

**Development Control Committee**  
Meeting to be held on 21st October 2020

Electoral Division affected:  
Lancaster Rural East

**Lancaster City: Application number LCC/2019/0040**  
**Variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling from 30 June 2023 to 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.**

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### **Executive Summary**

Application – Variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling from 30 June 2023 to 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

The proposed development is subject to Environmental Impact Assessment (EIA) and the application is accompanied by an Environmental Statement and Non-Technical Summary.

### **Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that subject to the applicant entering into a Section 106 Agreement regarding HGV routing and an extension of the aftercare period to a total of 15 years, that planning permission for the variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling, be **granted** subject to conditions controlling: time limits, hours of working; site operations; phasing of interim and final restoration; proposed final tipping levels; soils and overburden; noise and dust; highways; landscaping; floodlighting; control of water pollution prevention measures; drainage; restoration; aftercare and monitoring.

### **Applicant's Proposal**

The application is for the variation of condition 1 of planning permission 01/08/0629 relating to the landfilling and the subsequent final restoration of Ellel Crag Quarry.

Condition 1 requires the mining and landfilling operations authorised by this permission to cease not later than 30 June 2023 with the site being progressively restored in accordance with the conditions of the permission by 30 June 2024, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

The application seeks to vary condition 1 to extend the time period for the completion of landfilling until 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner.

The application is accompanied by an Environmental Statement that has been prepared to report the findings of an Environmental Impact Assessment for both this planning application together with applications for an extension in time for the inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant (ref LCC/2019/0041) and another proposal for an easterly extension of the quarry (ref. LCC/2019/0030)

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

Ellel Crag Quarry is a former sandstone and shale quarry that has planning permission for landfilling with inert and non-hazardous waste, although it is only inert waste that is now being landfilled. The site is located in open countryside on the east side of Bay Horse Road approximately 7km to the south of Lancaster City Centre. Access to the quarry is from Bay Horse Road via a simple priority junction. The access comprises a 160m long concrete road that leads to the quarry weighbridge with the associated quarry office, car park and administration building set back slightly to the south.

The landfill area occupies approximately 80% of the total quarry area, with the remaining 20% being an inert waste transfer and recycling facility to produce aggregates, and wood shredding/chipping operation with associated drying plant for the production of biomass, that takes place on the partially restored north side of the landfill site. A wheel wash is to the south of this area.

The surrounding landscape is mainly comprised of agricultural fields with individual farmsteads, dwellings and small villages. The eastern boundary is raised along the active landfill site due to overgrown stockpiles of stored soils removed for the creation of the quarry, while the remaining boundaries consist of belts of mature and semi-mature trees that help to screen the site.

The derelict Ellel Crag Farmhouse is located just outside the south-east corner of the site. The nearest residential properties are located 500 metres to the east at Middle Crag Farm, 500 metres to the south at Newland Home Farm and 300 metres to the west at Borbles Hall along Bay Horse Road.

The development would not directly affect any area subject to statutory landscape or ecological designations although the site is around 2km from the boundary of the Forest of Bowland Area of Outstanding Natural Beauty. Brunstow Wood Biological Heritage site is located some 230 metres to the north-west of the application site.

The majority of the internal site access road from Bay Horse Road is also a Public Right of Way (ref. 1/13/FP36) until a point between the vehicle parking area and the quarry office when it diverts south along the eastern site boundary and through the belt of mature trees along the southern boundary at which point it has been diverted away from the derelict farmhouse to join Starbank Lane.

## **Background**

Ellel Crag Quarry has a long history of quarrying and waste management activities. Planning permission was originally granted in 1948 for the quarrying of sandstone and tipping of inert waste at the site.

Planning permission was granted in 1986 (ref 1/85/413) for the continuation of sandstone and shale extraction and restoration of the site by tipping of inert fill materials. This permission was modified in 1992 to allow the southern area of the quarry to be infilled with non inert (household and commercial waste).

Further permissions were granted in 2001 (refs 1/97/286 and 287) to amend the timescales for landfilling contained in the 1992 permission and for a minor easterly extension of the quarry.

Planning permission (ref. 01/08/0629) was granted in 2013 for the variation of condition 1 of permission 01/97/0286 and 01/97/0287 to amend the duration of the landfill operation from 30 June 2013 to 30 June 2023. This permission was subject to a Section 106 Agreement relating to HGV routing, the payment of £11,600 towards the construction of a new footway, and an extension of the aftercare period to a total of 15 years.

In 2008 planning permission was refused to vary condition 26 of permission 1/97/286 to allow up to 80 HGVs to leave the site in any one day.

Planning permission (ref. LCC/2016/0001) was granted in 2016 for the change of use from restored landfill site to inert recycling facility to include the recycling of wood products including installation of two bioenergy 1MW boilers in existing building with associated wood recycling and drying for fuel.

