured by planning condition prior to each phase of development.

Impact on brown hare

This priority species was recorded on site. The proposed development would result in the loss of an area of suitable habitat which would result in a localised adverse impact and pose a risk of harm to young hares during site clearance works. The restoration proposals would compensate for this loss and would significantly increase the diversity and quality of habitat. The Nature Conservation Officer raises no concerns subject to reasonable avoidance measures being submitted for approval and implemented.

Hedgehog and Polecat

These two priority species have been recorded in the vicinity of the application site and are likely to occur on at least a transitory basis. There would be a loss of an area of suitable habitat resulting in a localised adverse impact upon these species and a risk of harm during site clearance works. The Nature Conservation Officer advises that the restoration proposals would compensate

for any loss of habitat and a condition is recommended to secure the implementation of avoidance measures during the operational phase.

The applicant proposes the provision of ecological precautional working method statements for all site establishment and operational phases which would follow best ecological working practices for the habitats and species identified, and would be updated as necessary throughout the development. This would form part of the Construction Environmental Management Plan.

Restoration

CELPS policy SE3 part 5 requires proposals to aim to positively contribute to the conservation and enhancement of biodiversity. SADPD policy ENV2 states that proposals should provide a net gain in biodiversity in line with the expectations of national policy and should be supported by a biodiversity metric calculation. NPPF requires opportunities to improve biodiversity to be integrated into developments, especially where this can secure measurable net gains for biodiversity.

As detailed above, the proposed restoration scheme incorporates an increased area of restored agricultural grassland (14.22ha), a large waterbody (11.33ha), new native woodland planting (1.645ha), tree planting (no.27), hedgerows (1.154m), a series of field ponds (0.30) along with aquatic planting (0.24ha), mosaic shrub planting (0.36ha), species rich grassland (5.26ha) and areas of wet grassland (0.51ha). Where possible existing habitats and features would also be retained and enhanced. The Nature Conservation Officer notes that some new or improved habitats would be provided as part of the advanced works in the site establishment and the phased approach to working and restoration provides opportunities for the creation of valuable temporary habitats during extraction. A Habitat Creation Plan and Landscape Environmental Management Plan would provide details on the proposed habitats, long term management and monitoring objectives, work schedules and timescales, both of which could be secured by planning condition and would ensure that the land is restored in an acceptable condition and timescale.

The Nature Conservation Officer advises that the restoration proposals offer an opportunity to include an unvegetated island which would offer ground nesting bird habitat of County value. The applicant advises that this is not technically feasible due to long term geotechnical risks in the placement and stability of the material and potential to slump into the lake. It would also result in the sterilisation of a significant amount of nationally significant mineral. These considerations are accepted.

Concern has been raised in local representations about the impact of the prolonged use of the Bent Farm Plant site on the restoration of Bent Farm Quarry and the ability to complete the restoration of Bent Farm Quarry in time. The Bent Farm Plant site has been included within the boundary of this planning application and would be subject to the planning conditions set out in this report which would require the land to be restored within the stipulated timescales. The wider Bent Farm Quarry site is subject to a separate planning permission with corresponding requirements for restoration and aftercare.

Aftercare management

On completion of the restoration works, a 5-year management period is proposed for the majority of habitats on site, with 10 years proposed for individual trees and 12 years for some of the hedgerows. The longer management period would be assigned to those specific habitats that require an extended period to reach their target condition. An assessment has been submitted in accordance with the Defra Biodiversity Metric which demonstrates that with these aftercare timescales in place, the restoration scheme would provide a net gain exceeding 10% for the majority of the habitats. An Aftercare Management and Future Maintenance Plan is proposed to detail the aftercare management and monitoring activities to be carried out during the proposed aftercare period which could be secured by planning condition.

The Nature Conservation Officer and Cheshire Wildlife Trust consider that a 30 year management period is required to ensure the habitats are fully established and without that being secured, consider that the proposal cannot truly be said to deliver a biodiversity net gain.

In respect of aftercare requirements, planning legislation makes it clear that mineral planning authorities cannot require any steps to be taken after the end of a statutory 5 year aftercare period without the agreement of the minerals operator; and similarly Saved policy 42 of CRMLP requires mineral development to be subject to a programme of five years of aftercare management. There is however a requirement in the SADPD policy SE3 to provide a net gain in biodiversity, and to secure long term habitat management to ensure the habitats achieve both their target value and are maintained into the future.

