Application No: 19/2173W

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

Proposal: Extension to bent farm quarry for the extraction of sand and progressive restoration

Applicant: Maria Cotton, Sibelco

Expiry Date: 11-Sep-2019

**SUMMARY:**
The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

The economic benefits of the proposals are clear and considered to be significant. The application would release a substantial amount of nationally significant mineral reserve which occurs in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. It would help contribute towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. In addition the proposal would release reserves of construction sand contributing to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products. As such the proposal meets the requirements of the NPPF, policies MP1 and SE10 of the CELP, and CRMLP Saved Policies 45 and 54

The principle of further extraction at Bent Farm Quarry and on this site has already been demonstrated as acceptable through the allocation of the majority of the land as a Preferred Area in the CRMLP and the proposed extension to the site accords with saved policy 54 of CRMLP; and exceptional circumstances have been demonstrated in respect of Saved Policy 47 regarding the identification of additional land for aggregate reserves.

The scheme also provides other benefits, including the restoration back to agricultural use, and provision of a range of habitats that present an overall net gain for biodiversity. Any localised impacts from the proposal including those associated with the prolonged timescales for mineral operations at the site such as visual effects, loss of trees and hedgerows, impacts on agricultural land, noise, dust and traffic generation, and can however be controlled and adequately mitigated through planning conditions. As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

**RECOMMENDATION: Approve subject to conditions**

## SITE DESCRIPTION

The application site is located approximately 1.3km from the south western edge of Congleton urban area. The planning application boundary covers an area of 58.1ha which comprises the plant processing site within the existing Bent Farm Quarry boundary east of Wallhill Lane (17.9ha) and an area of agricultural land (40.2ha) to the west of Wallhill Lane which would be used for the new quarry extension.

The proposed quarry extension is bounded to the west by Pitcher Lane, to the north by the A534, to the east by Wallhill Lane and to the south by agricultural fields and Holford Farm. The plant processing is bounded to the north by agricultural fields and beyond that A534, to the east and south by land used in connection with the quarry, and by Wallhill Lane to the west.

Three receptors lie on the site boundary, one on the junction with A534 (Wallhill Cottage), one adjacent to the southern boundary of the processing plant (Quarryside Bungalows) and one on the southern boundary of the proposed extension area (Holford Farm), with a further two located within 20m of the site, and three located between 100m and 400m away.

The majority of the proposed extension area is identified in the Cheshire Replacement Minerals Local Plan as an area of preferred extension to Bent Farm Quarry (Policy 54). The site is also located in the open countryside and partly located in the Jodrell Bank consultation zone.

Newbold Astbury Footpath 6 lies to the south of the proposed extension area whilst Newbold Astbury Footpath10 lies to the north of Bent Farm plant processing site.

## RELEVANT HISTORY

There are no records of any planning applications on the land identified for the new quarry extension area. Relevant planning applications records for the existing Bent Farm Quarry site include:

- 19/2151W - Prior Notification for replacement tanker wash – approved May 2019
- 18/5890W – application for continued extraction of Industrial Sands (and progressive restoration) until December 2023, mineral processing until December 2024 and final restoration of the whole site by 2026 – awaiting determination;
- 18/1403W - The erection of four additional storage silos and one further stockpile tower – approved May 2018
- 16/3427W - Prior Notification for Storage Structure – approved August 2016
- 15/0429W - Prior Notification for Storage Structure – approved February 2015
- 15/1529W - Removal of Condition 29 on Application 8/08/0375/CPO to allow sand importation – awaiting determination
- 8/08/0375/CPO - Proposed extension to Silica Sand Extraction with Progressive Restoration – Approved Dec 2009
- 8/07/1023/CPO - Erection of bag storage shed - Approved Oct 2007
- 8/29697- Extension to existing sand quarry – Approved Apr 2000

- 8/23176 - Extension to existing silica sand quarry - Approved Jul 1992

**DETAILS OF PROPOSAL**

The applicant seeks planning permission for an extension to Bent Farm Quarry with progressive restoration and use of the existing quarry processing area. The proposal also includes for the use of the existing processing area for sand soil processing along with the importation of processed sand for drying and the creation of additional storage bays.

**Quarry Extension**

The quarry extension area would comprise a northern and southern extraction area, along with temporary soil and overburden storage areas, corridors for internal access roads, conveyors and pipelines, and areas which would remain undisturbed by the works. The proposed extraction and restoration would comprise the following:

Site establishment

The initial 6 months of site establishment works would include soil stripping, soil screen bund formation on the site boundary and around extraction areas, conveyor installation, advanced tree planting, perimeter hedgerow gap planting, and pond creation.

Access

Two new vehicular access points would be constructed either side of Wallhill Lane opposite the existing processing plant to allow mobile plant to cross between the extension area and the processing plant site in one movement. The western access point would connect to a 75m internal access track across the site. The new access points would necessitate the removal of 5m of hedgerow either side of Wallhill Lane, along with some dense scrub, two oak trees and a section of the existing screen bund. An existing workshop building in the processing area would also be demolished.

Six mobile plant machines would be required for soil and overburden movements. The majority of mobile plant would stay on the extension area during each period of soil movements, however the front end loader would travel to and from the existing quarry at the beginning and end of each day.

A temporary conveyor tunnel would be constructed under Wallhill Lane to the south of the proposed access points to transport sand to the processing plant. This would be excavated using ‘cut and cover’ process and would be formed from pre-cast concrete box culvert sections. Part of the existing screen bund at the processing area would be removed in order to accommodate the conveyor route.

Method of working

Following the removal of soils and overburden, sand extraction would progress in two areas with concurrent progressive restoration. The groundwater would be lowered to allow the sand to be extracted dry, reflecting the existing approach on the quarry. Sumps in the lowest section of the extraction areas would collect any water which would be pumped via a pipeline under Wallhill Lane into the existing water management system on the existing quarry.

The sands would be extracted by a front end loader and deposited on the conveyor for onward transportation to the processing plant site east of Wallhill Lane. The maximum depth

of excavation would be approximately 15 metres. Overburden and soils would be used as part of the restoration of the extraction areas.

Phasing

Mineral extraction would be carried out in five phases commencing with the site preparation works and extraction in the southern pit. Extraction would continue in an anticlockwise direction during phases 2 and 3 with progressive restoration as the quarrying continues using the soils stored on site in mounds. During phase 4, soil screen and overburden mounds would be established to the north and west, the conveyor would be re-aligned to serve the northern extension area and extraction would commence in the northern pit. The final phase would comprise continued extraction of the northern extension area in a southerly direction, and final restoration of the southern extension and conveyor route.

The northern extension area would be restored back to original land levels and returned to agriculture with hedgerows, trees and ponds. The southern section would be restored to a mixture of a large 5.5ha lake with islands, mosaic habitats, marginal planting, woodland, hedgerows and agricultural grassland.

The restored land would be managed for 5 years following restoration to ensure successful establishment. The processing plant site would be restored to a mix of hedgerow, woodland, trees, natural grassland as per the consented scheme.

It is anticipated that all mineral extraction in the extension area would be completed in 8 years, with a further 2 years to complete restoration of the extraction areas, and the restoration of the processing plant site completed within 2 years of completion of sand extraction in the extension area.

The proposed hours of operation would accord with those of the existing quarry namely:

- 0700 to 1900 hours Monday to Friday and 0700 to 1500 hours Saturday - quarry operations
- 0700 to 1900 hours Monday to Friday and 0700 to 1800 hours Saturday - plant/vehicle maintenance
- 0730 to 1900 hours Monday to Friday and 0730 to 1300 hours Saturday – soil/overburden handling, soil screen construction, restoration works
- 0600 Monday to 1300 hours Saturdays inclusive – operation of processing plant
- Loading, unloading and movement of HGVs – any time (other than Christmas Day, Boxing Day, New Years Day).

Traffic generation and access

No changes are proposed to the existing transportation arrangements. All product would be transported from the plant processing area through the existing vehicular access onto Wallhill Lane and north to the A534 (Sandbach Road). There would be no increase in HGV movements directly as a result of the proposed quarry extension, and the average number of HGVs would remain at 36 per day (or 72 HGV movements). The existing night time limits on HGV movements on the current mineral permission would continue to apply namely;

- HGV movements between midnight and 0600 hours Tuesday to Saturday inclusive would not exceed 27 per day when averaged over any four week period

- HGV movements between 2200 to 0400 Saturdays and Mondays would not exceed 10 when averaged over any four week period.

**Sand soil processing**

Following the anticipated closure of Dingle Bank Quarry in December 2020, the applicant proposes to relocate the current sand soil blending operations to Bent Farm Quarry plant processing site. It would utilise space in the south of the existing processing plant site which is well screened by a number of quarry workshop buildings, machinery and infrastructure.

Sands, soil and compost would initially be blended together on the ground and then fed through hoppers via a conveyor to shred and blend the material to produce a sand/soil mix, which would be stockpiled in the processing plant area awaiting export to customers. This would involve the creation of a concrete hardstanding area, erection of four 3m high storage bays with steel posts and pre-fabricated concrete panels, modification of the existing screen bund to accommodate the works, and the extension of the screen bund around the southern and eastern boundary of the sand soils area along with the provision of a 1.8m high acoustic fence.

The process would result in the importation of approximately 17,000 tonnes per annum (tpa) of sand, 5000tpa of compost and the export of 29,000tpa of sand soil product.

The screening operations would be undertaken between the hours of 0730 to 1800 hours Monday to Friday and 0730 to 1200 Saturdays, with no operations on Sundays, Bank or Public Holidays. Any plant maintenance or vehicle movements and unloading associated with this activity would be within the existing quarry hours of operation.

**Import of additional sand for drying and bagging**

The application also proposes to import an additional 78,000tpa of processed sand for drying, bagging and storage ready for export to customers utilising the existing processing plant at the quarry. Three additional 3m high storage bays are proposed to be constructed from steel posts and pre-fabricated concrete panels in the north east of the processing plant area.

Traffic movements

The proposed sand soil operations and importation of processed sand for drying/bagging would generate an additional 40 HGV movements per day (20 in and out) over and above that generated by current quarry HGV movements.

**NATIONAL & LOCAL POLICY**

**National Policy:**

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

Of particular relevance are paragraphs 11, concerning sustainable development and paragraphs 203, 205, 207 and 208 with regard to planning for minerals, particularly industrial minerals.

**Development Plan:**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan comprises the Cheshire East Local Plan Strategy 2010-2030 adopted July 2017 (CELPS), saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CRMLP) and the saved policies of the Congleton Borough Local Plan First Review (CBLP).

