

**7. FULL APPLICATION – RETROSPECTIVE APPLICATION FOR CONSTRUCTION OF A FIELD TRACK, TEMPORARY REMOVAL AND STOCKPILING OF TOPSOIL AND SUBSOIL, THE PARTIAL INSTALLATION OF A 300-MILLIMETRE LAND DRAIN, INSTALLATION OF A CONCRETE TROUGH, STONE WALL AND BASE, RAISING OF GROUND LEVELS TO FEED WATER INTO THE TROUGH, SHALE EXCAVATION FOR AGRICULTURAL PURPOSES AND APPLICATION FOR THE COMPLETION OF THE LAND DRAIN, INSTALLATION OF THREE MANHOLES, REPLACEMENT OF THE TOPSOIL AND THE SUBSOIL, THE CONSTRUCTION OF TWO RETAINING WALLS, AND THE CREATION OF ATTENUATION POND AT 395908 377294 LAND OFF BLAZE HILL, RAINOW, MACCLESFIELD, SK10 5UT, (NP/CEC/0126/0024), HF**

**APPLICANT: MR ERIC JOHNSON**

**Summary**

1. The application is part retrospective and proposed construction of a field track, installation of a land drain, concrete trough with associated wall and base, changes to ground levels, shale excavation for agricultural purposes, three manholes, re-grading works, construction of two retaining walls and creation of attenuation pond.
2. Subject to controls, the field track, drain and trough, some level changes, manholes and attenuation pond are acceptable in principle and in terms of impact on landscape, the existing stone barn, neighbouring properties, highways, trees and ecology.
3. Officers have significant concerns with levelling works and installation of two retaining walls around the existing stone barn on site, which would have an unacceptable impact on the landscape and setting of the barn which is potentially a non-designated heritage asset. Conflict therefore arises with GSP1, GSP3, L1, L3, DMC3, DMC5 and DME1.
4. The application is therefore recommended for refusal.

**Site and Surroundings**

5. The site comprises an area of land measuring roughly 0.85ha located south west of Blaze Hill, around 1.1km north east of Rainow. The site has been subject to unauthorised development subject of this application, however prior to those works the site was a grassed agricultural field with drystone boundary field walls, trees and an isolated gritstone field barn located in the centre of the site, set into the sloping levels of the site.
6. The site is in open countryside and within the slopes & valleys with woodland landscape character type (LCT). The site is partly in a Coal Authority Development High Risk Area.
7. The nearest properties are Jumper Lane Farm (165m north west), The Fathers Dwelling (270m west), Gorseynoll (250m west) and Top o' th' Stones (280m south west).

**Proposal**

8. The application is part retrospective and proposes: an agricultural track, installation of new 300mm land drain; formation of attenuation pond, installation of concrete trough with associated wall and base, extraction of shale for use on site around new drain and on track, three manholes, re-levelling works across the site associated with proposed works including temporary stockpiling of soils and relaying and re-grading on site, creation of level area around the barn and installation of retaining walls to the north and east.

**RECOMMENDATION:**

**That the application be REFUSED for the following reasons, subject to no contrary views being received following the committee meeting, with delegated power granted to the Head of Planning, Development and Enforcement Manager and Area Manager to issue the decision in consultation with Chair and Vice Chair of Planning Committee to consider any representations that are received:**

- 1. The proposed development would result in unacceptable harm to the character and appearance of the landscape and built environment, contrary to Core Strategy Policies GSP1, GSP3 and L1, Development Management Policies DMC3 and DME1 and paragraph 189 of the NPPF.**
- 2. There is insufficient information to understand the historic significance of the existing barn on site and the impact of the development on its setting, contrary to Core Strategy Policy L3 and Development Management Policy DMC5.**

### **Key Issues**

9. The principle of the proposed development and its impact on the character and appearance of the built environment and landscape, neighbouring amenity, trees, ecology, highways and coal mining risk.

### **History**

10. 25/0028: Enforcement case opened March 2025. Unauthorised engineering operations - changing the profile of the land - creation of a flat area.

