

# Lancashire County Council

## Development Control Committee

Wednesday, 11th July, 2018 at 10.00 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston

### Agenda

#### Part I (Open to Press and Public)

#### No. Item

1. **Apologies for absence**
2. **Appointment of Chair and Deputy Chair**  
To note the appointment by Full Council on the 24 May 2018 of County Councillor B Yates and P Rigby as Chair and Deputy Chair of the Committee, respectively, for 2018/19.
3. **Constitution, Membership and Terms of Reference of the Committee** (Pages 1 - 4)
4. **Disclosure of Pecuniary and Non-Pecuniary Interests**  
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
5. **Minutes of the last meeting held on 23 May 2018** (Pages 5 - 10)  
The committee are asked to agree that the Minutes of the last meeting held on 23 May 2018 be confirmed and signed by the Chair.

6. **Fylde Borough: Application number. LCC/2014/0101** (Pages 11 - 16)  
**Construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip road, Wharles.**
- Agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood, and land that forms part of the defence high frequency communications service (DHFCS) site between Rosacre Road and Inskip Road, off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston**
7. **Wyre Borough: Application number. LCC/2017/0040** (Pages 17 - 62)  
**Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.**  
**Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.**
8. **West Lancashire Borough: Application number LCC/2018/0023** (Pages 63 - 72)  
**Erection of detached vehicle repair/maintenance workshop and office accommodation building with the provision of photovoltaic solar panels on the southern half of the roof of the building, and an associated five space car park. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.**
9. **Rosendale Borough: Application number 14/13/0515** (Pages 73 - 92)  
**Application for determination of conditions for permission 14/94/0355 (as amended by 14/95/0506) for the winning and working of minerals at Hutch Bank Quarry, Haslingden**

**10. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.**

(Pages 93 - 94)

**11. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**12. Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday 12 September 2018 at 10.00 a.m. in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

L Sales  
Director of Corporate Services

County Hall  
Preston



## Development Control Committee

Meeting to be held on 11 July 2018

Electoral Division affected: N/A
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## Constitution, Membership and Terms of Reference of the Committee

(Appendix A refers)

Contact for further information:

Cath Rawcliffe, 01772 533380, Legal and Democratic Services

[Cath.rawcliffe@lancashire.gov.uk](mailto:Cath.rawcliffe@lancashire.gov.uk)

### Executive Summary

The Constitution, Membership and Terms of Reference of the Development Control Committee.

### Recommendation – Summary

That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

## Background

The County Council at its meeting on the 24 May 2018 approved the constitution of the Development Control Committee as being 12 members on the basis of 7 from the Conservative Group 4 from the Labour Group, and 1 from the Independent Group. The following members were appointed by their respective groups:

### County Councillors

M Barron	P Hayhurst
S Clarke	J Marsh
C Crompton	M Pattison
M Dad	P Rigby
K Ellard	A Schofield
D Foxcroft	B Yates

The Committee's Terms of Reference are set out at Appendix 'A'.

## Consultations

N/A

## Advice

N/A

**Alternative Options to be considered**

N/A

**Implications:** e.g. Financial, Legal, Personnel, Human Rights, Crime and Disorder or Other

This item has the following implications: Nil

**Local Government (Access to Information) Act 1985**

**List of Background Papers**

Paper	Date	Contact/Directorate/Ext
County Council Agenda	24 May 2018	Cath Rawcliffe, Legal and Democratic Services, Tel. 01772 533380

## **Development Control Committee**

### **Terms of Reference**

The Committee shall carry out the following functions:

1. To determine applications for planning permission, under Part III Section 62 and Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 where one or more of the following apply:
  - (i) An objection to the application has been received;
  - (ii) The application is supported by an Environmental Statement;
  - (iii) A refusal is recommended by officers;
  - (iv) There is a conflict of interest with the functions of the Head of Service;
  - (v) The application has been submitted by, or benefits, a councillor or officer of the County Council.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development).
3. To exercise the functions relating to the making of determinations of planning applications under Section 92 (outline planning permission) of the Town and Country Planning Act 1990.
4. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
5. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.
6. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).
7. To exercise powers under Sections 198 and 199 of the Town and Country Planning Act 1990 (Tree Preservation Orders).
8. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.

9. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
10. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
11. To authorise by Order the stopping up or diversion of footpaths or bridleways under section 257 and 261 of the Town and Country Planning Act 1990.
12. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
13. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
14. All members of the Committee must:
  - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
  - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.



## Lancashire County Council

### Development Control Committee

**Minutes of the Meeting held on Wednesday, 23rd May, 2018 at 10.00 am in Committee Room 'B' (The Diamond Jubilee Room) - County Hall, Preston**

**Present:**

County Councillor Barrie Yates (Chair)

#### **County Councillors**

P Rigby	D Foxcroft
M Barron	S Holgate
S Clarke	J Marsh
M Dad	M Pattison
K Ellard	A Schofield

**1. Apologies for absence**

Apologies for absence were received on behalf of County Councillor P Hayhurst.

**2. Disclosure of Pecuniary and Non-Pecuniary Interests**

County Councillor M Pattison declared a non pecuniary interest in agenda Item 8 as a member of Morecambe Town Council and Lancaster City Council.

County Councillor S Holgate declared a non pecuniary interest in agenda Item 5 as a member of Chorley Borough Council.

**3. Minutes of the last meeting held on the 7 March 2018**

**Resolved:** That the Minutes of the meeting held on 7 March 2018, be confirmed and signed by the Chair of the Committee.

**4. Wyre Borough: Application number LCC/2017/0040  
Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.  
Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre**

A report was presented on an application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals at Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.

The report included the views of Wyre Borough Council, Kirkland Parish Council, the Environment Agency, Cadent Gas, Natural England, United Utilities, the county council's Specialist Advisor (Ecology); Lead Local Flood Authority and Highways Development Control and details of six representations received. The report also included details of representations received from the St Michaels Flood Action Group and from the occupier of Brook House Farm, located adjacent to the quarry.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the working scheme and photographs of the site entrance, plant site and stockpile area and phases 1 to 4 of the site.

The officer also reported that on Monday 21 May, 2018 the committee had received a presentation from Mr Flintoff, the occupier of Brook House Farm objecting to the proposal. A summary of the points raised at the presentation together with the advice from the officer was set out in the 'Update Sheet' circulated at the meeting (Copy set out at Annex A to the Minutes).

Mr Stephenson addressed the committee on behalf of the applicant and raised the following points in support of the application:

- The quarry contributed towards the supply of high grade sand and gravel products in Lancashire.
- The Environmental Impact Assessment had concluded that noise and dust levels were within the limits set out in the guidelines.
- The site was located in flood risk zone 3 – therefore the void space caused by the workings had a slight benefit in that it created extra storage capacity for the flood water.
- All concerns and objections raised with regard to this proposal had been addressed.
- Statutory consultees had raised no objection to the proposal.

In response to questions raised by a Member, the Officer advised that the Environment Agency were now satisfied with the revised Flood Risk Assessment and had raised no objection to the proposal.

Following further questions raised in respect of the levels of the stockpiles, the duration of the proposed time extension and the monitoring of dust levels, it was Moved and Seconded that:

"Members of the Development Control Committee visit the site prior to determining the application"

On being put to the vote the Motion was Carried. It was therefore:

**Resolved:** That Members of the Development Control Committee visit the site prior to determining the application.

**5. Chorley Borough: application number. LCC/2017/0095  
Importation of soils to meet stability requirements for approved residential development and cutting back of rock outcrop to provide a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-Woods**

A report was presented on an application for the importation of soils to meet stability requirements for approved residential development and the cutting back of a rock outcrop to provide a stable landform on land at Little Quarry, Hill Top Lane, Whittle-le-Woods.

The report included the views of Chorley Borough Council, Whittle-le-Woods Parish Council, Clayton-le-Woods Parish Council, the Coal Authority, the County Ecology Service, the Environment Agency, Historic England, Lancashire County Council's Highways Development Control, Natural England, the Ramblers' Association, the Canal and River Trust and details of 88 representations received. The views of County Councillor Mark Perks and Chorley Borough Councillor Eric Bell were also reported.

Members of the committee visited the application site on 21 May 2018. This included a walk along Hill Top Lane to the junction of Chorley Old Road.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the proposed finished contours, the main areas of infill and slope cut and photographs of the site, the site entrance and approach roads.

The officer reported that the Environment Agency had submitted further views. These views together with advice from the officer was set out in the Update Sheet circulated at the meeting and attached at Annex A to the Minutes.

The Officer also advised that a number of minor changes had been made to the submitted plans to clarify proposed re-profiling of the eastern rock outcrop. It was therefore recommended that conditions 4, 22 and 24 be amended as set out in the Update Sheet at Annex A to the Minutes.

Councillor P Higham, Councillor E Bell and County Councillor M Perks, the Parish, District and County Councillor for the area respectively, addressed the Committee and raised the following concerns:

- The HGVs would have an adverse impact on local residents in terms of dust, noise and air pollution - an air quality assessment should be undertaken.
- The proposed water management plan was inadequate – water from the quarry spills out of a gully onto Chorley Old Road and into properties.
- This application would not stabilise the site – it was unsuitable for housing. The quarry should be left undisturbed, to allow for natural stabilisation.

- The applicant does not adhere to conditions and allows mud to be tracked out of the site.
- The application should be refused to allow local residents some quality of life – the area was blighted by quarries.
- The local roads cannot accommodate 20 tonne HGVs.
- The proposed development would exacerbate the current flooding problems.
- Details of the water management plan should be agreed prior to the determination of the planning application.

Mr Sedgwick spoke on behalf of the applicant. He informed the committee that the site was the subject of a housing site allocation in the Chorley Local Plan. It was explained that additional material would be deposited on the site in order to stabilise it prior to any housing development. The collapsed sandstone block in the northern part of the site would be cut back from the top downwards to stabilise it and prevent water run through. This would produce a gradient that would drain effectively into settlement lagoons and a sustainability pond and then under control, into the highway drain.

The Officers responded to questions raised by the Members in relation to signage, the number of vehicle movements and water drainage.

Following further debate it was agreed that officers be asked to impose an additional condition which would allow for the stability of the site to be independently monitored following the completion of works.

**Resolved:** That planning permission be **Granted** subject to the conditions set out in the report to the committee, the inclusion of the amended conditions as set out in the Update Sheet and the inclusion of an additional condition requiring the stability of the site to be independently monitored following the completion of works.

**6. West Lancashire Borough: Application Number. LCC/2018/0001  
Replacement 2.4m high fencing and gates to the front of the school  
and 2.4m high fencing adjacent to the bins store. Burscough Village  
Primary School, Colburne Close, Burscough.**

A report was presented on an application for the replacement of 2.4m high fencing and gates to the front of the school and 2.4m high fencing adjacent to the bins store at Burscough Village Primary School, Colburne Close, Burscough.

The report included the views of West Lancashire Borough Council and Lancashire County Council's Highways Development Control. The committee noted that no letters of representation had been received in respect of this application.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The

committee was also shown an illustration of the fencing and a location plan and photographs of the site.

**Resolved:-** That planning permission be **Granted** subject to the conditions set out in the report to the committee.

**7. Ribble Valley Borough: Application Number. LCC/2018/0003  
Detached new build classroom with toilets and ancillary rooms and  
single storey extension to existing school building to provide a new  
library and construction of a multi-use games area. Whalley C of E  
Primary School, Church Lane, Whalley, Clitheroe**

A report was presented on an application for a detached new build classroom with toilets and ancillary rooms and single storey extension to existing school building to provide a new library and construction of a multi - use games area at Whalley C of E Primary School, Church Lane, Whalley, Clitheroe.

The report included the views of Ribble Valley Borough Council, Whalley Parish Council, Sport England, Lancashire County Council's Archaeological Advisory Service, Highways Development Control and County Ecology Service and 7 letters of representation received.

The Development Management Officer presented a PowerPoint Presentation showing an aerial view of the site and the nearest residential properties. The committee was also shown an illustration of the site layout plan, the proposed buildings and photographs of the site and access roads.

Following lengthy debate on the application and questions to the officers with regard to the materials for the proposed extension and the multi - use games area, it was agreed that conditions 4 and 5 of the proposed planning permission be amended as follows:

- '4. No development shall commence until details of the materials to be used for the external elevations of the detached new build classroom and single storey extension have been submitted to and approved in writing by the County Planning Authority. The materials used for the new build classroom shall consist of natural stone to match the stone materials used on the existing school building. Thereafter only those materials approved shall be used in the development.
5. No development of the MUGA shall commence until a scheme and programme for the perimeter fencing has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:-
  - a) the type of fencing to be used which shall be of a construction to minimise noise impacts.
  - b) the heights and colours of the fencing.

Thereafter the fencing shall be constructed in accordance with the approved details'.

**Resolved:-** That planning permission be **Granted** subject to the conditions set out in the report to the committee and the inclusion of the amended conditions as set out above.

**8. Lancaster City: Application Number. LCC/2018/0006  
Provision of two timber garden classrooms.  
Morecambe Road Primary School, Morecambe Road, Morecambe.**

A report was presented on an application for the provision of two timber garden classrooms at Morecambe Road Primary School, Morecambe Road, Morecambe.

The report included the views of Lancaster City Council, Lancashire County Council's Highways Development Control and County Ecology Service. The committee noted that no letters of representation had been received in respect of the application.

**Resolved:-** That planning permission be **Granted** subject to the conditions set out in the report to the committee.

**9. Planning Applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.**

It was reported that since the last meeting of the committee on 7 March 2018, eight planning applications had been granted planning permission by the Head of Service Planning and Environment in accordance with the county council's Scheme of Delegation.

**Resolved:** That the report be noted.

**10. Urgent Business**

There were no items of urgent business.

**11. Date of Next Meeting**

**Resolved:** That the next meeting of the committee be held on Wednesday 11 July 2018.

L Sales  
Director of Corporate Services

County Hall  
Preston

**Development Control Committee**  
Meeting to be held on 11<sup>th</sup> July 2018

Electoral Division affected:  
Fylde East

**Fylde Borough: Application number. LCC/2014/0101**

**Construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip road, Wharles.**

**Agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood, and land that forms part of the defence high frequency communications service (DHFCS) site between Rosacre Road and Inskip Road, off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston**

Contact for further information:  
Jonathan Haine, 34130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Construction and operation of a site for drilling up to four exploratory wells, hydraulic fracturing of the wells, testing for hydrocarbons, abandonment of the wells and restoration, including provision of access roads and improvement of accesses onto the highway, security fencing, lighting and other uses ancillary to the exploration activities, including the construction of a pipeline and a connection to the gas grid network and associated infrastructure to land west, north and east of Roseacre Wood and between Roseacre Road, Roseacre and Inskip road, Wharles.

Agricultural land that forms part of Roseacre Hall, to the west, north and east of Roseacre Wood, and land that forms part of the defence high frequency communications service (DHFCS) site between Rosacre Road and Inskip Road, off Roseacre Road and Inskip Road, Roseacre and Wharles, Preston

## **Recommendation – Summary**

- 1) That the conclusions of the report be noted
- 2) That the Committee delegate authority to officers to allow a response to be provided to the Secretary of State taking into account any further observations that are received subsequent to the meeting of the Committee.

## **Background**

In 2014 a planning application was submitted to the County Council for the development of a hydrocarbon exploration site at Roseacre Wood near Elswick. The application provided for the construction of an exploration well pad and access from Roseacre Road, the drilling of four boreholes into the Bowland Shale and hydraulic fracturing of the boreholes and subsequent testing to monitor the flow rates of any hydrocarbons produced.

Access to the site was to have been from the A583 and then passing through Clifton village and then northwards along Station Road, Dagger Road, Salwick Road, Inskip Road and then across the Inskip Ministry of Defence site to enter the proposed exploration site.

The application was accompanied by an Environmental Statement which presented information on a wide range of planning and environmental issues to aid determination of the planning application.

The planning application was reported to the County Council's Development Control Committee on 24<sup>th</sup> June 2018 when planning permission was refused due to unacceptable highway impacts.

This decision was then the subject of an appeal to the Secretary of State. The appeal was heard by way of a public inquiry held in 2016. Following the inquiry, the Secretary of State determined that he was minded to allow the appeal but that the public inquiry should be reopened to hear further evidence on highway issues, he being dissatisfied that the applicant's highway mitigation measures would fully address the impacts on other road users. The public inquiry was therefore reopened and took place in April 2018 to hear additional highway evidence.

Prior to the inquiry being reopened, the appellant produced revised traffic proposals involving the site being accessed via three routes (named red, green and blue) as opposed to the original proposals where only one access route was proposed.

The Secretary of State determined that the reopened inquiry was only to hear highway evidence and that no other issues would be debated.

However, because over four years will have passed between the original Environmental Statement being submitted and when the Secretary of State will make his final decision on the proposals, the appellant has produced an updated Environmental Statement and Planning Statement addendum. This information is currently the subject of consultation with any responses being forwarded to the Secretary of State so that he can take into account any issues raised before he makes his final determination on the appeal.

The Inspector is currently writing his report following the reopened public inquiry. The report will be submitted to the Secretary of State later this summer and it is expected that the appeal will be determined before the end of 2018. The applicant's updated Environmental Statement along with any observations on this document made by the



County Council and any other statutory consultees will therefore be available when the Secretary of State finally considers the proposals.

