

Application No: 15/0064M

Location: Peat Farm, MOOR LANE, WILMSLOW, SK9 6DN

Proposal: Variation of conditions of planning permission 5/97/0758P for restoration of peat extraction site

Applicant: Messrs Bond & Rowland

Expiry Date: 14-Apr-2015

Summary

This application seeks to vary the mineral permission at Lindow Moss peat site to cease commercial peat extraction and restore the site to a mosaic of habitats including raised bog.

The site consists almost entirely of internationally important lowland raised bog and heathland which are one of the most important habitats in the UK. This application would enable the restoration of the raised bog which presents significant and unique ecological benefits of at least regional significance. The site also has an international profile in archaeological terms and sits at the centre of one of Britain's best preserved medieval peat cutting landscapes; the value of which is being increasingly damaged through peat extraction. The application would prevent up to twenty five years of further damage to this important ecological and archaeological asset. The cessation of peat extraction also provides benefits in terms of climate change, preventing significant carbon dioxide emissions and supports central government and planning policy which no longer supports peat extraction.

The proposed methodology for the site restoration is considered acceptable by consultees and appropriate controls can be secured by planning condition for monitoring and review as the work progresses, to ensure that the works are undertaken to a satisfactory quality and in a timely manner. All relevant environmental impacts arising from the restoration works can be adequately controlled by planning condition and this would satisfy planning policy requirements.

A twenty year aftercare period is proposed by the applicant which consultees consider should be longer to ensure the habitat is viable in the future. This therefore creates a degree of uncertainty over how successful the raised bog habitat would be in the long term.

In view of the significant ecological, archaeological and climate change benefits presented by this scheme, and given that the site restoration would still present a number of ecological and archaeological benefits should the raised bog habitat be less successful than anticipated on completion of the aftercare period, it is not considered that there are sufficient grounds to warrant refusal of the scheme on this one matter.

Overall the proposal accords with the development plan policies and national planning policy and presents a significant improvement over the current permitted restoration scheme for the site. Therefore for the reasons identified above the application is recommended for approval.

Recommendation:

Approve subject to a legal agreement and conditions

SITE DESCRIPTION

The application site is the Lindow Moss raised peat bog which is currently used for commercial peat extraction. The 29ha application site is located to the west of Wilmslow and is accessed off Moor Lane through an area of hardstanding used for peat storage. Directly to the south of the site is a belt of woodland, part of which is managed by Cheshire Wildlife Trust. Rotherwood Road dissects the eastern extent of the application site, beyond which are fields and woodland which separate the site from the edge of Wilmslow. To the west of the site is agricultural land, and beyond this is Manchester Airport (circa.2km). Directly to the north is an artificial angling lake (Rossmere Lake), along with a mixture of agricultural and residential development. Lindow Common, an area of heathland designated as a Site of Special Scientific Interest (SSSI) lies to the north east.

Surrounding the site are areas of woodland, farmland and fields used for housing horses, horticulture, recreation, kennels and small scale residential development, the closest of which is approximately 50m from the site.

The site lies within the Green Belt. Lindow Moss is designated as a Local Wildlife Site (formerly Grade B Site of Biological Importance) and site of nature conservation importance due to its ecological value. It also has archaeological interest and was the site of the discovery of 'Lindow Man' a prehistoric bog body dating from the Iron Age.

PLANNING HISTORY AND CURRENT OPERATIONS

Planning History

The site was subject to a range of planning permissions for commercial peat extraction during the 1950's and 1960's. The planning conditions were updated under the Environment Act to bring them in line with modern environmental standards, and a new schedule of planning conditions was issued in 2003 (reference 5/97/0758P) under which the site is currently operated.

The permission allows for commercial peat extraction until 2042, with restoration by 2044. Planning conditions limit the depth of peat extraction until the next statutory review of conditions (which can be from 2018 onwards) and also require a minimum average depth of peat to remain in situ. The approved restoration scheme allows for three areas (covering approximately 42% of the site) to be restored to agriculture by backfilling with approximately 490,000 cubic metres of waste infill material (excluding waste food or vegetable matter/household wastes) with the final level of the restored land being no greater than the

adjacent Rotherwood Road. Areas on the south western boundary are to be restored to nature conservation.

Current operations and site condition

Peat is extracted by stripping and re-profiling fine layers of peat (up to 20cm) into areas separated by shallow drains of up to 2m depth. The peat is then turned until dry and removed to the processing area (outside the application site) where it is stockpiled for removal by HGV. Extraction typically occurs during the drier season (April to September) and whilst it is permitted across the whole site, the main areas worked are in the central parts of the site and small areas to the north west and on the southern boundary. Parts of the site to the east and south/south-west have been left unworked and contain refugium for sphagnum moss; whilst land on the north west boundary rises up to a sand hill area which is covered by heath vegetation and semi-mature woodland, and is the site of a Neolithic settlement. A main drain runs east to west across the site which has an outfall into Sugar Brook on the western boundary.

The land gradually declines from east to west across the site. Peat depths vary due to the underlying sand substrate and extent of historical working from 5m at the site margins to between 1.75m to 4m in the main worked areas, and 0.75m in the north west corner where the sand substrate rises. The milling of peat lowers the peat surface by up to 0.25m per annum (approximately). The applicant estimates that historical extraction rates were circa. 8,000m³ per annum. As of 2014 it was estimated that there was 500,000m³ of extractable peat remaining on site.

At the southern end of the site an access track runs east to west, with a further track running north to south broadly in the centre of the site. A network of public rights of way lie in the surrounding area, and Mobberley FP52 dissects the south west corner of the site. Wilmslow RB 34, a restricted bridleway runs along Rotherwood Road. Members of the public also make use of the access tracks and a path that runs along the norther perimeter of the site albeit these are not public rights of way.

