

Application No: 10/3078W

Location: DINGLE BANK QUARRY, HOLMES CHAPEL ROAD, LOWER WITHINGTON, SK11 9DR

Proposal: Application to Extend the Time of Operations, Dingle Bank Quarry near Chelford - Application to Vary Conditions 7 and 8 of Planning Permission 5/05/0751 to Increase the Period of Time by just under Six Years for Completion of Operations (Including Restoration)

Applicant: Mr D Walton, Sibelco UK Ltd

Expiry Date: 30-Nov-2010

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

- Principle of the Development
- Impacts on Local Amenity
- Landscape and Visual Impacts
- Impacts on Green Belt
- Ecology
- Groundwater and Hydrology
- Impacts on Local Highway Network

1. REASON FOR REFERRAL

This application has been referred to the Strategic Planning Board, as the scheme concerns a major minerals development.

2. DESCRIPTION AND SITE CONTEXT

The application site comprises a 25 hectare area of land on the south eastern edge of Dingle Bank Quarry known as Capesthorne (Acre Nook East), which was formed as an extension to the main quarry by virtue of planning permission 5/05/0751 granted consent in 2007. Dingle Bank Quarry is located to the south of Chelford, approximately 10km to the south west of Macclesfield and 10km North West of Congleton. Access to the quarry is from the A535 which runs from Holmes Chapel to Chelford.

The quarry extracts white sand which is principally used for the production of float glass and Gawsworth sand which is used for construction and sports/horticulture uses. Sand is extracted by the front-end loader and transferred to the processing plant in the south west by conveyor.

Acre Nook East forms one of three remaining areas of the site where mineral extraction is still continuing. Approximately 10 hectares of Acre Nook East remains unworked, of which less than 7 hectares are undisturbed with the remainder of land being used as for temporary screening and storage areas.

The site is located in flat rural area comprising of farmland, hedgerows and woodland which was planted as part of the mitigation for the quarry site. The existing vegetation and screen mounding ensures that the majority of active workings or site infrastructure is not visible from the south on Whisterfield Lane/Whitcroft Heath Lane or from the east on Congleton Lane where the closest residential properties are located.

3. DETAILS OF PROPOSAL

Dingle Bank Quarry has been operational for over 75 years. Consent was granted in January 2007 by virtue of planning permission 5/05/0751 for a south eastern extension to sand extraction to form Acre Nook (Capesthorpe). Condition 7 of that permission requires cessation of mineral extraction by 8 January 2011, with restoration complete by 8 January 2013 (condition 8). Due to economic conditions the applicant is now seeking to extend this period for a further 6 years with cessation of mineral extraction by 31st December 2016 and completion of site restoration by the end of 2018. The application relates solely to an extension of time for mineral workings and restoration with no other changes proposed to the scale, location or processing of mineral extraction; and no changes proposed to the approved site restoration.

An extension of time would enable the remaining mineral reserves in Acre Nook East to be extracted simultaneously with other areas of the site and progressively restored in accordance with the approved restoration scheme. A separate application has been submitted to extend the time for working on the main Dingle Bank Quarry site (reference 10/3080W) which is considered separately.

The application is supported by an Environment Statement which has been prepared in accordance with the Town and Country (Environmental Impact Assessment) (England and Wales) Regulation 1999.

5. POLICIES

National Guidance

MPS1 Planning and Minerals

MPG 15 Provision of Silica Sand in England

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS7 Sustainable Development in Rural Areas

PPS9 Biodiversity and Geological Conservation

PPS 23: Planning and Pollution Control

Local Plan Policy

Cheshire Replacement Minerals Local Plan (CRMLP)

Policies

1 Sustainability
9 Planning Applications
15 Landscape
17 Visual Amenity
22 and 23 Nature Conservation
25 Water Environment
26 and 27 Noise
28 Dust
34 Highways
54 Future Silica Sand Extraction.

Borough of Macclesfield Adopted Local Plan 2004 (MLP)

Policies
DC3 Amenity
DC19 and DC20 Water Resources
NE2 Protection of Local Landscape
NE3 Landscape Conservation
NE11 and NE14 Nature Conservation
In the MLP the site lies within the Green Belt.

6. OBSERVATIONS OF CONSULTATION

Environmental Health: The current noise and dust control mitigation measures imposed under previous application (5/05/0751) are appropriate to ensure noise and dust issues are controlled through the period of proposed time extension.

Archaeology: No objection subject to the continuation of mitigation required by consent 5/05/0751, namely a watching brief during topsoil stripping of remaining areas to be worked.

