

Application No: 15/1529W

Location: BENT FARM QUARRY, WALLHILL LANE, BROWNLOW, CONGLETON, CHESHIRE, CW12 4HW

Proposal: Removal of Condition 29 on Application 8/08/0375/CPO

Applicant: Miss Maria Cotton, Sibelco Europe

Expiry Date: 29-Jun-2015

**SUMMARY:**

There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

In terms of sustainability the proposal would satisfy the economic sustainability role by streamlining the processing and use of mineral reserves. It also provides direct and indirect benefits to the local economy by providing mineral required for a variety of industries and businesses.

This should be balanced against any potential harm to residential amenity and the environment resulting from the increased number of Heavy Goods Vehicle movements and site activity. The economic benefits arising from the proposal are considered sufficient to outweigh any harm caused by the proposals, and the potential harm to residential amenity and the environment can be adequately mitigated by a range of planning conditions and through the controls in other environmental legislation. Subject to securing appropriate planning conditions and s106 deed of variation, the scheme would not give rise to any unacceptable impacts on the highway network, residential amenity or the local environment, nor would it have any adverse impacts on the landscape or any significant adverse visual impacts. As such the scheme is considered to accord with policies of MLP, CBLP and the approach of the NPPF and Local Plan Strategy.

**SUMMARY RECOMMENDATION:** Approve subject to S106 deed of variation and planning conditions.

## **PROPOSAL**

The application proposes the removal of condition 29 of permission 8/08/0375/CPO at Bent Farm Quarry (a copy of which can be viewed within the listed relevant documents).

Conditions 29 states:

*'No minerals from sources outside the site shall be imported into the site for processing, storage treatment or the operation of the quarry and no materials shall be imported for the purpose of restoration without the prior written approval of the Mineral Planning Authority.'*

*Reason: For the avoidance of doubt, to protect residential amenity.*

The applicant seeks to remove this condition to allow the importation and processing of minerals from sources outside of the site.

The applicant operates a number of silica sand quarries across the UK and Europe. Bent Farm operates plant which can produce product specifications from the imported materials required by many of their customers. The proposed variation is required to streamline their production process in order to provide a more cost effective service to their customers.

The variation would enable them to import, process, store and treat minerals from other sites within their ownership. They anticipate that a maximum of 100,000 tons of mineral would be imported per annum. This would increase the total number of vehicle movements importing mineral to the site to 38 HGVs a day (19 in 19 out) over the existing vehicle movements which average approximately 52 HGVs a day (26 in 26 out) thus the total HGV movement would be approximately 73% greater at 90 HGVs a day (45 in 45 out). The vehicle movements would be restricted to the hours of 0800 to 1800 hours with no night time movements.

In replacement for the removal of Condition 29, it is proposed that following four additional conditions restricting import of materials to Bent Farm Quarry Site be attached to the permission should this application be granted:

- i) *No materials shall be imported for the purposes of restoration without the prior written approval of the Mineral Planning Authority*

*Reason: For the avoidance of doubt, to protect residential amenity*

- ii) *No materials shall be imported to the Bent Farm Quarry Site other than those allowed in accordance with condition (i), for purposes of restoration, and inert mineral for processing, storage, treatment and despatch at the Bent Farm Quarry Plant Site which shall be restricted to no more than 100,000 tonnes per year, as detailed within 'Sibelco' letter dated 27 March 2015,*

*Reason: For the avoidance of doubt, to protect residential amenity.*

- iii) *All imported inert mineral, allowed under condition (ii), shall only be stored within area shown within approved plan no. B01/P15/003A*

*Reason: For the avoidance of doubt, to protect residential amenity and impact on open countryside.*

- iv) *Heavy Goods Vehicle movements associated with the importation of minerals to the site shall not exceed 370 per working week (185 in 185 out)*

*Reason: For the avoidance of doubt and to protect residential amenity and highway safety.*

## **SITE DESCRIPTION**

Bent Farm Quarry is located 3km to the south-west of Congleton. Access to the quarry is from the A534 via a short length of Wallhill Lane.