There are two other current planning applications relating to this quarry which are reported elsewhere on this agenda. One is for a time extension of LCC/2016/0001 and the other (ref LCC/2019/0030) is for an easterly extension of the quarry.

## **Planning Policy**

### *National Planning Policy Framework*

Paragraphs 1 – 4, 7 - 12, 38, 47, 54 - 55, 80, 82 - 84, 102 - 103, 108 - 111, 117 - 118, 122, 124, 127 - 128, 131, 170, 180, 183, and 212 - 213 are relevant with regard to the following: Introduction; Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications, and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport –

considering development proposals; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – ground conditions and pollution; Conserving and enhancing the historic environment – proposals affecting heritage assets, and considering potential impacts; and Annex 1: Implementation.

*National Planning Policy Framework Planning Practice Guidance*

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

*National Planning Practice Guidance*

*Waste Management Plan for England*

*National Planning Policy for Waste*

*Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document*

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 – Site Allocation 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
Policy WM1	Capacity of Waste Management Facilities
Policy LF2	Sites for Inert Landfill

*Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM7	Economic Development in Rural Areas
Policy DM21	Walking and Cycling
Policy DM23	Transport Efficiency and Travel Plans
Policy DM25	Green Infrastructure
Policy DM27	Protection & Enhancement of Biodiversity
Policy DM28	Development and Landscape Impact
Policy DM29	Protection of Trees, Hedgerows and Woodland
Policy DM35	Key Design Principles
Policy DM39	Surface Water Run-Off and Sustainable Drainage
Policy DM40	Protecting Water Resources and Infrastructure

## **Consultations**

Lancaster City Council – Object. The site is in the open countryside with Public Rights of Way running adjacent to the quarry. The applicant should share additional information to show at current forecasts of fill rate how long the site will take to restore.

Ellel Parish Council – Object. The time extension to the quarry is not needed and the inert waste filling will not be able to be assessed or monitored daily. There could be waste materials that could be detrimental to the land if it leaches out on to farmland.

Lancashire County Council Highways Development Control – No objection. Having considered the applicant's additional highways and traffic information, Highways consider that the applicants proposed increase in HGV movements would not result in a severe impact on highway safety or capacity.

Environment Agency – No objection. Advice points were made relating to Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

Jacobs UK Ltd (Landscape advice) – No objection. The application is acceptable in relation to the assessment of landscape and visual impact issues arising from the proposed works. However, further clarification should be sought to understand the proposed earthworks and final restoration details, and these need to be submitted to the Local Planning Authority prior to determination or where appropriate agreed as pre-commencement conditions.

Jacobs UK Ltd (Ecology advice) – No observations received.

Natural England – No objection.

Lead Local Flood Authority – No objection.

Lancashire County Council Specialist Advisor (Archaeology) – No objection.

Historic England – No objection.

United Utilities – No objection.

Public Rights of Way – No observations received.

National Grid Gas and Electricity – No observations received.

Electricity North West – No observations received.

Cadent Gas – No observations received.

Representations - The application has been advertised by press and site notice, and 84 nearby addresses informed by individual letter.

A total of 19 representations objecting to the application have been received. The following text is a summary of the representations that have been received. It should be noted that many of these comments relate to all three current applications at Ellel Quarry and are not necessarily particular to this planning application.

### *Traffic*

- The quarry extension would increase the number of large commercial vehicles on the small country lanes that have to be used to access the quarry. These roads are already used by at least six businesses with articulated lorries and large farm vehicles moving in and out of the area on a daily basis. The levels of traffic are and will be unsustainable on the small country lanes in the area that were not intended to be used by large commercial vehicles.
- The state of the roads and particularly the junctions has deteriorated drastically as a result of the additional traffic that has increased significantly over the past few years. Further rapid deterioration will occur if more quarry traffic is added to these roads.
- Grass verges and their associated benefit for small wildlife and insects are damaged as the country lanes are not wide enough to accommodate lorries, and especially when they meet each other travelling in opposite directions. The churning up of the grass/mud in the verges causes muddy water to run down the side of the road when it rains. This has resulted in the grids getting blocked and roads flooding.
- The mud and mess on Bay Horse Road through the wetter months is unbelievable. The road becomes a mud track at times and often there are boulders in the road that have fallen from trucks.
- Two of the three junctions from the A6 (adjacent to junction 33 roundabout) will need widening to cope with the wagons. In particular, two wagons cannot pass each other adjacent to the A6 junction, traffic backs up and wagons pull onto our car park (on Hampson Lane) to avoid each other.
- All lorries will exit Hampson Lane onto the A6, the majority of which will turn right. This junction is located only 50 yards from the A6 roundabout that helps to serve the M6 junction 33 roundabout. Vehicles exit this roundabout at speed and it is only a matter of time before a serious accident occurs as vehicles turn onto the A6 from Hampson Lane. This risk will increase if the operation time extends to 2038 and traffic volumes increase.
- The number of trucks transferring inert waste to the quarry is often more than is permitted.
- There are issues of noise and speed associated with trucks as they travel along the narrow lanes between the A6 and the quarry. This is especially the case on Hampson Lane and Stoney Lane where trucks are unable to pass each other and other vehicles safely. There have been times that, as a car user, I have had to pull over by means of an emergency manoeuvre on the embankment on Stoney Lane to avoid a head on collision with oncoming earth moving HGVs at speed. Furthermore, there are no pavements on these lanes making it especially dangerous for pedestrians. The speed of these trucks, especially when empty when returning from the quarry, is quite frightening and dangerous for residents

