

**Development Control Committee**  
Meeting to be held on 9 April 2014

Electoral Division affected: Accrington North
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**Hyndburn Borough: Application ref 11/13/0264**

**The extension of Whinney Hill quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities at Whinney Hill Quarry, Whinney Hill Road, Accrington**

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**Executive Summary**

Application – The extension of Whinney Hill quarry (phases 2 to 4) and the restoration by means of infill with inert construction, demolition and excavation waste and ancillary activities at Whinney Hill Quarry, Whinney Hill Road, Accrington. An Environmental Statement has been submitted which considers ground stability, hydrology, hydrogeology, traffic impact, noise and air quality, archaeology, ecology and landscape and visual impact.

**Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, and subject to the applicant first entering into a Section 106 Agreement relating to contributions to highway maintenance, planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, restrictions to limit extraction to Old Lawrence rock, dust, blasting, soils and overburden, vehicular sheeting, protection of nesting birds, annual topographical survey, annual monitoring report, restoration and ground water monitoring.

**Applicant's Proposal**

Planning permission is sought for an extension (phases 2-4) to Whinney Hill, Quarry of approximately 7.5ha to extract 2.76 million tonnes of sandstone over a period of approximately 10 years at current rates of extraction. It is also proposed to import approximately 1.6 million tonnes of construction, demolition, and excavation waste for restoration purposes.

The permitted quarry / landfill site covers an area of approximately 61.1ha; the extension area would extend the site northwards over an area measuring approximately 410m x 200m. The maximum depth of working would be 123m AOD.

The applicant is currently working the site with the benefit of a planning permission granted in 2012 (ref 11/12/0012), referred to as phase one. The sandstone reserves within that area are nearly worked out. It is proposed to extend the quarry by continuing current extraction practices. This involves the creation of working stone benches with the won aggregate being processed on the floor of the quarry with a mobile crusher and stockpiled. Some of the rock would be suitable as block stone. The block stone reserve has been estimated as 56,000 tonnes and would be processed off site at saw sheds.

The applicant has advised that no more than 20 heavy goods vehicles (HGV's) associated with quarrying activities would leave the site in any one hour period between the hours of 07:00 to 17.30 hours Monday- Saturday with no working on Sundays or public holidays (40 movements per hour; up to 500 movements per day). Access would continue to be from Whinney Hill Road.

Following completion of the sandstone extraction, the residual void would be backfilled using previously removed and stockpiled overburden and imported inert waste materials to bring the site back to original ground levels. The applicant has advised that the site would be completed by 2042 to coincide with the approved restoration scheme for the main part of the Whinney Hill Site.

An Environmental Statement (ES) has been submitted as part of the planning application. The ES addresses impacts associated with geology, hydrology, hydrogeology, flood risk and stability, traffic impact, ecology, landscape and visual impact.

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

Whinney Hill Quarry is an existing operational sandstone and brickshale quarry situated off Whinney Hill Road, 1.4 km north of Accrington and 500 metres east of Clayton le Moors. Part of the quarry void is being landfilled with household, commercial and industrial waste. There is an associated landfill gas electricity generating compound accommodating six landfill gas generators, a landfill waste water treatment plant and a household waste civic amenity site similarly accessed off Whinney Hill Road.

The quarry / landfill site is bounded by Whinney Hill Road and residential properties to the west, by a brickworks to the south, the M65 motorway to the north and open countryside to the east. The application site is a 7.5ha area of rough grassland located immediately to the north east of the existing quarry which is crossed by an overhead electricity power line. The southern and western sides of the application site are formed by the existing quarry faces beyond which is a flat quarry floor used for the applicant's stone processing operations beyond which are the areas of active landfill site and brickshale stockpiles. Substantial screening mounds are located between the application site and the M65 to the north.

The nearest residential properties are located some 700m to the east of the application site. There are also some properties located 330m to the south of the quarry access point onto Whinney Hill Road.

The site is located in the Green Belt.

## **Background**

Planning permission for the extension of mineral workings, ancillary operations and restoration by inert landfill was granted in July 1995 (ref 11/94/520).

Planning permission for a revised scheme of land filling of the quarry (referred to as the Global Scheme) was granted on 11<sup>th</sup> January 2011 (ref 11/03/0017). The planning permission was subject to a legal agreement to provide staggered financial contributions for highway improvement works and for an extended aftercare period of 15 years, for advance landscaping around the south east corner of the site and for public access to the site following restoration.

Planning permission for the extension to the existing quarry to win and work stone for building and construction use and restoration of the site with imported inert fill and mining material was granted on April 2012 (ref 11/12/0012). This area comprised phase 1 of the current proposal.

## **Planning Policy**

National Planning Policy Framework – (NPPF)

Paragraphs 6 – 16, 79 – 92, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, the protection of the Green Belt, conserving and enhancing the natural environment and the sustainable use of minerals.

National Planning Practice Guidance (NPPG)

Paragraph 10 - Economic considerations, feasibility of strategic approach to restoration

Paragraph 11 - Assessing environmental impacts from minerals extraction

Paragraph 80 - Aggregate landbanks

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

Policy CS1 Safeguarding Lancashire Mineral's Resources

Policy CS3 Meeting the demands for New Minerals

Policy CS7 Managing our Waste as a Resource

Policy CS8 Identifying Capacity for Managing our Waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP) - Site Allocations and Development Management Policies.