PROPOSAL

This is an application under section 73 of the Town and Country Planning Act 1990 (as amended) to vary and remove conditions on the current permission to cease commercial peat extraction and restore the site to a raised peat bog and matrix of wetland habitats.

In order to facilitate the restoration proposals, the applicant has also submitted a separate planning application (reference 15/0016M) for residential development on the area of the site with consent for peat storage and processing adjacent to the southern boundary, which is being considered separately.

Proposed restoration scheme

The proposed restoration scheme seeks to maximise the extent of the site within which peat bog habitat has the potential to develop in the long term; and where this is not possible on the higher western parcels, restoration to intermediate heath/bog, with shallow fen/heath on the lower lying areas in the centre of the site, creating a mosaic of habitats. Existing areas of scrub and woodland away from the site boundaries would be managed to maximise the area of habitat that can be created; and the perimeter vegetation would be retained.

Proposed works

To create the right hydrological conditions to encourage peat formation, a series of compartments would be engineered using bunds and filled ditches to create terraces in which water levels would be maintained at or just below the surface to encourage peat bog formation (or just above the surface for restoration to fen or heath), using rain water or rain water fed from other compartments. The water levels would be controlled by over-spill points in the bunds and connecting pipes. The translocation of donor sphagnum from other areas of the site would assist with the process of peat formation. In the higher, drier areas where retention of water would be difficult, heath or intermediate heath/bog habitat is proposed by natural regeneration.

The precise design of each compartment would be determined by a tailored restoration scheme for each compartment agreed in advance with the Council (in conjunction with relevant consultees). The remaining peat already extracted and in the process of drying on site would be exported (not being suitable for restoration works) and some limited peat extraction would be required to create the desired landforms. No commercial peat extraction would however take place.

Restoration phasing and management

The works would be phased to follow a logical sequence for re-wetting. An estimated five working seasons would be required to complete the physical works at which point the land would be in an optimum condition to encourage raised bog habitat formation. Bog areas are expected to be substantially re-vegetated within ten years of the completion of the restoration, with heath and fen likely to take five years.

A twenty year aftercare period is proposed from the completion of the restoration works; which would be informed by tailored aftercare management plans for each compartment formulated in agreement with the Council. An appropriately experienced site manager would oversee the restoration and aftercare periods. Monthly inspections and reporting to the Council during the restoration works is proposed; and periodic mandatory reviews during the aftercare period. No significant physical works are anticipated as being necessary during the aftercare period with this primarily comprising monitoring and reporting progress.

Access and interpretation

The existing public rights of way would be retained throughout the works and on completion of the final restoration. The informal permissive pathway along the northern boundary would be retained and improved by localised tree removal and bridge improvements. The main east-west access track would be retained as a permissive path to provide the main route for public to access the restored site. Public access from the south would be discouraged by gated access. In this area a small parking area would be provided for maintenance vehicles or pre-arranged minibus visits for organised site visits.

The applicant proposes interpretation panels along the public rights of way and permissive paths to provide information on restoration, habitats and archaeological value of the site.

The application is accompanied by an Environmental Impact Assessment in accordance with the Environmental Impact Assessment Regulations 2011. The applicant also submitted further information in respect of the application in accordance with Regulation 22 of the

Environmental Impact Assessment Regulations 2011. The applicant has submitted a unilateral undertaking covering matters of:

- written notice to the Council of the commencement of development within 7 days of commencement;
- written notice to the Council of commencement of restoration within 7 days of commencement of the development;
- to implement the development immediately upon the implementation of the residential development (ref 15/0016M);
- following the completion of restoration works each restored compartment shall be subject to 10 years of after care comprised of five-year statutory period followed by an additional five-year period.

NATIONAL & LOCAL POLICY

Local Plan Policy

Cheshire East Local Plan Strategy (Adopted July 2017) (CELP)

Policy PG3 Green Belt
Policy SD1 Sustainable Development
Policy SE3 Biodiversity and Geodiversity
Policy SE4 The Landscape
Policy SE5 Trees, Hedgerows and Woodland
Policy SE7 The Historic Environment
Policy SE10 Sustainable Provision of Minerals
Policy SE12 Pollution, Land Contamination and Land Instability
Policy SE13 Flood Risk and Water Management

Cheshire Replacement Minerals Local Plan (CRMLP) (saved policies)

Policy 9 – Planning Applications
Policy 12 – Conditions
Policy 13 – Planning Obligations/Legal Agreements
Policy 15 – Landscape
Policy 17 – Visual Amenity
Policy 21 – Archaeology
Policy 25 – Ground Water/Surface Water/Flood Protection
Policy 26 – Noise
Policy 27 – Noise
Policy 28 – Dust
Policy 33 – Public Rights of Way
Policy 34 – Highways
Policy 37 – Hours of Operations
Policy 39 – Stability and Support
Policy 41 – Restoration
Policy 42 - Aftercare

Macclesfield Borough Council Local Plan (2004) (saved policies)

Policy NE1 – Landscape Protection and Enhancement
Policy NE11-14 – Nature Conservation
BE21, 23-24 – Archaeology
RT8 – Cycleways, Bridleways and Footpaths
DC3 – Amenity
DC13 – Noise
DC17, 19, 20 – Water Resources

Wilmslow Neighbourhood Plan has only reached regulation 7 and therefore carries no weight.

National Planning Policy and Guidance

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

Other Material Considerations

National Planning Practice Guidance

CONSULTATIONS:

The Council's Nature Conservation Officer: the successful regeneration of the site could lead to considerable ecological benefits in the regional or potentially national context. Consider that long term management and maintenance should be secured beyond that proposed by the applicant. Recommend conditions in respect of restoration of compartment 10, safeguarding existing bog vegetation, and schemes for safeguarding protected species during the restoration works.