driving out from their homes. This is the case along Stoney Lane in the hamlet of Bay Horse. The hamlet is situated between two sharp bends that drivers find difficult to negotiate especially when trucks are travelling in opposite directions.

- In addition to the quarry traffic, there are also large container lorries travelling to and from the cold storage units located at Whams Lane. All of this traffic movement has severely damaged the road causing multiple potholes and a poor surface area that detrimentally affects private vehicle travel. Stoney Lane must be regularly maintained with signage, e.g. (SLOW), road markings and a noticeable speed limit sign, all of which do not exist. Widening of the road should be a definite consideration.
- A combination of narrow lanes, bends and no pavements is a serious accident waiting to happen.
- As a resident of Hampson Lane, I have had to put up with heavy lorries coming up and down the lane right past my home for over 40 years. Earlier on, stone was being extracted from the quarry and carted away. Residents were led to believe that when the extraction finished there would only be minimal quarry traffic coming up and down, but residents have had to continue to put up with these heavy lorries associated with the filling of the quarry.
- The lorries and the extra traffic damage the country lanes. Hampson Lane is becoming void of its grass verges and the lane is getting wider as the drivers continually make matters worse by driving on the grass verge and the footpath: this is particularly the case at the junction of Hampson Lane and Stoney Lane.
- Serious thought must be given to put measures in place to mitigate the current traffic issues, including, the extension of pavements on Hampson Lane and Stoney Lane, traffic calming measures and speed restrictions.
- The old Ellel Farmhouse is located adjacent to and is accessed on a 90 degree bend from Starbank Road which is an unsafe place to join a minor road. Any increase in the amount of traffic will have an impact on the daily life in the area with increased noise and air pollution to name a couple. This lane is also used by children and families to walk and cycle to school, so any extra heavy vehicles on this piece of road could put lives in danger. This will also be the case at the junction at Five Lane Ends, where there would be an increase in heavy traffic and where children have to cross an already busy junction to get on and off the school bus. The danger from lorries refers to the use of all the country lanes by pedestrians. Even the section on Hampson Lane where the road is wider on the bridge over the motorway, and where there are pavements on both sides of the road, lorries have mounted the pavements and caused them to crack in several places.
- There have been two serious accidents on Bay Horse Road in the last 12 months, one of which resulted in the death of a child, so additional commercial traffic of this nature can only have a detrimental effect on road safety. The junction of Five Lane Ends is already an accident black spot and any increase in traffic will increase this risk.
- The roads in the area are used by horse riders. The roads are part of the National Cycle Network and are regularly used by individual and groups of cyclists not just at weekends but all through the week. It will be extremely dangerous for these road users when they meet quarry traffic.

*Ecology*

- The development will have a detrimental impact on the natural environment and the wildlife currently residing in and around the quarry. The habitats of corvids will be lost. The peregrine falcon has now gone due to disturbance from work that has been carried out during the nesting season.

#### *Water provision*

- There is no policing of what actual 'inert waste' goes into the current quarry that may have an effect on groundwater.

#### *Dust, air quality*

- In the summer the lorries cause large amounts of dust as they drive in the hedge bottom, particularly when passing each other and, in the winter, we have to put up with the muddy potholes. Air pollution will also increase.

#### *Planning policy*

- The planning authority should take into account the criteria of Policies E4 and E20 of the Lancaster Local Plan, and Policies SC3, SC5 and E1 of the Lancaster Core Strategy, that seek to ensure that any development in the countryside makes a positive contribution to the rural landscape.

#### *General comments*

- The landfill has been in place for years and to date only a small fraction of the quarry has been infilled.
- Any extension that is granted should be for no more than 5 years and only for use of the existing quarry without the need for expansion or changes to the lorry volumes and patterns. The time extension being applied for is excessive.
- The finite time available for using the quarry has been known for years and so it is not reasonable to keep extending the date further into the future.

