

Application No: 10/3080W

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 3 and 4 Planning Consent 05/06/2558 to Increase the Period of Time by Six Years and 2 Months 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
- Impact on Local Amenity
- Landscape and Visual Amenity
- Impact on Green Belt
- Restoration and Public Access
- 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 240 hectare application site 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 site is located within a predominantly flat, rural area consisting of a mixture of farmland, hedges, small copses as well as restored and current operation land of the quarry. The site lies in the Green Belt in the Macclesfield Adopted Local Plan (MLP).

Dingle Bank 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 of the site by conveyor.

The site comprises of current mineral extraction areas, plant and processing area, interim and restored land. Approximately 12 hectares of the site remains unworked, and of that, less than 3.3 hectares are undisturbed. Three remaining areas of the site are actively being worked for mineral extraction namely at Parkland to the west; centrally at Lapwing Lane and a parcel of land in the south east corner (Acre Nook East). The former extraction areas of Acre Nook West and Lapwing Hall are both in the final stages of restoration with the creation of three waterbodies, wildflower and woodland planting. Restoration of the remainder of the site is being carried out in a progressive manner, with sections of Parkland and Lapwing Lane having interim restoration in preparation for the rise in water table once dewatering activities cease in the area.

Existing screen mounding and extensive tree planting ensures that the majority of active workings or site infrastructure is not visible from either the west (A535), Lapwing Lane or Congleton Lane to the east and an existing parcel of woodland to the south of Lapwing Hall also help to screen site activity from residents on Lapwing Lane.

The closest residential properties lie along Lapwing Lane and along Congleton Lane, most notably at Lapwing Cottage, Hackney Plat, Foden Bank Farm, Spotted Hall Farm, The Lodge, and Oakwood Farm.

Temporary diversions of public footpaths on the site and permissive Rights of Way have been provided as part of previous consents on the site and are still in place.

3. DETAILS OF PROPOSAL

Dingle Bank Quarry has been operational for over 75 years. Consent was granted in 1994 by virtue of planning permission 5/70745 to extend quarrying activities into three new areas of the site at Lapwing Lane; Lapwing Hall and Parkland. A further application was approved in 2007 to extend the time of working by 4 years (consent 5/06/2558). Condition 3 of that permission requires cessation of mineral extraction by 1st November 2010 with restoration complete by 1st November 2012 (Condition 4).

Due to economic conditions the applicant is now seeking to extend this period for a further 6 years and two months with cessation of mineral extraction proposed to be by 31st December 2016, completion of restoration areas by end of December 2018 and completion of plant areas by end of December 2019. 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 Parkland, Acre Nook and Lapwing Lane to be extracted. Parkland will continue to be extracted and restored as per the proposed phasing. Lapwing Lane and Acre Nook will be extracted simultaneously, and once Acre Nook is fully worked and restored, the remaining areas of Lapwing Lane will be completed.

A separate application has been made to extend the time for working at the Acre Nook extension on the south eastern edge of the quarry (reference 10/3078W), 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
MPS2 Controlling and mitigating environmental effects
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 Resources;
26 Noise;
54 Future Silica Sand Extraction.

Borough of Macclesfield Adopted Local Plan 2004 (MBLP)

Policies

DC3 Amenity;
DC19 and Dc20 Water Resources;
NE2 Protection of Local Landscape,
NE3 Landscape Conservation,
NE11 and NE14 Nature Conservation.
In the MBLP the site lies within the Green Belt.

6. OBSERVATIONS OF CONSULTEES

Environmental Health: The current noise and dust control mitigation measures imposed under previous application (5/06/2558) are appropriate to ensure noise and dust issues are controlled through the period of proposed time extension.

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

Highways: No comment

Countryside and Rights of Way Officer: No objection

Environment Agency: No objection

7. VIEWS OF TOWN/PARISH COUNCIL – no response

8. OTHER REPRESENTATIONS

Two letters of objection have been received from local residents raising the following issues:

- Continued impacts of quarrying on visual amenity and its Green Belt location;
- Continued noise and disturbance associated with quarrying activities
- Condition of local roads;
- Potential for further applications to extend the time;
- Length of time extension proposed is excessive.

Councillor Johnson has submitted a personal representation. Whilst not objecting to the scheme, raises the following issues.

- Requests area of Lapwing Hall be removed from the extension of time so as to enable the final restoration and provision of public access as per s106 agreement of consent 5/70745;
- Further s106 agreement should be used to secure provision of the proposed access paths at Parkland Lake;
- Requests additional section of land be identified for re-routing of bridleway at A535 north of the quarry entrance;
- Notes proposed footpath and car park secured by the s106 agreement are not shown on the final restoration plan.

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.

