

**Development Control Committee**  
Meeting to be held on 23 May 2018

Electoral Division affected:  
Clayton with Whittle

**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**

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**Executive Summary**

Application – 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.

**Recommendation – Summary**

That planning permission be **granted** subject to conditions controlling time limits, working programme, mineral retention, stockpiles, working times, highway matters, noise, dust, surface water management, restoration and landscaping, aftercare.

**Applicant's Proposal**

Planning permission is sought for the importation of approximately 25,000m<sup>3</sup> of soils and the extraction of approximately 56,500m<sup>3</sup> of rock outcrop to provide a stable landform at Little Quarry. The proposal includes cutting back the upper part of a failed sandstone block in the northern part of the site and an exposed rock outcrop on the eastern side of the site. The final restoration of the site would provide a developable platform for residential development that already has outline planning permission and also peripheral landscaping with a drainage collection pond. In essence, the upper slopes would be reshaped to levels up to some 6m lower than existing and the depression at the lower part of the site would be raised up to approximately 6m above the existing level.

The applicant estimates that the development works could be achieved in one year with an average of 18 HGV movements (9 in and 9 out) each day (no working on Sunday or Public Holidays) and a maximum of 50 movements (25 in and 25 out).

**Description and Location of Site**

Little Quarry is a former gritstone quarry that has been partially restored with imported inert waste materials and occupies an elevated position to the east of Whittle-le-Woods off Hill Top Lane. It extends over an area of approximately 7 hectares. There has been no significant development for some time and vegetation has colonised areas of the site. The site is bounded by farmland to the north and east. There are residential properties at various positions around the site and most particularly to the west and south off Hill Top Lane, Chorley Old Road, Smith Street and Whittle Hills Close. Whittle Hill Quarry is to the south. Public footpath numbers 25, 27, 28, 29 and 30 are located on the southern and western site boundaries.

## **Background**

### **Planning History**

On 21 October 1993 permission was granted for the determination of conditions to an old mining permission at Little Quarry (ref. 09/93/519).

On 19 January 1998 planning permission was granted for an amendment to the scheme of working under permission 09/93/519 to allow for the importation of inert waste – (ref.09/96/0234).

In 2003 planning permission was granted for the construction of a dry ski slope involving the importation of waste materials (ref. 09/98/0841).

A number of planning permissions were subsequently granted for time extensions to allow the restoration works to be completed. (Planning reference numbers 09/04/1272, 09/08/1027 and 09/10/1030). The post restoration scheme for a dry ski slope and associated infrastructure has not been implemented.

Outline planning permission was granted in 2013 by Chorley Council for up to 85 new dwellings including a means of access. All other matters are reserved (ref. 12/01134/OUTMAJ).

In 2015 a planning application (ref. LCC/2015/0081) was submitted for the importation of soils to meet stability requirements for approved residential development at Little Quarry, Hill Top Lane, Whittle-le-Woods. However, the application was withdrawn on 23 May 2016 following the submission of application LCC/2016/0038 for a revised proposal.

A report was presented to the county council's Development Control Committee on 14 October 2015 recommending that the Development Control Committee visits the site before determining application ref LCC/2015/0081. The recommendation was accepted and has been carried through to application LCC/2017/0095 given the similarity in the proposals.

Application LCC/2016/0038 was withdrawn on 7 December 2017 due to a number of changes to the proposed scheme primarily in relation to geotechnical re-evaluation.

## **Planning Policy**

### *National Planning Policy Framework*

Paragraphs 6 – 16, 47 - 49 and 109 – 125 are relevant with regard to the definition of sustainable development and the operation of the planning system, delivering a wide choice of high quality homes and conserving and enhancing the natural environment respectively.

National Planning Policy for Waste

*Planning Practice Guidance* accompanying the National Planning Policy Framework

Waste

*Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources*

Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste

*Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development Management Policies – Part One*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management

*Central Lancashire Adopted Core Strategy*

Policy 29	Water Management
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*Chorley Local Plan 2012-2026*

Policy BNE 1	Design Criteria for New Development
Policy BNE 9	Biodiversity and Nature Conservation
Policy HS1	Housing Site Allocations

## **Consultations**

Chorley Borough Council – No objection to the proposal subject to an assessment that the full extent of the works proposed are necessary to enable delivery of the 85 dwellings approved under application ref. 12/01134/OUTMAJ and subject to dust, noise, air quality, ecological impacts, restoration, highway safety, operating hours, drainage and land stability being adequately controlled through appropriately worded conditions.

