

Development Control Committee Update – 23 May 2018

Item 4 - Application LCC/2017/0040 - Tarnacre Quarry

Presentation by Mr Paul Flintoff

Mr Paul Flintoff, a local resident, gave a half hour presentation on 21st May 2018 under the County Council's public speaking protocol for Development Control Committee.

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 issues that Mr Flintoff raised are summarised as follows:-

- 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 contained 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.

Advice

Mr Flintoff has made lengthy representations as part of the planning application and which cover similar issues to those raised in the presentation. The section of the report titled 'other issues' addresses the comments he makes.

It is important to note the proximity of the quarry to his property and there is clearly potential for impacts to occur – notably noise and dust. However, conditions can be imposed to control such impacts and which should be effective if properly applied. It is considered that both noise monitoring exercises that have been carried out have been undertaken properly and have demonstrated that noise is below the permitted level. It should also be noted that both monitoring exercises were undertaken close to the boundary with the quarry rather than at the residential property itself where noise would have been even lower.

In relation to the flooding issues, this site is in a flood risk area and therefore it is to be expected that this general area will flood in response to particular rainfall events. What is important is to ensure that the design of the quarry does not increase flood risk to particular properties by preventing flood waters from taking their normal path. The application incorporates a flood risk assessment which has informed a revised site design. The layout of soil mounds is now such that they should not impede the passage of flood waters from the watercourses which run through and are adjacent to the site and therefore flood risk to adjacent properties should not be increased. It is also the case that the effect the quarry development should be to increase flood storage capacity by providing voids into which flood water can flow.

Item 5 - Application LCC/2017/0095 – Little Quarry

Site Visit

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

Consultee update

Environment Agency - The surface water run-off from the proposed development should be discharged in accordance with the EA's regulatory position statement for temporary dewatering from excavations to surface water.

Based on the conclusion of the flood risk assessment (FRA), it is understood that a detailed drainage strategy will be developed for the site at a later date. Given the nature of the proposed development, the applicant should have regard to the potential quality of surface water run-off from the site. The discharge of contaminated run-off to controlled waters will require an Environmental Permit where it does not comply with the conditions of the regulatory position statement

Advice

The planning officer was aware of the Environment Agency's likely position and conditions are already recommended to account for this. See conditions 17 and 18. A note is also attached to the report with reference to the need to obtain the relevant statutory consents where necessary.

Recommended conditions update

A number of minor changes have been made to the submitted plans to clarify proposed re-profiling of the eastern rock outcrop. It is recommended that the proposed conditions be amended as follows:

Condition 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, P1 – 21.5.18
Drawing no. 003 - Proposed and Existing Section Location Plan, P1 – 21.5.18
Drawing no. 004 - Proposed and Existing Cross Sections, P1 – 21.5.18
Drawing no. 005 - Proposed and Existing Section Location Plan (Eastern Boundary), P1 – 21.5.18
Drawing no. 006 - Proposed and Existing Cross Sections (Eastern Boundary), P1 – 21.5.18

- 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.

Condition 22 shall read as follows:

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. 003 - *Proposed and Existing section Location Plan*, P1 – 21.5.18.

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.

It is recommended that condition 24 be amended to include an additional sub paragraph requiring details of final restoration contours of the site in general accordance with drawing no. 003 – *Proposed and Existing Section Location Plan*, P1 – 21.5.18 to provide more localised detail at an appropriate scale.

Condition 24 shall read as follows:

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) Final restoration contours of the site shown at 1m intervals on a drawing at a scale not less than 1:1250 in general accordance with the details shown on drawing no. 003 – *Proposed and Existing Section Location Plan*, P1 – 21.5.18.
- e) The provision and management of silt traps, lagoons and water areas;
- f) Types of native trees, shrubs and plants, seed specification and planting densities;
- g) The methods to be employed to promote normal plant growth;
- h) Full detail of habitat establishment (including details for bat boxes), and management methods.
- i) The maintenance and aftercare of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- j) 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.