Landscape Officer: no objection. Some concerns regarding the potential for removal of woodland east of Rotherwood Road.

Archaeology Planning Advisory Service: no objection subject to conditions.

Flood Risk Manager: no objection. Recommend conditions in respect of monitoring the levels of the bunds, submission of drainage details for each compartment to be agreed prior to works in each compartment, and continuation of the groundwater monitoring scheme.

Public Rights of Way: no objections, advice is provided concerning developer obligations in respect of the public rights of way.

Environmental Protection: no objection subject to conditions in respect of hours of operation; noise level limits for restoration activities, maintenance and silencing of vehicles, plant and machinery and dust control.

Forestry: No objection.

Cultural Heritage: no objection.

Strategic Infrastructure: no objection

Cheshire Wildlife Trust: Support in principle the proposed methodology for restoring the site and wish to see the site restored. Whole heartedly support the restoration of Lindow Moss in perpetuity. Concerned whether the restoration will be undertaken to an adequate standard and consider that there should be a third party audit of restoration works and long term management; the Trust express their willingness to be part of any auditing mechanism. Consider that there should be appropriate legal mechanisms to ensure delivery of the restoration on grant of permission for the associated housing.

Natural England: Overall Natural England welcomes the proposal, and consider the proposed methodology to be acceptable. Advise that the aftercare timescales are important in the success of bog restoration and consideration should be given to securing long term management of the site with appropriate mechanisms to ensure the management is undertaken. Consider that the wet woodland should be retained.

Manchester Airport: No objection subject to securing a bird hazard risk assessment and management plan to be submitted for approval by Manchester Airport prior to development commencing.

Environment Agency: no objection. Recommend conditions continuing the existing groundwater monitoring scheme through the restoration works and for a period after completion, imposition of additional monitoring points between the site and adjacent processing plant site, and retention of the requirement for a fixed bed level control at the drainage outlet to Sugar Brook.

Heritage England: no comment

VIEWS OF THE PARISH / TOWN COUNCIL

Wilmslow Town Council: recommend refusal of this application pending the outcome of all outstanding associated planning applications because this application is inextricably linked to the outstanding application for housing.

Mobberley Parish Council: land is of national geographical and historical significance. Existing conditions of current permission should be upheld until 2042. Concerned about low key public access with future permissive use not guaranteed. Restoration to wet land would seriously affect the public's ability to enjoy the area. Proposals do not show any of the public footpaths/rights of way through the site.

OTHER REPRESENTATIONS A summary of the matters raised is as follows.

Transition Wilmslow:

1. Support the proposal in principle and consider the scheme will have major benefits to the wider Lindow Moss landscape;
2. Wish to see the Lindow Moss landscape designated as a Green Infrastructure Asset in the Cheshire East Local Plan, and highlights that the local community highly prioritise an accessible natural environment;

3. The scheme should balance more effectively restoration of priority habitats with impacts on landscape character, visual amenity, and heritage conservation. The importance of the site as a cultural landscape with potential for enhancing the visitor experience through environmental interpretation should be recognised in the proposals and given first priority;
4. A restoration committee should be secured and include positive community engagement;
5. Concerned that restoration to raised bog may not be feasible due to extent of remaining peat, the hydraulic regime and other environmental factors;
6. Some areas of the site are worthy of conservation for their biota and as exemplars of earlier 'sod-peat' working.
7. Recommendations are made in respect of woodland retention, final landforms and target habitats in some compartments, monitoring of water and installation of a sluice.
8. Compartment of 'Lindow Man' discovery should be left unworked to display the topography and method of working at the time of its discovery given its international significance in understanding the Lindow Moss landscape. Suggest a boardwalk is provided for public use with suitable interpretation detail.
9. Welcome retention of two permissive paths and proposal to consider formal adoption as Public Footpaths; would like greater access for visitors with special needs and access to the CWT nature reserve. Consider an interpretation strategy and plan should be developed with appropriate bodies given potential of site for scientific inquiry, education and interpretation.
10. Welcome aftercare but prefer a restoration committee to guide work during this period and consider the site should be transferred to a public or charitable trust to release the areas full potential as a visitor asset.

Cheshire East Local Access Forum: no objection. The retained public access on permissive footpaths should be enhanced to public bridleways or restricted bridleways. The proposed new public access routes should be public bridleways or restricted bridleways not just footpaths.

Representations from members of the public a summary of the matters raised is set out below.

- Application should be refused. The justification of housing development to deliver restoration is too tenuous. Restoration would have to be undertaken anyway on the existing permission at the cost of the operator.
- Historical non-compliance with conditions and failure to enforce conditions on hydrology, water voles and disturbed sand. This has caused impacted water levels in the area, caused settlement to surrounding properties and impacts on ability to sell the properties. Makes the proposed restoration impossible to achieve. Also impacted on water vole population and harmed their habitat on site.
- Peat reserves are nearly depleted;
- No economic evidence to demonstrate that the funding to complete the restoration would be forthcoming.
- Recommendations of Environment Agency (EA) cannot be enforced due to lack of historical technical data. The local planning authority is working against the EA.
- Other ways should be explored to cease peat extraction to prevent further environmental damage.

- Proposals are unsustainable;
- Potential for obstructing access to nearby caravan park which houses a number of less mobile residents;
- Noise, especially from traffic and machinery would harm quality of life of nearby residents and local community
- Concerns over highway safety, potential for congestion and risk of accident due to narrow roads, increased traffic and potential HGVs accessing the site. This will also be a risk to vulnerable road users;
- Support cessation of peat extraction.
- Associated housing development will only be approved if this application for the restoration of the site amounts to very special circumstances to justify development in the Green Belt and given that the existing permission includes for cessation of peat working and restoration of the site by 2042, this may not be the case.
- There are opportunities to review the planning conditions on the existing consent including those concerning restoration and aftercare under the existing legislation;
- Air quality issues from felling trees;
- There should be more greenspace provision for recreation;
- There needs to be reassurance that the funds are in place for the restoration through use of a bond;
- The restoration works need to be rigorously enforced and monitored.