### **Consultations**

11. Cheshire County Council (Highways): No objection submitted to the first 10m of the access being surfaced in sealed material (tarmacadam or concrete). A Section 184 Agreement is required under the Highways Act 1980.
12. Cheshire East Council (Planning): No response.
13. Peak District National Park Authority – Ecology: As a retrospective application the development is exempt from biodiversity net gain. The tree planting and pond are welcomed and would achieve net gains. Further enhancement of the permanent grassland proposed would be welcomed. It is recommended the mix detailed in the landscape plan is replaced with a mix including common perennial herbs (species list detailed in full response). Conditions are recommended to adhere to the landscape plan, for measures to exclude livestock from the pond area, and a replacement grassland mix.
14. Peak District National Park Authority – Forestry: Trees on site are typical to the landscape character in species and layout. Works completed to date will undoubtedly have impacted the health of most trees in the application area. The Arboricultural Impact Assessment (AIA) confirms raising ground levels in root protection areas (RPAs) is harmful but there isn't anything less harmful compared with excavation. Whilst roots are not severed they cannot function properly and trees are likely to see a decline over the following years, ultimately leaving the site more visually exposed.

As trees don't appear to be high quality, they could be replaced with careful new planting. The AIA makes some suggestions although the planting proposal could be improved. The proposed rowan is appropriate although this could be mixed with other species such as hawthorn, field maples and potentially blackthorn to add species diversity. Isolated holly clumps would be inappropriate, but understorey planting to existing planting is reasonable. Alder trees close to the pond would be preferable.

With some amendments the new planting could be made satisfactory and if the application were approved a condition is recommended for a thorough scheme of tree planting and for an Arboricultural Method Statement to ensure trees are protected for ongoing works, as some statements re protection in the AIA are too vague.

15. Peak District National Park Authority – Landscape: First response: The site is in the Slopes and Valleys with Woodland LCT. This is a pastoral landscape with a varied undulating topography of steep slopes, low ridges and incised valleys. Permanent pasture in small to medium sized fields enclosed by hedgerows and trees. Blocks of woodland are characteristic. This is an area of dispersed settlement with probable ancient origins. Views to lower ground are framed by woodlands and valley sides.

This is highly visually intrusive development and has resulted in significant harm to landscape character and visual amenity – at least in the short term. The engineering operations have resulted in material being placed in the RPA of existing trees – and vehicle movements have taken / will take place in the RPAs. I object on the grounds of lack of sufficient information. I also do not think the scheme complies with Policy L1.

The submitted LVA is wholly inadequate and does not comply with the good practice guidance in GLVIA3 (however, as this is a retrospective application, it is relatively easy to understand the landscape and visual effects). Additional planting is referenced in the LVA, Planning Statement (which also mentions a landscape plan) and Arb report – a landscape plan does not seem to be included? Both the LVA and the Planning Statement also reference the previous (rather than current) Landscape Strategy.

Fundamentally, there is no Landscape Plan showing proposed planting, species, numbers, sizes and tree protection measures – this is a requirement. Some of the planting mentioned (e.g. 10 no 300mm holly ‘whips’) is inadequate. The planting design – and stock exclusion - needs to be carefully considered.

The track is over-engineered in my view – and should ideally be 2 wheel tracks rather than a 4m width track – this would be more sensitive and appropriate. The proposed surfacing area around the barn also feels out of scale.

The location, size and section of the pond should be shown on the landscape plan – this should be sensitively designed and with planting and livestock exclusion measures.

Further response upon clarification and receipt of landscape plan: Information provided is better. Some commentary raised around the best approach for restoring soils around the rooting area of trees and this is subject to discussion with the tree officer.

16. Rainow Parish Council: Concerned about the application as work appears to be disproportionate in scale and due to wider impact on neighbouring properties, particularly with regards water supply and drainage.

17. The Coal Authority: Parts of the site lie in an area where historic unrecorded coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety. The Coal Authority’s general approach in cases where development is proposed within the development high risk area (DHRA) is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment.

However, we note that majority of the agricultural works lie outside of the DHRA i.e. falls within the Development Low Risk Area and the parts of the development that fall within the DHRA would not appear to have required significant groundworks or earthworks. The Coal Authority’s Planning & Development Team therefore does not consider that a Coal

Mining Risk Assessment is required to support the proposal in this particular case and we DO NOT OBJECT to this planning application. An informative is recommended.

Further response confirms excavation would appear to be of superficial deposits as opposed to deeper intrusive ground excavations. The retaining walls are within the DHRA however, this type of development would fall under part B (exempt by nature of development) on the Coal Authority's exemptions list.

Taking account of the legacy recorded and nature of the works, there is no objection or requirement for a Coal Mining Risk Assessment. However, as decision maker you can request any additional information you consider necessary, which may include further information on ground conditions and coal mining legacy to inform your considerations.