Bent Farm Plant Site, located to the North West of the quarry area, is currently used exclusively for the storage and processing of mineral (sand) extracted from the Bent Farm Quarry Site. The current processing operations include processing storage and export of sand. The existing plant is capable of producing product specifications from external sources without any modifications.

The location of the quarry means that the primary transport routes servicing the quarry would use a short stretch of Wallhill Lane and from the A534 to Junction 17 of the M6.

Nearest residential properties to the Bent Farm Plant Site lie approximately 100m to the North West 'Wallhill Cottage', to the North approximately 200m ('Wallhill Farm, 'Walnut Cottage' and 'Post Box Cottage') and Immediately to the South West 'Quarryside Bungalow'.

Immediately to the north of the Plant Site behind screen bund and planting runs Footpath FP10 and Bridleway BR7A.

## **RELEVANT HISTORY:**

The quarry site has the benefit of planning permission for the extraction and processing of silica/industrial sand and has a long planning history; with the most recent extant permission granted in December 2009 (ref: 08/0375/CPO) for a 11.8ha extension to the west of the site, from which mineral extraction commenced on 18 December 2009.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 14 concerning sustainable development; and paragraphs 144 and 145 with regards to planning for minerals, particularly aggregates including sand and gravel.

### **Development Plan:**

The Development Plan for this area is the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan 2005 in which the site lies in Open Countryside

The relevant Saved Policies are: -

**Cheshire Replacement Minerals Local Plan (MLP)**

Policy 1: Sustainability  
Policy 2: Need  
Policy 9: Planning Applications  
Policy 17: Visual Amenity  
Policy 26/27: Noise  
Policy 28: Dust  
Policy 31: Cumulative Impact  
Policy 34: Highways  
Policy 37: Hours of Operation  
Policy 47: Sand and Gravel Area of Search

**Congleton Borough Local Plan (CBLP)**

PS8: Open Countryside  
GR1: New Development  
GR4: Landscaping  
GR6 & 7: Amenity and Health  
GR9 & 10: Access & Highways  
GR16: Footpaths  
GR 18: Traffic Generation  
NR2: Nature Conservation  
E5: Employment Open Countryside

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

SD1 – Sustainable Development  
SD2 – Sustainable Development Principles  
SC3 – Health and Well-being  
SE3 – Biodiversity and Geodiversity  
SE4 – Landscape  
SE10 – Sustainable Provision of Minerals  
SE12 – Pollution, Land Contamination and Land Instability  
SE13 – Flood Risk and Water Management  
CO1 – Sustainable Travel and Transport

Other considerations

Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As amended)

EC Habitats Directive  
Conservation of habitats and species regulations 2010

### **CONSULTATIONS:**

**Highways:** No objection – no resulting capacity problems or severe impact.

**Nature Conservation:** No objection

**Environmental Health:** No objection subject to the inclusion of condition restricting hours for importation and number of HGV movements.

**Landscape:** No Objection – no resulting significant landscape or visual impact

**Environment Agency (EA):** No Objection in Principle however concerns raised by the complete removal of the condition.

**Parish council:** No comments received at the time of report writing.

### **REPRESENTATIONS:**

Two written representations have been received raising objection to the proposal on the following grounds:

- principle of import of materials to the quarry;
- potential Industrial operations / use of site;
- traffic impacts on Wallhill Lane;
- raises issues / question of the extension of the operating lifetime of the facility.

### **Applicants Supporting Information**

The application is accompanied by planning drawings and Additional information including Transport Assessment provided within Sibelco Europe E-mail dated 21 July 2015

### **APPRAISAL:**

The key issues are:

- Development in the open countryside
- Control of environmental pollution
- Highway impacts

### **Economic Sustainability**

The NPPF (paragraph 142) identifies that minerals are essential to support sustainable economic growth and it is important to ensure a sufficient supply of material to meet the needs of the country. Since minerals are a finite natural resource, and can only be worked where they are found, NPPF states that it is important to make best use of them to secure their long-term conservation. Paragraph 144 requires Local Planning Authorities to give

*'great weight to the benefits of the mineral extraction, including to the economy', and 'as far as is practical, provide for the maintenance of landbanks'.*

The applicant states that the proposed importation and processing of external minerals from external sources together with that of the extracted from Bent Farm is needed to produce a more cost effective and streamline production of more products of which there is a current need from many of the company's existing customers. By streamlining mineral production there would be associated cost savings would support both a local business and as well as national mineral economy.