Letters of support has been received raising the following points:

- Welcome the restoration of Lindow Moss to a wetland habitat as an asset to the natural environment and the people of Wilmslow.
- Rare natural features of the area are currently being stripped away but current activities;
- Sensitive restoration would reverse damage previously done to the site but there should be care to maintain diversity of habitat and extent of trees on site especially in compartment 10;
- The moss is a habitat, a carbon sink, a cultural landscape with rich history.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of the Development

Cessation of peat extraction

Commercial peat extraction at the site can lawfully continue until 2042 (subject to sufficient peat deposits remaining). As a result of this application, all further commercial peat extraction would cease which presents benefits in terms of climate change. Peatlands act as important natural carbon reservoirs, storing stocks of carbon in the soil and preventing it from being emitted as carbon dioxide. English peatlands are estimated to contain around 584 million tonnes of carbon which, if released, equates to 2.14 billion tonnes of CO₂ (approximately five years of England's total annual CO₂ emissions). The continued extraction of peat results in peat oxidation which is estimated to generate annual greenhouse gas emissions of at least 400,000 tonnes of carbon dioxide from UK extraction sites (DEFRA 2010).

This is recognised in planning policy and the NPPF and CELP Policy SE10 no longer permit any new peat extraction sites or extensions to existing peat sites. Central Government has also made it clear that the continued extraction of peat for horticultural use is unsustainable and the Natural Environment White Paper (2011) identifies the Government's commitment to reducing the reliance of peat in the UK and being peat free by 2020.

Whilst the economic benefits of mineral extraction should be given great weight (NPPF paragraph 205); this needs to be set in the context of the Government's current position which has indicated a clear move away from future peat extraction, and the impacts of continued extraction on climate change, biodiversity and cultural heritage. This proposal would enable the early cessation of peat extraction which would prevent significant amounts of CO₂ from being released into the atmosphere; and would protect and retain an important carbon store for future years. It would also prevent up to twenty five years of further damage to an important ecological and archaeological asset.

Alternative restoration to a raised bog

The permitted restoration scheme requires the land to be returned to nature conservation in the south west, amenity or agriculture in the west, with central and eastern sections restored to agriculture. In achieving the agricultural afteruse, the land can be infilled with waste. Should extraction on site not reach set thresholds set out in the permission whereby restoration schemes must then be implemented, the restoration of the site is not required to be completed until 2044. This application would prevent the site from being partially infilled with waste and returned to a mixture of uses including agriculture; and would secure an early restoration of the site.

Biodiversity considerations of restoring to a raised bog

In England, lowland peat bog covers less than one tenth of its original 38,000 ha and provide some of England's most scarce habitat for a range of native and migrating birds. Raised bogs are one of the most important habitats in the UK being listed in the Natural Environment and Rural Communities Act 2006 as a 'habitat of principal importance for the conservation of biodiversity in England'. Areas of cutover peat capable of restoration within 30 years such as the application site are considered to be of European Importance; however an estimated 94% of these areas have been damaged or destroyed.

Lindow Moss is a remnant area of Lowland Raised Mire Habitat. It consists almost entirely of internationally important lowland raised bog and heathland (European Annex 1 habitat and UK priority S41 habitat). A number of species characteristic of bog and heathland habitats have been recorded on site recently, one of which is categorised as being near threatened in England. These plant species are likely to benefit considerably from the proposed restoration works. Lindow Moss also has significant populations of the UK priority protected species including Common Toad, Common Lizard and Water Vole.

The Nature Conservation Officers stresses that the potential ecological benefits of this restoration scheme cannot be overstated and identifies that this proposal is a unique opportunity in Cheshire East, which if successful, would lead to substantial ecological benefits in the regional and potentially national context. Once restored, Lindow Moss would be the third largest active bog in Cheshire and could play a vital role in creating a viable ecological network of Lowland Raised Bog in the region. The Nature Conservation Officer also identifies that the ecological benefits of this scheme could not be easily replicated

elsewhere and whilst complete establishment of the bog habitat could take many years, substantial nature conservation benefits would occur within a short timescale. Natural England and Cheshire Wildlife Trust also highlight the significant opportunity to biodiversity presented by this proposal and support the principle of restoration of the site to a mixture of wetland habitats with priority for raised bog habitat.

Cheshire Wildlife Trust also identify that each further act of peat extraction which can lawfully be carried out under the existing planning permission jeopardises the conditions of restorability and brings the site closer to the point of no return; and consider that the successful restoration of the site is dependent on peat extraction ceasing with immediate effect.

Cultural heritage considerations

The site has an international profile as the last resting place of Lindow Man, a prehistoric bog body dating from the Iron Age. It sits at the centre of one of Britain's best preserved medieval peat cutting landscapes and the remains of a Neolithic settlement are located in the sand hill area in the north west of the site. Evidence from the past environment is also preserved within the surviving peat and wood deposits found on the site. The Archaeology Planning Advisory Service (APAS) identify that peat extraction has significantly reduced the archaeological interest of the site and the proposals will largely safeguard the surviving deposits; whereas the continued working of the site would result in the remaining archaeological and palaeoecological interest of the site being destroyed and as such they welcome the proposals.

The principle of the revised restoration scheme therefore accords with the NPPF, CELP Policies SE10 and SE3, and CRMLP in that it contributes to and enhances the natural environment by minimising adverse impacts and providing for net gains in biodiversity; and promotes the preservation, restoration and re-creation of priority habitats. It also accords with the approach of CELP Policy SE7 which seeks new development to make a positive contribution to the character of Cheshire East's historic environment.