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

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

**Cheshire Replacement Minerals Local Plan (CRMLP)**
Policy 2 Need
Policy 9 Planning applications
Policy 10 Geological content of planning applications
Policy 12 Conditions
Policy 13 Planning obligations/Legal agreements
Policy 15 Landscape
Policy 16 Plant and Buildings
Policy 17 Visual amenity
Policy 20 Archaeology
Policy 21 Archaeology
Policy 25 Ground water/surface water/flood protection
Policy 26 - 27 Noise
Policy 28 Dust
Policy 31 Cumulative impact
Policy 32 Advance planting
Policy 33 Public rights of way
Policy 34 Highways

Policy 37 Hours of operation
Policy 39 Stability and support
Policy 41 Restoration
Policy 42 Aftercare
Policy 45 Sand and gravel landbank
Policy 46 Future sand and gravel extraction
Policy 47 Sand and gravel area of search
Policy 54 Future silica sand extraction

**Congleton Borough Local Plan First Review (CBLP)**
PS8 Open Countryside
PS10 Jodrell Bank Radio Telescope Consultation Zone
GR6 Amenity and Health
GR7 Environmental Effects
GR9 Access
GR10 Traffic
GR14 Cycling
GR15 Pedestrians
GR18 Traffic Generation
NR3 Habitats
NR4 Non Statutory Wildlife Sites
NR5 Habitat Conservation
NR6 Reclamation of Land

**Astbury and Moreton Neighbourhood Plan (AMNP)**
P9 Scale, design, amenity
P11 Countryside and open views
P12 Woodland, trees and hedgerows
P13 Open countryside
P17 Buffer zones and wildlife corridors
P18 Historic environment
P19 Footpaths
P21 Traffic
P23 Public rights of way
P26 Landscape quality

**Other Considerations:**
National Planning Practice Guidance (NPPG)
Cheshire East Local Aggregate Assessment 2018
North West Aggregates Working Party Annual Monitoring Report 2016 (NWAAWP)
BGS Mineral Planning Factsheet Silica Sand 2020
'Collation of the results of the 2014 Aggregate Minerals Survey for England and Wales' British Geological Survey/DCLG 2014
EC Habitats Directive
Conservation of Habitats and Species Regulations 2017

**CONSULTATIONS**

**Nature Conservation**

No objections. Request provision of a 25 year habitat management period following completion of the restoration of each phase and revisions to the restoration scheme. Also recommend restricted public access. Recommend conditions in respect of:

- Implement protected species mitigation and submit specification for protection fencing around retained pond;
- Detailed lighting scheme;
- Updated badger survey prior to the commencement of each phase;
- Nesting bird protection;
- Scheme for translocation of invertebrates, vegetation and soils from pond 7 to receptor pond and provision of additional pond where necessary;
- Habitat management plan and ecological monitoring strategy;
- Implement dust and water management strategies;
- Detailed habitat creation method statement for ponds, wildflower grassland, bat and bird boxes, heathland and acid grassland, woodland planting, new hedgerows, sand martin bank, and gravel islands

**Forestry** – no objection. Note the visibility splays would conflict with existing trees including a large mature TPO protected tree however the use of a banksman and speed restrictions is proposed to avoid tree removal. The removal of 'Important' hedgerows under the Hedgerow Regulations hedgerows is a material consideration which should be afforded significant weight. If clear overriding reasons are demonstrated to permit the development and such impacts are unavoidable, the officer is satisfied that the proposed hedge planting would result in a net gain in hedgerow provision and is reasonable in respect of the overall reinstatement plans.

The extent of tree and hedge loss would be significant although it is accepted that replacement planting is proposed in mitigation as part of the overall restoration scheme. If the losses are deemed unavoidable, conditions are required to secure:

- An Arboricultural Method Statement (with key stage arboricultural supervision and monitoring
- Tree Protection Scheme
- Landscape mitigation scheme with replacement tree and hedgerow planting
- Management strategy for retained vegetation and landscape enhancement.

**Public Health Unit** - no objections raised. Key issues are what impact in noise and air pollution the additional imported materials and extension of the site would have. The receptor to the south may require greater noise mitigation. Temporary noise mitigation for construction works should be considered and the need for long term mitigation during site operations. Vehicle noise outside of normal working hours should be kept below accepted thresholds. The proposed activities will release dust particles. Weather conditions will influence the levels of "dust" created and extent to which adjacent properties are impacted. Note that no comments are raised by CEC Environmental Health.

**Highways** - No objection. The small additional traffic generation can be accepted on the network. The proposed new access locations are acceptable and adequate visibility is provided. Note that the new accesses will only be used in small numbers at the start and end of the day and a banksman will be used. Recommend replicating the planning conditions on

night time movements from the existing consent. Advise a S278 Agreement will be required for the box culvert under Wallhill Road.

**Landscape** No objection. Satisfied that the proposals will not result in any significant landscape and visual impacts. Consider that the sensitivity of a number of the receptors identified in the visual assessment is greater than indicated, however do not consider that this would significantly change the visual assessment.

**Flood Risk Management** No objection. Support conditions requested by Environment Agency regarding future surface water monitoring arrangements and licensing. Any alterations to existing ordinary watercourses will be subject to Land Drainage Consent applications under Land Drainage Act 1991.

**Spatial Planning** – no objections. Note that not all of the application site lies within Preferred Area and is not located in an area of search, therefore exceptional circumstances need to be demonstrated to justify the development. Advice provided in respect of consideration of the quality of sand and the use to which the mineral is put, market justification, relationship to existing consented reserves, consented sand importation and justification for proposed increase in importation, along with the impacts on timescales for final restoration.

**Built Heritage** - No objections

**Archaeology** no objection**.** A sufficient written scheme of investigation has been outlined in order to address the archaeological conditions on site and works can commence subject to implementation of the agreed mitigation.

**Environmental Health**
Noise. No objection. Noise levels from temporary operations and restoration are all below NPPG recommended levels. Noise limits for surface extraction in NPPG are exceeded by up to 3 dB in all phases apart from phase 3; however as the depth of extraction increases, and benefits from additional shielding, the extraction noise levels will be lower than those predicted and the processing plant noise levels are also likely be around 5 to 10 dB lower than predicted; therefore the extraction noise levels are considered unlikely to exceed the limit set out in NPPG.

Conditions recommended for setting noise levels, noise monitoring scheme, implementation of the noise mitigation, provision of a bund and acoustic fence, orientation of the powerscreen, timing of works for phase 5 and limits on operational hours for screening.

Air Quality. No objections. The HGV numbers are below the threshold for requiring an air quality assessment.

**Public Rights of Way** No objections. Proposal does not affect a public right of way. There is an opportunity to improve walking, cycling and equestrian facilities, reflecting the aims of the Council's statutory Local Transport Plan, Cycling Strategy and Rights of Way Improvement Plan Local Plan Strategy. Note a suggestion has been logged on the Council's statutory Rights of Way Improvement Plan for an off-road link between Newbold Astbury Public Bridleway No. 7A to Brereton Restricted Byway No. 23, running along the northern boundary of the site, off-set from the A534 and private third party properties. This could be included

within the restoration proposals and could include securing the agreement of adjacent landowner(s) and financing of the physical creation of the route outside of the application boundary. Recommendations are made regarding maintenance of this route, and recommend consideration is given to alerting drivers of presence of vulnerable non-motorised road users on Walhill Lane.

**Environment Agency** On the basis that Natural England consider the hydrogeological impacts on SSSI are acceptable, the original objection to the scheme is withdrawn. The original recommendation of a limited dewatering depth was proposed in order to maintain some flow towards the SSSI and also maintain some groundwater gradient towards Arclid Brook. If the developer maintains the full dewatering depth is necessary, the assessment of any deprivation of baseflow in Arclid Brook and mitigation required will be addressed separately under the Water Transfer License which will have to be obtained from the Environment Agency. The updated water features detail submitted provides better confidence that most of the surface water features may remain perched, above groundwater, although some may lose part of their surface catchment to the earthworks.

Planning condition recommended for a fully enclosing network of monitoring boreholes to be established prior to any excavation, and its maintenance throughout the development, with groundwater levels and levels in the sump at 2 month frequency. Advice is provided in respect of the scope of the proposed monitoring programme.

**Natural England** No objection. The proposal will not impact on Brookhouse Moss SSSI and no concerns over impacts on River Dane SSSI and Midland Meres and Mosses Phase 1 and 2 Ramsar/SSSI. Note the requirements of NPPF in respect of 'best and most versatile' (BMV) agricultural land. Satisfied that the proposals meet the requirements for sustainable minerals development in NPPG particularly regarding restoration and aftercare. Confirm that it would be appropriate to specify agriculture as an afteruse, and that the physical characteristics of the land be restored, so far as practicable, to what they were when last used for agriculture. Satisfied that the Soils and Agricultural Land Classification Report constitutes a record of the pre-working physical characteristics of the land within the application site boundary. Conditions recommended in respect of safeguarding soil resources and restoration. Advice is provided in respect of soil handling, reclamation of mineral sites, and protected species.

The development provides opportunities to secure biodiversity net gain for nature and local communities. Natural England encourage the protection and enhancement of wetland habitats and associated terrestrial habitats into the proposals, and the use of the Defra Metric to measure biodiversity impacts.

**Manchester Airport -** No aerodrome safeguarding objections to the proposal

**Health and Safety Executive -** No concerns with the proposals

**Public Health England** - No comments received

**Cheshire Wildlife Trust -** No comments received

**Jodrell Bank** – verbally confirmed no comments to make

**Highways England** - No objection

**Historic England** - No comments

**Cadent Gas** – no objections. The mineral extraction will not affect the pipeline. The restoration scheme will impact the pipeline and Cadent Gas will liaise with the applicant on the matter. The impact should be minimal, with the possibility the pipeline in question is no longer required, dependent upon future plans for the site. The Council may want to consider if the restoration plan deals sufficiently with the pipeline being left in-situ.

**Views of Town/Parish Council**

Newbold Astbury cum Moreton - No objections. Request a condition for site restoration and mitigation for biodiversity whilst work progresses. Note exceeded noise levels at properties on site boundary and request improved sound barrier mitigation for these properties as proposed mitigation does not seem to be sufficient. The application must support Neighbourhood Plan Policy 5 and respect the light mitigation in the local area. The current lighting is causing complaints from the local residents.

Smallwood Parish Council
Support the proposal

Other representations

- Dissatisfied that each time there is an extension at the site, there are more of the unsightly quarry buildings and infrastructure because not enough thought is given to screening with evergreen vegetation.
- Existing lighting at the quarry shines too brightly into neighbouring houses. It would be possible to redesign this to remove this problem.
- The majority of sand in the extraction area is not suitable for high end foundry uses and evidence should demonstrate how it differs from construction sand.
- Reference is made to the current importation of sand and associated 38 HGV movements under application 15/1529W despite the application not yet being determined. Concern that this application could result in further changes to the approved development without complying with planning conditions and increasing detrimental effects this could present.
- No consistency between all the current applications at the site in terms of the tonnage of minerals sold at the quarry over the next few years. This will have a significant effect on the number of HGVs using the site.
- There is no information on how they will dispose of tailings brought onto the existing quarry via conveyor which will generate a large amount of waste which needs to be disposed of.

**Applicants supporting information**
The application is supported by a Planning Statement, including drawings and appendices containing a number of schemes, technical assessments, and an Environmental Statement and addendum, and a Non-Technical Summary.

**OFFICER APPRAISAL**

**Principle of Development**
The CRMLP identifies 'Preferred Areas' for new additional silica sand and 'Areas of Search' for sand and gravel from where new reserves should be secured, unless exceptional circumstances prevail (saved policies 54 and 47). The application site lies within a Preferred Area for silica sand aside from one small parcel (1ha) and does not lie within an Area of Search for sand and gravel. In respect of satisfying the exceptional circumstances required by these policies, the applicant has identified the following considerations:

- The quarry has significantly less than the 10 year minimum reserves of silica sand required by planning policy. This proposal would help contribute towards the steady and adequate supply of industrial silica sand from this site. Even with the addition of this extra area included, the reserves would still be below the 10 year policy requirement.
- It would also contribute to the sand and gravel landbank which is also below the 7 year minimum requirement set out in NPPF and CELPS policy.
- The small additional area contains viable silica sand reserves which are likely to be sterilised if omitted, which would be contrary to Paragraph 203 of the NPPF.
- This is a relatively small addition outside of the Preferred Area allocation and forms a natural progression of extraction in the southern area.
- The additional area has similar environmental characteristics to the Preferred Area which was considered suitable to be allocated in the CRMLP. It is not designated, nor does it have any environmental significance but comprises a significant mineral resource which can be worked and then restored to provide some environmental benefits.
- The extraction of minerals from this area is consistent with the policies of the NPPF and the approach to sustainable development.
- There is a further Preferred Area for silica located directly to the south of the existing quarry however the applicant does not currently have the land agreements in place to make an application on this land.