## **Consultations**

Lancashire Constabulary; No observations to make

Cadet Gas: No objection.

Lancashire Archaeological Advisory Services; Agree that there is no significant change to the cultural heritage baseline conditions and that the revised timeline for the development should not mean any change to the archaeological implications of the development.

National Air Traffic Control; No safeguarding objection.

The results of any further consultations that are received will be reported on the 'update sheet'.

## **Advice**

The additional information is in two documents:

- A Supplementary Environmental Report to update the Environmental Statement supplied in support of the original planning application. The report considers the following issues; air quality, archaeology and cultural heritage, greenhouse gas emissions, community and socio economic, ecology, hydrology and ground gases, induced seismicity, landscape and visual amenity water resources, public health and cumulative and in combination impacts. The report does not consider traffic as the appellant produced an extensive assessment document to support their revised routing proposals that were discussed at the reopened public inquiry.
- A Planning Statement Addendum includes information on changes to planning policy since the original application in 2014 including a written ministerial statement in January 2018 and publication of an emerging Fylde Local Plan covering the period between 2011 and 2032.

In terms of the supplementary environmental report, for each topic area the applicant has reassessed the baseline position (if necessary by undertaking updated surveys) and then examining the impacts of any changes in legislation or standards that would apply to the project (for example air quality standards). The results of this exercise were then compared against the findings of the original Environmental Statement.

For all topic areas, the base line position remains largely unchanged when compared to the previously assessed 2014 position. There are some changes in local landscape due to the construction of some new buildings close to the site, minor changes in non designated heritage assets, changes in population levels and other

economic data used for the socio economic assessment and minor changes in ecology and updated public health data for the local area.

Of more significance are the changes that have been made to various environmental standards since the original planning application and Environmental Statement. These include new emission standards for non road mobile machinery, revised guidance on the modelling of air quality impacts and revised guidance on the way in which climate change impacts are used to calculate peak river flows and rainfall intensity.

The applicant has compared any changes in baseline data and applicable standards to the conclusions of the 2014 Environmental Statement. The applicant does not consider that there are any such changes that would require amendment of the conclusions of the original Environmental Statement in terms of the significance of any environmental effects.

The main changes since the 2014 planning application relate to traffic and associated impacts. The issues in terms of highway safety, noise, air pollution and severance arising from the revised traffic management proposals were all assessed through the applicant's Traffic Addendum which formed part of the evidence to the public inquiry. These issues, particularly those relating to highway safety, were the focus of the County Council's continued objection to the proposal and formed the basis of the evidence that was presented to the reopened public inquiry.

Noise did not form part of the County Council's case for opposing this development. The applicant has not undertaken a reassessment of baseline noise conditions. However, it is not considered that background noise levels would have decreased in the area such that noise from the site will now be significantly more apparent than was previously the case. The absence of updated background noise measurements could allow noise to be introduced as a grounds for objection to the development.

The changes included within the Planning Statement Addendum relating to Central Government Policy and emerging development plan policies are not considered to be significant and do not introduce significant new issues that were not previously considered.

It is considered that the changes to the other non highway issues are very minor and would not result in any new objections being raised to the development.

At present, the updated Environmental Statement and Planning Statement Addendum is the subject of consultation with a range of consultees. Given the nature and conclusions of the new information, it is considered that no significant issues of substance can be raised. However many responses are still awaited and it is therefore requested that delegated authority be given to allow officers to prepare a response to the Secretary of State if further consultation responses are received subsequent to the committee.

## **Recommendation**

- 1) That the conclusions of the report be noted.

- 2) That the Committee delegate authority to officers to allow a response to be provided to the Secretary of State taking into account any further observations that are received subsequent to the meeting of the Committee.

**Local Government (Access to Information) Act 1985**  
**List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2014/0101		

Jonathan Haine  
Planning and Environment  
534130

Reason for Inclusion in Part II, if appropriate  
N/A



## Development Control Committee Meeting to be held on 11th July 2018

Electoral Division affected:  
Wyre Rural East, Wyre Rural  
Central

**Wyre Borough: Application number. LCC/2017/0040**  
**Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.**  
**Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.**  
**(Appendix A refers)**

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### Executive Summary

Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.

Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.

### Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, noise and dust, water resources, landscaping, restoration and aftercare.

### Background

A report relating to the above planning application was presented to the meeting of the Development Control Committee on 24<sup>th</sup> May 2018. The report to the 24<sup>th</sup> May Committee is attached at appendix A.

At that meeting it was resolved to defer consideration of the application to allow a site visit to take place.

### Consultations

Lancashire Lead Local Flood Authority: The Lead Local Flood Authority wish to withdraw their objection to the development subject to the following conditions being imposed on any new planning permission:

- That the development is undertaken in accordance with the Flood Risk Assessment dated March 2018 to ensure the satisfactory storage of surface water and flood water to prevent flooding on the site and elsewhere on adjacent land, to ensure that the site does not impede the flow of flood water across the site, to ensure that dewatering operations do not increase flood risk and to mitigate the risks to people working within the voids.
- That the development is undertaken in accordance with submitted drawings in particular to ensure that the phasing and materials storage is undertaken as shown and to ensure that restoration ground levels are not raised above the pre development levels.

## **Representations**

On 22<sup>nd</sup> May 2018, a local resident (Mr Paul Flintoff) made a 30 minute presentation to members of the Committee under the public speaking procedures for the Development Control Committee. The issues raised by the local resident were reported via the update sheet to the 24<sup>th</sup> May Committee and are summarised as follows:-

- Mr Flintoff lives at Brook House Farm off the A586. His property includes a horticultural plant nursery which he considers to be a sensitive landuse from the point of view of the adjacent mineral working.
- The 2005 planning permission for this site included conditions to mitigate the impacts of the quarry including for noise. The County Council has taken two separate noise readings to check the noise levels from the quarry and have said that there is no breach of permitted levels – however officers have no evidence to back up this claim.
- The noise assessment provided with the current application shows that the noise levels at his property are exceeded. The assessment shows that the highest noise level at Brook House Farm would be within phase 4 but that the assessment incorporates the beneficial impacts of a screening mound which would provide additional attenuation – however, the bund has to include a gap for flood relief reasons which would reduce the beneficial effects of the bund.
- The location chosen for the County Council's July 2017 noise monitoring exercise was next to a bund and was therefore not representative of his property where he has a clear view of the processing plant.
- Dust – dust from the quarry sticks to his polythene tunnels which allows algae and slime to develop and reduces light levels. No background monitoring of dust was carried out before development commenced. Officers say that mitigation is effective but that is not correct – a number of photographs were shown of dust being blown from various parts of the quarry
- Stockpiles are too high and are not shaped to reduce dust impacts. The silt which is washed out of the sand and gravel is stored within 10 metres of his boundary. There is also a lack of watering of the haul road.
- Flooding: Mr Flintoff drew attention to the two serious flood events that affected this area in 2015 and 2016 and showed a photograph of the quarry

underwater. Mr Flintoff considered that the flood risk assessment forming part of the planning application contains a number of inaccuracies and should not be relied upon. He drew attention to a number of flood defences that had been constructed around other properties and also several bunds on the quarry site which he considered increased the impacts of flooding. He considered that the quarry development had resulted in an increase in the area of land above 8 metres in height which had profound consequences for flooding in the area.

At the meeting on 24<sup>th</sup> May 2018, the Committee also received a presentation from Mr Peter Stephenson, agent for the applicant. Mr Stephenson explained that the site was operated by a company called Hargreaves (Tarnacre) Ltd, a joint venture between Clive Hurt Plant Hire and JA Jackson. JA Jackson are the main producer of sand and gravel in Lancashire and are also involved in renewable energy and waste management. The issues raised included:-

- Mr Stephenson explained that the Environmental Statement that had been prepared to accompany the application had assessed noise and dust issues but that no major impacts had been predicted. The sand and gravel materials are in wet condition when extracted and are processed using water which reduces dust impacts. He acknowledged that there may be an occasional issue with dust from haul roads but that could be mitigated.
- Flooding had been raised as an issue but had been examined in the ES and a Flood Risk Assessment prepared. The site was in Flood Zone 3 and therefore it was likely that the site would flood occasionally from overspill from the River Wyre. The quarry would not raise levels and the voids generated by mineral working would provide a slight benefit in terms of flooding
- He considered that the objections and concerns that had been raised by local residents could all be addressed.

## **Advice**

This application was reported to the meeting of the Development Control Committee on 24<sup>th</sup> May 2018. At that meeting, consideration of the application was deferred to allow a site visit to take place. The site visit will provide Members with an opportunity to appreciate the nature of the quarry and its likely impacts.

Since the 24<sup>th</sup> May Committee, Lancashire Lead local Flood Authority have provided their comments on the latest version of the applicant's Flood Risk Assessment. The Lead Local Flood Authority have withdrawn their previous objection but have requested conditions requiring the development to be undertaken in accordance with the submitted drawings and that the site is phased and restored in a manner that does not increase flood risk.

In relation to their comments about dewatering, water extracted from active areas of the site is pumped to the silt lagoons and is then discharged into the phase 1 excavation. This is to ensure that water from the excavation is used to recharge the aquifer and is not 'lost' to a surface water course. This method of working should ensure that the flood risk from surface water courses is not increased due to surcharge from water pumped from excavations.

Conditions are proposed in order to address the issues raised by the Lead Local Flood Authority including ensuring that soils and overburden are only stored in the locations and to the design shown on the submitted phasing drawings. Such a condition should address the flood risks during the period when the site is operational.

To address flood risk during and post restoration, a condition is proposed requiring a restoration scheme to be submitted including the restored levels. A requirement can be included to require the restoration levels not to exceed the natural pre development ground levels. This will ensure that there is no loss of natural flood storage capacity which might have the effect of diverting water onto land that would not normally flood for a given flood event.

In relation to the issues raised by Mr Flintoff in his presentation to the Committee, the following comments are made:-

- Noise – measurements of noise from the site have been taken by the County Council on two separate occasions in response to complaints. Both measurements were undertaken close to the boundary of the quarry which is considerably nearer the quarry than Brook House Farm itself. During the most recent monitoring exercise in July 2017, quarry processing plant used for the crushing of gravel was being used and was clearly audible at the monitoring location. The measurement indicated that noise levels were below the permitted level of 55 dB(A) LAeq 1 hour.
- The noise assessment included within the Environmental Statement does not show that noise levels in the current planning permission are already exceeded. The noise assessment was based upon a set of noise measurements that were undertaken in order to measure the existing noise climate in the area. Some of these measurements do exceed the permitted level of 55 dB(A) – however, they are measurements of total noise and therefore include noise that might be attributable to passing traffic, aircraft or other sources. The recorded level is not the noise that is only attributable to the quarry.
- The comments regarding dust are noted. The County Council has recently undertaken monitoring of dust impacts at the site and has raised the need to undertake further mitigation with the operator. It is understood that the operator is now employing a water bowser to control dust impacts. The conditions on dust impacts have been revised and condition 32 deals specifically with the application of mitigation measures.
- In relation to stockpile heights, some of the stockpiles may exceed the permitted height of 3 or 5 metres. However, the stockpiles are not considered to be a major source of dust emissions. The silt lagoons are close to Mr Flintoff's boundary but are not considered to be a source of dust as they contain water and entrained silt materials arising from the washing and processing of the sand and gravel and are in a wet condition.
- The concerns about flooding impacts are noted. The issues are addressed in the original Committee report. The key issue is that the design of the quarry during the remaining period of working does not increase flood risk and that



as part of the restoration, there is no raising of land levels or retention of any features that would impact upon the natural function of the local flood plain.

The impacts raised by the local resident in terms of noise, dust and flooding are noted but it is considered that they can be addressed through careful site design and appropriately worded planning conditions. In conclusion it is considered that the impacts of operating this quarry over a longer timescale are acceptable in relation to the policies of the Development Plan and other local environmental impacts.

### **Recommendation**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the following conditions:

### **Time Limits**

1. The mining operations authorised by this permission shall cease not later than 31st March 2027. The site shall be progressively restored in accordance with the conditions to this permission and shall be restored in its entirety by not later than 31st October 2027 or within a period of 12 months from the cessation of mineral extraction in phase 4, in accordance with the restoration schemes approved under the requirements of conditions 41 and 42 whichever is the sooner.

Reason: To ensure the progressive restoration of the site within the approved timescales in the interests of the visual and local amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

### **Working Programme**

2. The development and restoration shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The planning application ref 02/04/0652 as modified by planning applications 2/12/0024, 2/13/0342 and LCC/2017/0040

b) Submitted Plans and Documents

Plans submitted with Planning Application 2/04/652  
Drawing SR1/2A Landholdings and application area  
Plan 4 - Trees and hedges to be removed / retained

Plans submitted with Planning Application LCC/2017/0040  
Figure 2 Rev D - Indicative Quarry Development Plans -Existing Site  
Figure 3 Rev D- Indicative Quarry Development Plans - End of Phase 2  
Figure 4 Rev F - Indicative Quarry Development Plans - End of Phase 3  
Figure 5 Rev F - Indicative Quarry Development Plans - End of Phase 4

Figure 6 Rev D - Indicative Quarry Development Plans - Final restoration

c) All schemes and programmes approved under the conditions to this permission.

*Reason: For the avoidance of doubt and to enable the MPA to control the development and to minimise its impact on the amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan*

3. The site shall be worked and restored in accordance with the sequence of phases shown on Figure 3 Rev D, Figure 4 Rev F, Figure 5 Rev F and Figure 6 Rev D attached to planning application LCC/2017/0040.

*Reason: To secure the progressive working and restoration of the site in the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

4. Within one year of the commencement of soil stripping in phase 4, phase three shall be restored in accordance with the scheme and programme of restoration approved under the requirements of condition 41 below.

The requirements of this condition shall not apply to any land within phase 3 that is required for access purposes into phase 4.

*Reason: In order to ensure the progressive restoration of the site in the interests of visual amenities and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

5. The extraction of sand and gravel shall not take place other than within the areas labelled 'indicative extraction boundary' on drawings Figure 3 Rev D, Figure 4 Rev F and Figure 5 Rev F attached to planning application LCC/2017/0040.

*Reason: In the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. The site processing and stockpiling area shall be laid out and constructed in accordance with the design shown on drawing 0140/20/01 and the specification for lighting included with the letter from Hallett Environmental dated 10th September 2010.

*Reason: In the interests of the visual amenity of the area and the amenities of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Soils and Overburden**

7. All available topsoil and subsoil shall be stripped from any phase of the site before that phase is excavated or is traversed by heavy vehicles, or before

plant or machinery, or roads, buildings, plant yards or stores are constructed on it.

*Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

8. The existing topsoil and subsoil mounds located around the perimeter of the site offices and plant area and silt pond area as shown on Figure 3 Rev D shall be maintained in a fully grassed weed free condition throughout the duration of the development. The soil materials in these mounds shall be retained on site in order to ensure that they are available for the restoration of the site offices and plant area and the silt pond area.

*Reason: In the interests of the visual amenities of the area and to ensure that sufficient soil materials are retained on site for restoration works and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

9. Any top and subsoils that are stripped during the working of phase 3 and 4 and retained for use in the restoration of the site shall only be stored in the locations and in accordance with the design shown on Figure 4 Rev F and Figure 5 Rev F. All such top and sub soil mounds shall be stored in graded mounds not exceeding a height of three metres. All such mounds shall be retained in a fully grassed, weed free condition throughout the duration of the development.

*Reason: In the interests of visual amenity and flood mitigation and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

10. No movement of topsoil or subsoil shall occur during the period from the 1 October to 1 April inclusive without the prior written consent of the County Planning Authority. At other times the stripping, movement and respreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

*Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

11. The top soil and sub soil mounds around the perimeter of phase 4 as shown on Figure 5 rev F shall be constructed within six months of the commencement of soil stripping operations in phase 3.

*Reason: In the interests of the amenity of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Landscaping**

12. All hedges and trees forming part of the site boundaries or to be retained within the site as shown on Drawing No. 4 shall be protected from any damage and maintained throughout the development and restoration. The provisions of this condition shall not apply to any hedgerow removal works that are necessary to divert the rising main sewer shown on Figure 4 Rev D.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

13. Within three months of the date of this planning permission a scheme and programme of replacement hedgerow planting along the western edge of phases 1 and 2 and for the infilling of hedgerow gaps along the northern edge of the site offices and plant area shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall include details of the following:

- a) details of the lengths of hedgerow to be replaced.
- b) details of the planting works to be undertaken including ground preparation, numbers, types, species and sizes of plants to be planted.
- c) details of planting techniques and protection measures

The planting works contained in the approved scheme shall be undertaken in the first planting season following the date of this planning permission.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Site Operations**

14. No heavy goods vehicles as defined by this permission shall access the site, be loaded or leave the site prior to 0700 hours Monday to Friday.

No site development or operations involving the extraction, transport and processing of minerals or site restoration shall take place outside the hours of:

0730 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0730 to 1300 hours on Saturdays.

No site development or operations involving the extraction, transport and processing of minerals or site restoration shall take place at any time on Sundays or Public Holidays.