Dolphinholme Neighbourhood Planning Group (a sub-committee of Ellel Parish Council) object to the application for the following reason:

- The current two planning approvals (permissions 01/08/0629 and LCC/2016/0001) for the site require that the edge of the quarry would be landscaped to woodland by 2023. On this basis, restoration and landscaping activities should be commencing shortly, and the ruined building of Ellel Farmhouse would be developed at the same time. The proposed physical extension of the quarry under application LCC/2019/0030, and the proposed extension in the lifespan of the existing developments under applications LCC/2019/0040 and LCC/2019/0041, contain major changes from this position and, hence, will have an impact on the lives of those living closest to the quarry at Starbank Lane, Dolphinholme.

The Lancaster Group of the Ramblers Association refer to three very long-standing and serious public right of way problems on this site, as follows:



- The maps for Footpath Ellel 36 as shown in the planning applications is not the legal route, which is obstructed. The exit to the road of this route is dangerous, as is the walk up the road to the corner.
- Footpaths Ellel 36 and Ellel 37 to the west of the quarry have had problems in safe and easy passage. Consequently, new routes were introduced as permitted routes and an Application for Public Path Modification Orders made in 2008. These Orders have not yet been made after many years.
- Footpath Ellel 36 has its east end at the road corner by the ruined building of Ellel Farmhouse. At one time there was active quarrying and a danger in the area of the former farm buildings but, more recently, the buildings have been used by the quarry so there appears to be no reason not to open up the legal line of this section of the footpath that is safe with good visibility in both directions where the traffic is slow. The legal route is therefore far more preferable.

## **Advice**

Ellel Crag Quarry is a former sandstone and shale quarry that has planning permission for landfilling with inert and non-hazardous waste. However, to date the site has only be used for the landfilling of inert wastes and it is the applicant's intention that this would continue throughout the remainder of the development.

Landfill operations are currently undertaken under planning permission 01/08/0629, condition 1 of which requires the mining and landfilling operations to cease not later than 30 June 2023, with the site being restored by 30 June 2024, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

Although planning permission to landfill the quarry has been in place for many years and has been renewed several times, the landfill activities have only commenced at the site in recent years. This was mainly due to the site changing ownership a number of times and a landslip affecting the eastern side of the site which had to be addressed prior to an Environment Agency permit being obtained. Although a significant volume of inert waste has been landfilled in the quarry, there is now insufficient time within the existing permission to complete the landfilling of the existing quarry. A time extension is therefore required to allow the operations within the existing quarry to be completed and the site restored.

The applicant has also submitted a planning application for the easterly extension of the quarry (application ref LCC/2019/0030). A report in relation to this application is included elsewhere on this agenda. If the extension application is approved, it would require the use of several parts of the existing quarry including the access road and areas of the existing landfill to be retained until the completion of restoration in the extension area which is proposed to be by 30<sup>th</sup> June 2038.

This application raises a number of planning policy issues regarding the ongoing need for landfill capacity, the environmental impacts arising from the continuation of the development over a longer period than was originally permitted, and the restoration and afteruse of the site.

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 necessary to take into consideration the relevant policies of the Development Plan and 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 Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One and the Lancaster City Local Plan.

The National Planning Policy Framework seeks to build a strong, competitive economy by ensuring planning decisions help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges for the future. Planning decisions should recognise and address the specific locational requirements of different sectors so as to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It should also be recognised that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. The use of previously developed land should be encouraged where suitable opportunities exist.

Paragraph 170 of the National Planning Policy Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside.

Paragraph 205 states that, in terms of minerals and waste planning, this means that worked land should be reclaimed at the earliest opportunity to high environmental standards through the application of appropriate conditions.

Policy DM7 of the Lancaster City Council Local Plan supports proposals for economic development within rural areas which maintain and enhance rural vitality and character where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. This includes economic development which is appropriate in scale and nature. This includes essential operations for allocated waste management facilities where there is a proven and justified need.

The general thrust of these policies is therefore that development in the countryside should be strictly controlled. Where minerals developments are necessary, they should be restored as early as possible so that the land is reinstated to a beneficial use that is appropriate to a rural area.

Ellel Crag Quarry has had a long history of quarrying and waste management activities and has an existing planning permission for the landfill of inert waste. There

is still a demand for inert waste tipping space and therefore this proposal would ensure that the landfill space at the site continues to be available for the management of such wastes and also to enable the proper restoration of the former quarry.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource and to ensure that provision will be made for the minimal amount of new landfill capacity for the disposal of residues from the treatment of all wastes where no further value can be recovered. Policy CS8 of the Lancashire Minerals and Waste Core Strategy and Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure an adequate provision of suitable waste facilities, including landfill and waste recycling activities, across the county to ensure that waste can be managed as a resource.