Policy NPPF1- Presumption in Favour of Sustainable Development

Policy DM1 - Management of Waste and Extraction of Minerals

Policy DM2 - Development Management

Policy LF1 Non hazardous landfill  
Policy M1 Managing mineral production  
Policy M2 Safeguarding Minerals

#### Hyndburn Core Strategy

Policy E2 Protection, Modernisation and Development of Employment Sites  
Policy A9 Whinney Hill Link Road  
Policy HC4 Community Benefits/Planning Obligations  
Policy Env 7 Environmental Amenity  
Hyndburn Local Plan

#### E 10 Development Principles

### **Consultations**

Hyndburn Borough Council – No objection but make the following comments:-

- A financial contribution of £2 million toward the cost of the Whinney Hill Link Road should be requested from the applicant. This figure is based upon the quantities of the minerals being extracted and of wastes being deposited.
- The development would involve the extraction of minerals in close proximity to the M65 and at a lower level than the motorway. LCC must be satisfied that the extraction of minerals in this location would not affect the integrity of the motorway.
- Appropriate controls should be in place to prevent nuisance arising from noise, odour, and vermin together with high quality wheel cleaning facilities.

Altham Parish Council - Express concern about the proximity of the aqueduct and the possible catastrophic consequences of this pipeline being damaged or fractured during the excavation work. They have requested assurances that all safety issues would be met as a priority, that the area in close proximity to the aqueduct is suitably fenced and signage to prevent accidents with HGV's is put in place.

LCC Assistant Director (Highways) : No objection in principle. The application represents an extension of the existing quarrying operation rather than an increase in scale. Existing conditions on operating hours and maximum hourly vehicle movements from the site would remain in place with no increase proposed. The site entrance is located within a 30 MPH area and visibility is considered adequate at this location. There is no accident history in the vicinity of the site involving HGVs. It is considered that the proposal will not have any greater daily impact on the highway network than under previously granted permissions. The extended operation of the quarry is likely to have a significant long term impact on the condition of the adopted highway in the vicinity of the site. It is recommended that as part of any agreement a contribution is sought from the developer to carry out appropriate maintenance of the access road to the quarry from the junction with Whalley Road and the junction with Bolton Avenue given the long term nature of the proposal and potential impact on highway maintenance.

Environment Agency (EA) - Initially objected to the proposed development as they considered that the developer had not adequately defined the hydro geological structure of the application area or provided an enclosing envelope of groundwater level monitoring in each aquifer layer likely to affect or be affected by the proposed development. There was also no detailed water management plan for the operational phase or a plan of proposed site drainage arrangements for the final restoration. The EA considered that the proposal may impact on the restoration plans for the Global Scheme and consideration should therefore be given to how this proposal would impact upon them. The applicant has submitted revised information which meets the EA's requirements and no objection is raised subject to the imposition of a condition controlling ground water monitoring.

Highways Agency- No objection. The development would not raise any highway safety or capacity issues and will only result in a continuation of existing traffic movements. However the extended period of operation is likely to have an impact on the condition of the highway in the vicinity of the site and therefore it is suggested that the County Council seeks a contribution from the developer for highway maintenance on the routes used by HGV's

United Utilities - No observations received.

Natural England – Initially advised that there is insufficient information in relation to great crested newts and that the survey submitted with this application is not up to date.

National Grid Gas and Electricity- A major accident hazard pipeline is in the vicinity known as Helmshore to Altham and it is essential that access to the pipeline is not restricted. The pipeline is laid in a legally negotiated easement to which certain conditions apply. It is the responsibility of the applicant to contact National Grid prior to any works commencing on site.

LCC Specialist Service - Ecology - The application is supported by an ecological assessment which does not provide sufficient information to establish the impacts upon biodiversity or inform the need for mitigation and compensation. The surveys that have been carried out for great crested newts are either too old or are incomplete. However, following the submission of further ecological information, a risk assessment has been undertaken according to Natural England guidelines and it is considered that impacts on great crested newts are highly unlikely. However, the development is of a long duration and therefore further surveys should be undertaken prior to the quarry entering phase 3.

LCC Specialist Service - Archaeology – no significant archaeological implications.

Representations – The application has been advertised by press and site notices. No representations from the local community have been received. Two letters have been received from SITA (operator of the land fill site) and Hanson (the land owner) that raise the following summarised points.

SITA

Access arrangements : Sita are in active discussions with Park Royal about their current and future extraction. Park Royal do not have any rights of access and occupation of SITA UK land. SITA has advised that it is hoped a mutually acceptable solution can be agreed.

Timing and availability of Inert waste : It is difficult to predict the future land fill input rates and the availability of inert waste to construct the bund. However, it is unlikely the bund would need to be in place before 2030 to allow landfilling to continue in accordance with the Global Scheme.

Restoration levels : The revised plans no longer appear to prejudice the landfill void permitted under the Global Scheme subject to timing and the engineered specification for support of the future landfill liner.

Water Management : Concern is expressed about the lack of detail provided by the applicant for surface water control. Although Park Royal have tabled with SITA their proposed water management measures, these do not appear to form part of the current application. A condition should be imposed controlling this aspect before extraction works commence on the site for Phases 2-4.

Hanson : Hanson support Park Royal's application for the removal of the Old Lawrence Rock as it would open access to the Accrington Mudstone underneath which will be vital to the long term future of the Brickworks.

Hanson regard access to the Mudstone as a priority over and above landfill operations – the Mudstone needs to be extracted out before any landfilling is undertaken. Therefore the removal of the old Lawrence Rock is important in protecting the employment of Park Royal's workforce and for the long term employment at the brickworks by ensuring that access to the Mudstone (subject to planning) is possible.