### **Representations**

18. None received. However, the application remains under consultation and any further responses received will be reported to the planning committee meeting.

### **Main Policies**

19. Relevant Core Strategy policies: GSP1, GSP3, DS1, L1, L2, L3, CC1, CC5
20. Relevant Development Management policies: DMC1, DMC3, DMC5, DMC10, DMC11, DMC12, DMC13, DMC15, DME1, DMT3

### **National Planning Policy Framework (NPPF)**

21. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for National Parks in England: to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public. When they carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities in National Parks.
22. The NPPF is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.
23. In the National Park, the development plan comprises the Authority's Core Strategy (2011) and the Development Management Policies (DMP) (2019). The development plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the development plan and the NPPF.

### **Assessment**

#### **Principle**

24. Policy DS1 states development in the countryside for agriculture is acceptable.
25. Policy DME1 expand on provision of agricultural buildings and other works, outlining criteria which proposals must accord with to be acceptable in principle. DME1.A states new agricultural buildings, associated working spaces or other development will be permitted provided that it is satisfactorily demonstrated that the building at the scale proposed is functionally required for that purpose from information provided by the application on all of the relevant criteria:

- (i) Location and size of farm;
- (ii) Type of agriculture practiced on the farm;
- (iii) Intended use and size of proposed building;
- (iv) Intended location and appearance of proposed building;
- (v) Stocking type, numbers and density per hectare;
- (vi) Existing buildings, uses and why cannot cope with existing or perceived demand;
- (vii) Dimensions and layout;
- (viii) Predicted building requirements by type of stock / other usage; and
- (ix) Contribution to the Authority's objectives e.g. conservation of valued landscape character as established by the Landscape Strategy including winter housing.

26. DME1.B considers visual impact, which is addressed further below.

27. It is understood the applicant forms part of a 5.66ha agricultural land holding with a further 1.6ha at Adlington. There is an annual tenancy elsewhere details of which are unclear. This site was purchased by the applicant 3 years ago and the Planning Statement indicates the applicant is seeking to establish a viable agricultural business, with a long-term aim to restore the existing stone barn, buy more land and expand stock numbers.

28. The applicant currently has 30 sheep, 6 native pedigree Aberdeen Angus in-calf sucklers and 3 calves on the agricultural unit. It is indicated that over time the applicant would like to acquire more cows and expand the operation.

29. It is indicated the drainage is required to replace the dilapidated sough (now removed by applicant). As works are retrospective, the new drainage has only been partly installed. The drain is described as necessary to channel water, drain the ground and supply water to the trough for animals. The pond would take surplus water at times of heavy rainfall.

30. Whilst site conditions are currently waterlogged, it is not clear this was the case prior to removal of the former sough. Nevertheless, there is not an objection in principle to drainage works to replace the former sough, provide an attenuation pond for overflow or a source of drinking water for animals, which is found to be reasonably necessary.

31. The application justifies the need for a track for access to enable the remaining works to be completed, and to secure long-term access to the stone barn for its repair and use if restored. The submission states a building is essential for successfully farming the site. It states if the barn were restored, its use would be limited although it could serve for storage of machinery, fodder, feed and housing sick animals or for lambing.

32. Although the case outlined is noted, a permanent track is not necessary to complete development on site. It is difficult to afford weight to the need for a track to access the existing barn, given that there are no proposals in front of the Authority as part of this application to restore the barn and no certainty (despite the intentions outlined by the applicant) that this will take place.

33. On balance however, given the presence of a building and ability to access the applicants further land holdings to the south, the track is accepted given that its visual impact is concluded later in the report to be acceptable.

34. The plans show a plateau around the barn with retaining walls to the north and east. It is indicated the plateau is required to expose the barn footings for its restoration, and for scaffolding to be placed around the barn. There is no planning application for restoration of the barn, nor is it clear why flattening the land would be required to achieve this, particularly at this scale. It is unclear why the works are required for agriculture, although the key consideration of these works is considered to be visual impact.