Policy LF2 of the Joint Lancashire Minerals and Waste Local Plan supports landfilling of inert waste that cannot be recycled or recovered at two named sites: Scout Moor Quarry; and land to south of Jameson Road Landfill, formerly used for deposit lagoons. The policy is intended for the assessment of new inert landfill sites whilst allowing for the suitable restoration of quarries and landfills through the tipping of inert materials that may otherwise be recyclable. The policy seeks to drive an increase in inert waste recycling and reuse by restricting the tipping of recyclable inert waste. However, the important point is that Ellel Crag Quarry already has permission to operate as a landfill site. Policy LF2 is intended for the assessment of new inert landfill sites and therefore is not directly relevant to the current application.

The permitted void space at this site is already factored into the calculation of available landfill space in Lancashire. There will be an ongoing demand for inert waste disposal in this area of Lancashire which this site would satisfy. In principle, the proposal to continue the landfilling of active and inert waste types at Ellel Crag Quarry is supported by the above policies. It would be possible to achieve adequate restoration of the unfilled areas of the site at a lower level through importation of a much reduced volume of inert waste but the site would then make a reduced contribution towards the local need for landfill space in this area of Lancashire. For these reasons, it is considered that there is a policy justification to allow the continuation of the landfill activities at this site.

The Environment Agency have provided information to advise that, at current infill rates, the landfill operations within the existing quarry would be complete in 5 years. As the existing permission requires landfilling to cease by 2023, a time extension is required regardless of the outcome of the extension application and with this in mind, it is considered reasonable to extend the current permitted dates for the landfilling. If permission is not granted for the extension, conditions can be attached to any permission which provide for the longer period required to complete landfilling operations within the existing site and for the site to be restored.

## Highway Issues

In relation to highway matters, the site is accessed from the east side of Bay Horse Road. A condition currently restricts HGV movements from the site to a daily limit of 60 HGV departures on weekdays and 30 HGV departures on Saturdays. There is a

HGV routing control through a section 106 agreement which requires all HGVs to travel to the A6 via Bayhorse Road, Stoney lane and Hampson Lane, a total distance of 2.7 km. Bayhorse Road emerges onto the A6 a short way south of the A6/ M6 roundabout at junction 33 of the M6.

The applicant has stated that the existing planning condition on HGV numbers is sometimes difficult to comply with as it does not allow sufficient flexibility to accommodate some contracts where inert waste is being moved into the site. There have been some instances where the existing condition of 60 HGVs per day has been breached. To accommodate periods when larger numbers of HGVs are required, the applicant proposes to retain the existing limit of 60 HGVs per day but to include provision to allow an increase of up to 100 HGVs per day on up to 40 occasions in any one year. The highways and amenity impacts of this increase has been discussed at length with the applicant and the applicant has agreed to a condition that would not allow any HGV movements out of the site on Saturdays (with the exception of those associated with maintenance or plant movement which is likely to be a very low number). The removal of the Saturday working and the limitation of the incidence of the 100 HGVs per day would mean that the overall number of HGVs in any one year would be very similar to that which could be undertaken under the existing permission. The applicant has also proposed an additional control to limit the numbers of HGVs in the early morning period.

The applicant has submitted a Technical Note to address the initial concerns from LCC Highways regarding the proposed HGV numbers. The Technical Note includes some junction analysis and suggested maximum numbers of 100 HGVs per week day and 10 HGVs for the peak hours to restrict the movements during the congested traffic periods.

LCC Highways Development Control do not object to a proposed increase in departures from the site from 60 to 100 HGVs per week day, restricted to 10 departures in the am peak (07:00 - 08:30) and 10 departures in the pm peak (16:30 – 18:00), as they consider it would not result in a severe impact to highway safety and/or capacity.

As well as the highway capacity and safety issues, it is also important to consider the amenity issues arising from any changes in the pattern or number of HGV movements. The roads affected by the traffic from this site are all C class roads. Bay Horse Road is also part of the National Cycle Route network.

In terms of the impact on residential properties along the roads used by quarry traffic, there are approximately 16 properties affected. These are comprised of 4 properties at Five Lane Ends, 8 properties accessed off Stoney lane, four properties on Hampson Lane and two properties at the junction of Hampson Lane and the A6. Most of these properties are larger houses that are set back from the carriageway. Any increase in the volume of HGVs has the potential to increase the impact on the amenity of these properties through noise and vibration. However, the increase above the existing permitted level would be restricted to 40 days in any one year and the additional impacts would be balanced by the removal of HGVs on Saturday morning when residents are more likely to be occupying their homes. Given that the overall numbers of HGVs would be similar to those currently permitted, it is not

considered that the proposed changes to the condition controlling HGV movements would have an unacceptable impact on local amenity.