This condition shall not prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

The above hours of operation shall not apply to movement and loading of heavy goods vehicles which shall be able to take place between the hours of 0700 to 1800 hours on Mondays to Fridays (excluding public holidays)

No heavy goods vehicles as defined by this permission shall access or leave the site on Sundays and Public Holidays

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

15. Notwithstanding the hours of working contained in condition 12 above, no soils or overburden shall be stripped from or re-spread on any part of the site nor shall construction or removal of storage, landscape or baffle mounds take place on any part of the site before 0800 hours or after 1700 hours Mondays to Fridays inclusive (except Public Holidays), or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan*

16. This permission shall permit the mining of sand and gravel and associated overburden only.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to ensure satisfactory restoration and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

17. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: To maintain the MPAs control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan*

18. No stockpile of processed sand and gravel shall exceed a height of three metres as measured from existing ground levels.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

19. Stockpiles of excavated materials awaiting processing shall only be stored within the area hatched grey on drawing 0140/20/01 and to a height not exceeding five metres as measured from existing ground levels.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

20. The soil screening bund located adjacent to the junction of the site access with the A586 shall be removed within three months of the date of this planning permission.

*Reason: In the interests of flood prevention and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Highway Matters**

21. Measures shall be taken throughout the duration of the development and restoration to ensure that no mud, dust or other debris is deposited on the public highway by vehicles leaving the site.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

22. Visibility splays measuring not less than 4.5 metres by 103 metres as measured from the centre line of the access to the edge of the carriageway and in both directions shall be provided at the junction of the site access road and the A586. The visibility splays shall be maintained free from all obstructions above a height of one metre when measured from carriageway level for the duration of the development and restoration of the site.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

23. The site access road for a distance of not less than 200 metres from its junction with the A586 shall be shall be surfaced in tarmacadam, concrete or other means of hard surfacing throughout the duration of the development and restoration phase. The surface of the access road shall be maintained in a smooth condition free from potholes or other defects.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

24. All vehicles transporting minerals of a size less than 100mm in any dimension from the site shall be securely sheeted.

*Reason: In the interests of highway safety (and to safeguard the amenity of local residents and adjacent properties/landowners and land users) and to*

*conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

25. Not more than 170,000 tonnes of minerals shall be exported from the quarry in any calendar year.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37 and 112 of the Lancashire Minerals and Waste Local Plan.*

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the weight of the load, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative during permitted working hours.

*Reason: To enable the MPA to monitor the operations to ensure compliance with the planning permission and to conform Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

27. The sole access to and egress from the site shall be to and from the A586 as shown on Figure 2 Rev D.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Control of Noise and dust**

28. All mobile plant used on the site shall be fitted with the types of reversing alarms described in the scheme and programme submitted on 13th October 2009 as modified by the email from Halletc Environmental dated 25th May 2010. The approved reversing alarms shall be used by all mobile plant throughout the development and restoration.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

29. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

30. Noise emitted from the site shall not exceed 55dBLAeq (1 hour) (free field), as defined in this permission, when measured from any of the following residential properties at the point closest to the noise source:

- a) Tarnacre House Farm NGR 4738 4283
- b) Brook House Farm NGR 4729 4258
- c) Tarnacre Hall Cottages NGR 4709 4225

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

31. The noise limits set out in condition 29 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their respreading during restoration of the site or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70 dBLAeq (1 hour) (free field), as defined in this permission, as measured from any of the residential properties identified in condition 29 at the point closest to the noise source. This condition shall only apply for not more than 20 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

32. Measures shall be taken at all times during the development and restoration of the site to minimise the duration of dust. Such measures shall include the watering of all haul roads, vehicle manoeuvring areas and stockpiles, fitting of dust suppression equipment to processing plant and suspension of dust generating activities during dry and windy weather conditions.

*Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

33. Dust monitoring shall be undertaken throughout the duration of the development and restoration in accordance with the scheme and programme submitted on 23rd July 2010 under the requirements of condition 30 of planning permission 2/04/652.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Safeguarding of Watercourses and Drainage**

34. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of



contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

35. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

36. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the County Planning Authority.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

37. By not later than 31st March in any year until the completion of the restoration of the site, a groundwater monitoring report shall be submitted to the County Planning Authority. The report shall contain the following information:-
- a) details of the areas of the site that have been worked over the previous year and the dewatering activities that have been undertaken.
  - b) a summary of the borehole and surface water monitoring information that has been collected based upon monthly readings of all boreholes and surface water courses within the site
  - c) an assessment of the impacts of dewatering of ground and surface water courses over the preceding year.
  - d) A description of any difficulties that have been experienced in collecting monitoring information and how these difficulties will be addressed.

*Reason; In the interests of ground and surface water resources and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

38. Within three months of the date of this planning permission, works shall be undertaken to replace or recommission the missing groundwater monitoring boreholes named as BH5 and EA44/14. Any replacement boreholes that are drilled shall be constructed in a manner that allows monitoring of shallow groundwater levels and also groundwater levels in the underlying sandstone.

In the instance where boreholes BH5 and EA44/14 are replaced by new installations, the new boreholes shall be constructed in a manner to allow information to be collected on the level of ground water within superficial sand and gravel deposits.

*Reason: In the interests of ground and surface water resources and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Archaeology**

39. Soil stripping in any phase of the site shall only take place in accordance with the scheme and programme of archaeological mitigation submitted on 24th September 2009 under the requirements of condition 36 of planning permission ref 2/04/0652.

*Reason: In the interests of archaeology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Ecology**

40. The ecological mitigation and management measures contained in the Ecological Protection Plan dated September 2010 submitted under the requirements of condition 37 of planning permission 2/04/652 shall be undertaken at all times throughout the development and restoration.

*Reason: In the interests of the ecology of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Restoration and aftercare**

41. Within three months of the date of this planning permission, a restoration scheme for phases 1 and 2 of the site shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall be based upon the restoration concept shown on figure 6 Rev D and shall contain details of the following:

- a) the final contours of the restored landform including lake margins and peripheral areas. The information shall demonstrate that the restored levels on any part of phases 1 or 2 shall not exceed the pre development levels.
- b) details for the treatment of the lake margins and peripheral areas including types and depths of soil materials to be spread.

- c) details for the creation of ecological habitats including scrapes, mudflats and shingle areas.
- d) details for the treatment of restored areas including seeding or natural regeneration techniques to be used
- e) measures to secure the establishment of reed beds on the lake margins
- f) details of tree and shrub planting including areas to be planted, numbers, species and sizes of plants, planting techniques and protection measures.
- g) details of measures to control the water level in the water bodies.
- h) details of aftercare works including maintenance of tree and hedge planting, reseeded works, works to enhance the ecological value of the site, measures to control erosion and provision for an annual aftercare review meeting.

Phases 1 and 2 shall be fully restored in accordance with the approved scheme by not later than 31st December 2018 with the exception of any land required to access phases 3 and 4.

*Reason: To secure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

42. Within one year of the date of this planning permission, a restoration scheme for all areas of the site with the exception of phases 1 and 2 shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall be based upon the restoration concept shown on figure 6 Rev D and shall contain details of the following:
- a) the final contours of the restored landform including lake margins and peripheral areas. The restoration levels on no part of the site shall exceed the pre development levels.
  - b) details for the treatment of the lake margins and peripheral areas including types and depths of soil materials to be spread
  - c) details for the creation of ecological habitats including scrapes, mudflats and shingle areas
  - d) details for the treatment of restored areas including seeding or natural regeneration techniques to be used
  - e) measures to secure the establishment of reed beds on the lake margins

- f) details of tree and shrub planting including areas to be planted, numbers, species and sizes of plants, planting techniques and protection measures.
- g) details of measures to control the water level in the water bodies.
- h) the restoration of the site offices and plant area including removal of all hardstanding, offices, weighbridge and details for the respreading of soils including depths of replacement and treatment so that the land is suitable for agricultural purposes.
- i) details for the restoration of the silt lagoons including reshaping and landscaping.
- j) details for the reduction of the site access to an agricultural access.
- i) details of aftercare works including maintenance of all planting, measures to be taken to enhance the ecological value of the site, agricultural aftercare works, measures to prevent erosion and provision for an annual aftercare review meeting.

Phase 3 shall be restored in accordance with the approved scheme within one year of the cessation of extraction operations in that phase.

The restoration of the remainder of the site shall be completed in accordance with the approved scheme within 12 months of the cessation of mineral extraction operations in phase 4.

*Reason: To secure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

43. Upon certification by the County Planning Authority of the completion of restoration of any phase of the site, aftercare works shall be undertaken in accordance with the aftercare details approved under the provisions of conditions 41 and 42.

*Reason: In order to secure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

## **Definitions**

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 41 and 42 have been completed satisfactorily.

Free field: At least 3.5 metres away from the facade of a property or building.

**Local Government (Access to Information) Act 1985**  
**List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2017/0040		
Jonathan Haine		
Planning and Environment		
01772 534130		

Reason for Inclusion in Part II, if appropriate  
N/A



**Development Control Committee**  
Meeting to be held on 23<sup>rd</sup> May 2018

Electoral Division affected:  
Wyre Rural East, Wyre Rural  
Central

**Wyre Borough: Application number LCC/2017/0040**  
**Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.**  
**Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre**

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

**Executive Summary**

Application - Application for the variation of conditions 1 and 2 of permission 02/13/0342 to allow the duration of sand and gravel extraction to be extended to 31 March 2027 and to amend the working scheme and water management proposals.  
Tarnacre Quarry, Tarnacre Lane, St Michaels on Wyre.

The application is accompanied by an Environmental Statement which examines the impact of the development in terms of noise, ground and surface water and dust emissions.

**Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, noise and dust, water resources, landscaping, restoration and aftercare.

**Applicant's Proposal**

The application relates to an existing sand and gravel quarry that was originally granted planning permission in 2005. The original permission has been varied a number of times since 2005 but condition 1 of the current permission (ref 2/13/1342) restricts the duration of extraction operations to a period of 6 ½ years from the date of commencement and condition 3 requires the development to be undertaken in accordance with a number of approved plans showing the phasing and working method for the site.

The current application is to vary the conditions to the current permission which relate to these matters. The applicant proposes that the quarrying operations will be able to continue until 31<sup>st</sup> March 2027 and that the working scheme be amended to allow a number of changes including the phasing of the site, methods of stripping overburden and managing groundwater and locations for temporary storage of soil materials.

The application is accompanied by an Environmental Statement which examines the impacts of the proposed development in terms of noise, ground and surface water impacts (including flooding) and dust emissions.

## **Description and Location of Site**

The planning permission for sand and gravel extraction at this site extends over an area of 56ha of flat agricultural land located 4km south west of Garstang and 2 km north east of St Michaels on Wyre. The site is divided into a number of large fields by hedgerows and drainage ditches.

The southern and eastern boundaries of the site are formed by the A586 Garstang to Great Eccleston road from where access to the quarry is taken. To the north and west of the site are large areas of flat, open arable agricultural land. The northern boundary of the site is formed by Sharples Lane which is an agricultural track and a public footpath. There are a number of properties along the southern and eastern boundaries of the site which are accessed off the A586, the closest of which are at Tarnacre Cottages approximately 100 metres from the closest point of the proposed excavations. A further property is located at Brook House Farm which is approximately 160 metres from the nearest point of the excavations.

Part of the site is located within the Rawcliffe Moss Biological Heritage Site. A stream / ditch called the Longback Brook divides the site.

The River Wyre is located to the south and east of the site beyond the A586. Most of the planning permission area is located with Flood Zone 3 (Area of greatest risk of flooding)

Whilst some limited quarrying operations took place in 2010 in order to implement the planning permission, major working and processing and export of minerals only commenced in 2012 /13. The processing plant and stockpile area is located in the centre of the site with the existing and proposed mineral extraction areas located on the western and southern sides. Approximately one half of the site has currently been fully worked.

## **Background**

### **History**

Planning permission for the extraction of sand and gravel including the construction of a new access off the A586, processing plant and site support facilities and restoration of the site to agriculture and lake / wetland areas was granted on 10<sup>th</sup> October 2005 (ref 02/04/0652).



Planning permission for the variation of planning permission 2/04/652 to allow the relocation of a water lagoon and the height of raw material stockpiles to be increased to 5m was granted in April 2012 (ref 2/12/0024).

Planning permission for the construction of additional water storage lagoons was granted in April 2012 (ref 2/04/0023).

A further permission to allow the amendment of operating hours was approved in 2013 (ref 2/13/342)

## **Planning Policy**

National Planning Policy Framework

Paragraphs 11 -14, 17, 100 -102,117 – 118, 123 -124 and 142 – 145 of the National Planning Policy Framework are relevant with regards to the presumption in favour of sustainable development, core planning principles, flooding, biodiversity, noise and air quality and facilitating the sustainable use of minerals.

Joint Lancashire Minerals and Waste Development Framework Core Strategy

Policy CS3 Meeting the demand for new minerals

Joint Lancashire Minerals and Waste Local Plan

Policy DM2 Development Management

Wyre Borough Local Plan

Policy ENV5	County Heritage Sites
Policy ENV6	Species Protection
Policy ENV 7	Trees on development sites
Policy ENV12	Archaeology
Policy ENV13	Development and Flood Risk
Policy ENV14	Development and Flood Defences
Policy ENV15	Surface Water run off
Policy ENV16	Ground water protection

## **Consultations**

Wyre Borough Council: No objection.

Upper Rawcliffe-with-Tarnacre Parish Council: No observations received.

Kirkland Parish Council: The Parish Council are concerned that some of the original planning conditions remain outstanding. The Parish Council also draw attention to the flooding that occurred in December 2015 and August 2016 and consider that the internal bunds in the quarry caused this flooding. The Parish Council therefore consider that no decision should be taken on the application until an independent

flood risk assessment has been undertaken that is not based upon the current Environment Agency flood risk plan. The Parish are also concerned that the site is located on an aquifer and any quarrying activity would lead to an increase in water levels within the site.

LCC Specialist Advisor (Ecology): The proposals affect part of the Rawcliffe Moss Biological Heritage site and would result in a temporary loss of wintering bird habitat. When the original application for this was determined, it was recognised that there was potential for wildlife enhancement through site restoration but there would be a need to provide compensatory wintering bird habitat for the duration of the works to be delivered outside of the red line area. In addition, issues were identified around avoidance of impacts on protected species such as nesting birds, water voles and possibly badgers. It is not clear from the proposals if this mitigation has been delivered and any application for a further time extension should address ongoing impacts on biodiversity. Further details of habitat creation should be provided to demonstrate that habitats of high ecological value will be delivered.

Environment Agency: The Environment Agency initially raised objection to the applicant's proposals to amend the site working scheme to allow dewatering of the quarry to permit the mineral to be worked in dry conditions. The Agency considered that any dewatering should be limited to that required to remove overburden and that any extracted water should be recharged to the ground by discharging into previously excavated areas.

The Agency also raised objection to the initial application due to the absence of an adequate Flood Risk Assessment that would provide a basis for assessing flood risks arising from the development.

Upon the receipt of additional information (including a full flood risk assessment) the Agency have concluded that full dewatering of the quarry is acceptable subject to a monitoring regime being implemented to allow the ongoing assessment of the impacts on groundwater and the River Wyre. In relation to flooding, the Agency have requested a number of further amendments to the working scheme to ensure that the location and design of soil mounds do not affect the ability of the flood plain to accept flood water in its natural manner. The applicant has amended the working drawings and the Agency are now satisfied that the development will not unacceptably increase the risk of flooding.

LCC Lead Local Flood Authority: Initially raised objection to the application due to the absence of an acceptable flood risk assessment. A Flood Risk Assessment must be submitted which takes into account the significant flooding incidents that occurred in this area in December 2015 and August 2016.

LCC Highways Development Control: The site has been operating as a sand and gravel quarry for a number of years and there is no history of injury accidents at the site access relating to vehicles entering or leaving the site. There is no evidence to suggest that a proposal to extend the end dates until 2027 would adversely affect road safety in the area and therefore no objections are raised.

Cadent Gas; Draw attention to the gas pipelines that exist in the vicinity of the proposals.

Natural England; No comments to make on the proposed variation of conditions.

United Utilities; A public sewer crosses the site and United Utilities will not permit building over it. The applicant should note that the asset is pressurised and that no heavy materials should be placed over the sewer that would cause damage through increased loading.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Representations have been received from six addresses objecting to the application for the following summarised reasons:-

- The quarry has never produced a flood risk assessment and therefore no information exists as to the impacts of the quarry operations on flooding in the local area. The soil bunds forming part of the quarry operations will divert the flow of water during flood events thereby resulting in greater flooding of nearby property and also houses in St Michaels and Churchtown.
- A number of residents in the area have created their own flood defences around their properties not all of which have permission. These works combined with the bunds that are proposed as part of the quarry mean that flood waters from the River Wyre cannot follow their natural path thereby resulting in the flooding of land and property that would normally be unaffected by flooding events.
- The site access is dangerous due to inadequate visibility splays below highways standards.
- The Tarnacre area has flooded more extensively since the quarry commenced operations.
- The quarry creates noise issues which are unacceptable in a rural environment.

A response on behalf of St Michaels Flood Action Group refers to the serious flooding which occurred in this area in December 2015 and August 2016 and refers to the County Council's Flood Authority reports for details of these events. The Action Group note that no Flood Risk Assessment has been submitted in support of the application and the water related information submitted with the application does not address the flooding issues and the impacts of the various bunds that have been erected in the area including within the quarry site. The Action Group also have concerns about the proposals to divert the sewer and that the number of additional bends in the pipe will increase the risks of bursts that will cause flooding problems in St Michaels.