Nature Conservation: No objection subject to provision of outline badger method statement

Highways: No comment

Countryside and Rights of Way Officer: No objection

Spatial Planning: No objection

Environment Agency: No objection

Natural England: No objection. Advice provided in respect of protected species.

Jodrell Bank: No comment

7. VIEWS OF TOWN/PARISH COUNCIL – no response

8. OTHER REPRESENTATIONS

None

9. OFFICER APPRAISAL

Principle of the Development

Government policy regarding Silica sand extraction is set out in MPG15, which seeks to ensure an adequate and steady supply of mineral resource is made available through the creation of a 10 year landbank of permitted mineral reserves. The MPG states that the need for the mineral must be balanced against environmental constraints and MPG15 recognises that there may be overriding environmental reasons why the stock of permitted reserves at some sites may not be replenished as they are used up.

Concerns have been expressed in relation to the proposed length of time extension and the need for further extensions of time in the future.

Consent 5/05/0751 (granted in 2007) for the extension to the quarry site into Acre Nook East permitted a further 490,000 tonnes of silica sand reserves and 1million tonnes of Gawsorth sand to be extracted until the end of 2010. The applicant recently undertook a review of permitted mineral reserves for the entire Dingle Bank Quarry site in mid 2010; at which point the total remaining permitted reserves were estimated at 3 million tonnes. A lower rate of extraction has been observed over recent years than was anticipated in the previous consent 5/05/0751, with extraction rates falling from 0.9 tonnes per annum (t.p.a) in 2007 to 0.6m t.p.a in the past year; and the forward extraction rate is estimated to be circa 0.5 t.p.a. Based on these extraction levels, the applicant considers a 6 year extension necessary in order to fully exploit the mineral reserves and achieve effective restoration. This also allows for an element of flexibility to cater for further fluctuations in demand which MPG15 recognises are associated with the silica sand market.

Whilst a 6 year time extension is considered reasonable, the extraction rate does fluctuate depending on market conditions. As such it is not possible to rule out the need for further extensions of time in the future. The alternative to permitting an extension of time is to cease extraction at this site and renegotiate a revised restoration scheme based on the current level of working on the site, with a volume of permitted mineral reserve left unexploited. MPG15 and CRMLP acknowledge the importance of Silica sand as a national resource and seek to ensure that an adequate and steady supply of Silica sand is maintained from all sources. Dingle Bank quarry is the only UK source of silica sand for float glass production and a principal supplier of sand to the glass industry. MPG15 recognises the limitations in extracting Silica sand, such as scale of investment required, which means there are only a limited number of locations where extraction is economically feasible and states that these matters should be addressed in any consideration of the length of any permission which may be granted. It states that it is desirable that high grade silica sands should as far as possible be conserved for use where they are required.

In view of these points, it is considered an extension of time for a further 6 years would be a reasonable timescale to permit the full exploitation of a nationally important mineral reserve and help to maintain the remaining landbank which would accord with MPG15 and CRMLP Policies P1 and P54.

Impact on Local Amenity

Noise and dust

MPS2 and policies 9, 26, 27 and 28 of the CRMLP require that the impacts of noise and dust emissions associated with mineral working are suitably assessed and controlled in accordance with Government guidelines.

A detailed assessment of the noise and dust impacts of the proposal was undertaken to inform the previous application (5/05/0751) which demonstrated that noise levels were in compliance with existing limits and there were no unacceptable impacts from dust generated by site activities. Appropriate mitigation measures have been established on site and regular monitoring ensures that noise and dust levels generated by operations at the site accord with current environmental standards. The Environmental Health Officer considers continuation of existing mitigation measures are appropriate to control any noise and dust impacts during the additional time period for mineral operations. As such this would accord with MPS2, PPS23, policies 9, 26, 27 and 28 of the CRMLP and policy DC3 of the MBLP.

General Amenity

Concern has been raised over general amenity issues associated with the proposed time extension, and a request has been made to ensure strict controls over quarry operations particularly associated with night time working.

No amendments are proposed to the working practices on the site, nor has an application been made to vary the planning condition relating to hours of operation. It is considered that all general amenity issues have been assessed and mitigated through the existing consent, and are suitably controlled through planning conditions and other legislation. Controls over hours of operation for mineral extraction and plant maintenance are in place through the existing consent (5/05/0751) and other legislation. Such controls would remain in place by replication of earlier planning conditions should planning permission be granted. It is considered that this would be sufficient to ensure compliance with planning policy including policies 9 and 37 of the CRMLP and policy DC3 of MBLP.