It is also noted that the applicant submitted the application area in the Council mineral Call for Sites exercise in 2014, and the Council Minerals Sites and Areas Assessment Report 2015 recommends that this site is defined as a Preferred Area. These exceptional circumstances are considered sufficient to meet the requirements of CRMLP saved policies 47 and 54.

**Development in Open Countryside**
CELP policy PG6 and CBLP saved policy PS8 applies. In the open countryside development will only be permitted if it is for one or more of the purposes listed within the policy unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure and works by public services/statutory undertakers, or other uses appropriate to a rural area. Minerals development is considered appropriate in the open countryside; the Preferred Areas for future silica sand and Areas of Search for sand and gravel identified in the CRMLP are all located within the open countryside. As such it is considered that the development does not conflict with policies PG6 and PS8.

**Need for Industrial (Silica) Sand and Aggregates**
The NPPF (paragraph 203) identifies that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource and can only be worked where they are found,

NPPF states that it is important to make the best use of them to secure their long-term conservation. Paragraph 205 requires LPA's to give great weight to the benefits of mineral extraction, including to the economy.

Silica sand is recognised in the NPPF as an important industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted. Silica sand is therefore treated differently from more general construction aggregate materials in terms of mineral planning.

Silica sand occurs in only a limited number of locations within the UK and is unevenly distributed. It is used in a range of specialist (non-aggregate) applications. The characteristics of silica sand deposits vary at different locations with respect to sand grain size distribution, grain shape and sharpness, chemical purity and the presence of contaminants. The application and use of silica sand from a given deposit therefore cannot always be substituted by other deposits.

Cheshire East contains nationally important deposits of silica sand which are of economic importance, and the British Geological Survey identifies that Cheshire's silica sand resources are some of the most important in the UK accounting for approximately 40% of total output in Great Britain (BGS, 2020).

CELPS Policy SE10 and the NPPF Para 208 states that Minerals Planning Authorities (MPAs) should plan for a steady and adequate supply of industrial minerals (which includes silica sand) and ensure these are maintained. NPPF Paragraph 208 states that reserves *at individual industrial silica sand sites* should be *at least* 10 years, and at least 15 years where significant new capital is required. Likewise, saved Policy 54 of the Cheshire Replacement Minerals Local Plan 1999, seeks to maintain landbanks of at least 10 years *at each silica sand site* throughout the plan period.

The applicant identifies that, at the time of submission of the application, there was approximately 1,090,000 tonnes of consented mineral reserves remaining at the quarry, which based on their estimated sales would equate to a 6 year supply remaining (with consented reserves being depleted by 2024). This is significantly below the policy requirement of at least 10 years at each silica sand site identified in the NPPF and CELPS policy SE10.

The NPPF (paragraph 207) also requires mineral planning authorities to plan for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand & gravel. All the operational silica sand sites in Cheshire East also produce some aggregate sand & gravel as a by-product of silica sand production in varying quantities. The Cheshire East Local Aggregate Assessment (LAA) (covering January to December 2018) identifies that the aggregate sand and gravel landbank is at 4.87 years (based on the 10 year sales average + 2% annual growth figure), which falls short of the at least 7 years required by the NPPF and CELPS Policy SE10.

There are currently five operational silica sand quarries in Cheshire East all providing feedstock for a diverse range of industrial uses and customer specifications, including glass,

ceramics, sports use, horticulture and casting industries. This includes two sites operated by the applicant; one at Rudheath Lodge (granted consent in 2019) which has recently commenced operations and is a cross boundary site with Cheshire West and Chester Council securing approximately 3.3 Mt of mineral resources including silica sand and aggregate sand; and the second (Dingle Bank Quarry) is nearing completion and is due to close in December 2020. Arclid Quarry has also recently been granted consent for an extension to the site to secure 4,500,000 tonnes of silica sand which would also provide a nominal amount of aggregate sand. Even with these additions taken into account however, further reserves of sand and gravel across the authority are required to maintain the 7 year landbank required by planning policy.

Borehole data submitted with the planning application confirms the existence of a further 1,100,000 tonnes of mineral resources in the proposed extension area; with approximately 770,000 tonnes of silica sand and approximately 330,000 tonnes of sand suitable for construction uses. In total, when combined with the existing permitted reserves at Bent Farm Quarry, this would provide approximately 7.82 years supply of sand, based on forecasted future sales which would help contribute towards the 10 year industrial (silica) sand requirement, and provide a contribution towards the 7 year landbank required for sand and gravel in Cheshire East.

Mineral Resource Assessment

NPPG requires calculations of mineral reserves to have regard to the quality of sand and the use to which it will be put. CRMLP Saved Policy 10 also requires applications to be supported by adequate evidence to demonstrate both the quality and quantity of the mineral reserve, whilst CRMLP Saved Policy 5 emphasises that an application for mineral extraction will not be permitted where it would involve the use of high quality materials for low grade purposes.

Silica sand is defined as sand which normally has a silica content of more than 95% (British Geological Survey (BGS) minerals planning factsheet, 2020). The submitted mineral resource assessment identifies that the site has a silica sand resource of 98.5% which meets the accepted definition of silica, and sample analysis shows that the sand displays the necessary physical and chemical characteristics suitable for a range of specialist industrial markets enabling the production of glass, metal castings (foundry), ceramics and adhesives required by the applicants customer base.

The applicant states that the vast majority of the mineral would be used in industrial processes and, whilst approximately 30% of the reserves are identified as being used as aggregate, this is a conservative estimate in order to provide a realistic worst-case scenario. The proportion going into particular sectors would be determined by market demand, however it is more likely that the proportion of sand being used in the aggregate sector will be comparable to the proportions currently sold from Bent Farm Quarry, which are low and would likely be used in the production of concrete. As such this accords with CRMLP Saved Policies 5 and 10, and the approach of the NPPF.

Concern has been raised by objectors regarding potential inconsistencies in the mineral reserves and sales figures quoted in the application. The anticipated future average sales from Bent Farm Quarry (based on current reserves and those proposed in the application) are c.280,000 tonnes per annum (tpa). This has been estimated using the average sales from

the last 5 years and forecasting for the next 10 years. The various technical assessments submitted in support of the application have however used a worst case scenario of sales of 380,000 tonnes per annum. This takes into account the addition of the proposed sand/soil blending operations and proposed additional imported sand for processing which also forms part of this application, and which amounts to an additional 100,000 tonnes per annum in sales.

With respect to any impacts of this proposal on the application for the proposed extension to the timescale for operating Bent Farm Quarry (ref: 18/5890W) which is still awaiting determination; it is noted that, should the time extension application (18/5890W) be refused, the proposed extension area could be worked independently as there is no intention to blend the sands from both sites and the plant processing site is included within the boundary of this planning application and could therefore serve the extension site. The implications on the overall timescales for extraction in the extension area would mean a slight drop from 8 years to approximately 6 years as the overall sales would reduce, however the programme of rolling restoration would ensure that the extension area is completed at the earliest possible opportunity after cessation of mineral extraction. As such, any approval of this application is therefore not dependent on the approval of 18/5890W.

Justification for sand soil blending and additional importation of processed sand

With respect to the choice of site for the relocated sand soil operation following the closure of Dingle Bank Quarry site (10 miles to the north) the applicants highlight the following considerations:

- Sand produced at Bent Farm Quarry would be one of the materials used in the production of sand soil products, so the co-location of the facility on this site provides a logical alternative.
- Rudheath Quarry in Goostrey (also operated by the applicant) would also provide sand for this facility; however the space restrictions at the plant site make this location unviable.
- The end use for the sand soil operations would be sports and leisure industry, principally for sports pitches, equestrian facilities and golf courses with the customer base being facilities within the north of England.
- The other alternative sand soil blending facility operated by the applicant is located in Surrey, which is not sustainable to serve all of the applicants customer base given that many are located in the north and the site does not have the spare processing capacity to meet existing customer demand.

Given these considerations, and subject to all other associated environmental impacts being considered acceptable as assessed in the relevant sections of this report, the co-location of this facility on an existing quarry in this location is considered sustainable and acceptable, and is supported by the NPPF and CRMLP saved policy 16 which states that plant and machinery will not be permitted unless it meets criteria which include that the primary use is associated directly with the mineral extracted at the site.

With regards to the proposed increase of imported processed sand for drying, the principle of importing processed sand for drying has already been accepted by virtue of the resolution to grant planning application ref. 15/1529W. The applicant also notes that:

- The demand for dried sand, bagged sand and sand/soil blends will remain following the closure of Dingle Bank Quarry;
- Rudheath Quarry does not have sufficient space for a drying plant,
- It would make the best use of spare capacity at the existing drying plant already located at Bent Farm Quarry
- The sand imported would be used for industrial purposes and would be an important part of the company's strategic re-organisation of regional operations and processes,
- It would allow the company to maintain their current supply and specification of industrial sand to customers.
- It would allow for the sustainable use of existing mineral infrastructure, preventing the need to develop elsewhere.

These points are accepted. Given that the imported sand would utilise existing spare capacity in the drying plant, no adverse impacts on the overall timescales for processing mineral extracted from Bent Farm Quarry is anticipated. Subject to all associated environmental impacts being considered acceptable as assessed in the relevant sections of report, it is considered that this additional increase in importing processed sand would provide a sustainable means of utilising existing mineral infrastructure which would accord with NPPG, and CELPS Policy SE10.

**Control of Pollution**

**Noise and vibration**

Noise from site set up works such as soil stripping and bund formation; and from the operational activities including extraction, earthworks, processing and handling of materials all have the potential to impact upon nearest sensitive receptors. The proposal would also result in the processing plant being in use for a longer timescale than currently permitted, and there is the potential for cumulative impacts associated with existing mineral extraction activities at the quarry.

Noise impacts from temporary activities such as soil stripping activities, bund formation and site restoration works would remain well within limits recommended in National Planning Practice Guidance (NPPG) at all receptors. At a worst case, vehicle noise on Wallhill Lane (north of the quarry entrance) would be 1.2 decibels higher than present levels which is assessed as having a low impact; whilst on A534 west of Wallhill Lane it would be 0.3 decibels higher, which is assessed as having a very low impact.

Noise from the processing plant activities would remain within NPPG recommended limits at all receptors aside from at one property (Quarryside Bungalow) situated adjacent to the processing area which would be 1 decibel higher; however material stockpiles would frequently be located in between the plant and receptor which would reduce screening plant noise levels by up to 10 decibels and bring noise emissions below the NPPG limits.

With the proposed soil screen bunds in place, noise levels from mineral extraction are predicted to remain within NPPG noise limits at all receptors with the exception of two properties during some phases of the development. At Quarryside Bungalow, the operational noise level is met during extraction in phase 3 but exceeded by up to 3 decibels when working the other phases. As the depth of extraction increases, the degree of noise shielding from extraction operations will increase and so the noise levels will be lower than predicted.