## **Advice**

### Director of Transport and Environment – Observations

Planning permission is sought for an extension to the current quarrying operations at Whinney Hill Quarry followed by restoration using overburden and imported inert waste materials. The applicant has advised that at current rates of extraction, the stone reserves would be worked out within approximately 10 years with the importation of materials for restoration until 2042 and which would reflect the permitted time period for the adjoining landfilling operations.

Planning permission for a small extension to the sandstone extraction area of Whinney Hill Quarry was granted in 2012 (phase 1). It is now proposed to extend the operations over phases 2 – 4 to work the remaining sandstone reserves within the Whinney Hill Quarry area. If the applicant cannot secure permission for the additional reserves, the extraction of sandstone would cease with the consequent loss of a blockstone and aggregate supply unit to the central and northern part of Lancashire and the loss of employment associated with the quarrying activities and supporting industry.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the sandstone that would be extracted against the potential impact of the development on the local environment including impacts on the public highway, the amenity of the residents who live near to the site and the impact of the proposal on the Green Belt. It is also necessary to assess the impact of the proposal on the approved 'Global' landfill scheme.

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### Need for the minerals

Government policy is set out in the National Planning Policy Framework which seeks to ensure that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates to the construction industry. When determining planning applications, Paragraph 144 of the NPPF is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. The Government also publishes National and Regional Guidelines for Aggregates Provision in England to assist in the preparation of Local Development Documents.

Whinney Hill Quarry has historically been an important supplier of crushed gritstone materials into the local construction market and also supplies more limited quantities of block stone which can be sawn to produce materials for more specific higher quality end uses. Whilst the output of block stone from the site does meet an important market need including for conservation and architectural uses, the block stone production is subordinate to the crushed stone output and it is not considered that a need argument for the extension can be constructed in relation to the block stone production alone.

Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework (JLMWLP) is about meeting the demand for new minerals. Government guidance requires that mineral planning authorities should retain landbanks of crushed rock materials sufficient for at least 10 years production. The total permitted reserve of sandstone for aggregate production in Lancashire is currently estimated to be around 60 million tonnes equating to a landbank of around 35 years. The landbank of permitted reserves is therefore considerably above the levels required by Central Government guidance. For the purposes of policy CS3, there is therefore no need to release additional land for gritstone aggregate production before 2021. The policy in the Core Strategy is further developed in the Site Allocation and Development Management Policies DPD which having regard to the landbank position states, that no further permissions will be granted during the Plan period for new aggregate reserves.

However, government guidance as set out in NPPG makes it clear that an adequate or excess landbank is not a reason for withholding planning permission. The total landbank size is only one measure of the need to release additional reserves. It is also necessary to consider the ability of the existing operational sites to supply

market demands, the suitability and availability of alternative materials and issues of possible sterilization should production cease at a quarry site.

In particular, it should be noted that a large proportion of the permitted reserves of gritstone in Lancashire are contained in a single quarry site at Whitworth Quarry in Rossendale and which primarily serves the Greater Manchester market due to its location and access routes. The NPPF requires that planning authorities should plan for a steady and adequate supply of minerals to the construction industry by ensuring that large landbanks bound up in a very few sites do not stifle competition. The remaining sandstone reserves at Whinney Hill are very limited. Aggregate production at this site would cease should planning permission for an extension to the site not be forthcoming. The annual production of sand/gritstone aggregates in Lancashire has averaged around 1.7 million tonnes to which Whinney Hill has contributed up to 350,000 tonnes per year. The proposed extension to Whinney Hill Quarry would ensure the continuity of production at this site for a further 10 year period thereby ensuring the maintenance of market competition and the existing employment opportunities at the quarry and in supporting industries.

The crushed stone produced by Whinney Hill Quarry is not of any special quality and is used for sub bases, for hardstandings and other general fill uses. Such materials can be replaced by recycled materials which are generally more sustainable than primary aggregates. However, given the important contribution of Whinney Hill Quarry to the supply of such materials, it is considered unlikely that the existing aggregate recycling operations in the East Lancashire area would be able to increase production by that volume in order to replace the lost production should planning permission for the Whinney Hill Quarry extension not be forthcoming.

Policy CS1 of the JLMWDF provides for the safeguarding of Lancashire's mineral resources and states that extraction of minerals prior to other forms of development will be encouraged. The application site forms part of a block of land lying to the east of the existing quarry beyond which is a gas pipeline and the Haweswater aqueduct, a fresh water pipeline supplying water to Manchester. The scale of the water pipeline would make it difficult to divert, and therefore the pipeline defines the edge of the remaining potential stone and brickshale reserves at the quarry. The existing quarry void has planning permission for landfilling with biodegradable waste. However, if landfilling operations were to be undertaken in accordance with the approved scheme which relies on the use of existing quarry faces as a supporting boundary to the landfill cells, this would effectively prevent the working of the remaining minerals between the existing faces and the aqueduct. Therefore, working of the remaining sandstone reserves in this location and to the proposed depths prior to landfilling operations would prevent their sterilization and would ensure that all potential reserves at this site are fully utilised in accordance with policy CS1 of the JLMWDF.

In conclusion, whilst there is no need for these reserves for the purposes of Policy CS3, it is considered that the release of these remaining reserves could be justified in terms of maintaining competition in the supply of aggregates, to ensure a steady and adequate supply of minerals to the construction industry in central Lancashire and to ensure that potential reserves from an existing quarry are fully utilised and not sterilised by future landfill operations. The working of the remaining reserves would also maintain employment both within the applicant company and supporting



industry. The development is therefore considered acceptable in terms of the policies of the NPPF and Policy CS1 of the JLMWDF and Policy DM1 of the JLMWLP.