Taking the legislative and policy requirements into account, the applicant considers that the proposed aftercare arrangements are appropriate and proportional to the management of the individual habitat types; noting that:

- c.41% of the proposed restoration scheme comprises agricultural grassland which would not require extended management as it would revert back to farmland and be subject to standard agricultural management;
- the proposed lake (the second largest habitat established) would not require any long term ongoing management beyond the five years proposed;
- the features that require a longer time to reach their target condition are the individual trees and hedgerows which would have 10-12 years management;
- the five year aftercare arrangements proposed are consistent with those required on Bent Farm West and the Bent Farm Plant Site;
- the proposed restoration scheme would provide a net gain in area based habitats of 20.68% and a net gain of 60.37% for hedgerows.

It is noted that there are no provisions in planning policy stipulating the need for a 30 year management plan; and the statutory Biodiversity Net Gain (BNG)

requirements for 30 year habitat management do not apply to this development due to the date the legislation requirements came into force.

Whilst it is accepted that a five year management period would be unlikely to fully satisfy the requirements of policy SE3 in that it does not provide for long term management into the future; given the significant level of ecological mitigation proposed, the nature of the restoration scheme with large proportions of the land restored to agricultural grassland and a lake, and given that the biodiversity offset metric calculations still identifies that there would be an overall net gain for biodiversity delivered by the proposal, it is considered that the approach proposed by the applicant is proportionate and as such a 30 year management period could not be justified in this case. The proposal is therefore considered to comply with CELPS policy SE3, Saved policy 42 of CRMLP, SNP policy N3, and BNP policies ENV03 and ENV04.

Highway impacts

SADPD policy INF3 requires new development to provide safe access for all highway users, ensure that development traffic can be satisfactorily integrated into the existing highway network so that it would not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network, and not generate movements of heavy goods vehicles on unsuitable roads, or on roads without suitable access to the classified highway network. CRMLP Policy 34 has similar provisions and states that the volume of and nature of traffic should not create an unacceptable adverse impact on amenity or road safety. CELPS Policy SE10 also supports the transportation of minerals by alternative methods. The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111).

Site access

Local representations have expressed safety concerns over the proposed new access. The access has been designed using the results of speed surveys and proposes visibility splays of 2.4m by 160m which reflects DMRB standards. Appropriate warning and direction signage would also be provided in accordance with a construction traffic management plan, the implementation of which could be secured by planning condition. No concerns are raised by the Council Strategic Infrastructure Manager regarding the design or location of the proposed access arrangements.

Impact on the local highway network

During the site establishment, the construction traffic would generate 100 daily movements (50 in, 50 out) over a 12 month period, comprising 60 HGV and 40 car/van with the majority of movements generated during the AM peak. The Council Strategic Infrastructure Manager considers that this would not result in any long term traffic impacts on the local highway network and recommends that details of traffic management and parking arrangements during the pipeline construction be included in the construction traffic management plan.

Operational traffic is predicted to generate 158 HGV movements per day which is the equivalent of 9.8 trips per hour over a 16 hour working day. This figure is based on a worst-case scenario which takes account of the permitted imports to the site (200,000 tonnes per annum of sand/soil) and the historical maximum sand sales rate (400,000 tonnes per annum). It also assumes (as a worst case) that all import vehicles would arrive laden and depart unladen and the reverse would apply for all export vehicles, whereas in reality some vehicles would wait on-site to be loaded following unloading. The predicted worst-case scenario based on the historical maximum sand sales represents an increase of 1.5 trips per hour compared to the historical average generated at the Bent Farm Plant site, and this increase is assessed as being imperceivable to existing road users and would not constitute a 'severe' impact in line with NPPF. The Council Strategic Infrastructure Manager advises that this would not result in any material traffic impact on the highway network and no highway objections raised. A planning condition could be imposed to control the number of vehicle movements from the plant site.

The HGVs would continue to access the Bent Farm Plant site via A534 and Wallhill Lane, and would utilise four long established routes on the local highway with the A536 Wolstenholme Elmy Way and its two new roundabouts aiding three of the four routes. The existing restriction preventing HGVs from travelling on Wallhill Lane south of the processing plant could be imposed by condition.

With regards to local concern over transport of mineral by HGV until the pipeline is constructed, the applicant has agreed to a planning condition restricting any transfer of mineral to the processing plant by HGV, and confirmed that there are no proposals to extract mineral before the pipeline is established.

Highway safety

Concerns have been raised by local resents over the potential for highway safety impacts particularly arising from the new entrance on A54. The Transport Statement identifies that there have been five incidents in the last five years, (three on A54 Holmes Chapel Road, two on A534) and these incidents were as a result of driver error, with weather being a contributing factor. No accidents have occurred on Wallhill Lane in the vicinity of the access to Bent Farm Plant Site. The Transport Statement identifies that there is no evidence to suggest that there is a highway safety issue that would be exacerbated by this proposal, equally no concerns are raised by the Strategic Infrastructure Manager.