35. Shale excavation is shown on the submitted plans (approximately 250sqm). The works technically comprise minerals development, albeit at a minor scale comparative with typical mineral schemes. The extraction of shale is indicated to be carried out for the purposes of agriculture, to form the access track and lay around the new drain. Permitted development right Part 6 Class A is referenced by the applicant, although prior approval for the works would be required and cannot be granted as works have commenced.
36. The fact the works are minor and for agricultural purposes are such that whilst the works do not strictly accord with Policies MIN1, MIN3 and DMMW1, which require exceptional circumstances for new minerals development and justification around the need including availability of the material from elsewhere and its qualities, it is recognised the works at the scale undertaken would have fallen under Part 6 Class A if not retrospective. Whilst extraction has been carried out, it has been used on site and clearance of the levels around the barn, whilst unacceptable for other reasons below, is proposed in any case such that on balance, the proposals are not recommended for refusal on minerals grounds or Policies MIN1, MIN3 and DMMW1 and are best considered under general policies for agriculture given their nature.

#### Impact on Character and Appearance

37. Policy GSP1 confirms development needs to comply with the National Park statutory purposes, whilst L1 requires development to conserve and enhance valued landscape character, and other valued characteristics. DMC1 requires a landscape assessment for development away from settlement edges with wide scale landscape impacts.
38. L3 and DMC5 require development to conserve or enhance the significance of cultural heritage, including those of local importance. DMC5 requires applications to be supported by proportionate information to describe heritage significance and impact, with harm to non-designated heritage assets weighed in the planning balance.
39. GSP3 and DMC3 require development to respond to site context, existing buildings landscape character and to be appropriate in design and any new landscaping. DMT3 requires access to development to be accommodated in a way which conserves the area.
40. DME1.B states new agricultural buildings and other development / working spaces shall:
  - (i) Be located close to the farmstead or main group of farm buildings and make best use of existing buildings, trees, walls and landscape features; and
  - (ii) Not be in isolated locations requiring obtrusive access tracks and services; and
  - (iii) Respect the design, scale, mass and colouring of existing buildings;
  - (iv) Avoid adverse effects on valued characteristics including important local views, making use of the least obtrusive or otherwise damaging location.

#### Track

41. The site occupies an isolated location, and there are concerns focussing activity on the site would lead to the need for obtrusive features and track. The track proposed is roughly 167m long and therefore significant in length.
42. Notwithstanding this, its siting along the south edge of an existing wall results in views of the track being obscured from the north. When approaching from Blaze Hill to the south east the higher levels of the land obscure the majority of views. It is appreciated there may be some views from further vantages, however the supporting landscape assessment does not suggest views would be unacceptably harmful. The southern end of the track is visible from further north along Blaze Hill. Given this is a limited area of the track, and subject to an appropriate design, the visual impact is felt to be acceptable.

43. The track as originally proposed was overly wide and domestic in character, and the landscape officer objected to this. The applicant has reduced the track to a 3m wide traditional twin track with central grass verge. Shale is understood to have been used for the track, although a condition securing final hard surfacing of the track could ensure should any additional hard surfacing be required this is appropriate in appearance.

Drainage Works, Trough and Pond

44. Drainage works associated with removal of the former sough and partial laying of the new drain have resulted in significant excavation across the site, coupled with that associated with land clearance around the stone barn. As a result there are stockpiles of land south of the drain, although these are indicated to be temporary. The landscape officer concludes, as agreed by officers, that the work undertaken to date has a significant harmful and visual landscape impact. The landscape and tree officer also raise concerns around movement of levels around the RPA of trees, leading to their long-term decline.
45. A number of section drawings are submitted with the application, and an amended landscape plan has also been submitted.
46. The section drawings J, K and L (drawing PL14) show that whilst the land is currently regraded due to excavation, levels would be re-graded back to their original form. The landscape plan shows re-seeding of the area, although the ecologist has requested an alternate mix that can be secured by condition.
47. Provided the land is restored and seeded in accordance with the submitted details, there are no objections to the drainage works visually. A condition requiring the work to be carried out within an agreed timescale could ensure the existing landscape harm from unauthorised works could be addressed. The trough, associated wall and base are minor in scale and in the lower part of the site with surrounding planting, and are formed of appropriate materials. Their design and visual impact is acceptable.
48. Sections I and H show that levels around trees in the west corner of the site would be restored to their original position. Section E shows a minor raise in levels in part of the west area of the site to bring levels up around the drain. Visually, the impact is acceptable as it largely reflects existing gradients. Impact relating to trees is addressed later on.
49. Sections J and D detail the pond. Whilst leading to a depression over original ground levels, this change is minor and the pond would be sited within a general dip in the site where it would not be an overly prominent feature in the landscape. The introduction of wetland and bog planting around it and 2 alder trees would help the pond integrate into the site. The design and visual impact of the pond is acceptable.
50. Whilst construction of the works for the drain, pond and trough are considered to have resulted in a significant visual impact, provided the works are completed in accordance with agreed details and a specified timescale, the overall result would not be considered to result in an unacceptable harm on the character and appearance of the area.
51. The track, drain, pond and trough are acceptable and compliance with Policies GSP1, GSP3, L1, DMC3, DME1 and DMT3.