### Impacts in relation to adjacent landfilling and shale extraction operations

The Whinney Hill site is a complex operation due to the landfilling, shale extraction and brick making activities and aggregate extraction all taking place in close proximity. There are also some complex land ownership issues which affect how the quarrying and landfilling operations are conducted.

The sandstone reserves the Accrington Mudstone which is worked as a feedstock to the adjacent brickworks, notwithstanding the brickworks is currently mothballed. Planning permission also exists across the majority of the existing Whinney Hill Quarry for the site to be backfilled with industrial, commercial and household waste (the 'Global Scheme'). This permission was granted in 2011 (ref 11/03/0017) and provides for a revised scheme of land filling including the consolidation of a number of previous planning permissions, the re-engineering of the site to reflect modern landfill standards, a revised final landform and the conversion of some areas of the site to biodegradable wastes that were previously permitted only for inert wastes. In total the permission provides for the disposal of 15.6 million m<sup>3</sup> of biodegradable waste over a period until 2045. This void space is of strategic importance as Whinney Hill is the only site in Lancashire that has the capacity and capability to operate as a landfill site for these waste types over this period. In order to ensure that the site would be filled and restored in a progressive manner the permission includes a phasing plan that shows the order of filling and restoration at the site. Phases 9, 11, and 13 form the northern boundary of the Global Scheme and abut the land the subject of this application. Under the Global Scheme the landfill cells would be engineered so that they would abut against the existing quarry face with landfilling operations undertaken to meet with the top of the existing quarry face.

The proposed quarrying operation would remove the rock wall against which the landfill operations would take place. This would mean that the Global Scheme could not be implemented in accordance with the existing planning permission and would result in a significant loss of void space. Whinney Hill Quarry is designated as the single strategic site for long term landfill provision within Policy LF1 of the Site Allocations and Development Management Policies DPD. Given the position of Whinney Hill as the only long term landfill site in Lancashire, such a loss of void space could have impacts on the way waste could be disposed of in the future. The applicant acknowledges that this would be the case and has submitted revised plans to demonstrate how the ability to undertake landfilling operations under the Global Scheme permission would not be compromised. These provide for a revised phasing of the stone extraction so that a bund using inert waste or overburden could be constructed to enable the tipping of waste (as part of the approved Global Scheme) against an engineered slope. The landfill operator (SITA) has confirmed that in principle the revised plans no longer appear to prejudice the landfill void permitted under the Global Scheme subject to timing and the details associated with the specification of an engineered bund.

The land owners of the majority of the quarry (Hanson) have advised that they are in the process of recommissioning the brickworks at Accrington and have stated that

the removal of the sandstone would enable access to the underlying Accrington Mudstone. The current application does not provide for the extraction of the Accrington mudstone and the construction of the engineered bund would potentially sterilise the brick shale as it would then overlay the shale reserves. Whilst, the creation of the engineered bund would prevent the working of the underlying mudstone, the brick shale reserves cannot be worked without first removing the sandstone. It is therefore considered that this proposal does not prevent the sterilisation of the mudstone any more than is currently the case.

Sterilisation of minerals could only be prevented through a comprehensive planning application that encompasses the extraction of the sandstone, the Accrington Mudstone and then the restoration of the site by extending the Global Scheme into the proposed extension. However, that option, which requires the co operation of three different companies, is currently not the subject of this planning application and the applicant requests determination of this application so that the quarrying business can continue to operate.

It is considered that the applicant has demonstrated that the quarry excavation can be backfilled within a timescale and to a design that will ensure that the landfill operations within Whinney Hill Quarry can continue in accordance with their permitted design and therefore the proposed quarrying operation would not have an unacceptable impact on the function of the site as long term provision for landfilling of waste as supported by policy LF1 of the Site Allocations and Development Management Policies DPD.

### **Impact on the Highway network**

The policies of the Development Plan in particular Policy DM2 of the Local Plan Document Site Allocation and Development Management Policies - Part One and Policy ENV7 of the Hyndburn Core Strategy seek to ensure that proposals for mineral developments do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

Whilst the site is a significant generator of traffic, HGV's from the quarry form only a relatively small proportion of total HGV traffic along the A680 Whalley Road which is also used by traffic from Whinney Hill landfill site, the brickworks (if reopened) and from other local industrial uses. The applicant has advised that the site would be restored through the importation of inert waste and through a phased approach. Once the stone is extracted an interim batter would be constructed to ensure that there would be minimal impact upon the Global Scheme. The fill required to complete the interim batter in 9 years would be approximately 700,000 tonnes equivalent to 78,000 tonnes per annum. Using a 19 tonne load tipper HGV this would equate to 15 loads / 280 tonnes per day. The applicant has advised that most of these loads could be on a return basis with the fill coming in on wagons that then take aggregate out. Given that this development would only involve the continuation of existing vehicle movements, it is considered that there are no objections in relation to highway safety or capacity and to which LCC Assistant Director (Highways) has raised no objection.