Additionally the proposals include for a 1.5m high bund with a 1.8m high fence above on the plant site boundary adjoining this property. Equally during phase 5 only, noise levels are predicted to be 4 decibels higher than recommended NPPG levels at Wallhill Cottages (on the northern extension site boundary). The noise assessment recommends that phase 5 is undertaken outside of summer months when residents are less likely to be using outdoor spaces or have windows open which can be controlled by planning condition. Best practice noise management measures are also proposed to be implemented on site to assist with controlling noise impacts from the proposal. With the implementation of mitigation, the noise assessment identifies that the operational noise effects would be negligible.

The Environmental Health Officer raises no objections to the proposal and acknowledges that it is not always possible to position the mineral workings in areas that will give rise to no noise impacts as minerals can only be worked where they are found. In addition to the planning conditions above, the following is recommended to be secured by condition:

- Setting maximum noise levels in line with guidance in NPPG.
- Scheme of noise monitoring identifying the method, location and frequency of monitoring and reporting
- Orientation of the powerscreen to face away from the property and line-of-sight to the property is screened by the plant itself.
- Control on operational hours for sand soil blending to 07:30 and 18:00 Monday to Friday and between the hours of 07:30 and 12:00 on Saturday, with no activities undertaken on Sundays and Bank Holidays.

On the basis of the conditions recommended by the Environmental Health Officer and the conclusions of the noise assessment it is considered that the potential for noise and disruption during the proposed development would be controlled to an acceptable level and would not result in significant adverse impacts on local receptors, and no cumulative adverse impacts from existing and proposed operations are anticipated. This would accord with CELPS policy SE12 and CRMLP policy 26 which states that noise emissions from mineral developments should will not be permitted where it would give rise to unacceptable levels of noise pollution; and would accord with the approach of CBLP policy GR6 and GR7.

**Air quality**

Vehicle emissions

The proposal is located within 2.5km of the nearest Air Quality Management Area adjacent to West Road, Congleton. The majority of vehicle movements would travel west along the A534 towards the M6 motorway, and a large proportion of these movement are already generated on site at present. As such, road traffic emissions are not anticipated to generate significant impacts, and no concerns are raised by the Air Quality Officer.

Dust

Large sized particles make up the greatest proportion of airborne dust generated by mineral activities and due to their size, they tend to settle out within approximately 500m of the source. No adverse impacts are anticipated on Brookhouse Moss SSSI given its location 1.4km to the west. There are a number of residential properties within 250m of the application site boundary, and public rights of way within 400m.

Without mitigation, operations at the proposed extension area and processing plant has the potential to increase dust deposition and airborne particulate matter concentrations at receptors located close to the operational works, particularly during bund creation, extraction and plant operation.

The air quality assessment identifies that implementation of a range of good practice measures will be sufficient to control emissions to ensure there are no significant effects on nearby receptors, and no significant cumulative adverse dust impacts are anticipated with operation of both proposed and existing activities given the distance from the proposed extraction area and existing measures in place on the plant site to control dust emissions.

It is also noted that the processing area, on-site transport routes and stockpile areas have been in existence in this location throughout the operation of the quarry, and there are no reported dust impacts on nearby receptors during that time. Long term quarry dust monitoring also shows that the average deposition rates remain below the threshold where complaints are likely. The proposed additional imported material to the plant site would be stored in 3m high concrete bays; and due to the prevailing wind direction and distance to receptors, any escaping fugitive emissions are unlikely to create a nuisance.

A dust management plan is proposed which outlines all mitigation to be implemented on site to control emissions to an acceptable level, along with procedures to check the effectiveness of dust controls and complaints procedures.

Mitigation includes:

- Phasing of extraction and careful site design to locate dust generating activities away from sensitive receptors
- Avoiding soil stripping/restoration works during dry and windy conditions
- Use of screening bunds
- Covered conveyor in close proximity to receptors
- Wheel wash, damping down and regular use of water bowser
- Storage of dry material in sealed silos in the processing plant area

Monthly dust monitoring is also proposed (to reflect existing quarry monitoring arrangements) with results reported periodically to the Council, and procedures for implementing additional mitigation where appropriate. The dust mitigation above can be secured by planning condition. The Environmental Health Officer raises no concerns or objections to the proposed development.

NPPG states that if there are residential properties in close proximity to a source of emission then consideration should be given to the impacts on human health from concentrations of fine dust particles suspended in the air. The level of long term background concentrations is anticipated to be well below recommended levels set in technical guidance and thus any effects are unlikely to present a significant effect on human health. The Council Public Health unit also advise that the size of airborne dust particles produced by mineral activities means that they do not generally penetrate deep into the lungs and as such do not constitute a significant health risk to nearby receptors.

On the basis of securing the implementation of the measures set out in the dust management plan and continuation of the dust monitoring that is currently undertaken on site for the

duration of the development, it is considered that the proposal accords with CBLP policy GR6 and CELPS policy SE12 which requires new development to ensure it does not result in a harmful or cumulative impact on air quality. It would also accord with CRMLP policy 28 in that it would minimise dust emissions during the operational life of the site, and the approach of the NPPF.

**Lighting**

Objectors have referenced light pollution to nearby receptors from the existing plant site. The applicant has confirmed that directional lighting would be placed on the storage bays as a replacement for the existing lighting on poles in the proposed sand soils area which would offer an improvement over the existing situation. Concerns over existing lighting arrangements can be addressed directly with the operator through the community liaison meetings and a planning condition for approval of any new lighting as part of this proposal could be secured.

**Highway impacts**

No amendments are proposed to the current planning conditions which allow HGV movement and loading/unloading over 24 hours a day, 7 days a week (with no movements on Christmas Day, Boxing Day or New Years Day) and night-time HGV movements are restricted to an average of 27 per day permitted between 00:01 and 06:00 hours Tuesday to Saturday; and 10 per day between 22:00 and 04:00 Saturday to Monday. Despite these provisions, it is noted that the quarry does not operate the HGV weighbridge outside of 0600 and 2200 hours for HGV arrivals and departures.

The export of sand would continue to be via the existing entrance to Bent Farm Quarry off Wallhill Lane which is designed with suitable width to accommodate simultaneous HGV arrivals and departures. Additionally, there is a 7.5 tonne weight limit on Wallhill Lane south of the quarry entrance so HGVs from the site are directed towards A534. The proposed use of a conveyor and pipe to transport mineral under Wallhill Lane to the processing plant would result in the mobile plant largely remaining on the extension area for the duration of the works in each phase.

The proposed additional new vehicular access between the proposed extension area and the processing plant site would enable the front end loader and other plant/site vehicles to cross directly over Wallhill Lane without travelling along the highway to the existing quarry entrance, and would be constructed with visibility splays that are considered acceptable to the Highways Officer. A tree protected by a Tree Preservation Order would obstruct the northern visibility splay for this access. Given that the proposed access is temporary and would have limited use (at the beginning and end of each working day only), a banksman is proposed to facilitate the crossing of Wallhill Lane in order to ensure the protection of the tree. The applicant highlights that this frequency of movements is a worst-case scenario; as the mobile plant is likely to be frequently stored within the extension area, rather than being brought back and forth each day. Additionally, the use of a banksman will form part of the quarry's Safe Operating Practice; and the Site Manager will be responsible for ensuring that all site operations are carried out in accordance with this to meet Health and Safety requirements on site throughout the works. The Highways Officer is satisfied with the proposed arrangements and the use of a banksman can be secured by planning condition.

It is noted that the traffic calming measures secured by the Congleton Link Road scheme include lowering the speed limit to 40mph on Wallhill Lane and narrowing part of the carriageway to provide one-way running which would also assist with the safety of quarry vehicles crossing over the carriageway.

Vehicle movements

The proposal would not increase the overall extraction rates from the quarry, therefore vehicle movements associated with processed sand originating from the site would remain at approximately 72 HGV movements a day (36 in and 36 out). Equally the existing 38 HGV movements (19 in and 19 out) generated by importing sand which is already taking place would also remain the same. With regards to new vehicle movements, the proposed sand soil operations and additional importation/export of processed sand would generate approximately 40 HGV movements per day (20 in and out).

The majority of existing HGVs arrive and depart the site from the west along the A534 to Junction 17 of the M6. The HGV flows from the proposed development represents a low percentage (0.7%) of total traffic flows on the A534, and in the peak periods represents a low percentage (0.53%) of total flows. Equally, with respect to the impact of the proposal on the Congleton Link Road, this will represent a low percentage (1%) of the total flows on the A534.

Overall the effect of the continued sand extraction along with the additional proposed HGV movements is not anticipated to have any adverse impact on the capacity or safety of the highways network. The Highways Officer advises that the small additional traffic generated can be accepted on the network. On the basis of the identified level of impacts on the highways network and the views of the Highways Officer, and subject to the imposition of planning conditions to replicate the existing restrictions on HGV movements, secure use of banksman and require new access and associated visibility splays to be implemented prior to commencement of phase 1 works, it is considered that the proposals accord with CELPS policy SD2, CRMLP policy 34 and CBLP policy GR18.

Sustainability

In terms of the sustainable movement of staff and products and use of alternative modes of transport, there are no changes to the number of staff employed (apart from 4 additional temporary staff during overburden removal) and as such, a travel plan is not considered necessary. Products that would be produced at this site could only be delivered to the expected wide range of customers by road (HGV) as there are no nearby rail freight heads or wharfs. The above highway considerations demonstrate there would be no significant increase in movements on the highway network or any adverse highway impacts, and as such the proposals are considered acceptable from a sustainability perspective.

**Forestry**

The proposed extension area has 5164sqm of hedgerows, 148 trees and 4 groups of trees; whilst the plant processing area has a further 34 trees and 3 groups of trees. There are a number of trees on the wider quarry site which were not part of the survey. Six oak trees subject to Tree Preservation Order are located on the eastern verge of Wallhill Lane adjacent but outside of the application site.

The proposals would result in the loss of 1397m of hedgerow. The proposed extension area and the conveyor route would result in the loss of 30 trees including 4 identified as requiring

removal due to their poor condition. The construction of the new access point would require the potential removal of two oak trees on the eastern side of Wallhill Lane and a section of woodland scrub across the existing bund; along with the loss of 9m of hedgerow on the western side of Wallhill Lane. The proposed southern bund, storage bays and acoustic fence would also result in the loss of 13 trees, and a section of a group of trees.

The use of a banksman to facilitate crossing of the new access on Wallhill Lane in order to protect one tree subject to a tree preservation order which obstructs the northern visibility splay is considered acceptable by the Forestry Officer. Aside from the works to the access point, the majority of tree loss would occur during the later stages of the development by which time progressive restoration of the earlier phases would be on-going. Trees and hedgerows would be removed on a phased basis, with new planting undertaken progressively, therefore the total loss at any one time would be mitigated.

The proposals include for increased woodland and hedgerow planting, hedgerow planting of standard trees and gap filling which would connect existing tree and hedge features with native species as part of the progressive landscape restoration scheme. This would provide an overall net gain in tree provision with 208 trees being retained or provided. In addition, approximately 1.5ha of woodland planting is also proposed as part of the restoration scheme. In respect of hedgerow provision, approximately 1896m would be progressively restored as part of the proposals, which would result in a net gain of 526m.