A number of representations have also been received from the occupier of Brook House Farm, located adjacent to the quarry, raising the following issues:-

- The horticultural business undertaken at the farm means that it is a sensitive site with regards to minerals development.

- The submitted plans include a number of errors in relation to property boundaries.
- The revised Environmental Impact Assessment should be an opportunity to properly assess the impacts of the development and to impose conditions to properly control activities at the site.
- The site is of sufficient size and duration to have a significant impact on the water environment.
- The site operator has never complied with the original working scheme in terms of wet working and a cell by cell operating method which has resulted in significantly greater environmental impact.
- The management of soils is in breach of the requirements of the original planning permission.
- The quarry has unacceptable noise and dust impacts and the existing conditions are not sufficient to properly control the site.
- The operator has not complied with the original working scheme which required the quarry to be operated using wet working methods.
- The flooding issues have never been properly addressed and the quarrying activities have increased the flood risk to the area.
- The development has had a number of ecological impacts that should not have taken place.
- The restoration proposals are unacceptable as the ground levels around the lakes have been raised which restricts the ability of the flood plain to work naturally.
- The resident has also made a large number of detailed comments in relation to the Flood Risk Assessment that has been submitted by the applicant.

## **Advice**

Planning permission for the extraction of around 820,000 tonnes of sand and gravel from land at Tarnacre Hall Farm was granted in 2005 (planning permission ref 2/05/0652). The planning permission was subject to a number of conditions, in particular a requirement to implement the permission within five years, to complete the extraction operations with 6½ years of commencement and a requirement to carryout extraction operations in accordance with a series of working drawings.

Following the granting of planning permission in 2005, the original applicant company was taken over by a multinational building materials company who no longer wished to undertake the development. The landowners for the site therefore sought other interests to undertake the quarrying development with the result that the planning permission was only implemented in 2010 shortly before it was due to expire. Due to the economic recession at this time and the associated reduced demand for construction materials, significant quarrying activities only commenced in 2012/13. The delay in commencing the development means that there is now insufficient time to complete the development by the end date specified by the existing planning permission. Only approximately one half of the mineral resource has so far been worked. An application has therefore been made to allow for an additional 10 year period of working to allow the extraction of the substantial remaining reserves of minerals that exist at the site.

In tandem, the applicant wishes to amend the approved working scheme for the quarry. The water table at this site is quite high often lying within the overburden below the top / sub soil. In normal quarrying practice it would be necessary to lower the water table by pumping to allow the overburden, and preferably also the minerals, to be worked in dry conditions. During pre application discussions on the original application in 2005, the Environment Agency maintained that pumping of groundwater should be restricted on this site to allow the stripping of over burden only and that the underlying sand and gravel should be extracted using wet working techniques. This method of working was incorporated into the original working scheme. However, the operator has always worked the site using dry working methods involving full dewatering of the site and therefore wishes to regularise this method of working.

The application raises a number of issues including the ongoing need for the sand and gravel resources and the likely impacts of the amended working scheme. The general environmental impacts of the quarry on the local area should also be taken into account. Another issue that has been raised in representations and in the consultation responses from both the Environment Agency and the Lead Local Flood Authority relates to flooding impacts, particularly in the context of the significant flood events that occurred in this area in December 2015 and August 2016.

The requirement for the minerals: - Paragraph 144 of the National Planning Policy Framework states that great weight should be given to the benefits of mineral extraction including to the economy. The sand and gravel deposits at this site are capable of being processed into a variety of grades of construction aggregate materials that are suitable for use in concrete, mortar and other construction uses. At the time of the application (May 2017) it was estimated that approximately 400,000 tonnes of saleable sand and gravel remained unworked at the site.

Paragraph 145 of the National Planning Policy Framework requires that mineral planning authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks of at least 7 years for sand and gravel, by ensuring that large landbanks bound up in very few sites do not stifle competition and by preparing annual local aggregate assessments to monitor aggregate reserves against sales.

Policy CS4 of the Lancashire Minerals and Waste Local Plan Core Strategy identifies sites and areas for future mineral extraction. The policy provides for the identification of sites for the extraction of not less than 4.1 million tonnes of sand and gravel by 2021, this figure being that which is required to ensure maintenance of a satisfactory landbank and to meet sub regional apportionment requirements. The policy requires that preference will be given to sand and gravel reserves which provide for the maximum contribution of high grade sand.

The County Council's most recent Local Aggregates Assessment was produced in May 2017 and is based upon 2016 sales data. In 2016, the permitted reserves of sand and gravel, including that held in the application site, amounted to approximately 7 million tonnes. This provides a landbank of around 17 years based upon the average sales over the last 10 years with a significantly shorter landbank if

the average sales over the last 3 years is used. Whilst the volume of aggregates remaining in the application site is not significant in terms of the overall level of permitted reserves, the bulk of the reserves (4.1 million tonnes) is held at one site at Runshaw near Chorley which is not operational and is therefore making no contribution towards the demand for such materials by the construction industry. Other than the application site there are currently only five other sites in Lancashire which are producing sand and gravel materials (Bradleys near Preston, Lydiate Lane and Clayton Hall near Leyland, St Annes Foreshore and Sandons Farm nr Chorley). Furthermore the resources at this site are capable of being processed into a range of high quality aggregates that can meet BS standards for building materials and that are not available from many of the other sites in the local area. The application site therefore makes an important contribution towards the supply of sand and gravel materials in Lancashire. Granting planning permission to allow this site to continue production until 2027 would contribute towards the steady and adequate supply of materials to the construction industry as required by paragraph 145 of the National Planning Policy Framework and in compliance with the overall landbank requirements set out in Policy CS4 of the Lancashire Minerals and Waste Core Strategy.

#### Modification to the Method of Working (Condition 2 of planning permission 2/13/0342)

The original working scheme for this site was designed following extensive discussion with the Environment Agency. The issue with this site is that the natural water table is high and therefore dewatering of the excavation is required in order to strip the overburden and work the minerals in dry conditions which is the normally preferred method of working as it allows for the maximum recovery of mineral. The sand and gravel resources on this site are very laterally variable and therefore it is important that the operator can see the nature of the materials that are being excavated and to allow clay or other areas of uneconomic resource to be left in the ground. However, at the time of the original application, the Environment Agency were concerned that dewatering of the excavation to allow working of the quarry in dry conditions would result in a lowering of the water table which may give rise to low flow issues in the River Wyre due to a reduction in base flow into the river or even by drawing water from the river into the ground. This might particularly have been the case if dewatering activities at the quarry corresponded with abstraction from another nearby location which has a licence to take water from the sandstone bed rock underlying the sand and gravel.

The Environment Agency were therefore opposed to the full dewatering of the quarry and were only prepared to allow dewatering to allow overburden to be stripped. Even in these circumstances, the Environment Agency required that dewatering depths be minimised and that dewatering should cease if abstraction elsewhere was already resulting in depression of the water table within the underlying sandstone. The working and phasing scheme was also designed to minimise impacts on the water table by using cell by cell working, recirculation of water back into the aquifer rather than discharging to surface water courses and creation of clay dams between phases to maximise the effectiveness of recirculation. This approach was reflected in the phasing of the site and methods used for the stripping and storage of soils and over burden which required complex working methods. The phasing plans and water

monitoring requirements were incorporated into the conditions of the original planning permission.

The applicant set out their monitoring proposals in 2014 which were later accepted by the Environment Agency. Water monitoring took place during the working of the initial phase of the quarry and the monitoring information was collated into a report which concluded that proposals for dry working of the quarry would be acceptable with appropriate monitoring and water management controls in place. The Environment Agency agreed to this approach being adopted and therefore extraction operations since that date have been undertaken using summer campaigns of dewatering to the base of the sand and gravel followed by a cessation of pumping during winter which allows the water table to return towards its normal resting level. As part of this planning application, the plans listed within condition 2 of the existing permission have been revised to reflect the amended method of working.

The applicant has reviewed the monitoring information that has been collected since 2014 which shows, as might be expected, that pumping operations do lead to a depression in groundwater levels which will reduce in-flow into the River Wyre. However, the amount of water abstracted from the quarry is only a very small percentage of the flows in the River Wyre even during summer low flow periods. Furthermore, the impacted length of river is only relatively short before it becomes tidal where low flow issues would not be a concern. It is also the case that abstracted water can be discharged via lagoons into the Longback Brook which falls into the River Wyre thereby replacing the majority of any water that would be lost by ground water inflow. On this basis, the Environment Agency raise no objection to the application in terms of groundwater provided that there is regular monitoring of the groundwater levels at the site and that works are undertaken to replace two monitoring boreholes that have been lost. These matters can be covered by planning condition.

#### Flooding Issues

The other water related issue which has been raised at this site relates to surface water flooding. This general area of Lancashire was subject to two significant recent flooding events; one in December 2015 relating to Storm Desmond and another in August 2016. Both of these flooding events caused significant damage to property in the Churchtown and St Michaels on Wyre areas including at properties adjoining the application site. A number of local residents have objected to the application due to the lack of a proper flood risk assessment and also their belief that the presence of the quarry results in an increase in the frequency and intensity of flood events due to the presence of soil bunds preventing the flood plain from working in its natural way. It should be noted that the Environment Agency and County Council Lead Local Flood Authority also raised objection to the initial application due to the absence of a satisfactory flood risk assessment.

Although the original planning application for this quarry was submitted prior to the requirement to include formal flood risk assessments with planning applications, the applicant noted at that time that the site lay within the floodplain of the River Wyre. The design of the quarry therefore included a number of principles to address the flood risks including location of the soil and over burden mounds along the western

boundary of the site in a series of discrete mounds in order to not impede the passage of flood waters.

The December 2015 flood event was of sufficient severity that the County Council identified it as an event requiring investigation under the requirements of section 19 of the Flood and Water Management Act 2010. The report which followed the investigation was published in October 2016 and identified the principle causes of the flooding and the way in which such impacts can be managed in future. The report identifies that the principle cause of the flooding was the exceptionally high and sustained rainfall which occurred across north west England during November and December 2015 leading to a loss of capacity of the soil to absorb further moisture and resulting in an increase in surface water run off. Consequently river flows were significantly higher than normal. The report identifies that the flows in the River Wyre were 375% above the normal long term average during November and December 2015. The Storm Desmond flood event in early December 2015 resulted in the River Wyre and its tributaries over topping their banks and causing flooding in the Churchtown and St. Michaels on Wyre area including a number of properties adjacent to the application site. Surface water flooding (run off from roads and from land in general) was also identified to be a significant source of flooding.

This corresponds with the flood modelling that the Environment Agency have previously undertaken which shows that the principle source of flooding in the area is from over topping of the River Wyre. Given the relatively flat nature of much of the land adjacent to the river, the flood plain (flood zone 3) is extensive in area and covers the majority of the application site. Flooding is therefore to be expected in this general area in response to adverse weather conditions.

Notwithstanding the general flood risks in this area, it is necessary to ensure that the design of the quarry does not increase local flood risk to any properties that directly adjoin the site. Such impacts may occur if soil mounds prevent the flood plain from working in its normal way or divert flood waters through neighbouring property thereby increasing the severity of flood events.

Quarry developments have to provide for the temporary storage of soil materials so that they are available for restoration. Soil mounds / bunds also serve a dual function in providing visual and acoustic screening to adjacent properties. The original working scheme for this site approved in 2005 provided for soils to be stored in a series of discrete mounds along the western boundary of the quarry. Whilst these storage areas would have been as far as possible from the River Wyre and other local water courses, they would also have been further from many areas of the quarry and would have increased transport distances thereby increasing the costs of the operation and potentially noise and dust impacts.

The amended working scheme includes revised locations for the temporary storage of soil materials. The applicant's original proposals provided for the formation of soil mounding around the entirety of phase 4 including a continuous bund alongside the Humblescough Brook adjacent to the A586. However, such bunding would have potentially increased flood risk as it would have formed a barrier to flood waters. Revised proposals have therefore been submitted which restrict storage to the northern side of phase 4 where it will provide a visual and acoustic screen to Brook



House Farm but will not interfere with the flow of any flood waters from Humblescough Brook. Gaps have also been incorporated into the mounding to reduce any barrier effect to flood waters.

It is also necessary to consider the flooding impacts of site restoration. Working of the quarry will result in four separate excavations, the total void space of which is estimated to be around 564,300 m<sup>3</sup>. However, these excavations will partially fill with groundwater to an estimated level of around 6.5 metres which will leave a void space of around 343,400 m<sup>3</sup> above the assumed resting water level. This void space would be available to accept flood water and therefore completion of the quarrying activity will provide an increase in flood storage capacity compared to that existing pre – quarrying. However, it is important to recognise that these excavations lie within an extensive floodplain and therefore the percentage increase in storage capacity is comparatively small. A more important issue is to ensure that the land surrounding the excavations is graded to ensure that the whole site can continue to function as part of the flood plain. This can be the subject of a condition requiring a detailed restoration scheme.

On this basis of the revised site design and amended flood risk assessment, the Environment Agency consider that the flood risks are acceptable and the development is therefore considered to comply with paragraph 103 of the National Planning Policy Framework and policy DM2 of the Lancashire Minerals and Waste Local Plan.

#### Noise and Dust

As part of the Environmental Statement accompanying the planning application, the applicant has included a noise assessment in order to demonstrate that the noise levels generated by the remaining phases of the development will be acceptable in terms of current noise guidance.

The assessment was carried out through a series of background readings taken at or close to the nearest noise sensitive properties to the site. Noise predictions were then made for the quarrying activity either using readings of plant and equipment used on the site or recognised noise levels for such plant where no site reading could be taken. An assessment of the noise impact was then made taking into account the design of the site and any screening measures such as soil mounds. The noise survey showed that the lowest background noise level at any property was 47 dB(A) L90 and therefore an appropriate noise limit should be 55 dB(LAeq). The assessment of predicted noise shows that the highest noise levels are likely to be at Brook House Farm during the working of phase 4 when noise levels are predicted to reach 54 dB(LAeq) which would be below the 55 dB(LAeq) limit.

It is possible that noise levels would be higher than predicted during initial soil stripping and restoration operations when there would be no soil mounding to provide attenuation. However, it is likely that such circumstances would only exist for a relatively short period of time and Government guidance recognises that higher noise limits may be appropriate during these times. Provided that a condition is imposed restricting noise to 55 dB(LAeq) during normal operations with a higher level being restricted to short term stripping and restoration operations, it is

considered that the noise impacts of the development are acceptable in relation to Government Guidance on noise and also policy DM2 of the Lancashire Minerals and Waste Local Plan.

The Environmental Statement also includes a chapter on air quality (dust) impacts. The chapter contains information on typical dust levels (both deposited dust and particulates) found in rural areas and reviews the dust monitoring results from two dust monitors that are located within or close to the quarry site. It also predicts dust deposition rates at various locations around the site based upon wind direction and other climatic conditions (mainly rainfall). Examination of the dust monitoring data appears to suggest that the existing mitigation measures are being reasonably effective in terms of preventing unacceptable levels of dust impact. The assessment concludes that it is unlikely that there will be any significant increase in dust impacts by working the remaining areas of the quarry and that employment of mitigation measures will be sufficient to control dust emissions.

Given the location of sensitive property and the location of future quarrying operations, it is possible that there will be dust impacts during particular activities. However, such impacts also require wind direction to be towards property and for the ground to be dry enough to produce significant volumes of dust. Whilst there will always be some dust from any mineral extraction site, the dust monitoring undertaken at this site does not suggest that unacceptable dust impacts are occurring on a regular basis. If dust emissions are occurring and combine with climatic conditions that might result in impacts at properties, mitigation measures can be employed. Most commonly this would involve the application of water to haul roads, stockpile areas or processing plant. These matters can be the subject of planning conditions and with such controls it is considered that the dust impacts arising from the working of the remainder of the site would be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

#### Other planning impacts

The local resident at Brook House Farm has raised a number of issues in relation to the impacts of the quarry on local amenity. There are concerns about the impacts of noise and dust particularly in terms of the impact on the horticultural business that is conducted at the farm. Issues are also raised in terms of the safety of the access, ecology and the handling of soils.

In terms of noise, the occupier of Brook House Farm has made a number of complaints about noise from the quarry. Two separate noise monitoring exercises have been undertaken, most recently in July 2017. However, neither monitoring exercise found a breach of the permitted noise level. The concerns about dust impacts are acknowledged given the sensitivity of the complainant's business. Whilst there will undoubtedly be dust impacts from a quarrying operation, it is not considered that dust impacts have been so severe to result in unacceptable harm to amenity or to the complainants business. This planning permission offers an opportunity to review the planning conditions that relate to noise and dust and other environmental impacts and a revised set of conditions are appended to this report.

The comments about the safety of the access are noted. However, the site has now been active for a number of years and there is no record of any accidents at the site access involving HGVs. LCC Highways have not raised objection to the application on highway grounds.

In relation to ecology, the restoration of this site offers an opportunity to create a wetland area with significant wildlife value compared to the original agricultural use of the site. The parts of the site that are yet to be worked do not possess any features of significant wildlife value (some hedgerow and a single tree) and the restoration works would have the potential to create features that would clearly outweigh the ecological value of the existing site. The conditions relating to restoration have been redrafted so that a clear timetable is set down for the restoration of those parts of the site that have already been worked and for those areas that would be worked over the remaining duration of site operations.