The objection received from the local resident considers the length of time extension to be excessive; and concern is raised over the potential for further time extensions to be submitted. The applicant undertook a review of permitted mineral reserves 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 5/06/2558, 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 sufficient to fully exploit the remaining reserves, the extraction rate does fluctuate depending on market conditions and 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 and 2 months 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

Noise has been raised as an issue for objection, with a request for strict controls over operational noise limits.

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 scheme was undertaken to inform the previous application (5/06/2558) 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 the continuation of existing mitigation measures would be appropriate to control any noise and dust impacts to within an acceptable level during the period of the proposed extension. 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 any 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, with only processing operations being permitted to take place over a 24 hour period. 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 Impact

Concern has been raised regarding the prolonged period of visual impact associated with an extension of time.

An assessment of visual impact undertaken to inform the previous application concluded there was relatively little impact associated with the continuation of mineral extraction at the site. Potential views into the site have been largely mitigated due to the sites position within a flat landscape surrounded by natural vegetation and farmland; whilst the advanced mitigation planting has become sufficiently established to largely screen views of the mineral workings. Whilst the extension of time will result in a prolonged period within which the mineral is worked, there is a limited zone of visual influence due to the level of screening on site and the additional time extension will enable the mitigation planting to further develop. It is considered that there would be no further impact on Landscape and Visual character and as such the scheme would accord with MPS1, policies 9, 15, 17 of the CRMLP and Policies DC3, NE2 and NE3 of MBLP.

Impact 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 amenity 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.

Delivery of Restoration and Public Access

Concern has been raised by a local resident over the delay to achieving final restoration. Councillor Johnston has requested that Lapwing Hall Lake area is not included in any extension of time, so as to prevent delays in delivering the nature reserve, car park and permissive footpaths secured by the s106 agreement of consent 5/70745.

As this application is for a variation of planning conditions to allow for an extension of time only, there is no scope within this application to amend the planning consent boundary so as to remove the area of Lapwing Hall. In order to address the concerns of Councillor Johnston, the applicant has confirmed that progressive restoration works are continuing in Parkland Quarry, and the north side of the Lapwing Lane area has already been re-instated. Final restoration works have been undertaken at Lapwing Hall including significant tree planting and this area is currently in aftercare as required by condition of the existing consent. Lapwing Hall Lake restoration will be completed by November 2012, with the permissive footpaths and nature reserve opened by the end of 2012. Should planning permission be granted, a fresh planning permission is issued which would include those conditions imposed on the previous consent in respect of restoration requirements. Equally, as the existing consent would continue to subsist, the s106 agreement and its associated requirements over restoration would also stand.

In terms of the other matters raised by the Councillor, the Lapwing Hall Lake car park does not form part of the existing approved restoration proposals (of consent 5/70745) and the associated s106 agreement only accepts the principle of the need for a car park but does not include provision for such a facility on the associated management plan. Should the car park be required, a separate planning application would need to be submitted for this element. The permissive public footpaths are already included on the final restoration scheme approved by consent 5/06/2558 and the applicant has confirmed the land identified as the potential re-route for the public right of way is not in the applicant's ownership and could not be delivered by this application.

Ecology

An updated ecological assessment has been submitted to accompany the application. No trees or buildings on the application site are considered suitable to provide a bat roost. In terms of areas subject to detailed assessment, land at Parkland is considered to be of low ecological importance. There are not anticipated to be any interim or long term negative effects associated with the proposed time extension and there could be a potential benefit to the Parkland area associated with the continued establishment of wetland habitats which will assist in colonising the new lake. The continued imposition of planning conditions in line with the existing consent will enable the effective control and mitigation of ecological impacts, to ensure the scheme accords with MPS1, PPG9, 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 (5/06/2558), and subsequent regular groundwater monitoring has not identified any adverse effects on the local groundwater environment. On the basis of this information, the ES submitted to accompany this application concludes that the extension of time would not result in any additional effects on surface water hydrology or licensed water abstractions. The Environment Agency has not raised any objection or comment in respect of impacts to groundwater environment. Should planning permission be granted, conditions imposed on consent 5/06/2558 to regulate impacts on the water environment would be replicated so as to maintain the same degree of

control. As such this accords with MPS1, PPG23, 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 (5/06/2558).

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.

Therefore, the application is recommended for approval.

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 and plant areas to be restored by 31st December 2019.**

The replication where relevant of the existing 84 conditions attached to the current permission for the quarry that deal with:

**Hours of working
Traffic movements and protection of local highway network
Protection of public footpaths
Soil stripping
Methods of working
Tailings disposal**

Plant, machinery and buildings
Noise
Dust
Surface water drainage, pollution control
Archaeology
Site maintenance
Restoration
Aftercare

Location plan