The access to the site from the west towards junction 7 of the M65 does involve using Whinney Hill Road and Whalley Road which are both urban roads with residential properties located close to the highway. HGV movements along these highways therefore have an impact on the amenity of local residents. In relation to Whinney Hill Quarry, there have previously been a number of issues relating to wheel cleaning which have resulted in mud and dust problems on local roads. Conditions requiring continued use of the wheel cleaning facilities are proposed. The current planning permission covering the use of the site access allows up to 200 HGV's to leave the site in any one day, this level being based upon a historical position within the old planning permissions. The recent production from the quarry has been significantly below this level and it is therefore considered that a condition should be imposed allowing a maximum of 200 HGV's per day to leave the site but with a weekly maximum figure of 600 HGV's. Such a weekly maximum would be more reflective of existing patterns of vehicle movements. With such conditions, it is considered that the development is acceptable in terms of Policy ENV 7 of the Hyndburn Local Plan and Policy DM2 of the Site Allocation and Development Management Policies - Part one.

Hyndburn Local Plan Core Strategy has a specific policy supporting the construction of the Whinney Hill Link Road which envisages the road being developed in two phases. Phase one would provide access to employment and housing sites at the former Huncoat Colliery, with developers expected to contribute to the costs of phase one of the road. The Plan envisages the second phase funded from a variety of sources including the waste and minerals industry.

It is acknowledged that the Link Road in its entirety would enable all the quarry and landfill HGV traffic from Whinney Hill to gain direct access to the A56 therefore avoiding the less suitable urban roads in the area. Hyndburn Borough Council has requested that the applicant makes a financial contribution of £2 million towards the Whinney Hill Link Road. However, the Community Infrastructure Regulations 2010 provide that financial contributions for local infrastructure through section 106 agreements can only be sought where they meet the tests set out in Regulation 122 of the 2010 Regulations. These tests include being necessary to make the development acceptable in planning terms, directly related to the development and being fairly and reasonably related to the scale and kind of the development. In this instance, it is considered that the request for monies to support the construction of the Whinney Hill Link road would not be fair or reasonable especially as the planning permission for the link road expires on 29<sup>th</sup> April 2014 and therefore a new planning permission and potentially compulsory purchase orders would need to be obtained before the link road construction could take place by which time the quarrying development, if approved, would be well advanced. The comments of Hyndburn BC with regard to the link road are therefore not supported.

A financial contribution of £120,000 towards improvements for the local highway network was secured from SITA under the Global Scheme. Although planning permission ref 11/12/0012 was granted for phase one of the sandstone extraction without requesting a financial contribution for highway improvements, it is considered that this application is of a more significant scale in that it provides for stone extraction for a further period of 10 years and the importation of waste materials for a further period until 2042. The quarrying activities would be prolonged by a

considerable period and therefore the impacts of HGV traffic through the nearby urban areas would be extended. To be consistent with the approach taken with the Global Scheme, it is considered appropriate that a financial contribution should be requested to support improvements and /or maintenance to the local highway network that would be needed due to the prolonged and increased use of the roads for mineral extraction and restoration by landfilling. The applicant has agreed to make a contribution towards highway works should planning permission be granted. The contribution is proposed to be in the form of a £10,000 commuted sum covering the period of mineral extraction and then a payment into an escrow account during the landfill operation based upon an amount per tonne. The exact details of the timing of payments and amounts per tonne would need to be the subject of a section 106 agreement. Subject to the signing of a section 106 agreement and conditions being imposed relating to the control of highway impacts including a limitation on vehicle numbers, it is considered that the development is acceptable in relation to highway issues.

### **Impact on local amenity**

The NPPF (paragraph 144), and the JLMWLP framework 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, dust, vibration and visual intrusion.

The application site is remote from houses and the nearest residential properties are located some 700m to the east of the extraction area (Near Holker House). The site would be worked from west to east and the land to the west of the site has been identified for restoration as part of the Global Scheme. The site is screened to the north / northwest by the existing mounds and tree planting adjacent to the M65 and by the landfill operations to the west and south. It is therefore considered that subject to conditions controlling storage of soils and landscaping, the site is visually well contained and that the visual impacts would be acceptable.

The National Planning Practice Guidance that accompanies the NPPF sets out policy considerations in relation to the environmental effects of mineral extraction and establishes the principles to be followed in respect of reducing and controlling dust and noise. The greatest potential for dust and noise generation is the crushing and screening of aggregate. This would take place at the base of the quarry and given the distance to the nearest properties, would not have an impact upon residential amenity. The quarrying and stone processing operations have taken place in this general location for many years and have not given rise to complaint regarding noise or dust. Provided conditions are imposed regarding noise and dust controls, it is considered that the actual quarrying operations would be acceptable in relation to local amenity and comply with the NPPF, policy 2 of the JLMWLP, policy Env 7 of the Hyndburn Core Strategy and policy E10 of the Hyndburn Local Plan.

### **Landscape, Green Belt and restoration**

The site falls within the Lancashire Plain and Valleys Natural Area, an intensively farmed area with arable, horticulture, and dairy farming. However, the application area consists of an area of rough grassland and overburden stockpiles next to the

existing landfill and quarry site and does not possess any of the distinctive features of this landscape character area.

The site is located within the Green Belt. However, Paragraph 90 of the NPPF provides that mineral extraction is not inappropriate development in the Green Belt, provided that the openness is preserved and there is no conflict with the purpose of including land within the Green Belt. The application site is directly adjacent to the existing Whinney Hill Quarry and landfill site and the extension, given its scale, would not unduly impact upon the openness of the Green Belt. The processing operations would take place within the existing quarry and provided that conditions are imposed in relation to noise and dust matters and site restoration, it is considered that high environmental standards would be maintained.