Whittle-le-Woods Parish Council – Object in the strongest possible terms for the following reasons:

- Existing HGVs do not comply with speed restrictions.
- There are already traffic and congestion issues locally.
- The HGV movements would inevitably lead to mud being tracked out of the site.
- Vibration as HGVs pass houses.
- Highway safety issues, particularly for children.
- The proposed development would make the current flooding problems worse.
- The application site is unstable and unsuitable for housing.

Clayton-le-Woods Parish Council – The bridge at Radburn Brow (Clayton-le-Woods) has a weight restriction.

Coal Authority – No objection.

County Ecology Service – The proposed development should be subject to conditions relating to compensation landscaping and habitat creation.

Environment Agency – No objection. The proposed development may require an Environmental Permit.

Historic England – No objection.

LCC Highways Development Control – The applicant proposes to import half of the total quantity (23,424 tonnes) in the first year at a rate of 60m<sup>3</sup> (108 tonnes) per day, 5 days a week using 20 tonne HGVs. This works out as 5 HGVs going in and out of the site a day which the applicant incorrectly calculated as 3 HGVs in and 3 HGVs out per day. On this scale, if the same routes said to have been agreed for HGVs associated with the quarry operations are used during the haulage of the imported filling material, there should be minimal impact on the highway network.

It is apparent that the route involves a return journey over the Duke (Moss) bridge over the Leeds and Liverpool Canal near Chorley Old Road/Mill Lane, which some residents of the area have rightly raised concerns about. While the residents' concerns are understandable, it is confirmed that the bridge is not owned or inspected by Lancashire County Council as the Highway Authority. It is owned by British Waterways (now the Canal and River Trust) who are responsible for its inspection and based on information available to LCC Highways, the capacity of the Duke (Moss) bridge as assessed by the owners is currently 40 tonnes and no significant structural defects are currently known. In view of this, LCC Highways does not consider that the estimated 5 HGVs going in and out of the site daily would adversely impact the highway network and given its capacity, the Duke (Moss) bridge should be able to sustain the weight and stress from the 20 tonne HGVs proposed to be used by the applicant. The proposal is therefore considered acceptable from a highways perspective. Conditions are recommended for vehicle sheeting, wheel cleaning and road sweeping.

Natural England – No objection. The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Measures to enhance the biodiversity of the site should be considered.

LCC Public Rights of Way – No comments received.

United Utilities – No comments received.

LCC Lead Local Flood Authority – No comments received.

Ramblers' Association – As long as all public rights of way on this site (FP 25, FP28, FP29 and FP30 remain intact and walkable there are no objections to this proposal, which will more than likely improve the pleasure of walking these paths. At the moment FP30 is totally overgrown so this does need to be cleared.

Canal and River Trust – No general comment to make. Further to enquiries regarding the canal bridge a Canal and River Trust Senior Bridge Inspector inspected the bridge in December 2017 and assessed it as having a capacity of full strength i.e. adequate for articulated vehicles. He has confirmed that the bridge is in good condition overall and the wagons shouldn't pose any problems. The Canal and River Trust heritage advisor has also not raised any heritage concerns.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 88 representations have been received raised objection to the planning application on the following summarised grounds:

- Noise, dust and dirt associated with heavy goods vehicle (HGV) movements.
- Damage to the local road network caused by the movement of HGVs.
- Highway safety and traffic issues associated with HGV movements.
- No need for more housing.
- Hill Top Lane has no pavement and therefore it will be dangerous for walkers, cyclists and horse riders.
- Chorley Old Road is unsuitable for HGV movements.
- The new Co-op store has added to the vehicle congestion in the area.
- Surface water flooding issues.
- Leachate concerns relating to previously tipped waste and the proposed waste development. How would the site be controlled, monitored and managed in this respect?
- There are other remedial methods that could be used through cut and fill without the need to import any materials.
- How would the quality of the imported waste be controlled.
- There is no contaminated land assessment.
- The site would not be stabilised sufficiently for housing and should be left for nature restoration.
- Negative impact on wildlife.

Two representations offer support to the proposal on the grounds that the development would stabilise the land and remove a dangerous chasm.

County Councillor Mark Perks - the new proposed amounts for land infill are still significant enough to cause major disruption and road pollution in Whittle le Woods.