Comments are made about the export of soils from the site. The previous planning permission did contain a condition prohibiting the export of soils from the site and it may be the case that some soils have been exported from the site in breach of this condition. However, as large areas of the site will be restored to lakes, not all stripped soils will be required for restoration purposes in any event. The soils required for the restoration of the plant and stockpiling area to agriculture are stored in existing stockpiles and the revised working scheme includes provisions for the storage of those soils that are required for restoration purposes. The conditions relating to soil handing and stockpiling have been revised to reflect the new working scheme.

## Conclusions

This quarry contributes towards the supply of high grade sand and gravel products in Lancashire. The ability for the quarry to work the remaining reserves at the site would therefore allow the site to contribute towards maintaining a steady and adequate supply of such minerals as required by the National Planning Policy Framework. The amended working scheme is considered to be acceptable in terms of impacts on ground and surface water resources including flooding and subject to a new schedule of planning conditions being imposed, the continued working of the quarry over the period until 2027 is considered to be acceptable in relation to local amenity impacts. It is therefore considered that the application is acceptable in terms of the policies of the National Planning Policy Framework and the Development Plan.

## Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights. It is considered that any potential impacts could be controlled by condition.

## Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the following conditions:

### Time Limits

1. The mining operations authorised by this permission shall cease not later than 31st March 2027. The site shall be progressively restored in accordance with the conditions to this permission and shall be restored in its entirety by not later than 31st October 2027 or within a period of 12 months from the cessation of mineral extraction in phase 4, in accordance with the restoration schemes approved under the requirements of conditions 40 and 41 whichever is the sooner.

*Reason: To ensure the progressive restoration of the site within the approved timescales in the interests of the visual and local amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### Working Programme

2. The development and restoration shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The planning application ref 02/04/0652 as modified by planning applications 2/12/0024, 2/13/0342 and LCC/2017/0040

b) Submitted Plans and Documents

Plans submitted with Planning Application 2/04/652  
Drawing SR1/2A Landholdings and application area  
Plan 4 - Trees and hedges to be removed / retained

Plans submitted with Planning Application LCC/2017/0040  
Figure 2 Rev D - Indicative Quarry Development Plans -Existing Site  
Figure 3 Rev D- Indicative Quarry Development Plans - End of Phase 2  
Figure 4 Rev F - Indicative Quarry Development Plans - End of Phase 3  
Figure 5 Rev F - Indicative Quarry Development Plans - End of Phase 4  
Figure 6 Rev D - Indicative Quarry Development Plans - Final restoration

c) All schemes and programmes approved under the conditions to this permission.

*Reason: For the avoidance of doubt and to enable the MPA to control the development and to minimise its impact on the amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan*

3. The site shall be worked and restored in accordance with the sequence of phases shown on Figure 3 Rev D, Figure 4 Rev F, Figure 5 Rev F and Figure 6 Rev D attached to planning application LCC/2017/0040.

*Reason: To secure the progressive working and restoration of the site in the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

4. Within one year of the commencement of soil stripping in phase 4, phase three shall be restored in accordance with the scheme and programme of restoration approved under the requirements of condition 42 below.

The requirements of this condition shall not apply to any land within phase 3 that is required for access purposes into phase 4.

*Reason: In order to ensure the progressive restoration of the site in the interests of visual amenities and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

5. The extraction of sand and gravel shall not take place other than within the areas labelled 'indicative extraction boundary' on drawings Figure 3 Rev D, Figure 4 Rev F and Figure 5 Rev F attached to planning application LCC/2017/0040.

*Reason: In the interests of the visual amenity of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. The site processing and stockpiling area shall be laid out and constructed in accordance with the design shown on drawing 0140/20/01 and the specification for lighting included with the letter from Halletec Environmental dated 10th September 2010.

*Reason: In the interests of the visual amenity of the area and the amenities of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Soils and Overburden**

7. All available topsoil and subsoil shall be stripped from any phase of the site before that phase is excavated or is traversed by heavy vehicles, or before plant or machinery, or roads, buildings, plant yards or stores are constructed on it.

*Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with policy 106 of the Lancashire Minerals and Waste Local Plan.*

8. The existing topsoil and subsoil mounds located around the perimeter of the site offices and plant area and silt pond area as shown on Figure 3 Rev D

shall be maintained in a fully grassed weed free condition throughout the duration of the development. The soil materials in these mounds shall be retained on site in order to ensure that they are available for the restoration of the site offices and plant area and the silt pond area.

*Reason: In the interests of the visual amenities of the area and to ensure that sufficient soil materials are retained on site for restoration works and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

9. Any top and subsoils that are stripped during the working of phase 3 and 4 and retained for use in the restoration of the site shall only be stored in the locations and in accordance with the design shown on Figure 4 Rev F and Figure 5 Rev F. All such top and sub soil mounds shall be stored in graded mounds not exceeding a height of three metres. All such mounds shall be retained in a fully grassed, weed free condition throughout the duration of the development.

*Reason: In the interests of visual amenity and flood mitigation and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

10. No movement of topsoil or subsoil shall occur during the period from the 1 October to 1 April inclusive without the prior written consent of the County Planning Authority. At other times the stripping, movement and resspreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

*Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

11. The top soil and sub soil mounds around the perimeter of phase 4 as shown on Figure 5 rev F shall be constructed within six months of the commencement of soil stripping operations in phase 3 and shall be retained in their approved positions throughout the duration of extraction operations in phase 4.

*Reason: In the interests of the amenity of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Landscaping**

12. All hedges and trees forming part of the site boundaries or to be retained within the site as shown on Drawing No. 4 shall be protected from any damage and maintained throughout the development and restoration. The provisions of this condition shall not apply to any hedgerow removal works that are necessary to divert the rising main sewer shown on Figure 4 Rev D.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy DM2 of the Lancashire Minerals and Waste*

*Local Plan.*

13. Within three months of the date of this planning permission a scheme and programme of replacement hedgerow planting along the western edge of phases 1 and 2 and for the infilling of hedgerow gaps along the northern edge of the site offices and plant area shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall include details of the following:
- a) Details of the lengths of hedgerow to be replaced.
  - b) details of the planting works to be undertaken including ground preparation, numbers, types, species and sizes of plants to be planted.
  - c) Details of planting techniques and protection measures

The planting works contained in the approved scheme shall be undertaken in the first planting season following the date of this planning permission.

*Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

**Site Operations**

14. No heavy goods vehicles as defined by this permission shall access the site, be loaded or leave the site prior to 0700 hours Monday to Friday.

No site development or operations involving the extraction, transport and processing of minerals or site restoration shall take place outside the hours of:

0730 to 1800 hours, Mondays to Fridays (except Public Holidays)  
0730 to 1300 hours on Saturdays.

No site development or operations involving the extraction, transport and processing of minerals or site restoration shall take place at any time on Sundays or Public Holidays.

This condition shall not prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

The above hours of operation shall not apply to movement and loading of heavy goods vehicles which shall be able to take place between the hours of 0700 to 1800 hours on Mondays to Fridays (excluding public holidays)

No heavy goods vehicles as defined by this permission shall access or leave the site on Sundays and Public Holidays

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

15. Notwithstanding the hours of working contained in condition 14 above, no soils or overburden shall be stripped from or re-spread on any part of the site nor shall construction or removal of storage, landscape or baffle mounds take place on any part of the site before 0800 hours or after 1700 hours Mondays to Fridays inclusive (except Public Holidays), or before 0800 hours or after 1300 hours on Saturdays or at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan*

16. This permission shall permit the mining of sand and gravel and associated overburden only.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to ensure satisfactory restoration and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

17. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: To maintain the MPAs control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan*

18. No stockpile of processed sand and gravel shall exceed a height of three metres as measured from existing ground levels.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 7 and 112 of the Lancashire Minerals and Waste Local Plan.*

19. Stockpiles of excavated materials awaiting processing shall only be stored within the area hatched grey on drawing 0140/20/01 and to a height not exceeding five metres as measured from existing ground levels.

*Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*



20. The soil screening bund located adjacent to the junction of the site access with the A586 shall be removed within three months of the date of this planning permission.

*Reason: In the interests of flood prevention and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Highway Matters**

21. Measures shall be taken throughout the duration of the development and restoration to ensure that no mud, dust or other debris is deposited on the public highway by vehicles leaving the site.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

22. Visibility splays measuring not less than 4.5 metres by 103 metres as measured from the centre line of the access to the edge of the carriageway and in both directions shall be provided at the junction of the site access road and the A586. The visibility splays shall be maintained free from all obstructions above a height of one metre when measured from carriageway level for the duration of the development and restoration of the site.

*Reason: In the interests of highway safety and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

23. The site access road for a distance of not less than 200 metres from its junction with the A586 shall be surfaced in tarmac, concrete or other means of hard surfacing throughout the duration of the development and restoration phase. The surface of the access road shall be maintained in a smooth condition free from potholes or other defects.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

24. All vehicles transporting minerals of a size less than 100mm in any dimension from the site shall be securely sheeted.

*Reason: In the interests of highway safety (and to safeguard the amenity of local residents and adjacent properties/landowners and land users) and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

25. Not more than 170,000 tonnes of minerals shall be exported from the quarry in any calendar year.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policies 2, 37 and 112 of the Lancashire Minerals and Waste Local Plan.*

26. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the weight of the load, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative during permitted working hours.

*Reason: To enable the MPA to monitor the operations to ensure compliance with the planning permission and to conform Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

27. The sole access to and egress from the site shall be to and from the A586 as shown on Figure 2 Rev D.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Control of Noise and Dust**

28. All mobile plant used on the site shall be fitted with the types of reversing alarms described in the scheme and programme submitted on 13th October 2009 as modified by the email from Hallett Environmental dated 25th May 2010. The approved reversing alarms shall be used by all mobile plant throughout the development and restoration.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

29. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

30. Noise emitted from the site shall not exceed 55dB(A)eq (1 hour) (free field), as defined in this permission, when measured from any of the following residential properties at the point closest to the noise source:

- a) Tarnacre House Farm NGR 4738 4283
- b) Brook House Farm NGR 4729 4258
- c) Tarnacre Hall Cottages NGR 4709 4225

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

31. The noise limits set out in condition 30 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their respreading during restoration of the site or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70 dBLAeq (1 hour) (free field), as defined in this permission, as measured from any of the residential properties identified in condition 30 at the point closest to the noise source. This condition shall only apply for not more than 20 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

32. Measures shall be taken at all times during the development and restoration of the site to minimise the duration of dust. Such measures shall include the watering of all haul roads, vehicle manoeuvring areas and stockpiles, fitting of dust suppression equipment to processing plant and suspension of dust generating activities during dry and windy weather conditions.

*Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

33. Dust monitoring shall be undertaken throughout the duration of the development and restoration in accordance with the scheme and programme submitted on 23rd July 2010 under the requirements of condition 30 of planning permission 2/04/652.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Safeguarding of Watercourses and Drainage**

34. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

35. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank

needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

36. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has been approved, in writing, by the County Planning Authority.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

37. By not later than 31st March in any year until the completion of the restoration of the site, a groundwater monitoring report shall be submitted to the County Planning Authority. The report shall contain the following information:-

- a) Details of the areas of the site that have been worked over the previous year and the dewatering activities that have been undertaken.
- b) A summary of the borehole and surface water monitoring information that has been collected based upon monthly readings of all boreholes and surface water courses within the site.
- c) An assessment of the impacts of dewatering of ground and surface water courses over the preceding year.
- d) A description of any difficulties that have been experienced in collecting monitoring information and how these difficulties will be addressed.

*Reason; in the interests of ground and surface water resources and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

38. Within three months of the date of this planning permission, works shall be undertaken to replace or recommission the missing groundwater monitoring boreholes named as BH5 and EA44/14. Any replacement boreholes that are drilled shall be constructed in a manner that allows monitoring of shallow groundwater levels and also groundwater levels in the underlying sandstone.

*Reason: In the interests of ground and surface water resources and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Archaeology**

39. Soil stripping in any phase of the site shall only take place in accordance with the scheme and programme of archaeological mitigation submitted on 24th September 2009 under the requirements of condition 36 of planning permission ref 2/04/0652.

*Reason: In the interests of archaeology and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Ecology**

40. The ecological mitigation and management measures contained in the Ecological Protection Plan dated September 2010 submitted under the requirements of condition 37 of planning permission 2/04/652 shall be undertaken at all times throughout the development and restoration.

*Reason: In the interests of the ecology of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## **Restoration and aftercare**

41. Within three months of the date of this planning permission, a restoration scheme for phases 1 and 2 of the site shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall be based upon the restoration concept shown on figure 6 Rev D and shall contain details of the following:

- a) The final contours of the restored landform including lake margins and peripheral areas.
- b) Details for the treatment of the lake margins and peripheral areas including types and depths of soil materials to be spread.
- c) Details for the creation of ecological habitats including scrapes, mudflats and shingle areas.
- d) Details for the treatment of restored areas including seeding or natural regeneration techniques to be used.
- e) Measures to secure the establishment of reed beds on the lake margins.
- f) Details of tree and shrub planting including areas to be planted, numbers, species and sizes of plants, planting techniques and protection measures.
- g) Details of measures to control the water level in the water bodies.
- h) Details of aftercare works including maintenance of tree and hedge planting, reseeding works, works to enhance the ecological value of the site, measures to control erosion and provision for an annual aftercare review meeting.

Phases 1 and 2 shall be fully restored in accordance with the approved scheme by not later than 31st December 2018 with the exception of any land required to access phases 3 and 4.

*Reason: To secure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

42. Within one year of the date of this planning permission, a restoration scheme for all areas of the site with the exception of phases 1 and 2 shall be submitted for the approval in writing of the County Planning Authority. The scheme and programme shall be based upon the restoration concept shown on figure 6 Rev D and shall contain details of the following:
- a) The final contours of the restored landform including lake margins and peripheral areas.
  - b) Details for the treatment of the lake margins and peripheral areas including types and depths of soil materials to be spread.
  - c) Details for the creation of ecological habitats including scrapes, mudflats and shingle areas.
  - d) Details for the treatment of restored areas including seeding or natural regeneration techniques to be used.
  - e) Measures to secure the establishment of reed beds on the lake margins.
  - f) Details of tree and shrub planting including areas to be planted, numbers, species and sizes of plants, planting techniques and protection measures.
  - g) Details of measures to control the water level in the water bodies.
  - h) The restoration of the site offices and plant area including removal of all hardstanding, offices, weighbridge and details for the respreading of soils including depths of replacement and treatment so that the land is suitable for agricultural purposes.
  - i) Details for the restoration of the silt lagoons including reshaping and landscaping.
  - j) Details for the reduction of the site access to an agricultural access.
  - h) Details of aftercare works including maintenance of all planting, measures to be taken to enhance the ecological value of the site, agricultural aftercare works, measures to prevent erosion and provision for an annual aftercare review meeting.

Phase 3 shall be restored in accordance with the approved scheme within one year of the cessation of extraction operations in that phase.

The restoration of the remainder of the site shall be completed in accordance with the approved scheme within 12 months of the cessation of mineral extraction operations in phase 4.

*Reason: To secure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

43. Upon certification by the County Planning Authority of the completion of restoration of any phase of the site, aftercare works on that phase shall be undertaken for a period of five years in accordance with the aftercare details approved under the provisions of conditions 40 and 41.

*Reason: In order to secure the proper restoration of the site in the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

## Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

## Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Completion of Restoration: The date when the County Council certifies in writing that the works of restoration in any phase of the site have been completed satisfactorily in accordance with the schemes approved under the requirements of conditions 41 and 42.

Free field: At least 3.5 metres away from the facade of a property or building.

## Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Ext
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LCC/2017/0040		
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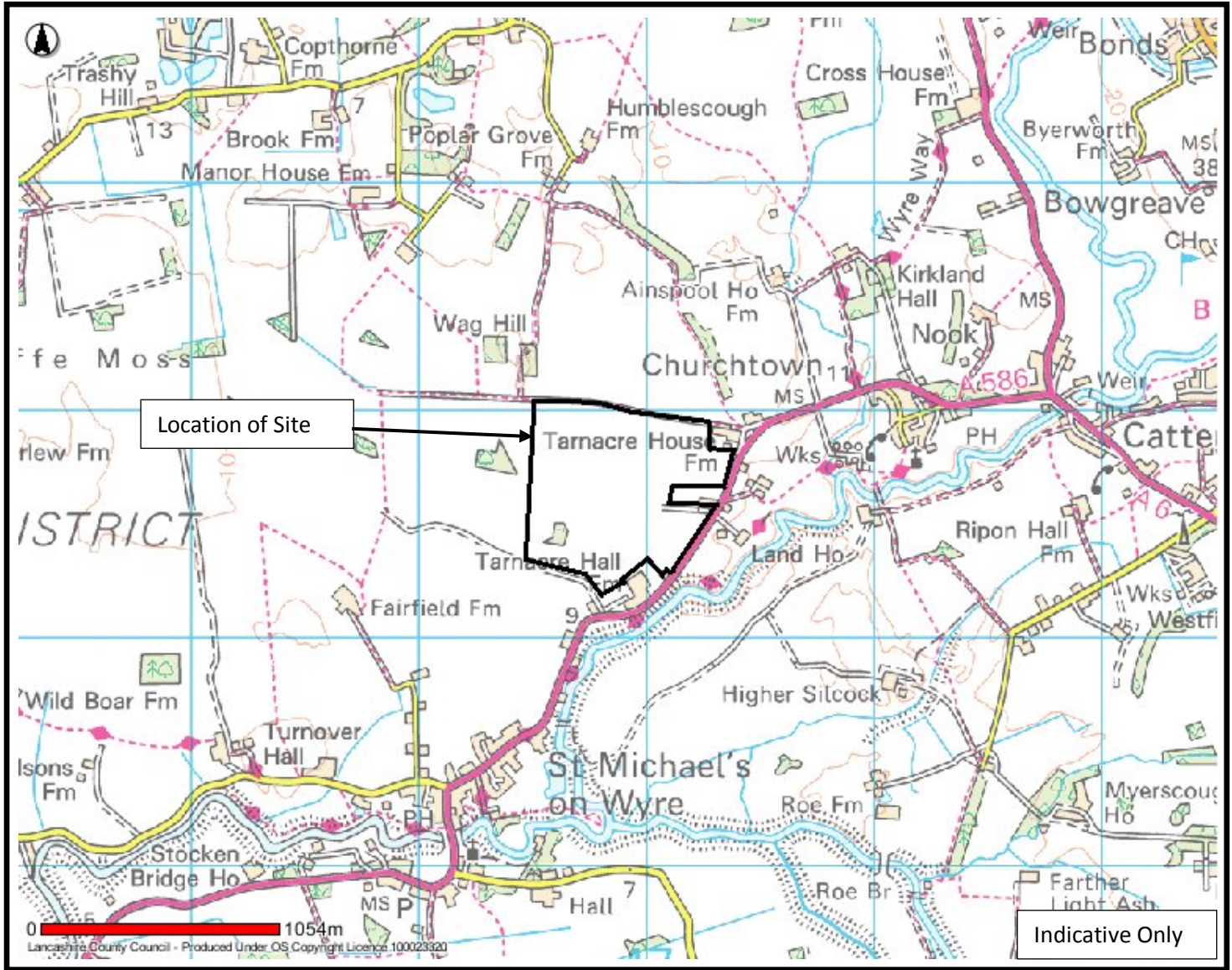
Jonathan Haine Planning and Environment 01772 534130		
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Reason for Inclusion in Part II, if appropriate N/A		
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**APPLICATION LCC/2017/0040 APPLICATION FOR THE VARIATION OF CONDITIONS 1 AND 2 OF PERMISSION 02/13/0342 TO ALLOW THE DURATION OF SAND AND GRAVEL EXTRACTION TO BE EXTENDED TO 31 MARCH 2027 AND TO AMEND THE WORKING SCHEME AND WATER MANAGEMENT PROPOSALS. TARNACRE QUARRY, TARNACRE LANE, ST MICHAELS ON WYRE**



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**Development Control Committee**  
Meeting to be held on 11th July 2018

Electoral Division affected: West Lancashire East
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**West Lancashire Borough: Application number LCC/2018/0023**

**Erection of detached vehicle repair/maintenance workshop and office accommodation building with the provision of photovoltaic solar panels on the southern half of the roof of the building, and an associated five space car park. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.**

Contact for further information:  
Rob Jones, 01772 534128  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

### **Executive Summary**

Application - Erection of detached vehicle repair/maintenance workshop and office accommodation building with the provision of photovoltaic solar panels on the southern half of the roof of the building, and an associated five space car park. City Centre Commercials, Tower House, Simonswood Industrial Estate, Stopgate Lane, Simonswood, Kirkby.

### **Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, colour and finish of building materials, use restriction, lighting, and disposal of foul and surface waters.

### **Applicant's Proposal**

Planning permission is sought for the erection of a detached portal frame building to be used as a repair/ maintenance workshop and office accommodation. Photovoltaic solar panels would be installed on the south facing pitch of the roof. A five space car park would also be provided to be used in association with the offices and workshop.

The building would have maximum dimensions of 67m x 21m with a pitched roof with a maximum ridge height of 11.4m. The workshop would have 8 x vehicle entrance/exit roller shutter doors to each measure 5m high x 6.6m wide, and 4 x personnel steel access doors. The walls and roof of the building would be constructed from corrugated steel cladding, except for the front (south facing) wall of the office section that would be constructed from a mixture of aluminium cladding and glazing and the lower 2.3m on the east, north and west elevations that would be in concrete blockwork. The cladding would be powder coated in a light blue/grey colour.

Part of an adjacent earth bund along the site boundary would be removed and a concrete panel retaining structure placed along it to provide the space for the building.

The south facing pitch of the roof of the workshop would include photovoltaic panels, and the north facing pitch of the building would include roof lights.

### **Description and Location of Site**

The application site is part of an existing waste management site/ waste transfer station and skip business located at the eastern end of Simonswood Industrial Estate approximately 800m from the northern edge of Kirkby.

Vehicular access to the industrial estate is from the south side of Stopgate Lane, and then to the application site via the internal road that runs through the industrial estate. The applicant's site has an area of 5.7 hectares and consists of an open yard area used for the storage, sorting, crushing and screening of waste materials. A waste transfer building, an office building, and a building used as a vehicle repair/maintenance workshop and to house biomass boilers, are located on the west, north and south sides of the site, respectively. The site has planted screen mounds along the northern and southern boundaries with heights of 6m and 7.25m, respectively.

Beyond the northern boundary are agricultural fields and then the boundaries of the nearest residential dwellings on Sidings Lane that are approximately 180m to the north-west of the application site. To the east is another inert waste processing company, to the south is the Kirkby to Wigan railway line with agricultural fields beyond, and to the west is a vehicle repair, MOT, de-pollution and breaking area for end of life vehicles and land used for the storage of shipping containers.

The application site is currently occupied by a hardstanding area for the storage of skips and machinery. The proposed building would be located parallel and adjacent to the earth bund along the northern boundary, and would extend to the north-east corner of the site.

### **Background**

The application site forms part of an existing waste management site that has been the subject of a number of planning permissions, the two most recent being as follows:

Planning permission for an extension to the existing portal framed shed to house 4 no. biomass boilers with associated fuel silos and drying floor, was granted in April 2017 (ref: LCC/2017/0007).

Retrospective planning permission for the provision of a concrete panel retaining structure to the earth bund along the northern boundary, the erection of an enclosure to house a 300kw biomass boiler with a 5.8m high exhaust stack and the provision of

an associated fuel silo and ash bin, was granted in December 2017 (ref: LCC/2017/0060).

## **Planning Policy**

National Planning Policy Framework (NPPF)

Paragraphs 11 – 14, 17 - 19, 56 - 66, 93 -98, 123 and 125 are relevant with regard to the requirement for sustainable development, core planning principles, building a strong and competitive economy, the requirement for good design, meeting the challenge of climate change, noise and light pollution.

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP)

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM2	Development Management

West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

Policy GN3	Criteria for Sustainable Development
Policy EC1	The Economy and Employment Land – Managing development on employment land - Other Significant Employment Sites – Allocated Waste Sites
Policy EN1	Low Carbon Development and Energy Infrastructure

## **Consultations**

West Lancashire Borough Council – Object on the basis that due to its size and scale the proposed building would have an adverse impact on the character of the local area contrary to Policy GN3 of the West Lancashire Local Plan DPD.

Simonswood Parish Council – No observations received.

Knowsley Metropolitan Borough Council - No observations received.

Environment Agency – No objection. It is commented that the proposed development is on a site that is regulated by the Environment Agency. If the proposed development involves new waste activities or there will be a change to the site boundary where permitted waste activities take place, the site operator will need to vary the existing permit.

LCC Highways Development Control - No objection. It is commented that the proposed development should have a negligible impact on highway safety and highway capacity within the vicinity of the site.

United Utilities: Recommend that a condition be included on the granting of any planning permission to require that foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Health and Safety Executive – No observations received.

Representations – The application has been advertised by press, site notice and neighbouring residents have been notified by letter. No representations have been received.

### **Advice**

Planning permission is sought for a building for use as offices and a repair / storage workshop for vehicles associated with the waste management site. The applicant has advised that the current vehicle repair/maintenance workshop on site is inadequate for the site's current repair/maintenance demands as a significant number of vehicles and machines operate on the site. The provision of the additional workshop would ensure a significant reduction in the number of off-site journeys required for repair/maintenance and would also save money. The office accommodation would provide additional essential space for increased support staff that have outgrown the existing office block. The building would be located along the internal road that runs through the site and so would be easily accessible for vehicles and machinery that would use the workshop. It would also be near the existing site's car park and office block that are located on the west side of the proposed building.

The main issues associated with the application are the need for the development, the visual impact, noise and the disposal of foul and surface waters.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development it is not only necessary to take into consideration the relevant policies of the Development Plan but also the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One (LMWLP), and the West Lancashire Local Plan 2012-2027 Development Plan Document (DPD)

The site is located within Simonswood Industrial Estate that is subject to Policy EC1 of the West Lancashire Local Plan DPD. This policy supports a mix of industrial, business, and storage and distribution uses within the allocated area. The proposed

building would be used in association with an existing industrial use of a waste management operation at the site and hence conforms with Policy EC1.

In relation to design issues, West Lancashire Borough Council have objected on the basis that the size and scale the proposed building would have an adverse impact on the character of the local area contrary to Policy GN3 of the local plan.

Policy GN3 requires that proposals for development should be of high quality design and have regard to visual amenity through sensitive design including appropriate siting, orientation, scale and materials.

In response, the proposed building is located within the boundary of the Simonswood Industrial Estate which includes a number of existing large industrial buildings and container storage sites that are at least as high as the proposed building and which would prevent views from many locations. The building may be visible from some locations on Stopgate Lane but would be located close to the earth bund along the northern boundary of the site that has a height of 6m, plus vegetation on top, that would help to screen views of the building from this direction. The views of the proposed building from the south would be largely obscured by the recently constructed extension to the existing portal framed shed and the 7.25m high earth bund along the southern boundary. Taking this into consideration, it is considered that the visual impact of the proposed building would be acceptable in relation to Policy GN3 and the objection of the Borough Council is not supported. However, a condition should be imposed that the building be finished and maintained in the proposed powder coated light blue/grey colour throughout its presence on the site.

To ensure that the development would not have any noise impacts on the amenities of the nearest residential properties on Stopgate Lane and Sidings Lane, the building should also be restricted to the proposed uses.

The NPPF states that the planning system plays a key role in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing reliance to the impacts of climate change, and supporting the delivery of renewable energy infrastructure which is central to the economic, social and environmental dimensions of sustainable development. To help increase the use and supply of renewable energy, the NPPF advises that planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable sources. The building would incorporate photovoltaic panels which would allow generation of electricity. The visual impacts of the panels are considered acceptable and hence comply with Policy EN1 of the West Lancashire Local Plan DPD.

Whilst no lighting is currently proposed, it may be introduced in the future, and so to ensure that any lighting used would not cause light pollution or glare to the countryside and the wider area, a condition is proposed requiring details of proposed lighting to be submitted for approval.

United Utilities have commented on the foul and surface water drainage arrangements for the development. In line with their recommendation, a condition should require that foul and surface water should be drained on separate systems

and where this is not possible, attenuation measures be incorporated to reduce peak flows to sewers.

Subject to the imposition of the aforementioned conditions, the development would accord with the policies of the NPPF and the Development Plan.

A note should also be attached to any permission to advise the applicant that if the proposed development involves new waste activities or there will be a change to the site boundary where permitted waste activities take place, the site operator will need to vary the existing permit.

In view of the nature, location and purpose of the proposal it is considered that no Convention Rights as set out in the Human Rights Act 1998 would be affected.

### **Recommendation**

That planning permission be **Granted** subject to the following conditions

#### **Time Limits**

1. The development shall commence not later than 3 years from the date of this permission.

*Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.*

#### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

a) The Planning Application received by the County Planning Authority on 30 May 2018.

b) Submitted Plans received by the County Planning Authority on 30 May 2018:

Drawing No. P185.1\_200B - Site Location Plan  
Drawing No. P185.1\_202B - Block Plan  
Drawing No. P185.1\_204B - Proposed Site Plan  
Drawing No. P185.1\_205B - Proposed Plans and Elevations  
Drawing No. P185.1\_206B - Proposed Site Sections  
Drawing No. P185.1\_207B - Proposed Drainage Plan

c) All schemes and programmes approved in accordance with this permission.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan –*



### **Building Materials**

3. The steel cladding used for the external elevations and roof of the building shall be coloured light blue/grey (RAL 7040) and shall thereafter be maintained in that colour.

*Reason: To protect the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Site Operations**

4. The building shall only be used as a vehicle repair/maintenance workshop and office accommodation.

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Floodlighting**

5. No external lighting and floodlighting shall be erected on the building unless it is in accordance with a scheme and programme, which has first been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) Type and power of lights
- b) Types of masking or baffle at the lighting head
- c) Number and size of lighting units
- d) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on adjacent properties
- e) Times of use of lighting.

Thereafter the lighting and floodlighting shall be erected and operated in accordance with the approved scheme and programme.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to reduce light pollution and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and*

### **Safeguarding of Watercourses and Drainage**

6. No development shall commence until a scheme for the drainage of foul and surface water from the building has been submitted to and approved in writing by the County Planning Authority.

The scheme shall include measures to ensure that foul and surface waters are drained to separate systems.

If surface waters can only be drained to a sewer, the scheme shall contain details of the measures that will be employed to attenuate the rate of discharge to sewer including volume of storage and discharge rates to be achieved.

The approved drainage measures shall be installed prior to the construction of the building and shall thereafter be maintained in full working order.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policy GN3 of the West Lancashire Local Plan 2012-2027 Development Plan Document.*

### **Notes**

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

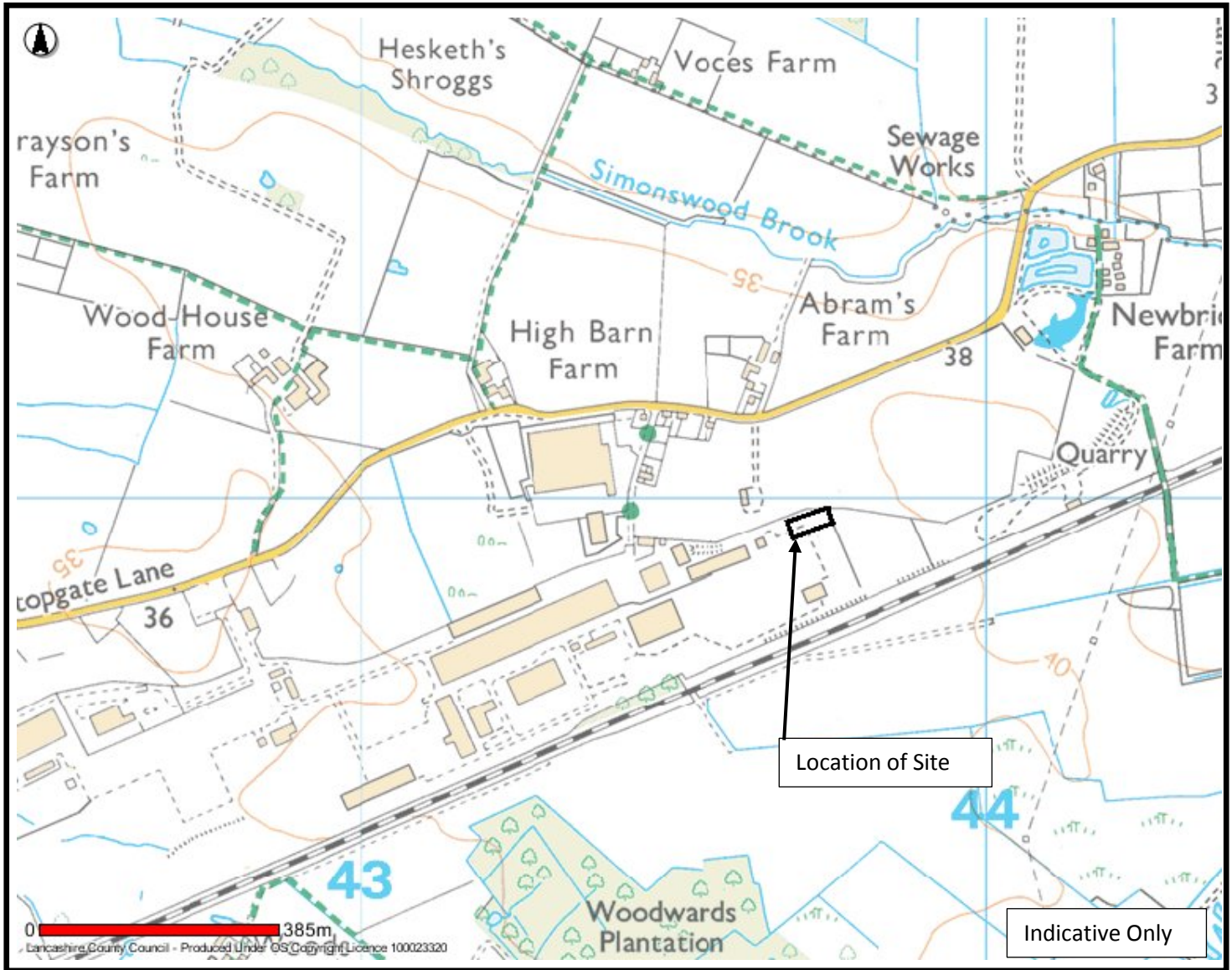
### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2018/0023	30 May 2018	Rob Jones/534128

Reason for Inclusion in Part II, if appropriate

N/A

**APPLICATION LCC/2018/0023 ERECTION OF NEW MAINTENANCE WORKSHOP AND OFFICE ACCOMMODATION INCLUDING PHOTOVOLTAIC SOLAR PANELS ON THE ROOF AND AN ADDITIONAL FIVE CAR PARKING SPACES. TOWER HOUSE, STOPGATE LANE, SIMONSWOOD**



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**Development Control Committee**  
Meeting to be held on 11 July 2018

Electoral Division affected: Rossendale West
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**Rossendale Borough: Application number 14/13/0515**  
**Application for determination of conditions for permission 14/94/0355 (as amended by 14/95/0506) for the winning and working of minerals at Hutch Bank Quarry, Haslingden**

Contact for further information:  
Robert Hope, 01772 534159  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

## **Executive Summary**

Application – Application for determination of conditions for permission 14/94/0355 (as amended by 14/95/0506) for the winning and working of minerals at Hutch Bank Quarry, Haslingden.