The efficient use of existing facilities which help make the best economic use of finite mineral resources both at Bent Farm Quarry and other sites is supported by national guidance. It is therefore accepted that the importation of external mineral would provide associated economic gains and in addition allowing the importation would make the best economic use of existing mineral reserves by allowing the production of more products at the Bent Farm Quarry Site.

The proposal would assist the efficient use of remaining mineral reserves, thereby helping to maintain the landbank required by national planning policy as well as providing direct and indirect benefits to the local economy by providing a source of more aggregates products. As such this complies with the approach of the NPPF and the MLP.

### **Environmental Sustainability**

The use of an existing facility on an established mineral processing site has positive environmental benefit in that it has the potential to reduce the need for other sites within the area to be developed for such a use. However this should be balanced against the impact by the intensification of mineral development proposed at the Bent Farm Quarry Site.

From an overall environmental perspective, as advised by the Environment Agency (EA) it is considered that the proposal to import 100,000 tonnes per annum of uncontaminated inert mineral to the site *"is likely to be agreeable in principle"*.

However the EA comment that by the complete removal of condition 29, which currently helps control the overall scale of operations and limits the activities to those that have been subject to appropriate levels Environmental Impact Assessment (EIA) within the current permission, there would be uncontrolled mineral import which raises the potential for increase in vehicle movements, mineral treatment processes, size of stock piles, associated increased dust emissions and volume of waste by-products. As a result the EA recommend a separate application specifically for the importation element *"it is recommended that Condition 29 be retained in its current form, and the Mineral Planning Authority should use it as the basis of a formal written approval for the particular importation, storage and use activity proposed"*.

Taking into account the above EA comments, whilst it is appreciated that there could indeed be the potential adverse impacts which could result from the complete removal of Condition 29. It is considered that in this case with the current controls afforded by replicating the conditions of the extant permission and further controls in the form of additional conditions which would similarly restrict the import of material aside from the exception for limited import

of 100,000 tonnes per year of uncontaminated inert mineral for storage, treatment and processing at the existing Bent Farm plant site, it is considered that any potential harm from uncontrolled importation could be effectively controlled.

Environmental Impact Assessment Based on the above and given the controls afforded by the current permission, it is not considered that the proposals either individually or cumulatively with the wider mineral activities at Bent farm Quarry would be present environmental impacts of such significance as to warrant an Environmental Impact Assessment.

### Noise and Dust Impacts

The NPPF requires that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. MLP policies 25, 26, 28 and 31 do not permit development which would give rise to unacceptable levels or that would result in greater cumulative impacts from of water, noise or dust pollution. CBLP policy GR6 & 7 does not support development which would significantly injure the amenities of nearby residents or sensitive receptors due to (amongst others) noise, dust or environmental pollution.

The proposal to allow the importation, processing and storage of minerals to the site would result in a significant increase in number vehicle movements to and from the site and an increase in the level of on-site activity. These activities would have the potential to increase the risk of adverse noise and dust impacts and in addition to current activities have the potential for greater cumulative impacts.

With regards any increase in activity on-site it is considered that the extant mineral permission includes controls and limits for such impacts, including noise dust monitoring and mitigation measures. As advised by the Councils Environmental Health Officer (EHO), it is expected that these existing measures are sufficient as to control any increase in activity due to this proposal.

There is however less control to manage impacts from a significant increase in proposed HGV movements within the current permission. The EHO raises no overall objection to the proposal but identifies that the proposed increase in HGV movements may have adverse impacts on nearby residential properties. Advice from the EHO states the importance to control of night time and Sunday HGV movements for mineral importation and therefore it is recommended that no HGV movements relating to material import activities should be made on a Sunday or Public Holiday to avoid increases disturbance on these days.