Access along Chorley Old Road and Hill Top Lane are only single carriageway due to parked vehicles at the road side. Residents have already experienced contamination of the road surface from quarry vehicles. The drainage from the site is causing surface water to discharge on to the local highway. Surface water from the site needs careful management. The owners of the canal bridge on Chorley Old Road must be made aware of the expected vehicles and their weight, as it is suspected the vehicles will have an impact on the structure and maintenance requirements on that bridge. The application should be refused and the quarry left undisturbed, to allow for natural stabilisation and to allow local residents some quality of life from what has been a nightmare of infilling at this quarry.

Chorley Councillor Eric Bell – Objects to the application.

### **Advice**

Planning permission has previously been granted at this site to allow for the importation and deposit of inert waste materials to create a landform for a dry ski slope and also to stabilise the quarry faces.

The applicant has stated that in the intervening years since permission was granted for the dry ski slope, technology has changed such that a dry ski slope is no longer a commercial proposition.

In 2103 the Borough Council granted outline planning permission on this site for up to 85 dwellings including means of access. The site is also now subject of a housing site allocation in the Chorley Local Plan (Policy HS1). The outline planning permission is subject to a number of conditions, including a requirement that the stability of the site be assessed. Through initial geo-technical assessment, the applicant concluded that additional material needs to be deposited at the site to provide a higher level of assurance that the site would be stable prior to any housing development and in general.. The importation and deposit of additional inert waste materials would constitute development in itself and is not provided for within the outline permission for housing. Hence this separate planning application.

Irrespective of the proposed housing development, the County Planning Authority must be satisfied that the proposal is acceptable in planning terms and there must be an alternative acceptable restoration scheme for the site including any landscaping should the housing scheme not be taken forward.

The applicant's proposed solution to address the stability issues has been revised over a series of proposals culminating in the current application. An application was initially submitted in 2015 (ref LCC/2015/0081) for the importation of approximately 100,000m<sup>3</sup> of additional soils/inert waste but was subsequently withdrawn following the submission of application ref LCC/2016/0038 (and now this application). Following geotechnical re-evaluation the applicant has stated that a stable profile could be achieved through the removal of 56,000m<sup>3</sup> of rock material, which would be used on site for engineering works, localised re-profiling, and the importation of some 25,000m<sup>3</sup> (approximately 47,000 tonnes) of restoration soils.

The proposed development has generated significant local interest and concerns are raised particularly in relation to highway matters and the use of Chorley Old Road to access the site in order to import the additional waste materials.

It is necessary to assess the need for the proposed development along with an assessment of the potential impacts of the proposal on the local environment including impacts on the public highway, and the amenity of the residents who live nearby. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### ***Geo-technical issues***

Geotechnical assessment showed that a failed sandstone block at the north of the site is unstable along with the existing slope profiles and a cliff face to the east. Initial recommendations suggested importing significant volumes of additional fill to stabilise the site. The approach was questioned and other possible solutions requested. A revised geotechnical assessment examined the opportunity to cut back the upper section of the failed sandstone block to reduce the potential for further failure, and thereby reduce the need to import large volumes of soil material.

The geotechnical assessment has been comprehensively scrutinized by County Council officers and numerous questions have been raised regarding the approach taken and the conclusions reached. It is now considered that the applicant has satisfactorily demonstrated that the proposed approach to stabilizing the site is both necessary and appropriate for the purposes of this application. If the additional material cannot be imported to the site then there must be some doubt as to the feasibility of this site being brought forward for housing development. However, further scrutiny of earthworks specification and compliance may be required as part of the conditional requirements of the residential development permission to ensure that the site would be suitable for that use. A condition is recommended for this proposal to restrict imported material to uncontaminated soils.

### ***Impact upon local amenity***

The National Planning Policy Framework and the Joint Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise and dust. More specifically, Policy DM2 of the Joint Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

With regard to pollution control, paragraph 122 of the National Planning Policy Framework makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to

approval under pollution control regimes. There is no certainty at this stage that the proposal would require an Environmental Permit.

In terms of noise, paragraph 123 states that *planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

Assessment of 'significant adverse impacts' is directed to the DEFRA publication *Explanatory Note to the Noise Policy Statement for England*.

In the accompanying practice guidance for the Framework the management of the noise associated with particular development types is considered in a number of separate documents. For minerals development there is *National Planning Practice Guidance: Minerals* (*Planning Practice Guidance*).