In 2008, the County Council refused an application (ref 1/08/125) at this site to increase the daily movement of HGVs out of the site to 80 per day on Monday to Fridays and 40 on a Saturday. The proposal was considered to be detrimental to the amenity of local residents and the safety and amenity of other highway users including pedestrians, cyclists and horse riders. This decision was not subject to an appeal but it is nevertheless important to have regard to it during consideration of the current proposal. However, it is important to note that this proposal would have permitted up to 80 HGVs on every day and up to 40 HGVs on every Saturday. There are therefore important differences between that decision and the highway controls that are being proposed by the applicant as part of the current application. In particular, the removal of HGVs on Saturdays will offset some of the impact on local residents and also users of the National Cycle Route as this is most likely to be used at weekends.

Planning permission 01/08/0629 was subject to a Section 106 Agreement dated the 24 April 2013 which contained provisions relating to HGV routing. The route contained within the existing agreement continues to the most suitable route and with this in mind, the Section 106 Agreement provisions related to HGV routing should be re-applied to any new planning permission that is granted. With such controls, the continuation of the landfill activities over a longer timescale is considered to be acceptable in relation to highway safety and local amenity and complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The existing landfill site is very well screened by the contours of the surrounding land and the extensive woodlands and tree planting belts that surround the existing site. Undertaking the landfill activities over a longer timescale than currently approved would therefore not have any unacceptable visual impacts provided that the site is adequately restored and landscaped following completion of landfilling. This can be the subject of suitable planning conditions. The existing site is also sufficiently distant and screened from the nearest properties that there would be no adverse amenity impacts from noise or dust from the landfill activities being undertaken over a longer period than currently permitted. The proposal is therefore considered to be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

A derelict former farm house is located on land directly to the east of the existing quarry. The existing planning permission contains a condition which requires details to be submitted for the future of this building in order to address proposals contained in a previous permission providing for this building to be used as an office / laboratory in conjunction with the landfill operations. The applicant has submitted details of the building works that would be undertaken to convert this building to this use under the conditions to the existing permission. It is not possible to attach any conditions to the approval of details but there are various matters relating to the conversion and use of this building that require further control including a limitation on the duration of its use and mitigation measures for bats and barn owls which have been identified during the ecological surveys that have been undertaken as part of the quarry extension application. Conditions are proposed to control this aspect of the development.

Planning conditions are attached to the existing permission to control the hours of working, site operations, phasing of interim and final restoration, proposed final tipping levels, soils and overburden, noise and dust, highways, landscaping; floodlighting, control of water pollution prevention measures, drainage, restoration, aftercare and monitoring. Conditions covering these matters should be attached to any further permission, updated as necessary to reflect the fact that the site is now only being infilled with inert wastes.

With the imposition of all the conditions referred to above, it is considered that the environmental impacts of the proposal are acceptable and the development complies with Policy CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and the policies and the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

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. Article 1 of the first protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary in accordance with the law and as is proportionate.

If the application were to be approved with the recommended conditions the development would be unlikely to generate such an impact which would breach those rights.

### **Recommendation**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and subject first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period to a total of 15 years, planning permission be **Granted** subject to the following conditions:

### **Time Limits**

1. The landfilling operations authorised by this permission shall cease not later than 30 June 2038. The site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 30 June 2039, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

*Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies DM2 and LF2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies DM7 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

### **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) Planning Permission 01/08/0629, as amended by Planning Application LCC/2019/0040 received on 10 June 2019.

b) Submitted Plans and documents validated by the County Planning Authority on 10 June 2019 to accompany planning application LCC/2019/0040:

Figure 1 – Location Plan

Figure 2 – Indicative Quarry Development Plan: Existing Site

Figure 3 rev A – Indicative Quarry Development Plan: Proposed Working Scheme

Figure 4 Rev B – Indicative Quarry Development Plan: End of phase 1A

Figure 5 Rev B – Indicative Quarry Development Plan: End of phase 2

Figure 6 Rev B – Indicative Quarry Development Plan: End of phase 4

Figure 7 Rev B – Indicative Quarry Development Plan: End of Phase 6

Figure 8 Rev B – Indicative Quarry Development Plan: End of Phase 8

Figure 9 Rev B – Indicative Quarry Development Plan: End of Phase 10

Figure 10 Rev B – Indicative Quarry Development Plan: Final Restoration

Figure 11 Rev A – Indicative Quarry Development Plan: Sections A-C

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 CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM1, DM2, WM1 and LF2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies NPPF1, DM7, DM21, DM23, DM25, DM27, DM28, DM29, DM35, DM39 and DM40 of the Lancaster City Local Plan 2011 – 2031.*

### **Hours of Working**

3. No soil stripping, mineral extraction, landfill or restoration operations shall take place outside the hours of:

07.00 to 19.00 hours, Mondays to Fridays (except Public Holidays)

07.00 to 13.00 hours on Saturdays

No soil stripping, mineral extraction, landfill or restoration operations shall take place at any time on Sundays or Public Holidays.