Feasibility of the restoration scheme

Objectors have raised concerns over the depth of remaining peat and its quality in achieving the restoration scheme proposed.

The applicant's approach follows best practice experience and scientific guidance, including recent publications developed by Scottish Natural Heritage (SNH) (September 2016). They state that the depth and nature of the retained peat, and impermeable nature of the underlying mineral substrate indicate that the retention of water for restoration is unlikely to be problematic, and their methodology enables the water table to be at or just under the ground surface, as recommended by SNH. They consider that direct restoration to bog will be both feasible and more rapid than other potential approaches; and note that good ecological conditions for restoration still exist on Lindow Moss with key species such as sphagnum still surviving on the site. As such they consider the prospects for successful restoration to be good. It is also noted that the proposed contractors and the applicants company have extensive experience of peatland restoration in northern England and Somerset; including at Thorne Moors and Hatfield Moors in South Yorkshire, Wedholme Flow in Cumbria and Little Woollen Moss in Greater Manchester. The Councils Nature

Conservation Officer, Cheshire Wildlife Trust and Natural England agree that the restoration of the site is feasible based on the methodology proposed and the current site conditions.

Deliverability and management

Concern has been raised by objectors over the potential for poor quality restoration or site abandonment. A legal agreement would require the implementation of the restoration works immediately on implementation of the associated housing scheme (Ref: 15/0016M) and planning conditions would prevent further commercial peat extraction from being carried out. The compartment specific restoration scheme would stipulate the timescales for implementation and completion of restoration works in each compartment, and includes for the detailed designs of each stage of the restoration to be approved by the Council prior to work in that phase. This would enable up to date information on specific ground conditions, the nature of peat, micro-topography in each part of the site and requirements for the individual habitats to be factored into the design of each compartment.

The proposals also include for monthly monitoring and reporting to the Council during the restoration works, along with measures to address any failings or deficiencies in the works as it progresses. It is considered that these measures would ensure that the restoration works are undertaken to an acceptable standard and delivered in a timely manner. The site would be subject to statutory monitoring and the normal legislative planning enforcement powers would be available to the Council should a situation arise where this is deemed necessary. The applicant also highlights that further peat extraction required to create the landform in the restoration works is incompatible with the proposed residential development, as this would necessitate the use of the residential development area for loading peat into HGVs, therefore the residential development cannot be completed until peat removal has been completed. It is therefore in the applicant's interest to complete the works as soon as practicable.

Some objectors and consultees have also identified a preference for the site to be transferred to a suitable nature conservation body following completion of the initial restoration works. The applicant identifies that the future ownership of the site is not a matter for the planning system to address and it is considered that appropriate mechanisms could be secured through any grant of permission to ensure the site is appropriately managed during the aftercare period.

With respect to the suggestion of a financial bond by objectors, National Planning Practice Guidance makes it clear that a financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases; which include where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission. It is not considered necessary to seek a bond for this application as the range of conditions proposed would enable the Council to effectively monitor the progress made on site and seek amendments to the works being carried out where necessary. The aftercare requirements for the site would be secured by legal agreement and are not anticipated to be novel or untried, and are not particularly onerous financially. As such there are not considered to be any exceptional circumstances in this instance to warrant such an approach.

Long term management

With respect to the aftercare period, this has been extended from five years to twenty following negotiations with the applicant; comprising of five year statutory aftercare secured

by planning condition and fifteen years secured by legal agreement. The applicants propose to retain ownership of the site and be responsible for all future management requirements. Limited management is expected to be required after the initial restoration works as self-sustaining raised bog formation depends on climate and other external factors over which there is little control. The applicant considers that the bog areas will be substantially re-vegetated within ten years of completion of the restoration works and as such, they consider that the aftercare period would be primarily concerned with monitoring of progress. The details of monitoring and management would be agreed on a compartment by compartment basis, with measure for periodic review of progress to ensure the target conservation outcome is achieved in each compartment. The relevant consultees consider this approach to be acceptable.

With respect to the length of aftercare proposed, the Nature Conservation Officer advises that experience of other moss land restoration schemes suggest that on-going maintenance could be required over a number of decades to ensure the raised bog is viable in the long term; and considers that a commitment to the long term maintenance and management of the site should be secured. Natural England and Cheshire Wildlife Trust also raise no objections but make similar recommendations in respect of the period of aftercare.

The applicant however highlights that the other moss land sites referenced are not comparable because of the condition they were in at the point of restoration and unlike on other sites, this scheme would create a landform specifically designed to maximise the probability of successful restoration and minimise the requirement for long term management. As such, they consider that the management input beyond 10 years would be relatively limited and the aftercare period is sufficient for the requirements of this site. Furthermore they also note that experience of lessons learnt from previously restored sites has improved their methodology, reducing the potential for remediation measures to be undertaken to address problems on site, which have been required on other sites.

A disagreement remains between the applicant and relevant consultees over whether twenty years of aftercare would be sufficient although it is noted that there is no objection to the application raised by the consultees, and it is also noted that the aftercare requirement set out in the Town and Country Planning Act and CRMLP Policy 42 is for five years; whereas this scheme would secure an additional fifteen years beyond that. There does however remain the potential, specifically in relation to the raised bog habitat proposed, that the habitat may not be as successful as expected in the absence of a longer period of management, and as such the nature conservation benefits would be less significant. This should be weighed into the overall assessment of the proposal.

Impact on protected species and habitats

This application is about 600m west of Lindow Common Site of Special Scientific Interest (SSSI). Natural England are satisfied that the application, will not damage or destroy the interest features for which the site has been notified and advise that the SSSI does not represent a constraint in determining the application.