Level plateau and retaining walls

52. There are significant concerns regarding the creation of a level plateau area and retaining walls around the stone barn. Section G shows the original land levels originally dipped and then rose to the north. Section E shows original levels sloped west to east around the barn, rising to the east, with the barn nestled into the levels. The barn and surrounding

land had a harmonious relationship defining the relationship between the two and conserving the sloping levels of the landscape.

53. The varied Landscape Character Types (LCT) of the Peak District National Park are described in the adopted Landscape Strategy. These help to define the special qualities of the area which underpin the designation of the area as a National Park. The various LCT's assist in the application of core policy L1. In this case we refer to The Slopes & Valleys with Woodland LCT with its description of attractive undulating and sloping topography. The site prior to unauthorised development comprised sloping land reflective of the LCT.
54. In comparison to the original context, the proposal is for an artificially flat area of land around the barn. As works are partly retrospective, the visual impact of this is already appreciable, particularly on photograph 3 of the LVIA 500m from the site on Blaze Hill. The artificial levels around the barn and cut out of the sloping landscape is an incongruous change that conflicts with the sloping and natural character of the land.
55. The retaining walls would cause further harm. Section indicate the east retaining wall would have a height of 4m, far exceeding the eaves height of the barn. The height of the north retaining wall is unclear from the west section, although it appears the wall would rise west to east as levels raise. Together, both walls are incongruous urban features at odds with the open, low intensity agricultural landscape.
56. Together with the plateauing of the land, they cause significant harm to the landscape, a valued characteristic of the National Park. The proposals conflict with Policies GSP1, GSP3, L1, DMC3 and DME1, and the first purpose of the National Park.
57. It is not considered this harm could be overcome by breaking up the retaining wall with planting, as the retention of a stepped retaining wall in that landscape would still be incongruous and harmful, as would the level plateau.
58. Regarding shale extraction within the plateau area, MIN1.B and DMMW5 require restoration and aftercare to contribute to National Park purposes and enhancement. In light of the conclusion on considering the extraction against MIN1, MIN3 and DMMW1, strict application of MIN1.B and DMMW5 is not proposed, although it is still necessary for any landscape scheme to ensure the area subject to extraction is suitably restored. As outlined above, it is not considered this has been achieved due to concerns with the plateau and walls, leading to identified conflict with GSP1, GSP3, L1, DMC3 and DME1.
59. There are also concerns with the level changes and retaining walls on the setting of the stone barn. Whilst no information is submitted to explain the historic significance of the barn, it is referred to as a 19<sup>th</sup> Century structure. With the exception of a small section of concrete blockwork, it is considered by officers to be of vernacular and likely historic merit, constructed of gritstone with stone roof. Historic mapping indicates the barn was present in 1870 with the field division around it similar to that found today.
60. The barn is in poor condition. As outlined earlier, it is submitted the plateau levels are required to expose the barn footings for its restoration, and allow for scaffolding to be sited around it. There is no application in front of the Authority for restoration of the barn, nor is it clear why flattening the land would be necessary to achieve restoration.
61. The agent indicates the works around the barn could be temporary, however the application submitted does not confirm this, with features such as retaining walls appearing permanent. It is indicated a conservation accredited registered engineer (CARE) structural survey is to be carried out to confirm the best means of restoring the barn, and that subject to that survey it would be concluded if the creation of the plateau is necessary, or if an alternative could be considered.

62. However, the application is for permanent creation of a plateau, includes no details about how land might be restored in the future and proposes permanent retaining walls. Even if the CARE survey were to identify appropriate means for restoring the barn, it is unclear what these will be, if the associated impact and any alternate levels will be acceptable (and indeed if the works would result in greater harm than further decline of the barn), and in any case this application does not include physical works to restore the barn itself, meaning that work could not be afforded weight. Those considerations therefore do not outweigh harm to the barn and landscape in the wider planning balance.
63. The barn has the potential to be a non-designated heritage asset and the plateau and retaining wall would significantly harm its setting and the harmonious relationship between the isolated field barn and surrounding landscape. In the absence of sufficient information to understand the barn significance, and given the concerns around potential impact, the application is contrary to Policies L3 and DMC5.
64. Even if it were concluded the barn was not of historic significance, the scheme would harm the setting and character of a vernacular building, contrary to GSP3 and DMC3. Such harm could not be overcome by landscaping.