Taking into account the above recommendations from the EHO it is considered that subject to the continuation of existing environmental protection controls and, should approval be granted, the inclusion of conditions controlling the times for importation to be within daytime working hours 8am – 6pm, and restricting the number of HGV movements associated with importation being restricted to 370 movements (185 in 185 out), it is considered that that this planning proposal would not cause any significant amenity impacts from noise and dust and therefore

accords with MLP policies 25, 26, 28 and 31 as well as policy GR6 and GR7 of the Congleton Borough Local Plan 2005.

### Nature Conservation

The location for storage of imported material is within the existing plant area and is not considered to have any impact on protected species. The proposals are considered to not adversely impact on protected species and accord with CBLP policy NR2.

### Landscape and visual impacts / Open Countryside

The principle of the mineral development on this site has already been accepted for the mineral site located within Open Countryside. Any additional impacts from importation and storage of material within the existing plant site however needs to be assessed

All imported material is proposed to be stored within a specified area within the main quarry plant area adjacent to existing plant, as shown on location plan B01/P15/003 Rev A. The plant area is well screened by mature trees from external views and, the location of the proposed storage area within the plant area and surrounded by existing plant would not result in any significant landscape or visual impact.

The import material would require no proposed alterations to the sites landscaping and subject to a condition restricting area for storage of imported materials it is considered that the proposal would have no significant additional impact on the openness of the nearby countryside and accords with policies 15 and 17 of MLP, CBLP policy PS8, the approach of the NPPF and policy SE4 of the emerging Local Plan Strategy.

### Highway impacts

MLP policy requires new development to ensure that the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety and the traffic can be accommodated within the existing highway network; whilst CBLP states that traffic generation from new development should not significantly injure the amenities of residents, in accordance with Policy GR18.

Concern has been raised by local residents as to the impact of the increased traffic as a result of the proposals.

A 'Transport Statement' has been submitted in support of this application.

To allow for the importation of mineral the Transport Statement shows that proposals would effectively increase the number of HGV's visiting the site by approximately 73% to a total of 90 HGV movements per day (45 in 45 out). In addition the study identifies four specific routes used by HGV's to access the site, and that the vast majority at approximately 90% of movements travel to and from J17 M6 using the A534.

Based on the provided study the Strategic Highways Manager has provided comments and holds no objection to the proposals on the grounds of highway network impacts "*Given the stated routing of the HGV's, 90% of movements would use the A534 towards the M6 at J17,*

*this level of additional trips using the A534 would not result in capacity problems or a severe impact. Therefore, I would not object to the removal of Condition 29.”*

Taking in consideration the above reasons the proposals would not present any unacceptable adverse impacts on amenity or road safety and would be able to be accommodated within the existing highway network and accords with CBLP policies GR9 and GR18.

## **SOCIAL SUSTAINABILITY**

### Response to Objections

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report.

With respect to comment raising concern over the lifespan of the current minerals permission at the site and the expansion of industrial uses at the Bent Farm Plant Site. The current application does not seek to extend the date for the sites completion and restoration therefore would not allow the processing of mineral both imported and won from the site after the conditioned completion of mineral extraction operations at the Bent Farm Quarry site.

## **PLANNING BALANCE**

Taking account of Paragraph 14 and 143 of the NPPF there is a presumption in favour of the sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The economic benefits of the scheme are clear in that it enables the streamlining of minerals production providing direct and indirect benefits to the local economy by providing an economic source of aggregates. In addition there are environmental benefits of using an established mineral site to process minerals. This should be balanced against any potential harm to residential amenity and the environment resulting from the increased activity on site and HGV movements.

The economic benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be adequately mitigated by replication of the existing and additional controls through the planning conditions and through the controls in other environmental legislation. As such the scheme is considered to accord with policies of MLP, CBLP and the approach of the NPPF and Local Plan Strategy.