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

*Reason: To safeguard the amenity of the local area, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan for 2011 – 2031.*

4. Notwithstanding the provisions of condition 3 above no heavy goods vehicles, as defined in this permission, shall leave the site outside the hours of:

07.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

No heavy goods vehicles shall leave the site on Saturdays, Sundays or Public Holidays.

The provisions of this condition shall not apply to HGVs associated with the movement of plant on or off the site or those associated with maintenance works at the site.

*Reason: To safeguard the amenity of the local area, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

## **Site Operations**

5. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

*Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

6. No waste other than inert construction, demolition and excavation waste shall be deposited at or brought onto the site.



*Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

7. A topographical survey shall be submitted to the County Planning Authority within one month of the anniversary of the date of his permission and at annual intervals thereafter until the completion of landfill operations as defined in this permission. The survey shall have been carried out within 2 months preceding the date of the submission and shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and is contoured at 1 metre intervals, relating to ordnance datum, over all the land where waste has been deposited and where mineral extraction has occurred.

*Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

8. The site shall be the final place of deposit for all waste and no waste shall be removed from the site once it has been deposited within the landfill area.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

9. No waste or other material shall be deposited either temporarily or permanently on any part of the site at a level higher than the final levels of the site shown on Figure 8 rev B Indicative Quarry Development Plan: End of phase 8

*Reason: To safeguard the visual amenity, the amenity of local residents and adjacent properties/landowners and land users and to secure satisfactory restoration and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

10. Within six months of the date of this planning permission, a scheme and programme for the phasing of the remainder of the landfill operations shall be submitted to the County Planning Authority for approval in writing.

Thereafter, the landfill operations shall be phased and restored in accordance with the approved scheme and programme.

*Reason: To safeguard the visual amenity, the amenity of local residents and adjacent properties/landowners and land users and to secure satisfactory restoration and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

### **Control of Noise**

11. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

12. Noise emitted from the site shall not exceed a level of 10 dB(A) LAeq (1 hour) (free field) above the background level when measured from any of the following properties at a point closest to the noise source:

- a) Middle Crag Farm NGR 511 550
- b) Borbles Hall NGR 550 548

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

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

*Reason : In the interests of local amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local*

## **Dust**

14. Measures shall be taken at all times during the development to ensure that no dust or wind-blown material from the site is carried on to adjacent property and which shall include the watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

*Reason: To safeguard the amenity of local residents and adjacent properties, landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031*

## **Highway Matters**

15. Within one year of the date of this permission, a scheme and programme for the upgrading of the existing wheel cleaning measures at the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of replacement wheel cleaning measures to be installed or the upgrading of the existing measures in order to improve the effectiveness of wheel cleaning at the site.

The measures contained in the approved scheme shall be installed within six months of the date of approval of the scheme.

All HGVs leaving the site shall use the wheel cleaning measures installed at the site to ensure that no mud, dust or other deleterious material is deposited on the public highway by HGVs leaving the site.

*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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan 2011 – 2031.*

16. Any internal haul road or private way between the wheel cleaning facilities and the public highway shall, throughout the development, be hard surfaced and drained and kept clear of debris along its entire length at all times.

*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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint*

*Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

17. All vehicles transporting materials 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SC5 and E2 of the Lancaster City Council Core Strategy (2003-2021), and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.*

18. No more than 60 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive associated with the export of minerals or importation of restoration materials.

Notwithstanding the provisions of the above condition, up to 100 HGVs shall leave the site on any one day provided that the number of days when HGVs exceed 60 in any one day is not greater than 40 days in any one calendar year.

The numbers of HGVs leaving the site between 07.00 to 08.30 hours Monday to Friday shall not exceed five in any 30 minute period.

*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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Local Plan 2011 – 2031.*

19. 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 vehicle's weight, 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 at all reasonable times. The records shall be retained at the site for a period of 12 months.

*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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development*

## **Landscaping**

20. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected. This condition shall not apply to trees that are removed as part of any landscape management works.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SC1 and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

21. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare periods.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

22. All hedges and trees forming part of the site boundaries shall be protected from any damage and be maintained throughout the development and aftercare period.

*Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

## **Floodlighting**

23. Any flood lighting used during the operational life of the site shall be angled into the site, downwards, shaded to minimise light spill and only illuminated during the working hours specified in condition 3 unless required to illuminate essential repair activities.

*Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

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

24. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031.*

25. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031.*

26. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031.*

## Restoration

27. By not later than 31 December 2023, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approved in writing. The scheme and programme shall include details of:
- a) The nature of the intended afteruses for the site.
  - b) Details of the materials to be used in the restoration of the site, including types and depths of soil materials to be used as the restoration layer.
  - c) Details for the ripping of soils to relieve compaction.
  - d) Details of cultivation works and other measures to be carried out in order to produce a free draining surface suitable for seeding.
  - e) Drainage of the reclaimed land including the installation of drainage and the formation of suitably graded contours to promote natural drainage measures.
  - f) Details of seeding, including mixes to be used, rates of application and timing of the seeding works.
  - g) Details for the application of fertiliser if appropriate and other methods necessary to promote normal plant growth.
  - h) Details for the planting of trees and hedgerows, including layout of planting areas, numbers of species, sizes and spacings to be used, protection measures and other works to ensure establishment.
  - j) Details for the formation of the lake including the gradients and landscaping of the lake edge
  - j) Details for the routing and construction of a new public right of way across the site.
  - k) Details for the removal of all site infrastructure and buildings, including the site compound, building and offices, leachate and landfill gas facilities, hardstandings, access roads, weighbridges and wheel washes and the restoration of the land occupied by these facilities.
  - l) A timescale for the above works.

The restoration of the site shall be carried out in accordance with the phasing set out in the approved scheme and programme approved under the requirements of condition 10.

*Reason: To secure the proper restoration of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management*

*Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

28. No stockpiling or storage of imported soils to be used for the purposes of restoration shall take place until a scheme and programme detailing the location, area and height of such stockpiles has been submitted to and approved in writing by the County Planning Authority.

*Reason: In the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

### **Aftercare**

29. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the agricultural afteruse of the site shall be carried out for a period of five years. The aftercare works shall be carried out in accordance with a scheme and programme of aftercare works to be submitted by not later than 31<sup>st</sup> December 2025. The scheme and programme of aftercare works shall contain the following information:-

a) Details for the management of the site to promote its agricultural use including details of seeding, grazing, cultivation or cropping

b) Details of fertiliser, lime and other nutrient requirements necessary to promote normal plant growth based upon the results of the soil sampling required by a) above.

c) Details of any other measures necessary to promote the agricultural use of the land including works to relieve compaction, installation of drainage or regrading to alleviate surface ponding, along with the management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water run-off.

d) Details of cropping or grazing regimes to be undertaken on the restored areas of the site.

e) Details for the management of tree and hedge planting including weed control, replacement of failures and maintenance of protection measures.

f) Details of the management of the site to promote the establishment and value of habitat features.

Thereafter, aftercare of the site shall be undertaken in accordance with the approved scheme and programme of aftercare works.



*Reason: To secure the proper aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

31. On the first anniversary of the certification of completion of restoration and at annual intervals thereafter an inspection of restored areas of the site involving representatives of the operator and County Planning Authority shall be undertaken. Within one month of each inspection, a schedule of aftercare works to be undertaken in the following year shall be submitted to the County Planning Authority for approval in writing.

*Reason: To secure the proper aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.*

### **Rebuilding of Ellel Crag Farmhouse**

32. No rebuilding works to the Ellel Crag Farmhouse shall commence until details of bat and barn owl mitigation measures have been submitted to and approved in writing by the County Planning Authority. The details shall include information on the type, location and design of the mitigation measures.

The approved measures shall be installed prior to the Ellel Crag Farmhouse being brought into use.

*Reason: In the interests of ecology and to conform with Policy DM27 of the Lancaster City Local Plan 2011 – 2031.*

33. The Ellel Crag Farmhouse shall only be used as office and administration facilities ancillary to the adjacent quarry and landfill operations and such use shall cease by not later than 30<sup>th</sup> June 2039.

*Reason : To ensure that the use of the building is tied to the duration of the operations at the adjacent quarry and landfill operation and to conform to Policy of the Lancaster City Local Plan 2011 - 2031.*

34. Prior to any rebuilding works commencing to the Ellel Crag Farmhouse, a scheme of archaeological recording shall be submitted to and approved in writing by the County Planning Authority. The scheme shall describe the methods that will be employed to allow a record to be made of the historical significance of the building prior to any rebuilding taking place.

*Reason: In the interests of recording the heritage interest of the building and to conform with Policy DM42 of the Lancaster City Local Plan 2011 -2031.*

## **Definitions**

**Inert Waste:** Waste that will not physically or chemically react or undergo biodegradation.

**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.

**Completion of Restoration:** The date the County Planning Authority certifies in writing that the works of restoration required by condition 27 have been completed satisfactorily.

## **Notes**

The grant of permission does not entitle a developer to obstruct, stop-up or divert the right of way (ref. 1/13/FP36) that is located along the internal site access road from Bay Horse Road, and along and around the perimeter of the site.

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency relating to an Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

Prior to any conversion works taking place to the Ellel Crag Farmhouse, the applicant should contact Natural England in relation to the need for a protected species licence.

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

None

Reason for Inclusion in Part II, if appropriate

N/A