There is a bank of trees and mounding that would screen the development from the motorway and it is therefore considered that the proposal is acceptable in visual impact terms. In terms of the restoration, the applicant has advised that the site would be back filled with mineral overburden and imported construction waste, demolition and excavation materials. Given that the application site is directly adjacent to the area benefiting from a planning permission for biodegradable landfill, the construction of the interim bund will need to be undertaken in a manner that allows the lining of the landfill site to appropriate standards. The EA has not objected to the construction of the bunds as a means of providing a slope to landfill against but a condition should be imposed controlling the construction and phasing.

The proposed restoration scheme is considered acceptable but further details of the restoration techniques to be employed are required and could be addressed by planning condition. The proposal is therefore considered to comply with the NPPF, NPPG, Policy CS5 of the JLMWDF and Policy DM2 of the JLMWLP which seeks to achieve the appropriate restoration of mineral and waste sites.

### **Water Management**

The water table lies within the brick shale reserves and initially the EA had concerns that the applicant had not adequately defined the hydro-geological structure of the extension area. To overcome the objections of the EA, the applicant provided additional information. On this basis the EA is satisfied with the application subject to a condition being imposed requiring the establishment of groundwater level monitoring boreholes to be drilled and for monitoring data to be submitted. SITA have also raised concerns that water from the quarrying operation should not be allowed to run off and collect within the landfill area. To address this issue, it is considered that a condition should be imposed requiring a scheme of surface water management to be submitted that would require surface water to be collected and treated within the application site where it would not prejudice the operation of the landfill site.

### **Protected species**

The application is accompanied by an updated version of the ecological impact assessment that was submitted with the previous planning application for phase 1

(ref 11/12/0012). A number of points were raised by Natural England and the County Council's ecologist including that the survey information is out of date and did not comply with recognised survey methodologies particularly for Great Crested Newts which may use a series of settling ponds located with the nearby Hanson brickworks.

The applicant has provided further ecological information in respect of the likely impacts on protected species including GCN's. The applicant acknowledges that some of the surveys are now too old to be used and that only one survey was undertaken in 2011. However, the applicant considers that there are no known populations of GCN's within 2km of the development site and that the ponds in the near vicinity of the site are isolated from ponds in the wider area by major roads and other built development which reduces the potential for colonisation. Therefore given the relatively poor habitats offered by the application site and the other factors listed above, a rapid risk assessment informed by Natural England guidelines indicate that impacts on GCN's is highly unlikely. However, given the relatively long term nature of the development, it is possible that GCN's could populate the Hanson lagoons. It is therefore considered that any permission should be subject to a condition requiring further surveys to be undertaken prior to the commencement of development within phase 3 of the site.

In terms of other ecological interests, the application site is comprised of active quarry workings, coarse neutral grassland and extensive bare ground and re-vegetating bare ground. The report states that given the nature of the habitats within the site it is unlikely that any protected species will be found within the application site or adjacent area. The restoration of the site would provide opportunities for habitat enhancement to provide habitats of improved wildlife value to that currently found on the site. Subject to a condition being imposed to require a detailed restoration scheme, the development is considered acceptable in terms of ecology.

### **Other matters**

With reference to the issue raised by Hyndburn Borough Council in relation to the stability of the northern boundary, adjacent to the M65, there would be minimum standoff of 30m within the application site before the quarry face. Most of the proposed working area would be considerably further from the M65 than previously quarried areas. The standoffs are similar to or exceed those employed previously at this site which have proved adequate to prevent stability issues to the motorway. Furthermore the Health and Safety Executive is responsible for enforcing the Quarries Regulations 1999. The regulations require the operator to ensure the safety of site operations and undertake a geotechnical assessment of quarry faces as necessary. For these reasons it is considered that the proposed quarry extension would not affect the stability of the M65.

Altham Parish Council have raised concerns about the proximity of the site to the Haweswater Aqueduct. The proposed quarry extension would be a minimum of 60 metres from the aqueduct with an existing gas main running closer to the quarry than the aqueduct. Whilst it is considered that there is sufficient standoff between the quarry and the aqueduct, the land adjacent to the aqueduct may be used for soil storage and it is important to ensure that soils are stored in way that would not

damage or result in difficulties for access to the pipeline. This matter can be addressed through a condition relating to the stripping and storage of soils.

## **Conclusion**

The application is for an extension to the existing aggregates quarrying operations at Whinney Hill. It is accepted that the landbank for aggregates in Lancashire is at a level that would not normally support the further release of mineral reserves. However, the landbank is predominantly located in a part of the county that primarily serves Greater Manchester due to locational factors, access and the economic hauling distances to serve other parts of Lancashire. The extension to the quarry would safeguard existing employment at the site and would ensure the steady and adequate supply of aggregate materials to the construction industry and would preserve competition in the marketplace over a further period of 10 years. The working of the stone would also enable the recovery of minerals that would otherwise be sterilised if they were not worked in the near future due to the nature of the planning permission for the Global Scheme.

With regard to the Global Scheme, the revised scheme and construction of a bund would ensure that there would be no loss of capacity to the approved Global Scheme and would enable the quarrying operations to co-exist with the approved Global Scheme.

The area to be worked is not of significant landscape or ecological value. The proposed quarrying operations would be distant from residential properties and would be acceptable in relation to local amenity. The only significant impact of the development would be the continuation of existing traffic levels along Whinney Hill Road and Whalley Road. However, to mitigate against the impacts of the traffic on the local highway network in terms of the continued use of the roads and the need to maintain them, a financial contribution is requested.