Access via sustainable modes

Given the rural location of the site there are limited options for access to the site by employees via sustainable modes of transport however there are bus services 300m from the Bent Farm plant site which connect to Macclesfield and Crewe via Congleton with up to two services per hour, and there are several cycle routes in the western part of Congleton and connecting to Childs Lane to the south of the plant site. With respect to the sustainable transportation of minerals, it is accepted that the need to utilise the existing plant site means that transport of material by modes other than road is not viable.

In view of the proposed level of HGV movements and the views of the Strategic Infrastructure Manager, it is considered that the proposal would provide adequate access arrangements and would not present an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe. This would accord with CELPS policy SE10, SADPD policy INF3, CRMLP policy 34, SNP policy T1, BNP policy TRA01, NANP policy P21 and the NPPF.

Public rights of way and recreation

The proposed pipeline route crosses footpath Brereton FP21 and Newbold Astbury FP11. Measures to safeguard users of the public rights of way during the pipeline construction would be detailed within the proposed Construction Traffic Management Plan. The PROW officer has provided advice on the content of the plan and the submitted details could be agreed in consultation with the PROW unit. Subject to the imposition of the above conditions it is considered that the proposal would not conflict with the provisions of SADPD policy INF1 which requires proposals to ensure they do not lead to the loss or degradation of a public right of way and the proposal would accord with CRMLP policy 33 which requires no unacceptable adverse impact on or net loss of a public rights of way.

With respect to local concern over the lack of public access in the restoration plan, it is noted that the land will be returned back to functional agricultural land and ecological habitat, the latter of which could be sensitive to and adversely affected by disturbance from public access. A delicate balance needs to be achieved between any public access and the protection of sensitive wildlife habitats, and in this instance given the habitat management measures proposed which would ensure delivery of a net gain for biodiversity and given the extent of footpaths already available in the area, it is considered that it is not appropriate to require further public access due to the potential adverse impact on biodiversity on the site.

Forestry

CELPS policy SE5 and SADPD policy ENV6 do not support proposals that would result in the loss or threat to any trees, hedgerows or woodlands that provide a significant contribution to the amenity, biodiversity or character of the surrounding area, except where there are clear overriding reasons for allowing the development, there are no suitable alternatives and a net gain is demonstrated. SADPD policy ENV6 requires proposals to put in place appropriate measures to secure the long-term maintenance of newly planted trees.

There are no trees within the site that are subject to a Tree Preservation Order. The proposal would result in the loss of 15 individual trees and 14 groups of trees (or part thereof), all of which are located within the application boundary. Of those lost, 4 trees would be category A, 10 trees and 9 tree groups would be Category B, and a further 10 trees and 9 tree groups would be Category C. The majority of trees that would be removed would be of moderate quality

representing approximately a third of Category B tree cover on the site. Whilst over 60% of Category C trees would be removed, this reflects the relatively small proportion of these trees on site. The Council Arboricultural Officer acknowledges that the nature of mineral extraction means it is necessary to extract large areas of land and it may be impractical to retain specific trees, and notes that whilst the loss of any high value trees is regrettable, this would be taken into account in the overall planning balance.

Local residents, Somerford Parish Council and the Council Landscape Officer consider that the proposed access should be redesigned to avoid the loss of two oak trees on the northern extraction boundary. It is noted however that these trees are not impacted by the proposed new entrance. One lies entirely with the mineral extraction area and would require removal to facilitate extraction, the second lies on the extraction boundary and would require removal for the same reason and is also assessed as being low quality with decay and root loss. The Council Arboricultural Officer notes that these trees exhibit arboricultural features that inhibit their long-term future life expectancy and consequently no objections are raised to their removal. Replacement planting by the end of year 2 of the development is proposed to mitigate this loss, and the position of the access has been designed to take advantage of an existing field access that would ensure minimal disturbance to the existing hedgerow.

The submitted restoration plan includes provision for 27 trees and 1.64ha of woodland blocks which the Council Arboricultural Officer considers sufficient to compensate for losses on site and would provide an environmental net gain in terms of increased tree cover. The Arboricultural Officer's views regarding the proposed period of aftercare reflect those set out by the Nature Conservation Officer which is addressed in the Biodiversity section of this report.

The Council Forestry Officer raises no objection subject to the phasing and monitoring of any tree protection measures included as part of an Arboricultural Method Statement, which could be secured by planning condition. It is considered that these provisions would accord with CELPS policy SE5, SADPD policy ENV6, SNP policy N2, and NANP policy P12.

Cultural Heritage and Archaeology

CELPS policy SE7 requires the character, quality and diversity of the historic environment to be conserved and enhanced. All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of the historic and built environment, including the setting of assets and where appropriate, the wider historic environment. CRMLP policies 19, 20 and 21 seeks to ensure development does not have any adverse impacts on areas of archaeological potential or known sites of archaeological importance and requires the development to secure adequate mitigation to protect the asset. NPPF and CRMLP Policy 24 have similar provisions.