## **RECOMMENDATION**

**That the application be approved subject to Deed of Variation to the existing Section 106 Planning Obligation securing the same obligations as 8/08/0375/CPO namely:**

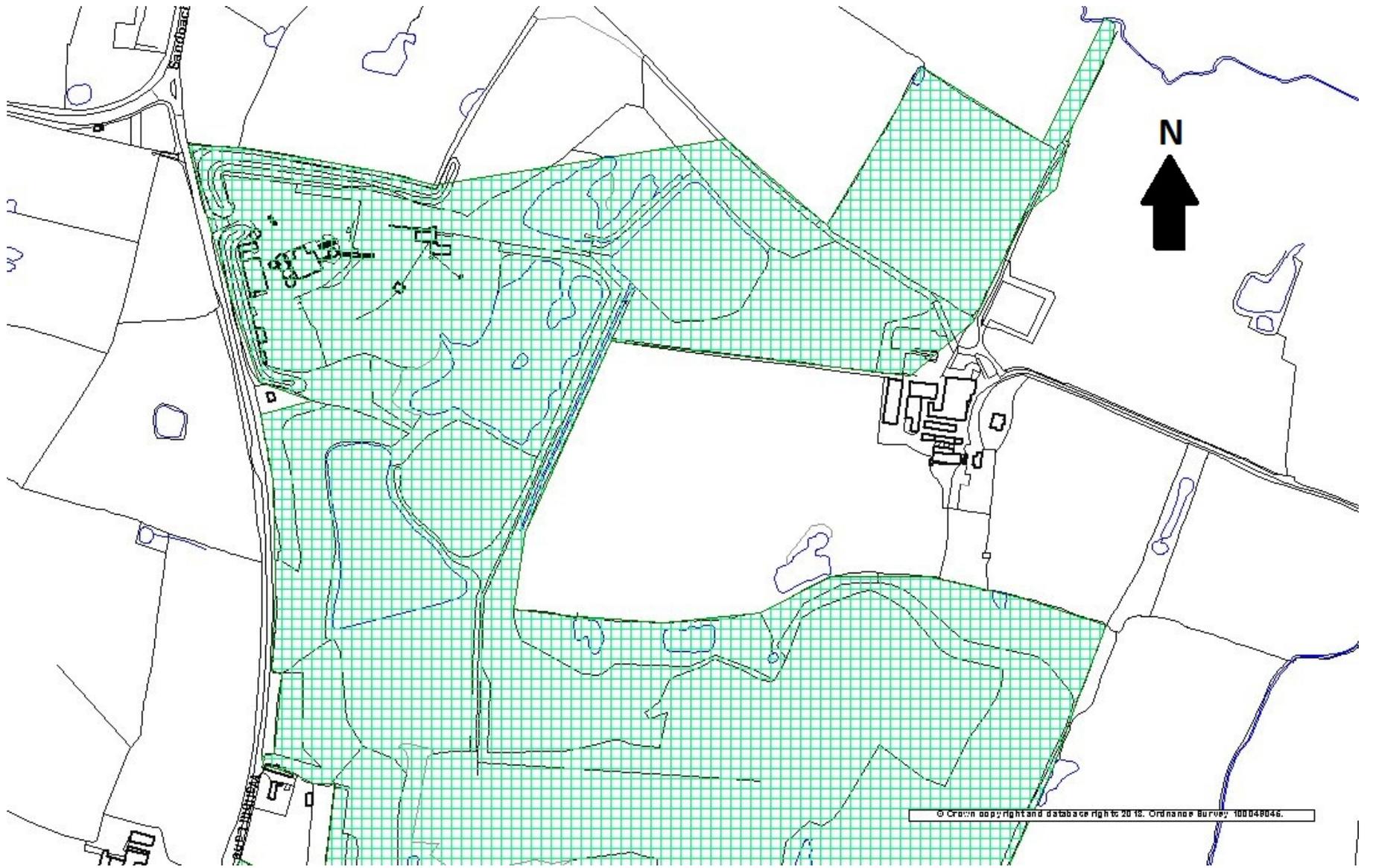
- **15 year management plan following completion of the restoration scheme**