Water voles

A long established population of water voles are present on site. Whilst the restoration of the moss is likely to benefit the species, the restoration activities have the potential to result in an

adverse impact upon the water voles, particularly through flooding of burrows during the rewetting process.

The restoration scheme proposes a five year water vole management scheme to be submitted for approval prior to any restoration taking place in order to ensure that disturbance to the population is minimised during the restoration process. Additionally where potential water vole habitat is present in a compartment, each compartment would be surveyed by an ecologist and the results would inform the compartment restoration details scheme to be submitted prior to works in that area being undertaken with mitigation and reasonable avoidance measures put in place to facilitate the movement of populations in advance of any works, with the area also being surveyed prior to any works commencing in that phase. As the final landform following restoration is not known at this stage, where necessary replacement habitat will be provided in advance as part of the compartment specific restoration scheme, along with details of any scrub clearance to enhance water vole habitat. During the aftercare period, the results of the surveys would be reported to the Council and any requirement for remedial works would be implemented.

Badgers

Badgers are active on the site. The Nature Conservation Officer advises that the proposals are unlikely to have a significant adverse impact on badgers, however updated badger surveys are recommended prior to works commencing which would be undertaken as part of the work required to inform the compartment specific restoration scheme.

Reptiles/invertebrates

Compartments likely to provide habitat for reptiles will be surveyed prior to the submission of the detailed restoration designs for that area and the submission will incorporate any required mitigation and reasonable avoidance measures. The area would also be surveyed prior to any works in that phase with any necessary clearance works undertaken on a phased basis as advised by ecologist. Bi-annual reptile surveys will also be carried out to assess the outcomes of the restoration following completion of the works.

An invertebrate survey would be carried out on the sand hill area to inform the detailed restoration design for that compartment prior to any works commencing and where required would include mitigation and reasonable avoidance measures.

Birds

Potential areas of bird breeding habitat on the site would be surveyed prior to the submission of the detailed restoration designs in that compartment, with mitigation and reasonable avoidance measures incorporated into the detailed designs for that compartment. Other mitigation measures includes avoidance of vegetation removal within breeding bird season or alternatively bird surveys prior to habitat removal during the breeding season and implementation of a buffer zone to protect the species during works. Bi-annual breeding bird surveys will be carried out to assess the outcomes of restoration following completion of the works.

With respect to the restoration of the compartment east of Rotherwood Road which currently comprises a large block of wet woodland, the Nature Conservation Officer identifies that this could provide habitat for two species of bird which are quite rare in Cheshire which would be lost if restoration to raised bog is achieved. Two alternative restoration options have been

offered by the applicant; and the Nature Conservation Officer considers that the proposed breeding bird surveys to be undertaken to inform the compartment specific restoration scheme will enable the Council to determine the most appropriate restoration strategy for that specific compartment which offers least damage to the bird species.

Other habitats

The site still supports significant areas of remaining bog vegetation which provides a valuable resource of vegetation material. The proposals include for the safeguarding of existing bog vegetation, and the specific details of method of retention could be included in the compartment specific restoration scheme to be approved by the Council.

Overall the Nature Conservation Officer raises no objection subject to incorporating tailored mitigation for protected species into the compartment specific restoration scheme. As such the scheme is considered to accord with CELP policy SE3, and MBLP policies NE11-NE14.

Impact on Water Resources

The water control measures proposed would enable manipulation of the water depth to desired levels and provide a means by which erosion damage could be reduced. The majority of excess water would run down the system of terraces and channels and through the existing outfall at Sugar Brook. The specific details of the drainage arrangements would be submitted for approval by the Council as part of the compartment specific restoration scheme. Managed short term flood storage is included in the scheme which will reduce flows and allow discharge over time by gravity and this would avoid the need for an engineered sluice on the main outfall.

The bunds would be constructed higher than required so as to protect against flooding from shrinkage of the bunds caused by oxidisation or consolidation of peat and would be surveyed periodically as part of the site monitoring. The existing groundwater monitoring regime would continue during the restoration works and aftercare period, with an option to install further monitoring points should it be required and mechanisms to agree mitigation measures where necessary with the Council.

The Environment Agency raise no objections to the proposal but recommend provision of a fixed invert structure on the central drain to protect against any vulnerability to over-deepening in the future. The Council Flood Risk Officer however consider this unnecessary as there is no requirement to lower the invert level of the outfall to Sugar Brook below the existing level under the proposed scheme; and this issue would be controlled through the land drainage consent process. As this is not a Main River, the advice of the Council Flood Risk Management team, as the statutory responsible body, is noted and it is therefore not considered necessary to require this to be provided by planning condition.

Objectors make reference to potential for subsidence to local properties caused by groundwater impacts from the current peat extraction at the site. With regards to the proposed application it must be noted that there are no groundwater concerns raised by the relevant consultees and the mitigation measures detailed above to control water movement/flow are noted.

Subject to appropriate conditions being imposed to secure the monitoring and mitigation identified above, it is considered that the scheme would accord with Policy SE13 of CELP in that it would manage flood risk associated with or caused by the development and protect

surface and ground water quality. It would also accord with Policy 25 of CRMLP as no unacceptable adverse impacts on groundwater quality or supply and surface water quality and flow are anticipated.

Aviation Safety

The areas of open water in the restoration proposals have been significantly reduced by 85% following concerns raised by Manchester Airport over the potential for bird strike associated with large areas of open water which could provide habitat for waterfowl and waders. There remains the potential for some risk of bird strike associated with the areas of reedbed. Monitoring is therefore proposed on a compartment by compartment basis, and should increased bird activity be identified, mitigation measures would be submitted for approval to Manchester Airport to address this. Subject to securing a bird hazard risk assessment and management plan, no objections are raised by Manchester Airport.