The arboricultural assessment recommends a range of mitigation to protect trees and vegetation on the site, the implementation of which can be secured by planning condition. This includes an arboricultural method statement for any works in close proximity to tree roots to define appropriate construction methodology. Other potential mitigation identified includes:

- micro-siting of the access point to limit impacts within root protection zones
- undertaking tree remediation/management works in advance of construction
- detailed tree protection measures
- arboricultural supervision of works
- control construction works in proximity to the affected trees,
- undertaking hand pitting and manual construction to reduce impacts during fence post installation

In addition, the Forestry Officer recommends conditions in respect of:

- Detailed tree protection scheme
- fully specified landscape mitigation scheme with replacement tree and hedgerow planting
- management strategy for retained vegetation and landscape enhancement.

Subject to these measures being secured no objections are raised by the Forestry Officer to the proposals.

<u>Hedgerow Regulations</u>

95% of the hedgerows within the proposed extension area are classified as ‘Important’ under the Hedgerow Regulations 1997. Approximately 3794 m (73%) of these would be retained, and 1370 m (27%) would be removed. Whilst compensatory hedgerow planting is proposed,

the significant loss of hedgerows are a material planning consideration. CELPS Policy SE5 requires proposals which would result in the loss hedgerows that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, to demonstrate that there are clear overriding reasons for allowing the development and no suitable alternatives. Where such impacts are unavoidable, development proposals must also satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

In respect of these considerations, it is noted that the proposals provide for an overall net gain of hedgerow, the replacement hedgerows would be on their original alignment where possible and would be of 'species rich' quality rather than 'species poor' as is currently the case at the site. The strategic overriding economic reasons for the development are set out above and it is considered that there are no suitable alternatives given that silica sand is a finite resource which can only be worked where it is found and the proposal has maximised hedgerow retention as far as possible whilst also seeking to maximise mineral exploitation. As such it is considered that the proposals accord with CELPS Policy SE5.

**Heritage**

There are 4 grade II listed buildings within 730m of the site, the closest located c.520m to the north. Given the distance to these heritage assets, the proposal is not anticipated to have any discernible effect on their setting. The Conservation Officer agrees with the assessment and raises no concerns over the proposals. As such the proposals are considered to accord with CELPS Policy SE7, CRMLP policy 24 and CBLP policy BH5.

With respect to buried remains, there are no designated heritage assets recorded within the site or in the immediate locality. A non-designated post-medieval agricultural feature has been recorded immediately to the east of Wallhill Lane within the site boundary; however the recorded feature has been destroyed by subsequent mineral extraction.

A Scheduled Monument (the Roman Camp) is located 350m to the east and another two Scheduled Monuments are located c.1.3km to the east. The application site to the east of Wallhill Lane has already been subject to significant ground disturbance from previous mineral extraction with no archaeological activity revealed, and the setting of the heritage asset has already been largely modified, therefore this proposal will not affect its setting.

The proposed mineral extraction area is on undisturbed land approximately 750m to the west of the Roman Camp. It is likely that features of post medieval agricultural activity and small scale post medieval mineral extraction could be found within this area; however these are anticipated to be of only local value and the overall archaeological potential of this area is considered to be low.

The proposed groundworks have the potential to encounter unrecorded archaeological remains (post-medieval agricultural and mineral extraction). In accordance with the archaeological assessment, the applicant has submitted a Written Scheme of Investigation for an archaeological watching brief during topsoil stripping. The Archaeological Officer considers this is acceptable and its implementation can be secured by planning condition. As such the proposal would accord with CELPS policy SE7 which seeks to ensure that all new development conserves the character, quality and diversity of the historic environment and

does not harm heritage assets, along with policies 20 and 21 of CRMLP, CBLP policies BH11 and BH12.

**Public rights of way**
CRMLP saved policy 33 states that mineral development would not be permitted unless:

i) it would not have an unacceptable adverse impact on public rights of way within, adjacent to and abutting the proposed development;
ii) it would not lead to a net loss of public right of way;
iii) the restoration would where appropriate make a positive contribution to the public right of way

No public rights of way (PROW) within or adjoining the application boundary would be adversely affected by the development, and there would be no net loss as a result of the development. No PROW are proposed in the restoration scheme however there are a number of footpaths/bridleways in the immediate locality around the site and directly adjoining the northern boundary of the processing plant site. The PROW officer notes that a suggestion has been logged on the Council Rights of Way Improvement Plan for the creation of an off-road link between the Newbold Astbury bridleway 7A on the northern processing plant boundary running along the northern boundary of the extension area to connect with Brereton Restricted Byway No. 23 in the north west; with the link off-set from the A534/private third properties, included within the restoration proposals for the site and its implementation and maintenance secured through any planning permission. The PROW officer notes that developments such as this present an opportunity to deliver and improve walking, cycling and equestrian facilities which meets the aims of the Council Local Plan Strategy and CELPS Strategic Priority 2.

In response the applicant highlights that there is no net loss or adverse impacts on the public right of way network. They also highlight that the operator does not have control of the land required in order to facilitate a connection between Newbold Astbury Bridleway 7A and Brereton Restricted Byway No.23. The link would be located predominantly outside of the application boundary on farmland in third party ownership, and as such they consider that the suggested improvement is not deliverable as part of the proposed development. It is also noted that the land in the north of the extension area is to be restored back to agriculture and would be handed back to the landowner to continue farming, as such the long term operational requirements of the farmer and any third party landowners must be taken into account.

With respect to any potential additional public access, the Nature Conservation Officer advises that the value of the restored quarry for breeding and wintering birds will depend to a large extent on whether any public access is made available to the restored quarry, and advises that in order to maximise the nature conservation gains from the restoration, public access should be limited. Mineral planning policy requires a positive contribution to public access ‘where appropriate’; but also requires there to be a positive contribution to nature conservation; clearly a delicate balance needs to be achieved between any public access and the protection of sensitive wildlife habitats. In this instance, given the biodiversity value of the site both now and on completion of the restoration, and the habitat management measures proposed which would ensure long term delivery of a significant net gain for biodiversity, and the positive effect the proposals are anticipated to have on a number of habitats identified to

be of local importance, and also taking into account the advice of the Nature Conservation Officer, it is considered that it is not appropriate in this circumstance to require further public access due to the potential adverse impact on biodiversity on the site. As such the proposal is considered to accord with CRMLP saved policy 33.

The Public Rights of Way officer also notes that Walhill Lane is currently used by horse riders and cyclists accessing the existing bridleways and increased use of the road by quarry traffic will have a negative impact on that use; therefore consideration may wish to be given to appropriate means of alerting drivers to this use in order to ameliorate that impact and maintain road safety for non motorised users. Wallhill Lane has historically been in use by quarry traffic for a long time and whilst there would be more vehicle movements as a result of this development, no concerns have been raised by the Highways Officer over impacts to vulnerable road users.

**Soils agricultural land**

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

The area of BMV land subject to disturbance on the extension site is c.23.7ha comprising 7.6ha of Grade 2a, 11.3ha of Grade 3a and 4.8ha of Grade 3b. The northern section of the site would be restored back to agriculture and the soil profiles created would have the physical characteristics of BMV land. There would be a loss of BMV land overall due to the creation of the lake in the south of the site, however surrounding areas of current non-BMV land on the site would be enhanced to create the soil profiles necessary for BMV quality. Overall c.13.5ha of the worked areas would be restored to agricultural land, all of which would be restored to Grade 2a quality, and it is noted that all the restored agricultural land on the site would be of a higher quality than the majority of the land at present.

It is accepted within the CRMLP that the scale and depth of most silica sand workings in the authority means that it is inevitable that some agricultural land will be lost but should be kept to a minimal as far as possible; and the loss of significant areas of BMV land in order to facilitate silica sand extraction on this site has been accepted by the designation of this area as a 'Preferred Areas' for future silica sand. Additionally with respect to the NPPF, it is the loss of 'significant' areas of BMV land which is of principal concern, and the accepted definition of 'significant' in this context is the loss of over 20ha of BMV; therefore the proposed loss of c.10.2ha is not considered as significant under this definition.

The amount of agricultural land provision in the restoration scheme has been maximised as far as possible given the geological and hydrological conditions on site, and the restoration scheme is predominantly agricultural led albeit also providing important areas of habitat provision and enhancement. Whilst there would be a net loss in terms of the quantity of BMV land provided, there would an increase in the quality of BMV land provided which should help offset any loss of productive capacity of the agricultural unit. It is considered that the proposed scheme provides an appropriate balance of land uses taking into account the need to maximise a nationally significant mineral resource, landowner requirements and other

factors such as biodiversity and landscape provision. As such the loss of BMV land is considered acceptable in this context and the proposal is considered to accord with CELPS policy SD2 and CRMLP saved policy 30.

Natural England raise no objection and are satisfied that the physical characteristics of the land on restoration would be returned to what they were when it was last used for agriculture. They recommend a range of conditions in respect of soil movement, handling and replacement which reflects current practices adopted on the site at present. The applicant has submitted details of measures to safeguard soil resources and achieve satisfactory standard of agricultural restoration which accords with Defra guidance, the implementation of which can be secured by planning condition. The soils would be stripped, stored and re-laid according to best practice and the restoration of the site will be achieved with all soils on site. Soils not required for the agricultural restoration would be used within woodland planting areas and around the lake margins, and the restored land would be subject to 5 year aftercare to ensure the full rehabilitation of the restored soil profiles. As such, the proposals accord with CELPS policy SD1, SD2 and SE2 and CRMLP saved policy 30.

**Land stability**

Potential for failures during sand extraction

The geotechnical assessment identifies that the design of the excavation slopes (comprising overburden on higher slopes and sand on lower slopes) is acceptable to ensure against instability during excavation. Any potential small scale erosion of the slope towards the site boundary prior to restoration would be limited to 2 or 3 metres and, as the limits of excavation are a minimum of 25 metres from the boundaries of the nearest properties, the effects of this would be well contained within the site.

There is also an extremely low risk of internal erosion from groundwater inflows. Two surface water features to be retained are in close proximity to the southern pit however the clay overburden in both locations will provide a barrier that will control flows from the waterbodies to rates which will be unlikely to cause a problem to the stability of the excavation. Additionally, regular quarry inspections are required under the Quarries Regulations which would identify any instances of excessive water ingress and internal erosion and allow remediation measures to be identified.

Post restoration failures

*Southern pit slope failure and wave erosion*

With regards to instability risk on completion of the restoration, the southern pit slopes would be backfilled which would provide lateral support to prevent slope failure and the slope stability analysis demonstrates an acceptable level of safety. The slopes would be formed from compacted clays overlain by topsoil and planted with appropriate vegetation which is considered sufficient to prevent significant erosion of the slope by wave action from the large waterbody.

*Northern pit*

The northern pit would be restored to agriculture and as such there will be no risk of instability towards and beyond the site boundary. Good engineering practice would ensure that any settlement is avoided, and a geotechnical specialist would be required under relevant quarry legislation to carry out regular inspections, in addition to those carried out by the mineral

operator, to check for unexpected ground conditions and where necessary identify remedial measures.