**Subject to the imposition of planning conditions in respect of:**

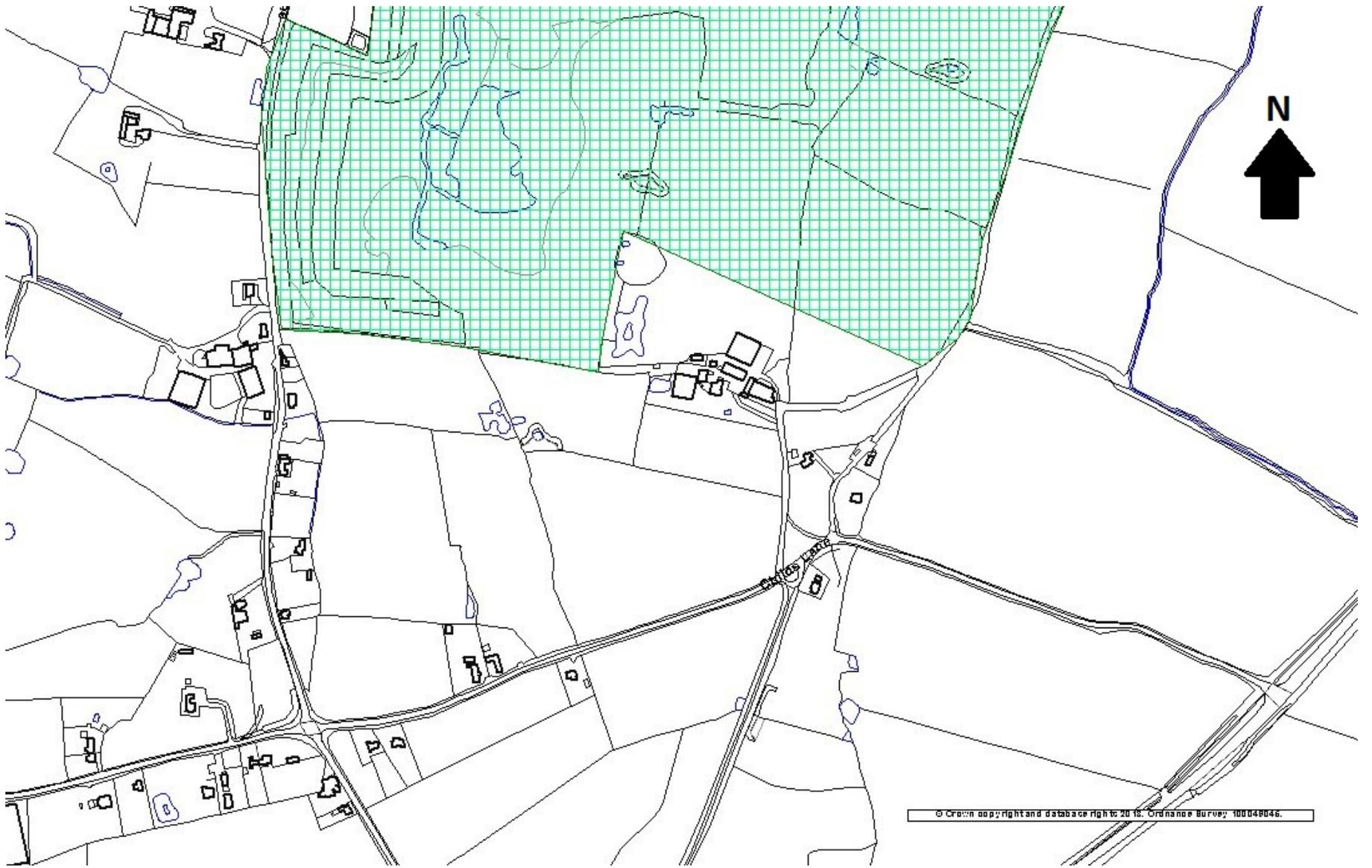
- **All the conditions attached to permission 8/08/0375/CPO unless amended by those below;**
- **Hours of import HGV Movements**
- **Restrictions on import of mineral to that applied for**
- **Restrictions on the import of materials for restoration**
- **Restriction on location of imported material storage**

**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 Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Should this application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the Strategic Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**



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