<u>Built heritage impacts</u>

There would be no adverse impacts upon the setting of any listed buildings, the closest of which is c.740m to the east and screened by intervening local

topography and vegetation. A Roman Camp (Scheduled Monument) is located c.110m east of the Bent Farm Processing Plant site. There would be no impact upon this asset or its setting from the proposed development.

The southern mineral extraction boundary follows the township boundary between Somerford Radnor and Brereton-cum-Smethwick which is defined by an existing hedge and ditch and which would remain in place as a result of the development. The proposed pipeline follows the township boundary between Somerford and Brereton before crossing the boundary between Brereton and Newbold; both of which are defined by hedgerows which are classified as 'important' under the Hedgerow Regulations 1997. These hedgerows would only be disturbed across two short sections which would be replanted upon restoration. Given the nature of the proposal, the distance to the nearest heritage asset, and the local environment, the heritage assessment concludes that any setting impacts are unlikely to be significant. Equally no significant impacts on historic landscape character are predicted. The Heritage Officer raises no objection or concerns to the scheme.

Archaeological impacts

There is a low potential for below ground archaeological remains to be present within the proposed extraction area and no significant direct impacts are anticipated. The route of the pipeline has a medium potential for below ground remains and the Cheshire Archaeological Planning Advisory Service recommends a programme of archaeological mitigation comprising of archaeological observation and recording during the excavation for the pipeline trench between Woodfield house and Wallhill Farm, and targeted trenching where the pipeline crosses the township boundary in accordance with a written scheme of investigation to be agreed with the Local Planning Authority. Subject to this mitigation being secured by planning condition, it is considered that the proposal would accord with CELPS policy SE7, and CRMLP policies 19 – 21, and policy 24, BNP policy ENV09 and NANP policy P18.

Soils and agricultural land

CRMLP policy 30 does not permit developments on Best and Most Versatile (BMV) agricultural land unless it can be demonstrated that the restoration will ensure the minimum irreversible loss of the amount and quality of agricultural grade of the land; and on completion the land is capable of sustaining an agricultural use. CELPS Policy SD2 requires all development to avoid the permanent loss of agricultural land quality of 1, 2 or 3a BMV unless there is a strategic need for the development.

The proposed extraction area currently comprises c.20.44 ha of BMV land (15.64ha of grade 2, and 4.8ha of grade 3a), whilst the proposed pipeline route comprises c.4.56ha of BMV land (2.2ha of grade 2 and 2.3ha of grade 3a). The restoration of the extraction area would provide c.14.32 ha of agricultural land comprising c.13.55ha of grade 2 BMV land, whilst a further 0.77 ha of Grade 3a land would be retained for the duration of the development. The remainder of the site (peripheral areas on the north, western and southern banks of the lake) would be restored to ecological habitats. The proposed pipeline route would temporarily affect c.4.56ha of BMV land (2.21ha of grade 2 and 2.35ha

grade 3a) however the land along its route would be restored back to the same grade, resulting in no net loss of BMV land and the pipeline would be installed in sections to minimise impacts.

The overall net effect of the proposal would be the loss of c.6.12ha of BMV land. This is due to lake that would be formed by mineral extraction and the need to provide for biodiversity habitats on site.

The submitted soil management plan sets out the sustainable management practices to be implemented to ensure they are protected from damage and retain sufficient quality to be used in the restoration of the site. The implementation of this plan could be secured by planning condition.

The Council Landscape Officer recommends further soil surveys to consider associated impacts such as compaction from the use of the conveyor, and also considers that BMV grade of at least the same or better quality should be achieved. Natural England, in their role as statutory consultee and technical lead on development involving BMV agricultural land, soils and the restoration of minerals sites to agriculture, are however satisfied with the proposals subject to a range of conditions being imposed in respect of soil management. As such it is considered that the scope of the assessment and the impacts on soil resources and BMV land is acceptable subject to the conditions recommended by Natural England. The proposals would therefore accord with CELPS policy SD2, CRMLP policy 30, and BNP policy ENV0.

Land stability

CELPS policy SE12 states that development will only be deemed acceptable where it can be demonstrated that any land instability issues can be appropriately mitigated against and remediated, if necessary. The NPPF states that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability.

There is a general duty on the mineral operator to ensure the safety of quarry excavations under the Quarries Regulations 1999 and quarries are regulated and inspected by the Health and Safety Executive to ensure the stability of quarry faces during the operational phase of the development. It is the long-term stability of the final restored quarry slopes that is of concern to the Local Planning Authority to ensure there would be no potential impact on the landscape or third party property or persons.