The application is accompanied by an Environmental Statement and Non-Technical Summary for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

## **Recommendation – Summary**

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995, conditions be imposed on planning permission 14/94/0355 (as amended by 14/95/0506) controlling time limits, working programme, hours of working, site operations, highway matters, noise, blasting, water resources, habitat management and restoration, and aftercare.

## **Legislative Background Information**

Section 96 and Schedules 13 and 14 of the Environment Act 1995 provide for the initial review and updating of old mining permissions granted between 30 June 1948 and 22 February 1982 and the periodic review of all mineral planning permissions thereafter as a means to ensure that all planning permissions for mineral working are subject to conditions that reflect modern environmental standards.

Initially, the County Council as Mineral Planning Authority was required to prepare a list of all relevant mineral permissions and then divide the sites between those permitted between 1948 and 1969 (Phase 1 sites) and those permitted between 1969 and 1982 (Phase 2 sites). Applications for the determination of new conditions

for active Phase 1 sites had to be submitted within a period of time set by the Mineral Planning Authority, which was between 1 and 3 years of the date of publication of the Mineral Planning Authority's list and within the following 3 years for active Phase 2 sites. Periodic Reviews typically take place every 15 years unless the Mineral Planning Authority is satisfied that the existing permission provides sufficient controls. The purpose of periodic reviews is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time.

The Mineral Planning Authority can either approve the applicant's proposed schedule of conditions as submitted or impose their own set of conditions. The conditions imposed by the Mineral Planning Authority should meet all the tests of planning conditions and should not restrict working rights nor prejudice adversely, or to an unreasonable degree, the economic viability of operating the site or asset value of the site. If the application is determined on terms different from those set out in the application, the applicant has a right of appeal to the Secretary of State and if the working rights are restricted there may be an entitlement to compensation. It is not open to the Mineral Planning Authority to refuse a valid application.

The existing planning conditions and approved drawings for Hutch Bank quarry do not reflect the operator's current and future aspirations for mineral extraction and restoration operations at the site and equally, the existing conditions are not relevant. Hence it was agreed that a periodic review of the planning permission was required.

An application for the determination of new conditions was first submitted in 2013. However, the application was considered to be development requiring Environmental Impact Assessment. The applicant later submitted an Environmental Statement in 2016 to accompany the application but at the same time discussion was also taking place regarding the extent to which the existing planning permission provided for the importation of soils for restoration purposes. This subsequently led to the submission of amended drawings illustrating a revised scheme of working and restoration, and an addendum to the Environmental Statement in 2018. During this time operations at the site have been very limited.

### **Applicant's Proposal**

The applicant has provided a new schedule of conditions and details of a proposed development scheme for the future working and restoration of the quarry.

The operation and deepening of the quarry would continue through a series of phased cuts, which is chiefly limited to the southern and western areas of the site. Block stone would be extracted using hydraulic picks / excavator. The scheme is based on 3 simplified mineral extraction phases, with phased restoration of the quarry (over four phases) through the importation of soils. Much of the remainder of the site has already been restored to final landform levels and this includes areas of historical quarry waste tipping that has been naturally colonised with vegetation.

The applicant anticipates that stone could be removed from the site at a rate of 100,000 tonnes per annum. Extraction is likely to be campaign led and extraction rates would fluctuate depending on market demand with a daily average extraction rate estimated as approximately 364 tonnes. The proposal would also involve the

importation of around 1million m<sup>3</sup> of soil to achieve the final restoration profile. The anticipated rate of input would be 200,000 tonnes / year, which would equate to a daily importation rate of around 728 tonnes.

Built infrastructure would include a wheel wash, weighbridge, cabin and parking areas close to the site access. In addition, mobile crushing and screening plant would be employed close to the mineral extraction areas. All plant and equipment would be removed as part of the restoration of the site.

The quarry would continue to operate in accordance with the current permitted hours of 0700 to 1900 hours, Mondays to Fridays and 0700 to 1330 hours on Saturdays. There would be no operations on Sundays, Bank and Public Holidays.

At the time the application was submitted it was considered that the development was a Schedule 1 Project under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application was first submitted without an Environmental Statement and consequently the application could not be determined. The applicant subsequently submitted an Environmental Statement and Non-Technical Summary, and following that an addendum to the Environmental Statement. The Environmental Statement provides details of the site history and the proposed development before examining the impacts associated with the proposal that could be likely to have significant effects on the environment, and the need for any mitigation.

The application includes a schedule of proposed new planning conditions regarding site area, updated drawings, time limits, development schemes, site operations, and indicative restoration.

### **Description and Location of Site**

Hutch Bank Quarry is a gritstone quarry occupying an area of approximately 31 hectares of land to the west of Haslingden, Rossendale.

The quarry entrance is located in an elevated position, approximately 270m above ordnance datum and approximately 70m above the junction of the access road with the Grane Road (B6232). Levels within the site vary considerably due to mineral extraction and the storage and redistribution of overburden and quarry waste. Quarry faces are located to the north and west of the site. There is a pond feature at the northern end of the quarry at a height of approximately 250m. Undisturbed land to the north of the quarry sits at around 290m above sea level.

The site is surrounded on the north, south and western boundaries by agricultural land. The nearest residential property to the quarry is Hutch Bank Farm approximately 96m to the east at a lower altitude, with the Hurstwood Enterprise Park beyond. Windy Harbour Farm is located some 200m to the north-west. A number of properties are located off the Grane Road to the south with varying distances of around 200-300m from the site and some being adjacent to the quarry access road.

Several public footpaths are located at or adjacent to the boundary of the quarry. These include Public Footpath numbers 177 and 179 which cross the northern area of the site, footpath no. 180 to the east, and numbers, 220, 214, 215 and 216 which follow close to the southern and western boundaries. Public Footpaths nos. 236 and 232 follow Stone Street and then Hutch Bank Road respectively, which also provide vehicular access to the quarry and Windy Harbour Farm from the Grane Road.

## **Background**

### History

The old mining permission for this site was granted under an Interim Development Order (IDO) in 1947. The planning permission was then reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 19 July 1995 (permission reference number 14/94/0355). Planning permission was subsequently granted on 2 April 1996 to amend the permitted quarry working hours set out within permission 14/94/0355 (ref.14/95/0506). The reviewed conditions provided for the extraction of minerals, localised landscaping works and the deposition of mineral waste with details of restoration saved by condition. A planning condition also provided for the importation of soils for restoration purposes. The mineral working and restoration of the site is time limited to 2043.

## **Planning Policy**

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

Paragraphs 6 – 16, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, conserving and enhancing the natural environment and facilitating the sustainable use of minerals respectively.

### *Planning Practice Guidance accompanying the NPPF (PPG)*

Minerals  
Waste

### *Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (JLMWDF)*

Policy CS1	Safeguarding Lancashire's Mineral Resources
Policy CS3	Meeting the demands for New Minerals
Policy CS5	Achieving Sustainable Mineral Production
Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste
Policy CS9	Achieving Sustainable Waste Management

### *Joint Lancashire Minerals and Waste Local Plan (JLMWLP)*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals



Policy DM2            Development Management  
Policy M1            Managing Mineral Production

*Rossendale Borough Council Core Strategy Development Plan Document (RBCCS)*

Policy 1            General Development Locations and Principles  
Policy 18          Biodiversity, Geodiversity and Landscape Conservation  
Policy 24          Planning Application Requirements

**Consultations (summary)**

Rossendale Borough Council – No comments received.

LCC Highways Development Control – No comments received.

Environment Agency – No objection. Conditions are recommended to control the depth of working to that proposed, to prohibit blasting, and to monitor groundwater levels. The site restoration works with the importation of soils will require an Environmental Permit that is regulated by the Environment Agency.

Natural England – No comment to make.

Ramblers' Association – No comments received.

National Planning Casework Unit – No comments received.

County Ecology Service – The proposed working and restoration should be subject to conditions in relation to further details for habitat creation and management and also for the protection of nesting birds, bats and badgers.

County Archaeology Service – There are no significant archaeological implications in relation to the proposed development.

National Grid Gas and Electricity – No comments received

National Grid Company Plc – No comments received

LCC Public Rights of Way – No comments received.

United Utilities - No comments received

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 4 representations have been received with the following summarised comments:

- Object to further deepening of the quarry because of risk of impact on to private water supply to local farms and houses.
- Concern in relation to blasting impacts with vibration and debris falling beyond the site.
- Parking issues associated with the delivery of large machinery to the site.

- Potential mud, dust and vibration issues associated with the movement of heavy goods vehicles. A structural survey is requested.
- The quarry size should not be increased.
- Blasting and dust have been a problem in the past.
- Residential amenity would suffer.
- Wildlife would be affected and nature conservation would suffer.
- Highway safety would be affected by the volume of traffic.
- The access road to Grane Road would be dangerous.
- The emergency run-off on the access road has been abandoned.
- The wheel wash has been abandoned.
- Detrimental effect on the value of property.

## **Advice**

Hutch Bank Quarry has a long history of mineral extraction and tipping of mineral waste generated at the site. The applicant has submitted a proposed scheme of continued mineral working and restoration at the site, together with an Environmental Statement, and a proposed schedule of conditions under the provisions of Section 96 and Schedule 14 of the Environment Act 1995.

### *Scheme of working and restoration*

The phasing and direction of working and the restoration methodology appears to represent a logical approach that also provides for the retention of sections of long established cliff faces that provide valuable habitat for birds.

The first phase would involve a series of 5 metre cuts to lower an area of the quarry floor to a depth of approximately 250m above sea level, through the extraction of approximately 105,000m<sup>3</sup> of mineral. The first phase of operations would also involve restoration works to shape an irregular landform to the southern and central parts of the site, through the importation and placement of approximately 23,000m<sup>3</sup> of soils.

Phase 2 of operations would see mineral extraction operations moving to the north-western quarry area, deepening the quarry floor to 250m above sea level through a series of 5 metre cuts, with the extraction of approximately 120,000m<sup>3</sup> of mineral. There would be a further cut to create a 2-metre deep basin to the northern/ central area which, being the lowest part of the quarry, would eventually become a permanent waterbody. Ramped access would be provided into the Phase 2 extraction area. Restoration operations during this phase would involve the filling of the Phase 1 mineral void to provide a final profile which would slope gently from the southern quarry flanks into the Phase 2 quarry floor. Restoration of this area would require an estimated 23,000m<sup>3</sup> of imported soils.

Phase 3 would involve approximately 341,000m<sup>3</sup> of mineral extraction across the central and western parts of quarry, lowering the quarry floor to 250m above sea level and leaving benches along the north and north-western quarry boundary. Restoration activities, requiring approximately 29,000m<sup>3</sup> of fill, would take place within the Phase 2 extraction area to the north west of the quarry, buttressing and

stabilising the quarry sides. The southern part of the Phase 3 extraction area would involve the removal of a sloped buttress along the northern part of the Phase 1 extraction area.

Once all mineral extraction operations have been completed, the final phase of operations, Phase 4, would be to restore to the quarry to final levels through the importation of an estimated 924,000m<sup>3</sup> of imported fill. Quarry faces would be retained at the north and north-west of the site.

The terms of the 1995 review permission for this site did not precisely define the extent to which waste materials could be imported for infilling and restoration purposes. As part of the current application, the applicant has provided more information on the limits of infilling that would be undertaken. The extent of this aspect of the development is considered to be acceptable in terms of the scope of the original Interim Development Order permission at this site.

Restoration of the site would be to a mosaic of habitats. The existing grassland areas to the south and east of the site and on the quarry edges would remain undisturbed and most the active quarry area would be restored to conservation grassland. Exposed rock faces at the north and north-west and through the central ridge would be left undisturbed to revegetate naturally. Surface water would drain to the deepest area of the quarry to the north, creating a waterbody.

#### *Landscape and Visual Impact*

The site is an established quarry with limited visual impact on the local landscape. The quarry lies within the Settled Valley / Moorland Fringe landscape character areas. The overall visibility of Hutch Bank Quarry is restricted by the steeply sloping nature of the surrounding landscape and therefore is mainly visible from upland locations which are crossed by a number of public rights of way.

The visual impacts of the proposed scheme of working would be no more intrusive than the current quarrying activity in the area and in the long term there would be benefits resulting from the restoration of the site including treatment of high quarry faces to leave a long term sustainable landform. No restoration works would be above pre-development ground levels.

Subject to recommended conditions regarding further details of the restoration and aftercare of the site the proposals are considered acceptable and accord with the policies of the National Planning Policy Framework and the Development Plan.

#### *Noise, Dust and Blasting*

The National Planning Policy Framework states that minerals planning authorities should ensure that unavoidable noise is controlled and that appropriate noise limits should be imposed where extraction is in proximity to noise sensitive properties. For this site, due to the substantial natural screening by steep quarry faces, the relative remoteness of receptors and the lack of substantive historical noise complaints, it is considered that noise impacts would be unlikely, particularly if operations continue to be restricted to the hours of working that have previously been imposed and with

recommended conditions to limit noise levels to those recommended in the supporting guidance to the National Planning Policy Framework.

The National Planning Policy Framework also stresses that unavoidable dust emission should be controlled, mitigated or removed at source. Again at this site, the containment of operations and distance to residents means that dust is only likely to be an issue when associated with heavy goods vehicle movements from the site and the potential for mud deposits on the access road to dry up and create dust. This should be addressed through conditions controlling wheel cleaning and requirements to keep the highway free from mud, dust and debris.

The applicant is not proposing an increase in the existing permitted hours of operation at the site which currently permit mining operations and restoration works to take place between the hours of 0700 to 1900 hours, Monday to Friday and between 0700 to 1330 hours on Saturday.

The operator is proposing to work the site without using blasting methods. A condition is recommended to seek to ensure that occurs as blasting could present issues which have not been properly assessed through this application.

#### *Highway Matters*

The applicant has provided a Transport Statement to assess the likely effects of transport associated with mineral extraction and restoration.

The export of 100,000 tonnes per annum of aggregates could typically give rise to between 13-18 daily HGV loads, depending on vehicle type. The importation of 200,000 tonnes per annum of restoration materials could typically give rise to 26-36 daily HGV loads. However, some HGVs bringing restoration materials to the site could also be back-loaded with aggregates for export. It is envisaged that up to 50,000 tonnes per annum of export materials could be transported in HGVs which have brought imported materials to the site. In effect, therefore, the number of HGVs related only to the export of materials is likely to be half of that envisaged above, at 7-9 daily HGV loads. In total, therefore, there could be between 33-45 HGV loads per day when accounting for both import and export. Based on the review of development operations, the Hutch Bank Quarry operations would not typically result in a noticeable impact on operational conditions on the immediate local highway network.

The actual number of HGV movements will vary depending on market conditions and there are currently no planning conditions restricting numbers. There is one permitted access route into the site, which would continue to be used. Vehicle movements could impact on local residents particularly at the junction of the access road with Grane Road. In view of the site history it is considered that although HGV movements have the potential to impact on residential amenity in terms of wheel entrained dust or debris, noise, and general inconvenience associated with passing vehicles especially when productivity at the quarry is high, it would not be reasonable to impose any restriction in this respect without restricting the operator's existing rights given there would be no significant changes to the existing vehicle movements

to and from the site. A condition is recommended in relation to wheel cleaning and preventing mud, debris, or dust being carried onto the highway.

The quarry access road falls steeply from the quarry towards Grane Road. A local resident has made reference to the existence of a HGV escape lane off the access road in the event of brake failure. However, there does not appear to be any evidence of this. It could be argued that road going HGVs will be subject to MOT and servicing checks and the likelihood of brake failure requiring a dedicated escape lane would be very rare. Vehicles may encounter roads of equal gradients on the public highway as part of any day to day movement.

### *Ecology*

The application is accompanied by an ecological impact assessment, which considers baseline conditions, likely significant effects, and the need for any mitigation measures.