Effects of groundwater level changes (during sand extraction and post restoration)
Dewatering to extract the mineral would lower water levels beyond the limits of the extraction area and site boundary, with the maximum effects occurring along the northern boundary of the northern pit, and this can result in settlement at the surface as the underlying soils consolidate. The geotechnical investigations identify that the ground conditions on site have low compressibility potential and the risk of surface settlements caused by the groundwater lowering is extremely low. Given that there are residential properties close to the proposed northern and southern pits, a scheme for surface movement monitoring stations has been submitted which proposes a number of surface movement monitoring stations to be located close to those properties so that any surface movements can be recorded and monitored. It also includes for:

- Monitoring to be carried out at least 12 months prior to sand extraction operations starting on site, with monitoring to continue until 2 years after restoration is complete or groundwater levels stabilise.
- Surveying of monitoring stations with data reviewed by a geotechnical specialist every 3 months;
- an annual review of the data, and a review of the monitoring frequency and need for additional monitoring stations carried out.
- Identification of triggers for increased monitoring frequency, additional monitoring stations in locations where there is ground movement

Given the geological and hydrological conditions on site, the proposed approach to extraction and restoration, and the proposed monitoring scheme, the geotechnical assessment concludes that the risk of land instability is very low. The Health and Safety Executive (HSE) Quarry Inspector has considered the proposals and raises no concerns in respect of land instability. It is also noted that land stability is covered by HSE legislation and the site would be independently regulated by HSE. Subject to securing the monitoring scheme by planning condition, the proposal is therefore considered to be acceptable and not anticipated to give rise to adverse impacts from land stability, and accords with NPPF, CELPS policy SE10 and CRMLP saved policy 39.

**Jodrell Bank**
The northernmost parts of the proposed quarry extension and the existing processing plant site fall within the Jodrell Bank consultation zone. Planning permission has previously been granted for various developments and provision of additional plant and machinery at the processing plant over recent years, most recently in 2018 with no objections raised by the observatory. The observatory have been consulted on the application and have confirmed verbally that they do not intend to comment on the application. As such no adverse harm to Jodrell Bank observatory is anticipated.

**Water Resources, Water Quality and Land Contamination**
The proposed extension area lies within the catchment of the River Croco. It is bounded by a drainage ditch which is a tributary of the River Croco to the south west. The River Dane is located 2.5km to the north; whilst Loach Brook and Arclid Brook are located 400m and 1km to the east and west (respectively). There are a number of rainwater fed ponds/depressions

within and surrounding the site, along with a number of other waterbodies in the area including a fishing pond 1.3km south-east of the site and Astbury Lake is located 1.7km to the east. Groundwater levels are fairly deep across the extension area and are greatest to the north and east of the site. Groundwater depths range from 0.1 to 11m below ground levels and flows westwards and south-westwards across the site.

Within the extension area there is no active water management at present. The existing quarry manages groundwater from the extraction areas by pumping it to settlement lagoons at the processing plant where the water (and any surface water runoff) is discharged to Loach Brook under a discharge consent regulated by the Environment Agency. Water in the quarry lagoons is also used for mineral washing before being returned via a series of silt lagoons back to the lagoon for reuse which allows time for sediment to settle out of suspension.

Impacts on groundwater

During extraction, groundwater would be pumped to just below the quarry floor level ("dewatering") which would result in groundwater levels being lowered both in the extraction area and beyond the limits of the excavation. The effects of this would decrease with increasing distance from the excavation and would extend to distances of up to 150m and 190m from the southern and northern pits respectively. During periods when both pits are extracted simultaneously, there could be increased groundwater drawdown in the area between the two pits. Additionally there would be some increased groundwater drawdown in the area between the southern pit and the existing quarry due to both being excavated simultaneously.

Once extraction ceases, groundwater levels would largely recover to their natural pre-development levels. A water management plan is proposed (mirroring provisions already in place on the existing quarry) which outlines proposals for monitoring water levels throughout the extraction and post restoration until levels recover and includes measures for implementing mitigation should adverse effects be identified. This is described further below.

Impacts on surface water features, abstractions and designated sites

The site does not lie within a source protection zone and there are no groundwater or surface water abstractions within the zone of influence of the dewatering.

The Environment Agency initially objected to the proposal as the Brookhouse Moss SSSI is a groundwater dependent terrestrial ecosystem and, whilst it was established that the proposed dewatering could not physically draw water from the SSSI, there was still potential for the amount of groundwater feeding towards it to diminish. They recommended the dewatering base should remain above 80mAOD to protect the SSSI, but also recognised that it was for Natural England, as the responsible designating Authority, to determine whether any change in rate of through-flow of water might have a bearing on the condition of this wetland. Natural England have since reviewed the modelling data and are satisfied that there will be no adverse impact on the SSSI and also raise no concern with the proposed dewatering depth. On this basis and given that management of the drain and vegetation on the SSSI may regulate water and evapo-transpiration losses from the SSSI, their objection is withdrawn.

With respect to impacts on nearby ponds/depressions, these are considered to be rainwater fed and very unlikely to have any interaction between surface water and groundwater; and in some locations are underlain by a thick layer of glacial till with a clay composition which

isolates the surface water from the underlying aquifer. No adverse effects are therefore anticipated on these waterbodies as a result of quarry dewatering. The Environment Agency raise no objection in respect of this issue.

Impacts on watercourses

Groundwater is not anticipated to be a significant contributor to flow within nearby waterbodies and watercourses as groundwater levels are typically 4-5m below ground level in the vicinity of the watercourses around the site, and clay-rich glacial till directly underlies the watercourses. Any lowering of the groundwater in the area is therefore not anticipated to present adverse impacts on the flow of these watercourses. Whilst the tributary of the River Croco lies within the radius of influence of the proposed groundwater dewatering, any reduction in baseflow as a result of the transfer of water from the River Croco Catchment to the Loach Brook catchment is considered likely to have a minimal impact in the context of the catchment as a whole, as the baseflow comprises a small proportion of flow within the tributary of the River Croco.

The discharge of water into Loach Brook would be regulated by a permit from the Environment Agency to ensure no adverse impacts to the brook during dewatering. A maximum dewatering depth was originally recommended by the Environment Agency in order to assist in limiting the deprivation of baseflow to Arclid Brook and maintain some groundwater gradient. The applicant however maintains that the full proposed dewatering depth of 80mAOD is necessary, and the Environment Agency are content with this, as there is other legislation which can control this impact because any deprivation of baseflow in Arclid Brook will need to be addressed as part of the applicant's water transfer licence application to the Environment Agency for the proposed dewatering.

Impacts of evaporation from the creation of the lake

Local groundwater losses could be expected through open water evaporation as a result of the creation of the 8.8ha lake however the proposed area of open water is relatively small in comparison to the surrounding catchments and effects of additional groundwater losses are assessed as negligible.

Monitoring and mitigation

A water management plan (WMP) has been submitted which identifies the monitoring, reporting and mitigation proposals to ensure that any adverse effects on water resources are identified and remediated in an appropriate manner. The Environment Agency has recommended additional measures which can be incorporated into an updated WMP and secured by planning condition. This will include for:

- A fully enclosing network of monitoring boreholes to be established prior to excavation commences, which shall be maintained throughout the development. Restrictions on working below the water table to take place until a full site plan is provided for inclusion within the WMP and is submitted for approval to the MPA
- Water levels in monitoring boreholes and the sump reported to the Council at 2 month intervals throughout the development. This will include information on the monitoring points, borehole logs, construction details and data report with:
  - data tables and hydrographs,
  - information identifying loss/repairs and any significant changes observed;
  - dewatering volumes and rates, and discharges to Loach Brook

- Quarterly water quality sampling undertaken on site and between the extension area and the Brownlow closed landfill site
- Stream flow monitoring of Dairy Brook and Loach Brook over the lifespan of the extension area activities;
- The instantaneous recording of off-site discharge and daily total values as required by the current discharge consent for the quarry to be continued over the operational life of the extension area
- any borehole or gauge board found to be lost, damaged, or inoperable to be repaired or replaced before the next monitoring round
- maintain the dewatering base above 80mAOD

Monitoring data would be analysed in an annual report and submitted to the relevant technical consultees and the Council which will include an impact assessment to determine if any observed parameters have deviated from baseline conditions. Where necessary, proposals for additional monitoring and mitigation will be identified as appropriate. The monitoring and mitigation measures would be reviewed biennially with the relevant technical consultees and the Council.

Flood Risk from the current site

The extension site is located within flood zone 1 and not identified at risk of reservoir or groundwater flooding, and there is no evidence of historical flooding. Sand extraction is a 'water compatible' land use in the NPPG so is appropriate for this location in flood risk terms. There are some pockets of risk of surface water flooding mainly associated with depressions and ponds present across the site, however the proposed stripping of overburden could increase the potential for infiltration which will reduce the risk of surface water ponding. The proposal would not result in any temporary or permanent loss of floodplain storage and no additional impermeable areas are proposed.

The proposal has the potential to increase flows to the River Croco (with related flood risk downstream). During extraction, the quarry water management system would ensure that all water collected and discharged is controlled. The surface water runoff rates would be 28% below the current greenfield rates due to the decrease in area of open land caused by the creation of the excavations. Likewise on completion of the restoration, the large catchment area and depth of the proposed lake would mean that there would be ample capacity for attenuation for any storm water runoff prior to infiltration to ground, with corresponding runoff rates being 14% lower than current greenfield rates which satisfies the requirements of the NPPF.

The design of the restored lake would ensure that all attenuated runoff would be infiltrated to ground to ensure it retains good connection to the underlying groundwater and the restoration scheme incorporates some sustainable urban drainage measures including a combination of ponds and vegetation.

The Council Flood Risk Management Officer raises no objection and supports the advice of the Environment Agency.

Water quality and Land Contamination

There is the potential for release of elevated concentrations of suspended solids in off-site runoff during the operational phase and several ponds would be retained throughout the

development which are rainwater fed and therefore more susceptible to water quality deterioration. Areas of vegetation would be retained throughout the works which would act as enlarged filter strips to reduce sediment loads in runoff to ponds and seeding of mounds immediately following their formation will also assist in improving water quality. Water used in the mineral washing process would be retained in separate settling lagoons with no connexion to surrounding surface streams and the quality of water being discharged off-site to Loach Brook would continue to be monitored in accordance with the discharge consent. Contaminants would also be stored in accordance with best practice guidance and any spillages would be managed in accordance with relevant guidelines.

With respect to land contamination the Contaminated Land Officer notes that there will be no import of material for restoration purposes and only site won material is to be used which would be stockpiled on site during the quarrying process. The area is to be restored to its current use, agriculture, as such the sensitivity of the site remains as it is now. Historical mapping indicates that small ponds on site may have been infilled or dried up and a watching brief is recommended for potential infill materials. No objections are raised subject to planning condition in respect of dealing with unexpected contamination.

**Nature Conservation**

Designated sites

Three international and nationally designated sites are located within 10km of the application site (Brookhouse Moss 1.3km away, and Midland Meres and Mosses phase 1 and 2 Ramsar/SSSI located at 2.9km and 8.4km). Five non-statutory local wildlife sites are within 2km of the site. There are also 3 Priority Habitats of County level importance (ponds, reedbeds and hedgerows) within the site boundary and two within 250m of the site.

The closest designated site lies outside of the zone of influence for dust, and outside of the radius of influence for dewatering, and the SSSI does not contain any ecological features which would be effected by noise, therefore no significant adverse effects are anticipated and the need for an Appropriate Assessment is not considered necessary due to the distance to the designated site and the lack of habitat connectivity or hydrological pathways. Natural England advise that they are satisfied that the proposal would not impact on the Brookhouse Moss SSSI and have no concerns about any impacts on the other designated sites.