In relation to noise the guidance states that applicants *should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.*

*Proposals for the control or mitigation of noise emissions should:*

- *consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate or remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions.*



The guidance continues by adding that *Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:*

- *give rise to a significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved.*

*In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.*

The guidance recommends appropriate noise standards and advises that *Mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level ( $L_{A90,1h}$ ) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A)  $L_{Aeq, 1h}$  (free field).*

For particularly noisy short term events such as soil stripping and road construction the guidance advises:

*Increased temporary daytime noise limits of up to 70dB(A)  $L_{Aeq 1h}$  (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.*

*Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A)  $L_{Aeq 1h}$  (free field) limit referred to above should be regarded as the normal maximum.*

The applicant has submitted a noise assessment that considers local ambient noise levels and predicted noise levels from site operations. It is concluded that in worst case scenario operational development close to residential properties that border the site (including Whittle Hills Close and properties off Chorley Old Road and Hill Top Lane), there could be potential for short term higher levels of noise associated with earth moving activities as is recognized in Government guidance. The report concludes that noise levels could be reduced through the provision of bunds and moveable barriers when necessary and this is proposed by the applicant. Planning conditions are recommended in relation to noise limits based on Government guidance and also in relation to reversing alarms and hours of operation to seek to

ensure that noise would be controlled to reasonable levels. On this basis, there are unlikely to be unacceptable adverse noise impacts.

The proposed restoration works would have limited visual impact when seen in the context of the existing site and the location of neighbouring properties.

### ***Highway Matters***

The policies of the Development Plan in particular Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure that proposals for minerals and waste development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used. The application site is a former quarry and landfill that now has outline planning permission for residential development. The importation of further restoration soils has the potential to generate detrimental impacts on the local area as a consequence of HGV movements through Whittle-Le-Woods particularly along Chorley Old Road. Consequently, there has been considerable focus on seeking to ensure that the volume of material the applicant wishes to import to the site is minimised. Following a request for the geotechnical assessment to be re-evaluated, the volume of material to be imported is now approximately 47,000 tonnes over a period revised down to 12 months. This relates to an average of approximately 18 HGV movements each day (9 in and 9 out). The applicant has also proposed a maximum of 50 HGV movement each day (25 in and 25 out).

Historically, the quarry/landfill permission has permitted up to 100 HGVs to leave the site during any weekday and 50 HGVs on the half day Saturday. This is considerably in excess of the levels of HGV movements now proposed. LCC Development Control Highways has raised no objection in terms of highway safety and are satisfied that the local highway network could accommodate the proposal (albeit the comments are based on average vehicle movement figures over a two year operation, which has now been reduced to one year). Nevertheless, from a local amenity perspective there could still be disturbance caused by the passage of vehicles in close proximity to residential development and parked cars particularly along Chorley Old Road. For this reason, conditions are recommended to seek to prevent HGVs turning left from the site exit onto an unsuitable section of Hill Top Lane as in previous planning permissions but also to seek to prevent HGVs turning left out of Hill Top Lane onto Chorley Old Road. The operator agrees that the preferred HGV routeing is turning right onto Chorley Old Road towards Radburn Brow and the A6 due to the ease of access and less constricted road for the majority of the journey, regardless of any planning restrictions. The recommended conditions would be a precautionary approach and as a minimum would reduce the likelihood of HGVs meeting each other through narrower sections of Chorley Old Road.

The proposed development includes extraction of rock from a sandstone block. However, this material would be used as drainage and restoration material and would not be taken off-site. A condition is recommended in this respect.

Historically, there have been complaints and objections in relation to vehicle movements from the quarry. There was reliance historically on one wheel bath and this was increased to two along with a better surfaced internal road. Nevertheless,

mud and dust episodes still occurred occasionally. To overcome this risk, the applicant is now proposing to provide a defined surfaced area of the site for deliveries only and no HGVs would access the earthworks area of the site to tip imported materials. With this method of operation, HGVs should not be exposed to mud or dust from the site and therefore should reduce the likelihood of tracking mud onto the highway.

Concern has been raised that the route of HGVs via Radburn Brow may not be appropriate as there is a weight restriction for the bridge over Carr Brook. However, records indicate that this is not the case.

Overall, with regards to highway matters, and in view of the demonstrated need for the proposed development it is considered that the likely impact of HGVs would be acceptable subject to a condition controlling vehicle numbers and other highway matters.