Cultural Heritage

A grade II listed building lies to the south east of the site. Whilst there is some potential shorter term negative impacts arising from the restoration engineering works, the scheme as consented would present similar impacts if the site were worked more intensely and on completion of the scheme, the proposed mosaic of habitats would significantly enhance the setting of this building compared to the present situation as a peat extraction site.

With respect to archaeological impacts, some limited disturbance to the peat deposits are anticipated through the restoration process although this would be minimised as far as possible, especially in areas of sphagnum growth. Mitigation measures are proposed including mapping of peat to be removed, preservation of surviving sub-fossil wood and surviving evidence of peat cutting, management of tree growth to protect deep archaeological deposits, preservation of the sand hill, and the provision of information to the Historic Environment Record. The site aftercare plan will include the requirement for specialist archaeological advice to be sought where necessary to inform the management of the relevant compartment.

Cheshire Archaeological planning advisory service raise no objection to the proposal subject to securing the mitigation identified by planning condition. As such the proposal is considered to accord with policy 20 of CRMLP, policy BE23 of MBLP, policy SE7 of CELP and NPPF.

Public Access and interpretation

Given that the scheme proposes to restore the land to a site with significant biodiversity value, low key public access is proposed. The existing rights of way would be available throughout the works and on its completion; and the pathway to the northern edge of the site would be retained and enhanced as necessary, whilst the main east to west access track across the site which provides access on a permissive basis would be retained and provide the main public access route across the site. No public access from the residential development areas to the south is proposed, with access controlled by a lockable gate. The scheme proposes a small informal parking area to the north of the gate for maintenance vehicles and organised educational visits by pre-arrangement only. Interpretation panels would also be provided along the public rights of way and permissive paths given the archaeological and ecological interest of the site. Cheshire archaeological planning advisory service consider that an appropriate level of public access is proposed.

Cheshire Wildlife Trust note that a detailed and costed plan for maximising the community benefit of the site as a cultural, recreation or tourism asset has not been provided. It is considered however that a careful balance must be achieved between public access for recreation/education and the conservation of the habitats created on site. The public access provisions included in the application are considered acceptable given the importance of the ecological habitats to be created and the scheme is therefore considered to accord with CELP policy SE10, CRMLP Policy 33 and MBLP Policy RT8.

Highways Impacts

Concern has been raised by objectors over the adequacy of the highway network given the relatively narrow nature of Moor Lane which serves the site. The site is permitted to have a maximum of 8 HGV movements a day (4 in and 4 out) for the removal of peat, and 4 (2 in and 2 out) on Saturdays. Additionally subject to the prior notification of the Council, and for a period amounting in total to 12 weeks in any one calendar year, an increased level of HGV movements totalling 34 (17 in and 17 out), with 18 (9 in and 9 out) on Saturdays are permitted. The site has however not been operated to this extent and the actual HGV movements associated with recent peat extraction operations are estimated at approximately 230 (115 in, 115 out) per annum. This would cease on implementation of this scheme. The applicant also notes that the current permission allows for restoration of the site by infilling which they estimated at 3453 trips (6906 HGV movements) per annum over a 19 year period which equates to 36 HGV movements per day (18 in and 18 out) which would also no longer be required should the scheme be approved.

The traffic generated by the proposal would involve a small number of vehicle movements associated with peat exportation in order to create the necessary restoration profiles; and on completion there would be occasional vehicle movements associated with local community/educational visits and site aftercare/maintenance requirements. The Strategic Infrastructure Manager raises no objections subject to securing a construction management plan by planning condition. On this basis, it is considered that the scheme accords with the policies of the development plan in that the volume and nature of traffic generated will not create an unacceptable adverse impact on amenity or road safety and can be accommodated within the existing highway network (Policy 34 CRMLP) and complies with the approach of the NPPF.

Landscape, visual and forestry impacts

The proposal would enable early cessation of peat extraction and restoration to a bog habitat which would conserve and enhance this important peat bog landscape. Whilst some short term visual impacts could arise from the re-profiling and use of plant, this would not be dissimilar to the impacts from the consented activities and on completion, long term benefits would arise from the early cessation of peat extraction. The Landscape Officer considers that overall the restoration proposals will have positive benefits for the landscape of the site and will restore the natural character of the landscape.

The nature of the restoration to a mosaic of bog and heath/fen habitat will result in some impacts to existing trees and vegetation. Such impacts are considered acceptable given the value of the ecological habitat to be provided on completion of the works. With respect to the options presented for the woodland east of Rotherwood Road, one involves the removal of the trees to create bog habitat. There are concerns over the interim visual impacts this could present given the length of time the bog habitat will take to resemble a natural feature. The

Forestry Officer does not however raise any concerns regarding the potential loss of this area of woodland and considers that the restoration of the site to a raised bog which is a habitat of principal importance would take precedence over the retention of the trees. On the basis of these comments, the proposals are not considered to present any significant landscape, visual or forestry impacts and would accord with policies SE4 and SE5 of CELP, policy 15 of CRMLP and policy NE1 of MBLP.

Pollution Control

Noise, disruption, and dust impacts

There is potential for impacts on amenity arising from the restoration activities due to the proposed engineering works required on site and use of plant and machinery. The Environmental Health Officer considers that the noise and dust impacts likely from this proposal would not be in excess of those generated by current peat extraction activities and would be acceptable subject to securing planning conditions in respect of restrictions over the hours of operation for restoration works, silencing of plant and vehicles, and implementation of best practical measures to control dust emissions. As such this is considered to accord with CELP policy SE12, CRMLP policies 26, 27 and 28 and MBLP policy DC3.