Other habitats

*Waterbodies, hedgerows, ditches and agricultural land*

The proposals would result in the loss of 4 ponds (covering 0.21ha)however 0.39ha of waterbodies would be retained, and a further 5.81ha created by the proposed large lake and 5 new ponds; resulting in a total waterbody provision of 5.82ha which would represent an overall net gain of 5.22ha. The replacement ponds would be created in advance of the proposed development and located adjacent to existing habitat to provide connectivity. The Nature Conservation Officer considers this provision adequate.

There would also be a net gain of 526m of hedgerow which the Nature Conservation Officer considers sufficient to compensate for any loss. To mitigate any initial temporary loss of habitat, all retained hedgerows, mature trees and vegetation would be subject to temporary protection measures, along with a 10m buffet outside the working area. Advance planting of hedgerows would also fill any gaps. 5 hedgerows within the extension area are classified as ‘Important’ ecologically under the Hedgerow Regulations 1997. 73% of the ‘Important’

hedgerows would be retained in the proposal and c.1896m of new hedgerows would be provided as replacement. The assessment of loss of the hedgerows against CELPS policy SE5 is set out above under the consideration of forestry implications and the conclusions reached apply equally to ecology.

23.4ha of grassland would be removed, 16.2ha would being retained and 13.5ha created, resulting in a total provision of 29.8ha overall which would comprise an overall net loss of 9.5ha. In respect of ditches, a total of 1213m would remain on completion of the restoration, resulting in a net loss of 277m.

Impact on species

*Reptiles*

Overall the site is considered to be of negligible suitability for reptiles and no reptiles are recorded within 2km of the site.

*Great Crested Newts*

There are records of Great Crested Newts in ponds in the vicinity of the site and a small sized population was identified within a pond to be retained on site. The proposals would result in the loss of some poor quality terrestrial habitat at the on-site pond and pose the risk of killing or injuring any newts present within the footprint of the development when works commence.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species licence under the Habitat Regulations.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("LPAs") to have regard to the directive's requirements.

The Habitat Regulations 2017 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable "other imperative reasons of overriding public interest", then planning permission should be refused. Conversely, if it seems that the requirements are likely to be

met, then there would be no impediment to planning permission being granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

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

**Alternatives**
There is an alternative scenario that needs to be assessed which is no development on the site. In this case, the mineral can only be worked where it is found and as such there is no alternative.

**Detriment to the Maintenance of the Species Population**
The majority of habitats temporarily lost would be low quality and any loss would be phased as extraction progresses. No breeding ponds at and directly adjacent to the site would be directly impacted by the proposal, and ecological connectivity to the local and wider areas would be maintained throughout the works with the implementation of precautionary working measures to protect the species and their habitat.

On restoration, there would be an increase in habitat quality and connectivity through the creation of 5 ponds and associated habitats. The Nature Conservation Officer advises that the proposed compensation would be adequate to maintain the favourable conservation status of the affected Great Crested Newt population subject to implementation of the conditions set out below. Additionally the biodiversity metric calculations show a significant positive gain for this species with aquatic and terrestrial habitats being created which would provide continued connectivity for the existing population as well as improved food sources for amphibians.

*Aquatic Invertebrates*
A number of uncommon species were recorded in the ponds on site, including a nationally scarce species at a pond within the extension area that would be lost as a result of the proposals. The majority of field margins and hedgerows on site would however be retained and provide some suitability for this species, and one pond identified as important for invertebrates would be retained. The Nature Conservation Officer disagrees with the assessment of the site as being of ‘site importance only’ for aquatic invertebrates and advises that this is an underestimation of the sites importance for this species group. The Officer recommends that, in an attempt to retain the nationally scare species, proposals are submitted for the translocation of vegetation and soils from the pond to be removed as part of the proposals and, if the mitigation ponds created as part of the consented restoration are already established by this phase, then a new additional pond is provided. This could be secured by planning condition.

*Birds*
The diversity of breeding bird species present qualifies the site as a Local Wildlife Site (and is therefore considered to be of County importance) and the extension area is identified as being of Local value for breeding birds. A number of priority bird species, which are a material consideration for planning, are present on site which would be adversely affected by the loss of habitats. With respect to wintering birds, a number of Local Priority species were recorded on site and the wider quarry meets the section criteria for designation as a Local Wildlife Site.

Embedded mitigation proposed such as retaining vegetation and phasing of works would minimise the amounts of potential nesting habitat removed. The Nature Conservation Officer also highlights that conditions created during quarrying often inadvertently provide temporary additional habitats for other birds; and the proposals would potentially deliver suitable habitat for birds including the lake, ponds, reedbeds, woodland and hedgerow which would replace the existing less varied habitat of heavily grazed agricultural grassland.

Whilst some of the mitigation such as the new hedgerows and reed beds would take a period of time to reach their target condition; the Nature Conservation Officer advises that sufficient compensatory habitat is proposed to compensate for any impacts and this has been demonstrated through the Defra biodiversity metric calculations, therefore no objections are raised. Conditions are recommended in respect of protection of breeding birds.

*Bats*
The buildings are of negligible to low suitability for roosting bats, and the trees are of low suitability and the Nature Conservation Officer advises that roosting bats are not reasonable likely to be present or affected by the proposed development. The variety of habitats at the site provide some foraging and commuting opportunities for a number of bat species including some considered to be a priority for conservation. The proposal would result in the loss of bat foraging habitat; however the site is only of low/moderate value for bats and the loss is not likely to be significant enough to amount to an offence under the habitat regulations. The habitat created on restoration would compensate for that lost but would not be complete for a number of years; however the phased nature of the restoration would reduce this effect and the restoration proposals include for a range of habitat provisions. No objections are raised by the Nature Conservation Officer and planning conditions to control lighting are recommended.

*Badger*
The site supports suitable foraging and sett-building habitat for Badgers; however limited evidence of badger activity was recorded on site. One feature that may potentially be used by badgers in the future was identified. Any works within close proximity of an active sett would require a licence which would secure mitigation habitat for the species and control timing of works in proximity to their habitat. No objections are raised by the Nature Conservation Officer however given that the status of badgers on site can change over time, planning conditions requiring updated badger surveys prior to the commencement of each phase of the scheme are recommended.

*Water Voles*
There is no evidence of water voles on the extension area and a lack of records in the area, along with poor quality habitats present and limited ecological connectivity to suitable

watercourses. As such, it is considered unlikely that water voles would colonise the site prior to the completion of the development. Only one water vole survey has been carried out which is not consistent with best practise guidance; however the Nature Conservation Officer notes the lack of evidence of water voles recorded and the fact that the habitats on site for the most part appear unsuitable for this species; therefore it is advised that, on balance, this species is not reasonable likely to be present or affected by the proposed development and no objections are raised.

*Other Species*
The Nature Conservation Officer advises that sufficient compensatory habitat is proposed for Ringlets which are a Priority butterfly species recorded on the site, and the development is not likely to have a significant long term impact upon this species.

There are records of otters, polecat, brown hare and hedgehog activity within 2km of the site, although no evidence of activity was found on site, and the habitats at the site are considered to be of moderate suitability for these species. The proposal would result in the loss of habitat for these species however the Nature Conservation Officer advises that adequate compensatory habitat is proposed which would be likely to compensate for any impacts on the species.

*Restoration proposals and habitat management*
Throughout the works approximately 40% of the extension area would remain undisturbed either in agricultural use or as ponds. The phased extraction and rolling restoration would minimise the net habitat losses at any point in time, and protection of retained habitats throughout the works would help to maximise retention of ecological value during the operations.

The proposed restoration scheme seeks to, where possible, ensure that habitats lost are replaced on a like for like basis; or different habitats and features of at least equal ecological value are provided. The Nature Conservation Officer notes that the biodiversity offset metric calculations demonstrate that the scheme would provide a positive effect on a number of habitats all of which are of local importance and will deliver a significant net gain for biodiversity. The proposed restoration scheme includes for:

- new mosaic habitat marginal planting of 2.8ha
- provision of 5 ponds and a new large lake of 5.8ha. The lake would incorporate shingle islands and provision of shallow water on the lake margins covering 15% of the lake area to provide additional habitat
- hedgerow provision of 1896m
- tree provision resulting in an overall net gain of 30 trees
- Broad-leaved woodland providing a net gain of 1.53ha
- Mosaic habitat providing a net gain of 2.7ha
- Reedbeds providing a net gain of 0.15ha

The Nature Conservation Officer recommends that the restoration scheme includes heathland, habitat for nesting sand martins, and the removal of scattered trees/woodland planting. The final planting and habitat provisions will be reliant on the soil and slope characteristics on completion of the extraction; and the detailed proposals for habitat creation can be agreed by planning condition at the appropriate stage.

Habitat management

Five years of aftercare management is proposed for each phase of the site on completion of the restoration. This would be informed by detailed habitat management plan and ecological monitoring strategy throughout the aftercare period which could be secured by planning condition.

The Nature Conservation Officer requests a 25 year period of habitat management and monitoring to ensure that the proposed habitats are retained in the long term; noting that the reed beds, woodland and hedgerows proposed will take time to achieve a higher condition (up to 25 years in the case of woodland).

Aftercare is required to '*ensure that, following site restoration, the land is brought up to the required standard which enables it to be used for the intended afteruse*' (NPPG); which in this case is primarily to agriculture with some provision for nature conservation uses. Planning legislation makes it clear that mineral planning authorities cannot require any steps to be taken after the end of a statutory 5 year aftercare period without the agreement of the minerals operator. Saved policy 42 of CRMLP also reiterates this requirement, advising that that the Council will require mineral development to be subject to a programme of aftercare management for a period of up to five years following the completion of restoration.

Taking the legislative and policy requirements into account, the applicant considers that a five-year period of aftercare is appropriate and proportional in this case; noting that:

- 74% of the proposed restoration scheme is to agricultural use, and this habitat type does not need extended management as the ongoing land use provides long term management;
- The proposed lake (the second largest habitat established) and the majority of remaining habitats proposed (mosaic habitat and marginal planting) would also not require any long term ongoing management beyond the five years proposed;
- the progressive restoration would mean that the earlier phases (particularly the southern pit area) would enter the five year aftercare period prior to sand extraction being completed in the northern pit; and so these habitats would be established and managed for longer than the five years required by planning policy and legislation.

They also note that there is no planning policy basis or precedent that requires a 25 year management plan; and given the limited impact of the proposed development and significant level of mitigation proposed, consider this request is disproportionate.

The points made by the applicant are accepted, and it is noted that based on the proposed five years of aftercare management, the biodiversity offset metric calculations still identify that there would be an overall net gain for biodiversity delivered by the proposal. In view of this and the requirements of planning policy, it is not considered that a 25 year management period could be justified given the planning policy requirement.

In addition to the conditions above, the Nature Conservation Officer recommends planning conditions in respect of:

- Habitat management plan and ecological monitoring strategy.

- Detailed habitat creation method statement including detailed design of ponds, creation of wildflower grasslands, provision of bird and bat boxes, heathland and acid grassland, sand martin bank, design and construction of gravel islands and planting specification for woodland planting and new hedgerows.
- Implementation of the Great Crested Newt Mitigation strategy, and a detailed specification for amphibian protection fencing around the retained pond being submitted prior to commencement

On the basis of the above considerations and subject to the planning conditions being imposed, the proposal is considered to accord with CELPS policy SE3, SE10, CRMLP policy 22, 23, 41 and 42, CBLP policies NR3 - NR6 and AMNP policies P12 and P17

**Landscape and visual**

The application site does not lie within any landscape designations. Mineral extraction activities are not a wholly uncharacteristic element in the landscape having been present at the quarry site for a significant length of time and given the nature of the quarry operations, landscape impacts are unavoidable.