The submitted land stability report has been independently assessed by the Council's geotechnical engineer which included a review and modelling of the proposed restored slope to assess the possible risk of slope failures, and to assess the potential for any slope regression beyond the application site boundary onto neighbouring land. The modelling has considered all three slopes and identifies that the restored slopes would be stable. It also notes that there would be a buffer in excess of c.18m between the top of the slope and the application site boundary therefore the risk of any significant land instability on third party land and infrastructure or risk to the public is low. It is therefore

considered that the proposal would accord with CELPS policy SE12 and the approach of the NPPF.

Landscape and visual impacts

All development should conserve the landscape character and quality, and where possible enhance features that contribute to any local landscape distinctiveness. Appropriate landscaping should be proposed which reflects the character of the area and preserves local distinctiveness (CELPS policy SE4). SADPD policy ENV3 contains similar provisions and policy ENV5 requires an appropriate landscape scheme which responds sympathetically to local topography, landscape and natural features, and provides for appropriate maintenance and aftercare. Similar requirements are set out in Policies 15 and 17 of CRMLP.

Landscape character impacts

The Landscape and Visual Impact Assessment (LVIA) identifies that the loss of agricultural land and wooded vegetation during the extraction would deplete the key characteristics of Landscape Character Area 7e 'Brereton Heath' which would have a moderate to major adverse effect for a temporary period until the site is restored. In terms of overall landscape capacity, the loss of vegetation and change in land use would have some local adverse effects however these would be of limited extent and would not present overriding significant adverse effects to both the character and value of the adjoining landscape. No adverse impacts are identified on the Dane Valley Local Landscape Designation.

Visual impacts

Receptors would experience some views of the operations through gaps in existing vegetation, particularly during the early site preparation phase for Somerford however the boundary soil bunds would assist in screening a significant proportion of the views. Furthermore, the depth of extraction and phased restoration would assist in mitigating the visual impacts and limit the overall amount of exposed working area. The visual impacts are assessed as being moderate adverse at worst case. The Somerford plant site would be visible to some receptors however the buildings would have an agricultural appearance, they would be partially screened by existing vegetation, and their scale, massing and appearance would not have any significant adverse visual effects.

In respect of impacts along byway Brereton RB23 where it abuts the Somerford extraction site for users who have an elevated viewpoint such as horse riders and cyclists, the LVIA notes that views in this location are often at an acute angle with only partial views into the site due to intervening vegetation and landform, and similar impacts as set out above would apply. The proposed screen bunds either side of the existing area of mature trees along that section of the boundary would provide visual and acoustic screening for all receptors. The PROW officer raises no concerns subject to the bund height on this section of the boundary being increased to 3m which could be secured by planning condition.

The proposed development includes a range of embedded mitigation. This includes:

- The direction of extraction enables the wooded vegetation to be retained for the maximum period;
- Temporary boundary screen bunds, particularly in the north eastern and south western corner offer partial screening to Somerford Farm, adjacent properties, users of the public right of way to the south west and those situated along A54;
- Close board fencing between the proposed access and the extraction area;
- Retention of large sections of the existing boundary vegetation;
- Buried pipeline to transport the mineral;
- Use of covered conveyor to limit need for mobile plant on site;
- Design of the Somerford Plant site to reflect the agricultural nature of the locality;

The restoration scheme is assessed as presenting a slight beneficial enhancement on the immediate landscape character and the proposed habitats would compliment the current landscape character.

The Landscape Officer raises concerns over the impacts from the pipeline construction and associated infrastructure (along with the associated maintenance/access). Given the short 6 month construction period however, any landscape impacts would be temporary and the land would be reinstated as part of the wider site restoration, and the details of the construction access to the pipeline could be included in the proposed CEMP. The officer also shares the same concerns raised by other consultees regarding the aftercare timescales which is addressed elsewhere in this report.

The Council Landscape Officer is in broad agreement with the conclusions of the LVIA and advises that conditions are required for details of hard landscaping, planting, maintenance and management. This would be included within the Habitat Management Plan and LEMP. Subject to securing these measures, it is considered that the proposal would not present any significant adverse landscape and visual impacts and satisfactory restoration scheme has been proposed. As such the proposal accords with CELPS policy SE4, SADPD policies ENV3 and ENV5, CRMLP policies 15 and 17, SNP policy D1, BNP policy ENV05, NANP policy P9, P11 and P26.

Economic and cumulative impacts

CELPS policy SD1 requires development to contribute to creating a strong, responsive and competitive economy and policy EG2 encourages the retention and expansion of existing businesses. NPPF Paragraph 85 indicates that significant weight should be applied to supporting local economic growth and productivity. It also states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs, and great weight should be applied to the benefits of mineral extraction including to the economy. The above sections of this report address the considerations in respect of strategic need for silica.