Other matters

With respect to the Green Belt, the site operates under an extant planning permission for mineral extraction which includes for restoration of the site (in part) to nature conservation which has previously been accepted as appropriate in the Green Belt. Additionally the NPPF makes it clear that mineral development is not considered to be inappropriate development in the Green Belt. As such the proposal is considered appropriate and accords with NPPF and policy PG3 of CELP.

Objectors to the scheme have noted that there exists an opportunity to agree detailed restoration proposals for the site under the provisions of the existing consent and as such this application is not necessary; and this mechanism should be used to secure an appropriate restoration scheme which does not include infilling. The current permission includes conditions which prescribe the nature of the afteruse for the site. Whilst the wording of the planning conditions state that parts of the site would be restored to agricultural afteruse following infilling 'unless otherwise agreed in writing with the planning authority'; the principle of agricultural restoration and use of infilling in some areas of the site has already been accepted.

Given that the Schedule of Conditions was issued under the Environment Act 1995 and not under the normal provisions of the Town and Country Planning Act 1990, it would be difficult for the planning authority to secure a restoration to a use significantly different from that prescribed in the current Schedule of Conditions given the restrictions on the legislation under which this schedule of conditions was granted. The restrictions on the Environment Act under which this schedule of conditions was issued, means that the Council could be liable to compensate the applicant if the authority seek to secure via the planning conditions a scheme which would restrict the working rights of the operator or the economic viability or asset value would be prejudiced to an unreasonable degree. As such if, for example the right to infill as part of the restoration which is lawfully permitted under the conditions on the site

was withdrawn or modified, the Council could be liable to compensation claims from the operator.

Reference is made by objectors to previous enforcement action against the operator and potential breaches of planning control from the current activities on site. As detailed above, the normal planning enforcement legislative powers would apply to this scheme should circumstances arise where this is necessary.

Conclusion

This application seeks to secure a revised restoration for the site to a mosaic of habitat including raised bog. This would result in the permanent cessation of all commercial peat extraction which can otherwise lawfully continue to 2042 (subject to sufficient peat deposits being available). It would also prevent the partial restoration of the site by infilling with waste. The cessation of peat extraction provides benefits in terms of climate change, preventing significant carbon dioxide emissions, and this would accord with the approach of central government and planning policy which no longer supports peat extraction. The proposal also prevents up to twenty five years of further damage to an important ecological and archaeological asset.

The application site consists almost entirely of internationally important lowland raised bog and heathland (European Annex 1 habitat and UK priority S41 habitat) which are one of the most important habitats in the UK. The Nature Conservation Officer stresses that the ecological benefits of this scheme cannot be overstated and this application presents a unique opportunity which could lead to substantial ecological benefits in the regional and potentially national context. The site also has an international profile in archaeological terms and sits at the centre of one of Britain's best preserved medieval peat cutting landscapes; the value of which is being increasingly damaged through peat extraction. The application would largely safeguard these surviving deposits.

The approach to the site restoration is considered acceptable by consultees and appropriate controls can be secured by planning condition for monitoring and review as the work progresses, to ensure that the works are undertaken to a satisfactory quality and in a timely manner. All relevant environmental impacts arising from the restoration works can be adequately controlled by planning condition and this would satisfy planning policy requirements.

There remains a disagreement between the consultees and applicant over the required period of aftercare which consultees consider should be longer to ensure the habitat is viable in the future. This therefore creates a degree of uncertainty over how successful the raised bog habitat would be in the long term. No objections are however raised by the relevant consultees, and the aftercare period is well in excess of the five years required under the Town and Country Planning Act and CRMLP Policy 42.

In view of the significant overriding benefits presented by this scheme as detailed above, and given that there would still be a number of ecological and archaeological benefits presented should the raised bog be less successful than anticipated on completion of the aftercare period, and the lack of objection from all relevant consultees; it is not considered that there are sufficient grounds to warrant refusal of the scheme on this one matter. It is also noted

that this restoration scheme presents significant environmental improvements over the current permitted restoration scheme for the site which would result in part of the site being infilled with waste and returned to agriculture.

On balance therefore, it is considered that the proposal accords with the development plan policies mentioned in the policies section of this report and national planning policy and guidance. For the reasons identified above the application is recommended for approval.

RECOMMENDATION

Approve subject to a legal agreement to secure:

- Written notification of commencement of development
- Implement the development immediately upon implementation of the associated residential development
- Following completion of restoration works, each restored compartment shall be subject to 20 years aftercare comprising of five years statutory period and an additional fifteen year period

And the following conditions

- (1) following implementation, no further commercial peat extraction to take place
- (2) submission of bird hazard risk assessment and management plan within 6 weeks of implementation
- (3) written notification of implementation
- (4) development in accordance with approved documents including the restoration scheme version 4
- (5) submission of detailed compartment specific restoration scheme in accordance with the timescales set out in the restoration Scheme version 4
- (6) written approval from the MPA of each restored compartment
- (7) submission of detailed management and aftercare plan six months prior to each compartment being restored
- (8) continuation of groundwater monitoring through restoration and aftercare and additional monitoring points where necessary
- (9) periodic bund top level surveys
- (10) comply with HGV route scheme
- (11) hours of operation
- (12) vehicular access from Moor Lane only
- (13) sheeting of vehicles
- (14) restrictions on number of HGV movements
- (15) records of HGV movements
- (16) no materials imported other than for restoration purposes
- (17) no disturbance or removal of sand
- (18) no burning of material
- (19) pollution control for stored substances
- (20) height restrictions on stockpiled material
- (21) machinery and vehicles properly silenced

- (22) noise level limits**
- (23) best practicable means to control dust**
- (24) archaeological recording and access for archaeologists**
- (25) five year aftercare**
- (26) water vole management scheme**
- (27) detailed plans for parking area**

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 (Regulation) has delegated authority to do so in consultation with the Chairman/Vice Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