It is recognised that the proposals would result in the plant processing site being in use for a longer period than currently permitted, however the vegetative and bund screening on the site boundary would remain in place during the lifetime of the development to partially mitigate any impacts. Whilst landscape effects during extraction are assessed as medium to adverse at a site level, impacts on the wider landscape character area are expected to be small to medium and on restoration, the site would incorporate elements of the wider landscape character with new grassland, hedgerows and trees. The agricultural areas would retain open aspects across the site whilst long distance views towards the ridgelines would be retained. Upon restoration, the effects on the wider landscape area are assessed as neutral.

Those receptors with a high sensitivity to any change in visual effects are identified as being the properties on the application site boundary and Wallhill Lane, and users of footpath FP6. Overall the landscape and visual assessment concludes that there would be no significant adverse effects from the development on any of the receptor viewpoints. Some effects may be borderline significant during operational periods and but would change to beneficial upon completion of the restoration. With respect to those properties closest to the site the assessment concludes:

- Holford Farm, on the southern site boundary, would have direct views northwards towards the extraction area, whilst views northwestwards and westwards would be screened by inter-lying farm buildings. The soil bunds and early planting of a temporary alder hedgerow along the site boundary would screen views from the ground level and the visual effects are assessed as moderate/major but would reduce with duration to become non-significant. This property would also provide partial screening for the adjacent property at Old Reeves Farm to the south, which would experience only filtered and partial views due to the inter-lying mature trees, hedgerows, bunds and buildings. As such, the overall visual effect is predicted to be moderate.
- Properties to the north on Wallhill Lane would have restricted views of the operations as a result of the soil bunds and hedgerows. The visual impacts during the operational

period would be moderate-major at worst and upon completion of the restoration, would have minor effects overall with some beneficial visual impacts.

- Cottages on the northern site boundary have low level close board fence on the site boundary. A temporary alder hedgerow would be planted along that boundary to provide a visual screen during the works. Distant parts of the proposed development would be partially visible in the early stages but the hedgerow and bunds around the extraction area would partly screen the operations and the impacts are assessed as moderate to major at worst. On restoration the impacts would be neutral.
- Quarryside bungalow adjacent to the plant site would be screened by the existing mature vegetation and screen bund and would benefit from screening provided by the addition of the proposed acoustic fence.

A range of embedded mitigation measures are incorporated into the proposals to limit the landscape and visual impacts which include:

- retention of peripheral hedgerows and trees as far as possible throughout the works
- screen mounds in locations on the site periphery and around extraction areas which is formed from soils stripped on site
- progressive working and restoration will limit the amount of open disturbed land at any one time
- planting of woodland, hedgerows and trees (including infilling gaps at key locations) at the earliest opportunity
- planting of temporary alder hedgerow in locations close to receptors on the site boundary to allow an effective temporary visual screen to be established quickly (4m height within 5 years)

The Landscape Officer is satisfied that the proposals and restoration scheme would not result in any significant landscape and visual impacts and no objections are raised to the proposals. Subject to securing the proposed mitigation it is considered that the proposals would accord with CELPS policy SE4 and SE12, CRMLP policy 15 and 17, CBLP policy GR6 and AMNP policies P11 and P26.

**Other considerations**

With respect to objectors concerns that the disposal of tailings has not been considered and could generate more vehicle movements, there are no changes proposed to the existing measures in place at Bent Farm Quarry. Silts and fines generated by mineral processing would be deposited in the settlement pond adjacent to the plant site and the water circuit would allow the silts to settle, with clean water fed back into the freshwater lagoon. Minerals would be sent back to the quarry to settle and, once dry, would form part of the restoration. As this is an internal process no vehicle movements are required.

With respect to concerns raised regarding the carrying out of development in advance of any decisions issued on applications 15/1529W and 18/5890W, and the potential for future changes to permitted schemes, each application has to be considered on its individual merit, and any future development would be assessed in accordance with relevant planning policy as and when applications are made.

The additional built infrastructure proposed on site would be appropriate in design terms given the context of the site. The impacts on public health and cumulative impacts of the

development have been considered as part of the relevant technical assessments and no adverse impacts are anticipated.

**CONCLUSION**

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

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

The economic benefits of the scheme are therefore clear and considered to be significant. The proposal would release a substantial amount of nationally significant mineral reserve which occurs in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. It would help contribute towards a 10 year supply of industrial mineral at the site as required by national and local planning policy. In addition the proposal would release reserves of construction sand contributing to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products. As such the proposal meets the requirements of the NPPF, policies MP1 and SE10 of the CELP, and CRMLP Saved Policies 45 and 54

The principle of further extraction at Bent Farm Quarry and on this site has already been demonstrated as acceptable through the allocation of the majority of the land as a Preferred Area in the CRMLP and the proposed extension to the site accords with saved policy 54 of CRMLP. Exceptional circumstances have also been demonstrated in respect of Saved Policy 47 regarding the identification of additional land for aggregate reserves.

The scheme also provides other benefits, including the restoration back to agricultural use, and provision of a range of habitats that present an overall net gain for biodiversity. Any localised impacts from the proposal including those associated with the prolonged timescales for mineral operations at the site such as visual effects, loss of trees and hedgerows, impacts on agricultural land, noise, dust and traffic generation, and can however be controlled and adequately mitigated through planning conditions.

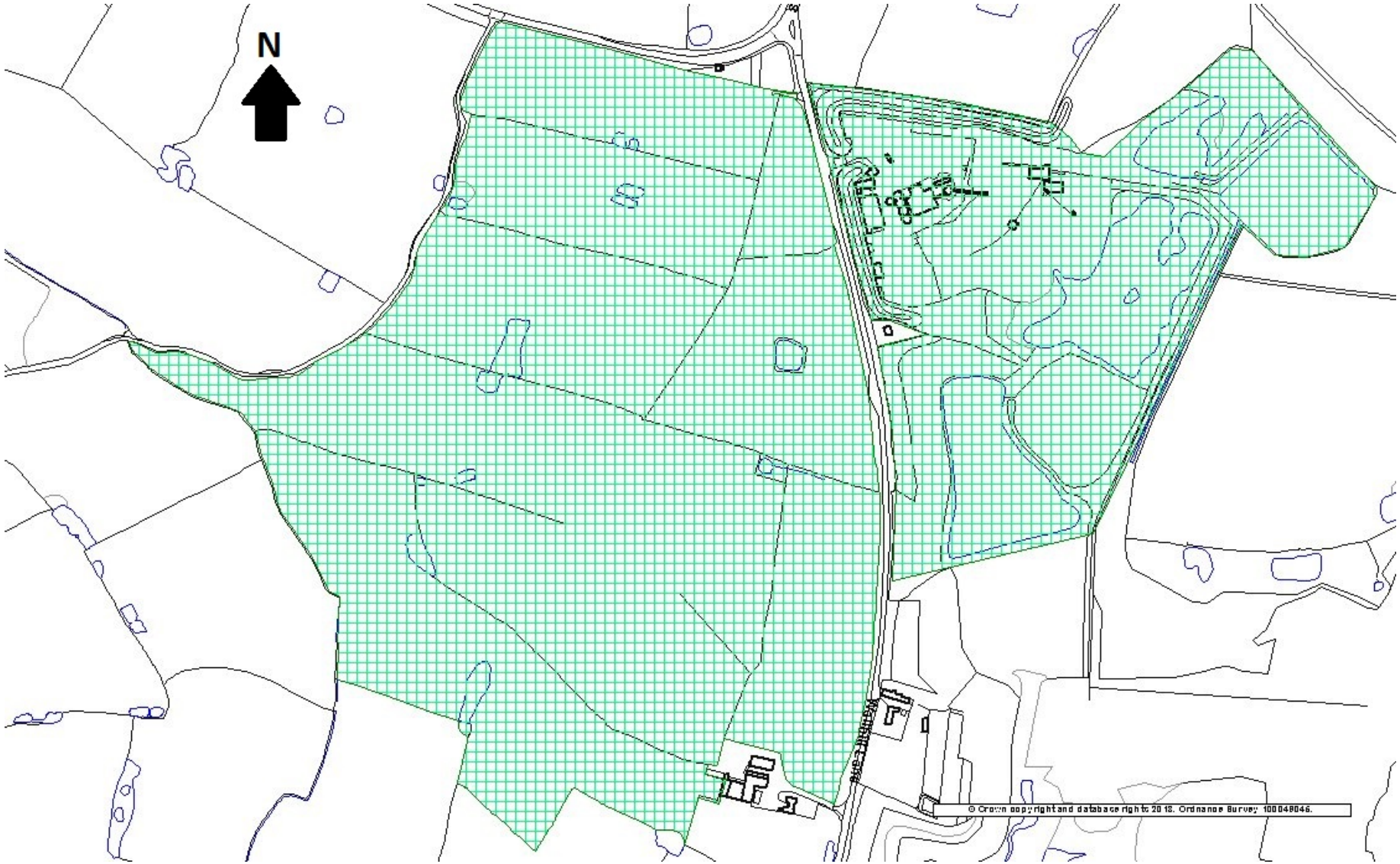
As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

**RECOMMENDATION**

**That the application be APPROVED subject to the following conditions:**

1. Timescales for commencement and notification of commencement
2. Approved Plans

3. Restrictions on depth of working
4. Limits on timescales for extraction and restoration
5. Hours of working
6. Vehicles arriving and leaving the site restricted to using the existing access only, and maintenance of a notice advising drivers to turn right out of the site
7. Wheel cleaning and no deposit of material on the highway
8. Sheeting of vehicles
9. Restrictions on HGV numbers and timing of movements, and records kept of vehicle movements
10. Restrictions on the import of material and restrictions on the quantity of material imported for processing
11. Provision of new quarry access prior to commencement of phase 1, requirement for its use by all vehicles, plant and machinery accessing the extension area and use of a banksman at all times
12. All mineral to be transferred to processing plant by conveyor tunnel
13. Soil handling as per the method statement and MAFF guidance
14. No soil export without prior approval of the LPA
15. Advanced planting within first planting season
16. Set noise limits for all activities
17. Noise monitoring scheme
18. Implementation of noise mitigation including provision of bund and acoustic fence, orientation of plant and restrictions on timing of works in phase 5 at Wallhill Cottages
19. Maintenance of plant and machinery
20. Implementation of dust management plan including dust monitoring
21. Implementation of archaeological watching brief
22. Network of monitoring boreholes established prior to excavation comments and maintained during the development; and updated water management plan incorporating recommendations from hydrological assessment and Environment Agency.
23. Control on storage of contaminants
24. Method to deal with unexpected contamination
25. Implementation of flood risk and drainage strategy
26. Implementation of surface movement monitoring scheme
27. Tree protection and arboricultural method statement including provision for landscape mitigation, replacement planting, management strategy for retained vegetation and landscape enhancement
28. Translocation method statement for invertebrates
29. Protection of nesting birds
30. Updated badger survey prior to commencement of each phase
31. Detailed proposals for habitat creation and habitat creation method statement
32. Implementation of great crested newt mitigation strategy and detailed specification of amphibian protection fencing
33. Details of any proposed lighting to be agreed
34. Site restored in accordance with restoration plans
35. Provision of aftercare and habitat management plan within 12 months of the date of the permission and implementation of aftercare for 5 years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