In conclusion whilst there is some conflict with the policies of the Development Plan, in this instance the benefits of supporting continued extraction over a further 10 year period in terms of supply, maintaining employment and contributing to the socio/economics of the area and the absence of any significant environmental impacts or loss of amenity, it is considered that on balance there is sufficient justification to support the proposal subject to the applicant first entering into a legal agreement to deliver funding for highway maintenance and subject to conditions controlling operations and protecting the environment.

In view of the distance from the site to the nearest residential properties and the likely impacts of quarrying activities it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

## **Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, and subject to the applicant first

entering into a Section 106 Agreement relating to contributions to highway maintenance, planning permission be **granted** subject to the following conditions:

### **Time Limits**

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

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

### **Working Programme**

2. The development shall be carried out, except where modified by the conditions to this permission in accordance with the following documents:
  - a) The Planning Application and Environmental Statement received by the County Planning Authority on 5th July 2013 as amended by the letters from C.Ballam dated 8 September 2013 and 3rd February 2014
  - b) Submitted Plans and documents:

Drawing Number 9973E/01C entitled 'Location Plan'

Drawing Number 9973E/09 entitled 'Revised Restoration Scheme showing Interim Batter'

Drawing Number 9973E/07D entitled 'Revised Restoration Scheme'

Drawing Number 9973E/08A entitled 'Revised Restoration Scheme Cross Sections '
  - 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 CS1 of the Joint Lancashire Minerals Waste Development Framework, policy DM1 of the Joint Lancashire Minerals Waste Core Strategy Policy Env7 of the Hyndburn Core Strategy and Policy E 10 of the Hyndburn Local Plan.*

3. A copy of this permission and all the documentation 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 that site operatives are aware of the planning conditions and to comply with Policy DM1 of the JLMWLP*



4. The application site shall be worked in the sequence of phases shown on drawings 9973E/09 and 9973E/07D and shall be restored in accordance with the scheme and programme required by condition 25 below by not later than 1st April 2042.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescales in the interests of local amenities and to ensure the proper restoration of the site and to comply with Policy CS5 of the JLMWLP.*

5. Within six months of the date of this planning permission a scheme and programme for the construction of the bund as shown on drawing numbers 9973E/09 and 9973E/07D shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include details of the following:

- a) A time table for the construction of the interim and final bund.
- b) Details of the engineering of fill materials to construct the bund to ensure the landfilling operations at Whinney Hill Quarry can be implemented in accordance with the approved details under the provisions of planning permission 11/03/0017, including details of the methods of compaction to ensure the bund is capable of supporting the approved landfilling scheme.

The approved scheme and programme shall be implemented in full in accordance with the timetable approved under the provisions of a) above.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescales in the interests of local amenities and to ensure the proper restoration of the site and to comply with Policy CS5 of the JLMWLP.*

6. Within two months of the date of this planning permission, a scheme and programme for the storage of stripped topsoils, subsoils and overburden shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:-

- a) the locations to be used for the storage of topsoil, subsoil and overburden.
- b) details of the dimensions and heights of mounds and grading of mounds
- c) details of seeding and other works to ensure establishment of a full grass sward over the duration of storage.
- d) details of the standoffs between the soil storage areas and the Haweswater Aqueduct

The soils shall thereafter be stored in accordance with the approved scheme and programme.

*Reason : In the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies DPD.*

7. No crushing and screening of stone shall be undertaken other than on the base of the existing quarry covered by planning permission 11/94/0520.

*Reason : In the interests of local amenity and to conform with policy DM1 of the JLMWLP*

8. A topographical survey shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the end of the restoration period referred in the conditions to this permission. The survey shall have been carried out within two months preceeding the date of the anniversary of this permission and 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 over all the land where mining operations have taken place/materials have been deposited.

*Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission and to conform with policies DM1 and DM2 of the JLMWLP*

9. The provisions of Part 19 of Schedule 2 of the Town and County Planning (General Permitted Development ) Order 1995 or any amendment , replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

*Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM1 and DM2 of the JLMWLP, Policy Env 7 of the Hyndburn Core Strategy and Policy E 10 of the Hyndburn Local Plan.*

10. This planning permission shall only permit extraction of the Old Lawrence Rock and shall not permit any extraction of Accrington Mudstone.

*Reason: To safeguard local watercourses and drains and avoid pollution of any watercourse or groundwater resource and to conform with Policy DM2 of the JLMWLP.*

11. No stripping of top soils or extraction of minerals shall take place in phases 3 and 4 as shown on drawing numbers 9973E/09 and 9973/07D until a further

Great Crested Newt survey of the seven settling ponds in the Hanson Brick Works has been carried out. Thereafter, no stripping of top soils or extraction of minerals shall commence in phases in 3 and 4 until the survey and any subsequent mitigation measures have been submitted to and approved in writing by the County Planning Authority.

*Reason: To safeguard the ecological interests and to conform with Policy DM2 of the JLMWLP.*

12. No materials with the exception of soils and inert waste materials to be used for backfilling and restoration purposes shall be brought to the site from elsewhere.

*Reason: To secure satisfactory restoration and to conform with Policy DM2 of the JLMWLDF*

13. No mineral extraction, backfilling or restoration operations shall take place outside the hours of:

0700 to 1730 hours, Mondays to Fridays except Public Holidays  
0700 to 1730 hours on Saturdays

No mineral extraction, backfilling or restoration 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 local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP*

### **Blasting**

14. No explosives shall be used on the site.

*Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP*

### **Highway Matters**

15. No more than 600 HGV's shall leave the site in any six day period from Mondays to Saturdays inclusive. No more than 200 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Saturdays, inclusive.