As referred to previously, restoration of the site would be to a mosaic of habitats. The existing grassland areas to the south and east of the site and on the quarry edges would remain undisturbed and most of the active quarry area would be restored to conservation grassland. Exposed rock faces at the north and north-west and through the central ridge would be left undisturbed to revegetate naturally. Surface water would drain to the deepest area of the quarry to the north, creating a waterbody.

The Environmental Statement concludes that the proposed restoration works with embedded design and operational measures in place, are unlikely to have significant adverse effects of the priority habitats or protected or notable species. Conditions are recommended for the ongoing protection of nesting birds and also to ensure that sufficient detail of restoration, habitat management, and aftercare of the site is provided and is then employed by the operator. The latter condition also includes a requirement for the operator to provide details for the survey, avoidance and mitigation of potential future impacts on nesting birds, bats and badgers as may be encountered through the duration of the permission that runs to 2043.

### *Hydrology and Hydrogeology*

A hydrogeological impact assessment has been carried out by the applicant with information on quarry geology, historic mine workings and private water supplies. The assessment takes account of the geology, hydrogeology and the general environmental setting of the site. The assessment has been informed using a 'source-pathway-receptor' approach. Hydrogeologically the site is considered to be located in a low-sensitivity location in an upland setting. However, by virtue that local properties take potable supplies from springs that emanate from the base of the Lower Haslingden Flags, the applicant has assessed the risks posed by mineral extraction and restoration by the importation of soil materials in accordance with Environment Agency guidance and appropriate methodology. The risk assessment has established that there is no requirement for a geological barrier underlying the restoration material as underlying the proposed inert fill there would be at least 19m of in-situ natural geological barrier (mudstone). Furthermore, the mechanical

removal of rock rather than blasting would minimise the likelihood of suspended sediment entering groundwater.

Four boreholes were installed around the site in 2016. Taking into consideration borehole logs, site elevations and groundwater levels it was concluded that springs at Holden Hall (south west), Hutch Bank (south east) and Todd Hall Farm (north/north east) are supplied mainly by thin sandstones in the mudstone rocks beneath the flagstone sequence. Continued monitoring of the groundwater and spring flows is recommended to assist in baselining hydrogeological conditions. Further assessment and scrutiny of the soil infilling operations would be undertaken through the Environmental Permitting process.

Overall, the assessment concludes that future mineral extraction and restoration proposals for Hutch Bank Quarry would be unlikely to pose a risk to the local water environment. The Environment Agency have raised no objection subject to conditions requiring no blasting and monitoring of the existing borehole network and spring flows. Conditions are recommended accordingly.

### *Public Rights of Way*

As referred to earlier, there are a number of public footpaths in close proximity to the quarry. The definitive line of footpath numbers 177/179 cross the northern area of the site but as a result of mineral extraction, high quarry faces currently exist along the route making them impassable. A diversion order request is currently in place but is subject to ongoing assessment to ensure the suitability of the alternative route around the quarry boundary. The order has not yet been confirmed but would be addressed under the provisions of separate legislation rather than through the terms of this review application. Elsewhere, the proposed quarrying and restoration works would be unlikely to present any additional impacts to the footpath network or for users of footpath in proximity to what is an established feature in the local landscape.

### *Human Rights Act*

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of the 1st Protocol states that an individuals' peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate. If the recommended conditions were imposed the development would be unlikely to generate such an impact on neighbouring properties which would breach those rights.

### *Conclusion*

Hutch Bank Quarry has a long history of mineral extraction, and tipping of mineral waste. Current operations are undertaken in accordance with a number of existing planning permissions across the quarry. Under the provisions of Section 96 and Schedule 14 of the Environment Act 1995 the applicant submitted a proposed scheme of continued working and restoration and a schedule of proposed conditions. It is recommended that the proposed scheme of working and restoration, which has

been judged to appropriately reflect the provisions of the old mining permission, be approved subject to a new set of conditions, which have the same general purpose and meaning as those conditions proposed by the applicant. It is considered that the recommended conditions set out below would meet all the tests for planning conditions, they would not restrict working rights in respect of the site and would not prejudice the economic viability of the applicant's working of the minerals at the site or the asset value of the site.

It is considered that continued operations at the site, carried out in accordance with the submitted scheme of working, should not give rise to significant effects on the environment or an unacceptable adverse impact on local amenity, or the environment subject to the recommended conditions, and would comply with the policies of the National Planning Policy Framework and the development plan.

### **Recommendation**

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 the following conditions be imposed on planning permission 14/94/0355 (as amended by 14/95/0506):

### **Time Limits**

1. The winning and working of minerals or depositing of mineral waste or imported soils authorised by this permission shall cease not later than 21 February 2042. The site shall be restored in accordance with the conditions of this permission and shall be finally restored no later than 21 February 2043.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenities, the visual amenity and to secure the proper restoration of the site in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents.

#### a) Drawings:

Drawing no. 1546-0101 - Site Boundary

Drawing no. 2670/6/001, Rev C - Phase 1 Extraction / Fill

Drawing no. 2670/6/002, Rev C - Phase 2 Extraction / Fill

Drawing no. 2670/6/003, Rev C - Phase 3 Extraction / Fill

Drawing no. 2670/6/004, Rev C - Phase 4 Fill

Drawing no. 2670/6/005, Rev D - Phasing and Restoration

Drawing no. 2670/6/007, Rev B - Indicative Restoration

- b) All details approved in accordance with this permission.

*Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

3. Mineral extraction, and the depositing of mineral waste and imported soils shall take place in accordance with the sequence of working and restoration, and the levels shown on drawings no. 2670/6/001, Rev C; 2670/6/002, Rev C; 2670/6/003, Rev C, 2670/6/004, Rev C, and 2670/6/005, Rev D.

*Reason: To secure the orderly working and progressive restoration of the site and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

4. Mineral extraction shall not take place below a surface defined as being 1 metre above the highest natural variation in the water table established through the monitoring and recording of groundwater levels under condition 5 to this permission, or below the depth of excavation shown on drawing no. 2670/6/005, Rev D - Phasing and Restoration, whichever is the higher level above ordnance datum (AOD).

*Reason: To seek to ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to seek to ensure satisfactory working and restoration of the site, and to comply to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

5. The groundwater monitoring network as shown on Figure 6.1, - Borehole Monitoring Locations - dated January 2018 shall be maintained throughout the period of mineral extraction, restoration works and aftercare, and any monitoring boreholes lost, damaged or blocked must be restored or replaced within 6 months of the loss, damage or blockage being identified. The groundwater levels in borehole numbers BH03, BH05, and BH06 as well as the flows of the spring overflows at Holden Hall, Hutch Bank and Todd Hall Farm shall be measured monthly and reported to the County Planning Authority annually throughout the development. Monitoring results shall relate to ordnance datum.

*Reason: To seek to ensure the permitted development has no detrimental impact on groundwater resources and water supplies at Holden Hall, Hutch Bank and Todd Hall Farm and to seek to ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to seek to ensure satisfactory working and restoration of the site, and to comply to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

6. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried



out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

*Reason: To maintain the County Planning Authority's control of the development and to safeguard the local landscape and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy.*

7. A topographical survey shall be submitted to the County Planning Authority annually by 31 December of each year following the granting of permission and until the completion of restoration, as defined in this permission. The survey shall have been carried out within the two months preceding 31 December and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and be contoured at 1 metre intervals, relating to ordnance datum, over all the land where mining operations have taken place and/or mineral waste and imported soils have been deposited.

*Reason: To enable the County Planning Authority to monitor the site to seek to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

8. Stockproof fencing/walls shall be provided around the perimeter of the site and shall be maintained at all times until the completion of the aftercare period.

*Reason: In the interests of public safety and local agriculture and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

9. Measures shall be taken to minimise the incidence of dust or wind blown material being carried from the site onto adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps as necessary during dry weather conditions and the fitting of dust mitigation measures to processing plant and machinery.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy.*

10. No materials with the exception of soils to be used for restoration purposes shall be brought to site from elsewhere. The composition of such soils shall be approved in writing by the County Planning Authority prior to any being brought to the site from elsewhere.

*Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

11. No site clearance, mineral extraction or restoration works shall take place during the bird-breeding season between 1 March and 31 July inclusive unless the site has been surveyed for nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any nesting locations to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: In the interests of ecological protection and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 18 of the Rossendale Core Strategy.*

12. No mineral extraction operations or restoration works at the site shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)  
0700 to 1330 hours on Saturdays (except Public Holidays)

No mineral extraction operations or restoration works at the site shall take place at any time on Sundays or Public Holidays.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

13. There shall be no use of explosives at the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, to protect groundwater resources, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

14. Where reversing alarms are employed on site only broadband multi-frequency sound alarms (white sound) shall be used.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and wildlife interests and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

15. Noise arising from operations within the quarry, as measured at any occupied neighbouring property, shall not exceed the background noise level (dB LA 90 (1hr)) by more than 10 dB (A) and shall not exceed a maximum noise level of 55 dB(A) LAeq, 1hr (free field), whichever is the lower.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

16. Temporary operations including overburden stripping, storage and respreading of soils; mound formation and removal; and landform creation shall be permitted to exceed the noise limits set out in Condition 15 above for a period which in total does not exceed eight weeks in any 12 month period. During this maximum eight week period noise levels from such temporary operations shall not exceed 70 dB(A) LAeq,1h (free field) as measured at any neighbouring occupied properties.

*Reason: To permit higher noise limits for certain activities and to still safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

17. The sole access from the site shall be via the approved access via Stone Street and Hutch Bank Road.

*Reason: In the interest of highway safety and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

18. All vehicles transporting minerals of a size less than 100 mm in any dimension from the site shall be securely sheeted.

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

19. Wheel and vehicle cleaning facilities shall be provided at the site to ensure that mud, debris or dust is not deposited by vehicles upon the public highway.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

20. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

21. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks

may be used as an alternative only when the design and construction has first been approved, in writing, by the County Planning Authority.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

22. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank.

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

23. Within 12 months of the date of this permission details of habitat management, restoration, and aftercare of the site, shall be submitted to the County Planning Authority for approval in writing.

The submitted details shall include:

- a) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- b) The final configuration of the retained quarry faces including face heights and bench widths;
- c) Details of the nature of the proposed soil types to be imported to the site and proposed treatment and depths within surface horizons to demonstrate that the soils will be suitable to stabilise the site and capable of supporting the desired habitats and plant communities.
- d) The provision and management of silt traps, lagoons and water areas.
- e) Types of native trees, shrubs and plants, seed specification and planting densities including the marginal planting of water areas.
- f) The methods to be employed to promote normal plant growth.
- g) Full detail of habitat establishment and management methods for the duration of the planning permission including areas of the site not subject to mineral extraction and deposition of quarry waste/imported soils. This shall include details for the surveying of nesting birds, bats and badgers and measures for avoidance, protection and mitigation.
- h) The aftercare management of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- i) A schedule of management prescriptions during the aftercare period.

Thereafter the habitat management, restoration and aftercare of the site shall be carried out in accordance with the approved details.

*Reason: To seek to secure the proper restoration and aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

24. Upon certification in writing by the County Planning Authority of the completion of restoration in accordance with the approved details of this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out in accordance with the details approved under condition 23 of this permission for a period of five years.

*Reason: To seek to secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

25. An Annual Report which shall evaluate the aftercare works carried out in the previous year, assess requirements over the forthcoming year and provide details of the aftercare works to be carried out in the forthcoming year shall be submitted to the County Planning Authority in December each year during the aftercare period.

*Reason: To seek to ensure that the site is returned to a beneficial afteruse and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.*

## Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with conditions to this permission have been completed satisfactorily.

Free field: At least 3.5 metres away from the facade of a property or building.

## Notes

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act.

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

## Local Government (Access to Information) Act 1985 List of Background Papers

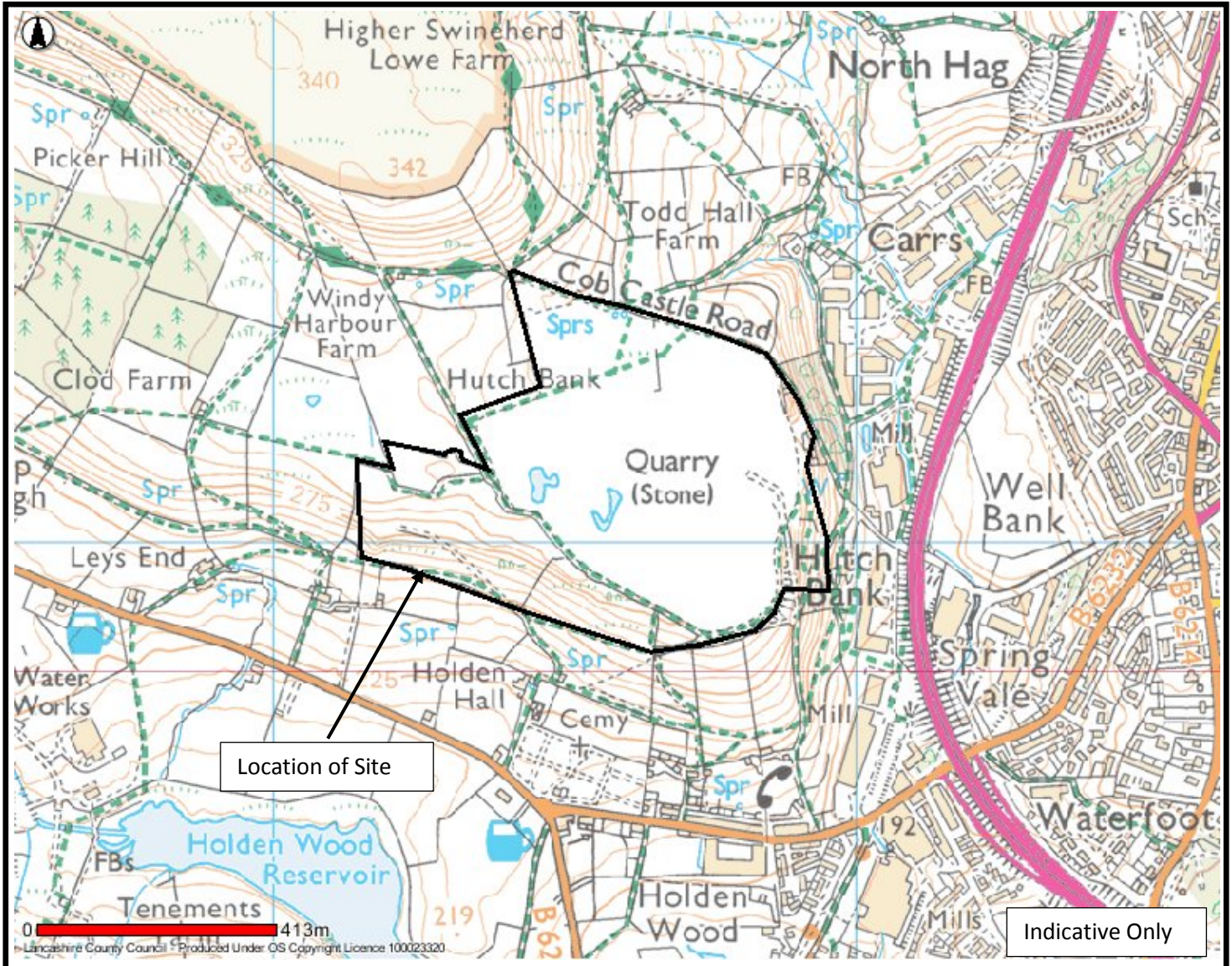
Paper	Date	Contact/Ext
14/13/0515	June 2018	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A



**APPLICATION 14/13/0515 APPLICATION FOR DETERMINATION OF CONDITIONS FOR PERMISSION 14/94/0355 (AS AMENDED BY 14/95/0506) FOR THE WINNING AND WORKING OF MINERALS. HUTCHBANK QUARRY, HASLINGDEN**



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## Development Control Committee

Meeting to be held on 11th July 2018

Electoral Division affected: All
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### Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:  
Jonathan Haine, 01772 534130  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

#### Executive Summary

Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

#### Recommendation – Summary

That the report be noted.

Since the last meeting of the Development Control Committee on the 24<sup>th</sup> May 2018, the following decisions on planning applications have been taken in accordance with the County Council's Scheme of Delegation.

#### Wyre

Application LCC/2018/0016  
Extension to nursery, Red Marsh School, Holly Road, Thornton Cleveleys.

#### Preston City

Application LCC/2018/0014  
Construction of Single Storey Modular Classroom, Barton St Lawrence CE School, Barton, Preston.

Application LCC/2018/0017  
Rebuilding of existing boundary wall, The Star Young Peoples Centre, Tulketh Crescent, Preston.

Application LCC/2018/0010  
Change of use of existing site supervisor's house to office accommodation and reception and extension to the existing building using new modular unit to accommodate a conference facility. Broughton High School, Woodplumpton Lane, Preston.

## **Rossendale**

Application LCC/2018/0013

Demolition of an existing crematorium building, ancillary buildings and storage containers and the construction of a new crematorium building with service yard incorporating a chapel of rest and cremation hall. Rossendale Pet Crematorium, Co Operation Street, Crawshawbooth, Rossendale.

### **Recommendation**

That the report be noted

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2018/0010	30 May 2018	Jonathan Haine/534130
LCC/2018/0017		
LCC/2018/0014		
LCC/2018/0013		
LCC/2018/0016		

Reason for Inclusion in Part II, if appropriate

N/A