### Trees

65. The application is supported by an Arboricultural Impact Assessment (AIA) which confirms the site has already been subject to extensive groundworks. The Authority's tree officer is of the view that the groundworks will undoubtedly have impacted the trees and are likely to result in their long-term decline, although the condition of the existing trees is noted as poor (category "U" or "C").
66. Due to the lower quality of the trees, the tree officer has accepted the trees could be replaced and does not raise an objection subject to a scheme for replacement tree planting and an Arboricultural Method Statement (AMS) to ensure the remainder of the works are carried out in a sensitive manner.
67. The landscape officer raises concern around scraping back of stockpiled soils that have been placed in the RPA of trees, with the tree officer agreeing soils will need to be carefully removed to ensure excavation of original soils does not occur. This could be managed via the AMS. For clarity, it is expected the AMS and replacement planting would address all trees within the application site area, including those south of the barn.
68. Subject to conditions to secure an AMS and replacement tree planting, the application is acceptable with regard to trees and Policy DMC13.

### Ecology

69. The Authority's ecologist raises no objection to the application and is supportive of the introduction of pond and wetland area and tree planting. They would also welcome an improved grassland mix to that proposed and have requested that this be subject to an improved to include common perennial herbs. Details for excluding livestock from the wetland area are also requested, which can be secured by condition.
70. It is concluded the development would once completed, achieve suitable ecological enhancement such that it would be compliant with Policies L2, DMC11 and DMC12.

### Residential Amenity

71. The nearest residential properties are 165m from the development, and due to the significant visual impact of the works the development will undoubtedly be noticeable to

other properties. The works once completed are however largely (with some exception) restoring levels to their former arrangement, and are connected to continued use of the site for agriculture. Due to the scale and distance of works from properties, it is not concluded development would harm neighbour amenity or conflict with GSP3 or DMC3. Harm to visual amenity is covered under Impact on Character and Appearance.

72. Shale extraction has already occurred and whilst it is unclear what level of disruption this caused, given it is complete the Authority does not intend to allege conflict with DMMW2.

### Other Matters

73. The Parish Council raise concern over the supply of water from the site and drainage works on neighbouring properties. Those concerns are duly noted, although the drawings submitted indicate water from the new drain would flow into a trough, and then on into an overflow and further drain section, allowing for water to continue to flow off site. The specific details of any water supply arrangements for other properties is unclear, although the proposals appear to show continued provision for water to flow off site whilst the attenuation pond would help to manage on site drainage in periods of higher flow.
74. Therefore, there appears to be provision for water to continue to offsite. Completion of the drainage scheme could be conditioned within a timescale to ensure that is the case.
75. The Coal Authority (CA) confirms whilst parts of the site lie within a development high risk area for coal, the majority of works fall outside of that area. The Authority has clarified that there are groundworks and retaining walls in the high risk area, however the CA confirms any excavation would have been of superficial deposits rather than deeper intrusive ground excavations. The retaining wall is an exempt form of development in relation to a risk assessment. The CA therefore maintains no objection and the Authority does not raise an objection on land stability or contamination under Policy DMC15.

### Conclusion

76. The application is part retrospective and proposes construction of a field track, installation of a land drain, concrete trough with associated wall and base, changes to ground levels, shale excavation for agricultural purposes, three manholes, re-grading works, construction of two retaining walls and creation of attenuation pond.
77. Subject to controls, the field track, drain and trough, some level changes, manholes and attenuation pond are acceptable in principle and in terms of impact on landscape, the existing stone barn, neighbouring properties, highways, trees and ecology.
78. Whilst there is not an objection to the extraction of shale on site in principle, which whilst technically a minerals operation is minor in scale, officers have significant concerns with the resultant re-levelling works and installation of two retaining walls around the existing stone barn on site, which would have an unacceptable impact on the landscape and setting of the barn which is potentially a non-designated heritage asset.
79. The application is therefore recommended for refusal.

### Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

### List of Background Papers (not previously published)

Nil