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

*conform with policy DM2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies DPD.*

16. 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 DM2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies DPD.*

17. The existing wheel cleaning facilities at the site shall be maintained in working order and shall be used by all vehicles leaving the site during the development so as to ensure that no mud, dust or other deleterious materials are deposited by vehicle wheels upon the public highway.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the JLMWLP.*

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

*Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the JLMWLP*

19. 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 DM 2 of the Joint Lancashire Minerals Waste Local Plan.*

20. Measures shall be taken to ensure that operations on the site do not give rise to dust or wind blown material being carried on to adjacent land and in particular shall include the watering of all haul and access roads, the fitting of dust suppression equipment to crushing and screening plant 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 DM 2 of the JLMWLP*

21. The mitigation methods set out in paragraphs 7.3.1 and 7.3.2 of the report entitled 'Ecological Impact Assessment - Whinney Hill Quarry Extension' dated November 2013 shall be implemented in full during soil stripping operations.

*Reason: To protect ecological interests and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan Site Allocation and Development Management Policies DPD.*

22. Within three months of the date of this permission, a scheme and programme or the monitoring of groundwater shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall include provision for the following:

a) Details for the installation of monitoring boreholes on the boundaries of the site to include depths and location of boreholes and constructional details

b) details for monitoring of boreholes including data to be collected, frequency of monitoring and reporting of results to the County Planning Authority.

The monitoring boreholes contained in the approved scheme shall be installed within two months of the date of the approval of the scheme by the County Planning Authority and shall be retained in position throughout the duration of the development and restoration.

*Reason: To safeguard ground water resources and to conform with policy DM2 of the JLMWLP.*

23. 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 watercourse and drainages and to conform with Policy DM2 of the JLMWLP.*

24. No development shall commence until a surface water management plan has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall demonstrate how water arising from within the proposed extraction area will be collected, treated and appropriately discharged to ensure that the surface water does not impact upon the operation of the adjacent landfill site.

The works contained in the approved scheme shall be implemented prior to the commencement of development and shall be retained throughout the duration of the development.

*Reason: To ensure the proper control of surface water and to conform policy DM2 of the JLMWLP.*

## **Restoration**

25. Within six months of the date of this planning permission, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall include details of the following:

- a) The phasing of the infilling and restoration works
- b) Removal of all plant, and machinery
- c) Final levels of the site
- d) Details for the engineering of fill materials to allow the landfilling of Whinney Hill Quarry under the provisions of planning permission 11/03/0017 including compaction details for the fill material and final slope positions.
- e) Re- spreading of any available topsoils, sub soils or soil making materials.
- f) Details for the cultivation of soils and for the removal of any impediments to normal agricultural operations.
- f) Seeding specification including mixes to be used and rates of application.
- f) Methods to be employed to promote normal plant growth including fertilizer application and weed control.
- g) Details of tree and hedge planting including location of planting, numbers, sizes and species of plants, planting methods and protection measures.
- h) Details for the restoration of the land occupied by soil storage mounds.

The site shall be restored in accordance with the timescales and details contained in the approved scheme and programme.

*Reason: To secure the proper restoration of the site in accordance with an approved scheme and to conform with Policy DM2 of the JLMWLP.*

26. Should the restoration levels on drawing 9973E/07D not have been achieved by 1st April 2042 a revised restoration scheme shall be submitted for the approval in writing of the County Planning Authority. The scheme shall be

submitted not later than 1st August 2042 and shall include the following details:

- a) the proposed contours of the final landform including treatment of any cliff faces to be retained.
- b) soiling of the surface of the site including depths of soil materials to be replaced and details of treatments including stone picking and cultivation.
- c) details of drainage including water features to be constructed to provide control of drainage and attenuation of run off.
- d) details for the seeding of the site including mixes to be used and rates of application
- e) details of any tree and hedge planting including including layout of planting works and details of numbers, types and sizes of species, spacings, planting techniques and protection measures.
- f) details for the restoration of the land occupied by the soil storage mounds.
- g) a timescale for the implementation of the restoration works contained in the approved scheme to ensure that they are completed within 12 months of the date of approval of the scheme.

*Reason : To ensure the restoration of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management Policies DPD.*

## **Aftercare**

27. 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 undertaken in accordance with a scheme and programme of aftercare which shall be submitted to the County Planning Authority by not later than 31st December 2024 for approval in writing. The scheme and programme shall contain details of the following:-

- a) reseeded works necessary to promote a full grass sward over the site
- b) grazing or mowing regimes to be followed
- c) works to improve drainage, relieve compaction and prevent ponding of water

d) works to control invasive weeds

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

f) a timescale for the implementation of the above works.

*Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the JLMPLP.*

## **Definitions**

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

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

**Inert Waste :** Waste that will not physically or chemically react or undergo biodegradation within the landfill environment.

**Completion of Restoration :** The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 21 have been completed satisfactorily.

## **Notes**

The applicant should contact National Grid prior to any works commencing on site at the following address: Plant Protection Team 3rd Party Enquiries, National Grid Block 1, Floor 2, Brick Kiln Street, Hinckley, Leicestershire LE10 0NA.

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

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

### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
11/13/0264	05/07/2013	Catherine Lewis /Environment/30490
11/12/0012	13/02/2013	

Reason for Inclusion in Part II, if appropriate

n/a