Landscape and Visual Impacts

An assessment of visual impact undertaken to inform the previous application concluded there would be a slight adverse effect upon the landscape during extraction but upon restoration the effect would be moderate to beneficial. The site benefits from mitigation in the form screening mounds and advanced planting which is well established and ensures a limited zone of visual influence, especially from adjacent residential properties. The land in Acre Nook East has already been largely disturbed and so there would be no further impact on Landscape and Visual character, and such impacts are likely to lessen over time as the mitigation planting becomes more established. As such it is considered that the scheme accords with MPS1, policies 9, 15, 17 of the CRMLP and Policies DC3, NE2 and NE3 of MBLP.

Impacts on Green Belt

PPG2 acknowledges that mineral extraction in the Green Belt need not conflict with the purposes of including land in the Green Belt provided that high standards are maintained and the site is well restored.

The principle of development in the Green Belt has already been established through the original consent for the site. The site is well screened by existing vegetation and the advanced planting screen serves to reduce noise and visual impacts associated with the mineral operations. Whilst the application would prolong the period within which there would be an impact on the openness and visual amenities of the Green Belt, there would be no increase in the degree of harm over this period as the operations would remain the same, and the degree of intrusion into the openness of the Green Belt will continue to reduce as restoration progresses and mineral working areas reduce. As such it is considered that the scheme would not present any significant undue harm on the Green Belt and would not conflict with PPG2 and MPS1.

Ecology

An updated ecological assessment has been undertaken for the site which considered the botanical and habitat value of the land to be stripped to be of limited ecological importance. An active badger outlier sett is present on the site. An outline badger method statement has been submitted which details the measures to be carried out to avoid harm, in accordance with Natural England guidance; the scope of which is acceptable to the Nature Conservation Officer.

The assessment acknowledges there could be significant interim benefit associated with an extension of time in that further development of the existing habitats and species of ecological importance will provide material which will benefit the restoration of Acre Nook extension. Equally there could be long term benefits in that the longer the habitats are present, the greater amount of plant material available to provide a base for colonisation into marginal areas of the new lake. Overall it is considered that the any impacts are suitably controlled by existing planning conditions and the scheme would accord with CRMLP Policy 9, 22 and 23; and MBLP Policies NE.11 and NE.14.

Groundwater and Hydrology

A detailed assessment of the impacts of extraction on surface and groundwater was undertaken to inform the previous application (5/05/0751). A subsequent precautionary approach for monitoring groundwater levels, particularly for Snape Brook has been implemented as required by planning condition on consent 5/05/0751 in agreement with the Environment Agency. Given that there are no changes propose to scale, method or location of extraction, or to the restoration scheme proposed, and in view of the mitigation already in place, it is considered that the extension of time would have no additional effects upon groundwater control and hydrology of the site. The Environment Agency have no objections to the scheme. As such this would accord with Policies 9 and 25 of CRMLP; and Policies DC19 and 20 of MBLP.

Impact on Local Highway Network

The impact of quarry activities on local roads was raised as an issue for objection, particularly associated with the loss of Lapwing Lane. A request was also made to ensure any consent secures future maintenance of local roads serving the site. The impact of the mineral extraction and restoration of the site on the local highway network has been addressed by previous consents. The ES submitted with this application indicates that the low rate of future

mineral extraction is not likely to result in any increase in vehicle movements on the site and is expected to remain well within existing levels as stipulated in the existing consent. The maintenance of local highway network is the responsibility of the local highways authority. Conditions imposed on the existing consent relating to control of vehicle movements would be replicated on any consent to ensure existing controls remain in place. As such no adverse effects are anticipated and the Highways Officer raises no objections to the application. This is considered to accord with MPS1, PPG13, Policies 9 and 34 of CRMLP, and Policy DC3 of MBLP.

Other matters

As no other changes are proposed to mineral operations apart from an extension of time, there are not anticipated to be any other adverse environmental impacts associated with the extension of time for mineral extraction that have not been previously assessed as part of the application (5/05/0751). The mitigation established with regards to archaeology under the existing consent will remain in place, along with all other requirements for monitoring established by consent 5/05/0751.

11. CONCLUSIONS

There are not anticipated to be any significant planning issues raised by the scheme that have not previously been considered by the existing consent. Whilst the application would increase the length of time for mineral operations, the impacts associated with this are considered to be acceptable.

12. RECOMMENDATION:

Approve subject to the following conditions:

1. Mineral extraction to cease by 31st December 2016

2. Extraction areas to be restored by 31st December 2018.

The replication where relevant of the existing 57 conditions attached to the current permission for the quarry that deal with:

Matters requiring approval

Hours of working

Traffic movements and protection of local highway network

Soil handling

Methods of working

Plant, machinery and buildings

Noise

Dust

Surface water drainage, pollution control

Lighting

Site maintenance

Ecology

Restoration

Aftercare

Location Plan