The applicant confirms that 26 people are directly employed within the site in manual, skilled and semi-skilled roles, the majority of which reside within Cheshire East whilst indirectly 11 people are employed on-site in a range of contracted roles. The proposal would safeguard these roles and add another further 2 permanent positions. Additionally, the Bent Farm Site also utilises the services of a range of local businesses.

The proposed development is in accordance with the NPPF and policies SD 1 and EG 2 of the CELPS as it would support the local economy through direct local employment, supporting an existing business and would provide indirect benefits to the local economy through the use of local goods and services.

Cumulative impacts

Under the EIA Regulations, an assessment of cumulative impacts has been undertaken which considers both the effects of multiple major developments in combination with this proposal, and also the cumulative effects of multiple environmental impacts such as noise, dust etc from this proposal on any one receptor. The assessment identifies that there are no other major developments in the local area which together with the proposed development would result in a significant cumulative effect. With respect to any interaction between different environmental effects from this proposal on any receptor, the assessment identifies that whilst there are some temporary significant effects on some receptors at certain stages of the development, it is not considered that these would be further exacerbated by interactions from other environmental effects and with the mitigation in place, there would be no significant environmental effects as a result of the proposed development arising from the interaction of different impacts on common receptors.

Climate change

The development would act as a replacement for the operations undertaken at the Bent Farm West site and there are no major amendments proposed to the scale or nature of operations carried out at the Bent Farm Plant Site, or the manner in which the product is exported or likely customer base. There are also no significant increases proposed in terms of the number of vehicle movements and no changes to the anticipated routing of vehicles. The vulnerability of the proposed development to climate change as a result of flooding has been assessed, as has the potential for the scheme to increase the risk of flooding elsewhere. The carbon impacts of soil disturbance are noted however the restoration scheme would assist in providing for carbon sequestration and climate resilience, such as through habitat creation, water storage, and progressive restoration.

Local objectors have also raised concerns that there are deposits of peat on the extraction site which should be protected from development in accordance with the provisions set out in the NPPF. The ground investigations and soil resource survey carried out for this application have not identified any evidence of any substantial peat deposits on the application site.

Other considerations

The proposed development will not affect the operational integrity or safety associated with any officially safeguarded aerodrome and Manchester Airport raise no objections in respect of aerodrome safeguarding. The proposed development is in accordance with Policy GEN 5 of the SADPD.

The Site lies in the Jodrell Bank Radio Telescope Consultation Zone however given that the proposed development will be a direct replacement for the operation at Bent Farm West and would be over 7.5km away, it is unlikely to impair the efficiency of the telescope and would have no impacts in relation to the historic environment and visual landscape setting of the Telescope. Jodrell Bank have been consulted and advised that they have no comments to make on this proposal. As such, the proposed development is considered to be in accordance with Policy SE 14 of the LPS.

There is concern over the potential need for further time extensions in the future with prolonged harm to local residents. This would require a further planning application which would be subject to normal statutory consultation and assessment.

Concerns have been raised by local representations over the scope and conclusions of the environmental assessments and consider that they should be independently assessed. In accordance with the requirements of the EIA Regulations, the environmental assessments have been prepared by competent experts and the planning application has been examined by a range of statutory and non statutory technical consultees. Concerns have also been raised over the nature of consultation and assessment of this application. The procedures for consultation and assessment of the planning application have followed standard legislative and Council requirements which are applied to the determination of all planning applications.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is 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) Fair and reasonably related in scale and kind to the development.

It is considered that the matters required as part of the application are justified meet the Council's requirement for policy compliance. As set out above, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

On this basis the scheme is compliant with the CIL Regulations 2010

Planning Balance and Conclusion

As set out above, national planning policy recognises that minerals are essential to support sustainable economic growth and requires an adequate

supply to be maintained to meet the needs of the country. Since minerals are a finite resource and can only be worked where they are found, and where there is land available to work them, this limits the locations available for extraction at any point in time and it is important to make the best use of then in order to secure their long-term conservation. The NPPF requires Local Planning Authorities to give great weight to the benefits of mineral extraction, including to the economy, and as far as practical provide for the maintenance of landbanks.

Silica sand is considered to be an essential raw material of national importance due to its unique physical and chemical properties and the fact that it is found in only a small number of locations in the UK. The Bent Farm West site contributes a significant amount to the overall national supply providing approximately 10% of the total UK demand. It provides an important raw material for a range of products to the glass manufacturing sector, and other industrial uses including the production of sports sands, chemicals and filtration.