### ***Water Management***

Surface water at the site has traditionally infiltrated into the ground or flowed into a centrally located pond and gully. From there surface water has been pumped off site into a drain at Hill Top Lane. There has been an ongoing issue regarding surface water flooding at the corner of Hill Top Lane. Water occasionally spills out of a gully and flows over Chorley Old Road and then down Hillside Crescent leading to hazardous conditions and deterioration of the road surface.

Following recent investigations it appears that a scheme for improvements to Hill Top Lane, including kerbing and drainage was approved under the provisions of planning permission 09/96/234 relating to the quarry and landfill. There are no flow restrictions on the volume of surface water that can be discharged from the quarry into the gully and there are currently no blockages and therefore the drainage arrangements may be undersized at higher discharge rates. The proposed development would involve the loss of the existing pond ditch arrangement as ground levels would increase to provide the development platform. Alternative drainage arrangements would be required on site and a new drainage pond has been proposed close to the site entrance. Further assessment of the surface water management arrangements, flow restrictions and suitability of discharge points is required and consequently a condition is recommended to cover this issue. The Environment Agency and Canal and River Trust have raised no objection.

### ***Protected Species, landscaping and Habitats***

The existing site includes a section of exposed sandstone cliff face to the east, a land slipped area to the north, and a large slope and depression comprising imported soil based material. There is a range of vegetation types including, scrub, bramble scrub, rank grassland and tall-herb vegetation, unmanaged grassland and very locally abundant heather. A bat assessment has been undertaken to examine whether there is evidence of bats in the cracks and fissures of the rock outcrops and cliff faces and also in trees and scrub. No evidence of bats was found.

Outline permission is in place for residential development following the creation of a suitable platform that would be achieved through this application. In the event that residential development does not take place in future there still needs to be an appropriate restoration and landscaping scheme for the whole of the site. The applicant has proposed an outline landscape masterplan that includes a grassland area on the lower platform (that could become houses, garden and estate roads) and a peripheral area of native tree and shrub planting, wetland planting, heather rich lowland acidic heath and restored farmland to the north. The principle of the masterplan is considered appropriate and would satisfactorily replace the habitats that have emerged through natural regeneration but would be lost as a result of the earth works. However, a condition is recommended to address the finer details of the working and restoration scheme to require details of soil types, soil placement, tree and shrub planting, habitats, and aftercare.

### ***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.

### **Conclusion**

The proposed development would allow the site to be satisfactorily stabilized and restored. The proposed restoration levels and landscaping works should result in a sustainable environment for the local area regardless of whether or not the outline planning permission for residential development is taken forward. The proposed operations would be unlikely to generate unacceptable levels of impact on neighbouring residents in terms of noise, air quality issues, highway matters or the environment. Subject to recommended conditions the proposal would comply with the policies of the National Planning Policy Framework and the Development Plan.

### **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.*

2. The mining, landfilling and earthworks operations authorised by this permission shall cease not later than 12 months from the date of commencement of development. Thereafter, the site shall be finally restored and landscaped in accordance with the conditions to this permission within a further 12 months.

*Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

3. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

*Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

### **Working Programme**

4. 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 form dated 6th December 2017

b) Submitted Plans and documents:

Location Plan - Land at Little Quarry (dated 17/05/2016)

Drawing no. 001 - Indicative Volumetrics Plan

Drawing no. 002 - Proposed and Existing Section Location Plan

Drawing no. 002 - Isopachyte Between Topographical Survey and Final Finished Levels Plan

Drawing no. 003 - Proposed and Existing Cross Sections

Drawing no. 005 - Proposed and Existing Section Location Plan (Eastern Boundary)

Drawing no. 005 - Proposed and Existing Cross Sections (Eastern Boundary)

c) All details 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 policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 29 of the Central Lancashire Core Strategy, and Policies BNE1, BNE9 and HS1 of the Chorley Local Plan.*

5. No mining operations, landfilling or earthworks shall take place except between the hours of:

0730 to 1800 hours, Mondays to Fridays

0800 to 1400 hours on Saturdays

No mining operations, landfilling or earthworks 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 and Policy EP20 of the Chorley Local Plan.*

6. No trees or hedgerows shall be removed and no mineral operations, landfilling or re-profiling works shall take place during the bird-breeding season between 1 March and 31 July inclusive unless any trees or hedgerows or ground areas of the site have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation or ground to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

*Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

7. No minerals shall be exported from the site.

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

8. No materials other than uncontaminated soils for restoration shall be imported to the site in accordance with condition 22.

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

9. No heavy goods vehicles, as defined in this permission, shall turn left out of the site exit. Signage on the site prohibiting a left turn out of the quarry shall be provided at all times during the development while heavy goods vehicle movements are taking place.

*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*

10. No heavy goods vehicles, as defined in this permission, that leave the site, shall turn left from Hill Top Lane onto Chorley Old Road, Whittle-Le-Woods. Signage on the site advising of this restriction shall be provided at the egress

from the site at all times during the development while heavy goods vehicle movements are taking place.

*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*

11. No more than 25 heavy goods vehicles, as defined in this permission, shall exit the site in any one day during Mondays to Fridays, inclusive (except Public Holidays). No more than 12 heavy goods vehicles shall exit the site on Saturdays. No such vehicles shall exit the site on Sundays or Public Holidays.

*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.*

12. No development shall commence until details of measures to prevent mud, debris and dust being tracked out of the site have been submitted to and approved in writing by the County Planning Authority. Thereafter, the approved measures shall be employed for the duration of operations when heavy goods vehicles enter or leave the site.

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

13. Noise emitted from the site shall not exceed 55 dB Aeq (1 hour) (free field), as defined in this permission, when measured at any occupied neighbouring property.

*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.*

14. The noise limits set out in the preceding condition shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds and bunds and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) when measured at any occupied neighbouring property. For these activities the 55dB LAeq (1 hour) (free field) limit shall not be exceeded for more than 51 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 Joint Lancashire Minerals and Waste Local Plan.*

15. Where reversing alarms are employed on site on mobile plant, vehicles and equipment, 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 to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

16. Measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

*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.*

17. No development shall commence until details of a surface water sustainable drainage system have been submitted to and approved in writing by the County Planning Authority. The details shall include:
- a) Information about design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), surface water discharge point(s) and the methods employed to delay and control surface water discharged from the site.
  - b) Demonstration that the surface water run-off will not exceed greenfield runoff rate.
  - c) Details of flood water exceedance routes, both on and off site.

The approved surface water sustainable drainage system shall be implemented prior to the importation of soils and thereafter operated and maintained during the development and aftercare of the site subject of this permission.

*Reason: To seek to ensure that drainage from the site can be adequately controlled and to minimise flood risk before development commences, and to conform with Policy 29 of the Central Lancashire Core Strategy.*

18. 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 29 of the Central Lancashire Adopted Core Strategy.*



19. All foul drainage shall be discharged to a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site to a licenced disposal facility.

*Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land, and to conform with Policy 29 of the Central Lancashire Adopted Core Strategy.*

20. 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.

*Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land, and to conform with Policy 29 of the Central Lancashire Adopted Core Strategy.*

21. Secure stock-proof fencing, walls and/or gates shall be erected around the site boundary and maintained throughout the period of mineral extraction, landfilling, restoration and aftercare.

*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.*

22. No restoration materials shall be deposited temporarily on any part of the site at a level more than 3 metres above the proposed levels shown on drawing no. 002, rev 3 - Proposed and Existing section Location Plan.

*Reason: To ensure satisfactory restoration of the site and safeguard the amenity of the local residents and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

23. A topographical survey of the site relating to the completion of mining, and landfilling and re-profiling operations shall be submitted to the County Planning Authority within two months of the completion of mining, landfilling and re-profiling operations. The survey shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum.

*Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

24. Notwithstanding the information shown on the submitted Landscape Masterplan, no development shall commence until details of the working, restoration, landscaping, and aftercare of the site have been submitted to and approved in writing by the County Planning Authority.

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 mineral excavated areas;
- 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;
- f) The methods to be employed to promote normal plant growth;
- g) Full detail of habitat establishment (including details for bat boxes), and management methods.
- h) The maintenance and aftercare 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 restoration and aftercare of the site shall be carried out in accordance with the approved details.

*Reason: The development is a restoration scheme to be completed in a short timeframe and therefore details are required prior to the commencement of development to secure the proper restoration of the site and to ensure and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.*

25. 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 conditions of permission for a period of five years.

*Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.*

## **Definitions**

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

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

## **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/telephone
LCC/2017/0095	April 2018	R Hope/01772 534159

Reason for Inclusion in Part II, if appropriate

N/A