It is clear that the remaining reserves at Bent Farm West are significantly lower than the 15 year supply required in the NPPF and CELPS policy SE10, and the reserves are likely to be depleted within 3 years. The proposal would release a substantial amount of silica sand which is required in order to meet planning policy requirements and which is required to provide a steady and adequate supply of industrial minerals to the economy. It would also make a small contribution towards the maintenance of a 7 year landbank for aggregate sand required by planning policy. The proposal would also safeguard existing employment and generate some additional employment opportunities, as well as providing indirect economic support to local businesses. As such this meets the requirements of the NPPF, policies MP1 and SE10 of the CELP, and CRMLP Saved Policies 45 and 54.

The economic benefits of the scheme are therefore clear and considered to be significant, and in accordance with the NPPF, are given great weight in the overall planning balance.

The application site is not located in a Preferred Area identified by CRMLP policy 54 however sufficient evidence has been provided to demonstrate that there are no other Preferred Areas available and no other land that could present a more suitable alternative, and it is considered that exceptional circumstances have been demonstrated in respect of tat policy. Mineral development is also considered to be an appropriate use of land in the Open Countryside and the proposal accords with CELPS policy PG6.

The scheme would also provide a range of other long term environmental benefits on completion of the site restoration including net gains in habitat and tree provision, increased quantity and quality of hedgerow and pond provision, and increased diversity and quality of other habitats.

Balanced against this must be the negative impacts arising from the scheme. This includes the loss in overall quantity of BMV agricultural land however it is acknowledged that this is due to lake created by mineral extraction and the

need to provide for biodiversity habitats on the site. There would be some adverse impacts on landscape character and visual amenity arising during some stages of the development, and some adverse impacts to biodiversity and vegetation provision due to the progressive nature of working and restoration. The potential impact arising from the conflict with SADPD policy SE3 with respect to the proposed habitat aftercare period has also been taken into account along with the impact arising from the perception of harm to public health.

This application has been assessed against relevant policies in the development plan and other material considerations. Overall, it is considered that the extensive range of proposed mitigation and planning conditions would control the majority of impacts to within nationally acceptable standards, any remaining adverse effects of the development would be acceptable and would not be sufficient to outweigh the significant economic benefits presented by the extraction of this nationally important mineral and the other policy considerations.

The development is therefore considered to comply with the requirements of the saved policies of the CRMLP, policies of CELPS, SADPD, neighbourhood plan policies and represents a sustainable form of development that would support sustainable economic growth in accordance with the requirements of the NPPF.

RECOMMENDATION

APPROVE subject to a S106 Agreement with the following Heads of Terms:

S106	Amount	Triggers
Off-site groundwater monitoring	**Provision of off-site groundwater boreholes and associated monitoring**	**To be installed and then monitored in accordance with the provisions set out in the Somerford Water Monitoring Scheme' by Stantec December 2023' contained with the Environmental Statement Addendum Appendix D**

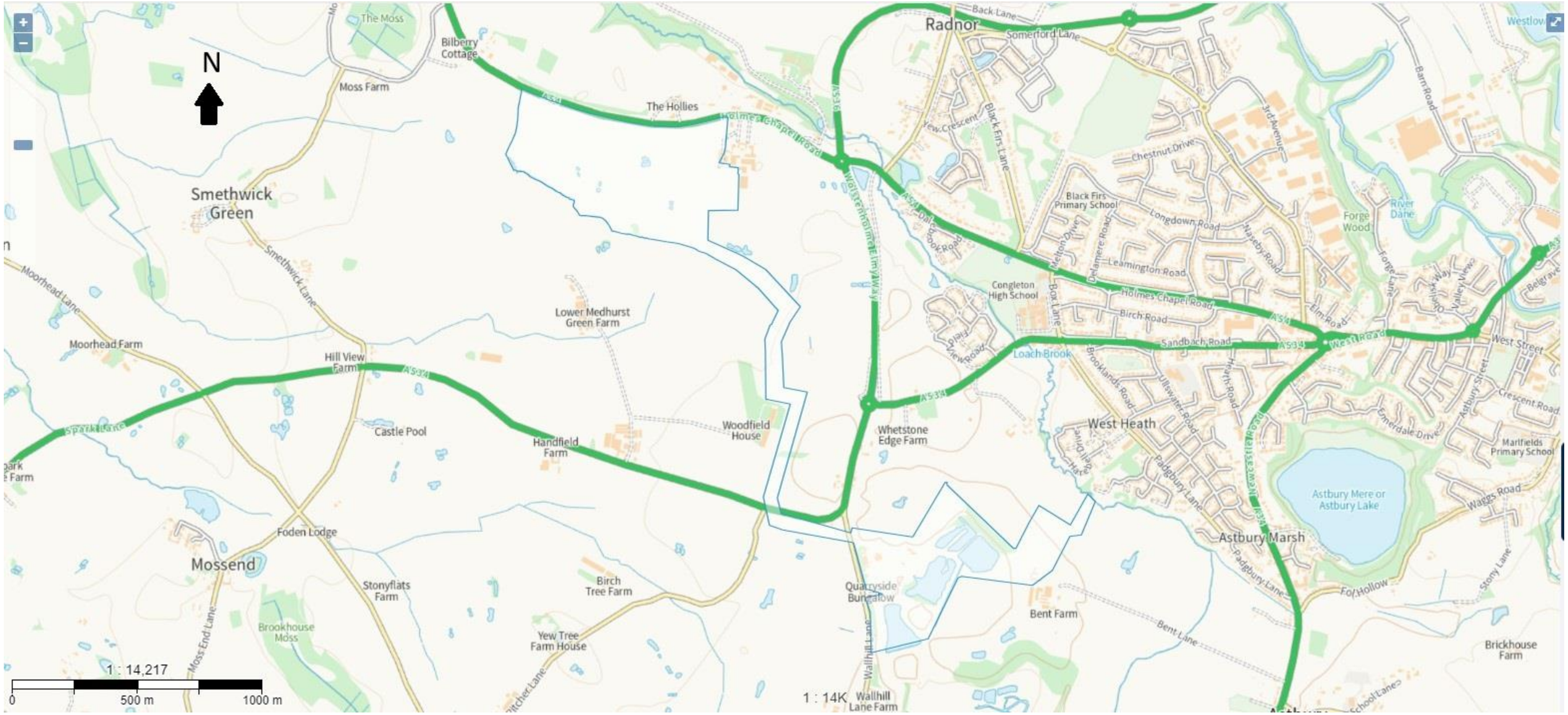
And the following conditions:

1) Commencement and notification
2) Approved plans
3) Restrictions on depth of working

4) Timescales for operations and restoration
5) Hours of operation
6) Restrictions on site access and routing to avoid south of Wallhill Lane
7) Wheel cleaning
8) Deposits on the highway
9) Sheeting of vehicles
10) Number of HGV movements
11) Control over the importation of material other than soils and minerals
12) New quarry access to be provided prior to phase 1 and thereafter maintained and used throughout the development
13) Restrictions on transport of mineral to the Bent Farm Plant site by road
14) Soil handling in accordance with soil management plan
15) No export of soils
16) Noise limits
17) Noise mitigation and monitoring
18) Maintenance of plant and machinery
19) Implementation of dust management plan
20) Submission of construction environmental management plan incorporating emergency spill response plan, precautionary working method statement, construction access arrangements
21) Compliance with water monitoring scheme
22) Compliance with the Flood Risk Assessment and Surface water management strategy
23) Implementation of water quality mitigation identified in the Hydrological Impact Assessment
24) Storage of materials harmful to water quality
25) Compliance with Arboricultural impact assessment and submission of arboricultural method statement and updated tree protection plan.
26) Restoration of the site in accordance with the restoration plans and submit a habitat creation plan for approval
27) Implementation of contaminated land scheme
28) Compliance with Ecological mitigation in the EcIA and sHRA
29) Landscape Environmental Management Plan which includes details for translocation of bluebells, details for new or enhanced ponds, reasonable avoidance measures for amphibians, brown hare, hedgehogs and polecats, updated bat surveys and tree assessments, bat mitigation report, revised lighting details
30) Nesting birds
31) Updated badger surveys
32) Submission of aftercare management and future maintenance plan and aftercare timescales
33) Submission of a construction traffic management plan
34) Submission of details of archaeological mitigation
35) Implementation of soil management plan
36) Details of bund adjacent to RB23

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

consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.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Smethwick Green
Mossend
Radnor
West Heath
Astbury Marsh
Astbury Mere or Astbury Lake
Moss Farm
The Moss
Bilberry Cottage
The Hollies
Holmes Chapel Road
Lower Medhurst Green Farm
Moorhead Farm
Moorhead Lane
Hill View Farm
Castle Pool
Handfield Farm
Woodfield House
Whetstone Edge Farm
Foden Lodge
Stonyflats Farm
Birch Tree Farm
Yew Tree Farm House
Brookhouse Moss
Quarryside Bungalow
Bent Farm
Wallhill Lane Farm
Congleton High School
Black Firs Primary School
Loach Brook
Forge Wood
River Dane
Marlfields Primary School
Brickhouse Farm
Sandbach Road
West Road
West Street
Birch Road
Leamington Road
Longdown Road
Chestnut Drive
Back Lane
Somerford Lane
Barn Road
Padgbury Lane
Bent Lane
Waggs Road
Crescent Road
Emerdale Drive
Fol Hollow
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