

Development Control Committee
Meeting to be held on 21st May 2014

Electoral Division affected: Skelmersdale East

West Lancashire Borough: Application number. LCC/2014/0007
Variation of conditions 2 and 8 of permission 08/06/1303 to allow tipping to be undertaken to amended final levels. Hardrock Quarry, Stoney Brow, Upholland

Contact for further information:
Jonathan Haine, 01772 534130, Environment Directorate
DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of conditions 2 and 8 of permission 08/06/1303 to allow tipping to be undertaken to amended final levels. Hardrock Quarry, Stoney Brow, Upholland.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling the definition of the site, time limits, working programme, definition of materials, final contours, re-grading works, noise, dust, hours of operation, wheel cleaning, restriction on vehicle numbers, drainage, landscaping, restoration and aftercare.

Applicant's Proposal

The application relates to an existing inert waste landfill site which benefits from a planning permission granted in 2007 ref 8/06/1303. The current application is for the variation of conditions 2 and 8 of the planning permission to allow tipping to be undertaken to amended final levels but without exceeding the remaining void space at the site. The applicant states that all other aspects of the operation will continue as currently permitted including the requirement to complete the restoration of the site by 1st April 2015.

Description and Location of Site

Hardrock Quarry is a former sandstone quarry which is being restored by landfilling with inert wastes. The area of the site being restored is 2.6 ha and is located off College Road, 1km north of Up Holland. To the east of the site is farmland with the gardens of a number of residential properties off College Road forming the western boundary of the site. To the north of the current landfill site is an area of former quarry that has now been restored to agricultural pasture. To the south is an area of woodland.

The site is located within the Green Belt.

The quarry has been excavated into the side of a ridge and there is a considerable fall across the site from west to east.

Background

The site has a long history of stone quarrying and landfill operations.

The northern area of the site (part of which has now been restored) was covered by an interim development order for quarrying operations. Landfilling operations in this area commenced which were subject to enforcement action. An appeal against the enforcement notice was successful and a scheme of landfilling operations including final contours for this area was subsequently approved by the County Council. A new set of conditions relating to the Interim Development Order were approved in 1994 (ref 9/94/0044) which in terms of restoration, referred to the details that were approved subsequent to the enforcement appeal.

The southern area of the site (to which the current application relates) is covered by an old mining permission which was subsequently reviewed under the Environment Act 1995. A further planning permission was granted in 1997 providing for the restoration of this area by landfilling of inert waste and which required tipping to be completed by 1st April 2007 (ref 8/96/1196). This time limit was extended by a further planning permission which allowed tipping to continue until 1st April 2014 with restoration within a further one year period (ref 8/06/1303).

Planning Policy

National Planning Policy Framework

Paragraphs 6 – 16, 17, 79 – 91 of the NPPF are relevant with regard to sustainable development, core planning principles, protecting the Green Belt and conserving and enhancing the natural environment.

Planning Policy Statement 10 – Planning and Waste Management

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

Policy CS9 Achieving Sustainable Waste Management

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

West Lancashire Borough Local Plan

Policy DS2 Protecting the Green Belt
Policy GD1 Design of Development

Consultations

West Lancashire Borough Council: No objection.

Upholland Parish Council: No observations received.

LCC Developer Support (Highways): No objection – the proposal will have negligible impact on highway safety and capacity in the vicinity of the site.

Environment Agency: No comments to make.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations have been received raising the following issues:-

- Some parts of the site are currently considerably over the approved levels and the landform is not in keeping with the surrounding farmland or those parts of the quarry that have already been restored.
- No figures are provided to show how the void space will increase with the proposed new levels.
- There is no topsoil stored for restoration purposes
- There are concerns as to when tipping operations will cease and that residents will have no choice but to accept the levels that have been achieved over the site
- The land to the north was over tipped and this is being used as a yardstick to guide the tipping on the area to the south
- The tipping operations result in dust, dirt and noise and the cessation of tipping is long awaited.
- The site needs to be restored in keeping with its original form and character.

County Councillor Fillis has expressed concerns that the tipping is already over levels, the duration of site activities would be extended, there would be increased nuisance to local residents and that the new contours would make it impossible to return the land to its original levels.

Advice

The application is to vary conditions 2 and 8 of planning permission 8/06/1303 to allow tipping to be undertaken to amended final levels at Hardrock Quarry, Up Holland. Condition 2 contains a list of approved drawings, including a drawing showing final levels. Condition 8 specifically requires that no tipping operations shall be undertaken above the levels shown on the approved drawing.

Hardrock Quarry is a former sandstone quarry, the southern part of which is currently being restored by the importation of inert waste. Tipping operations in the northern part of the quarry received planning permission following a successful appeal against an enforcement notice issued by the County Council in 1992. Details of restoration

(including final tipping levels) for the northern area of the site were the subject of a condition of the planning permission that was granted by the Secretary of State and the County Council subsequently approved a scheme of details and levels pursuant to this condition. Most of the northern area of the site has now been restored but an area extending from the site access to the boundary with planning permission 8/06/1303 remains unrestored.

The 2007 planning permission (ref 8/06/1303) for the southern area of the quarry requires landfilling operations to be completed by 1st April 2014 with restoration works, including importation of soil, to be completed by 1st April 2015. The operator has reviewed the approved final contours and now wishes to apply for amended final levels so that the final surface of the site better assimilates with land levels on adjacent land and provides an improved final landform that is suitable for future agricultural uses. The applicant still intends that final restoration works will be completed by 1st April 2015 and that future operations including the importation and spreading of soil material will be undertaken within the limitations of the existing permission that relate to hours of operation and vehicle numbers.

There are a number of anomalies with the approved restoration plans such that if the site were to be restored to those levels it would result in some remnant stone faces from the former quarrying operations being retained and would result in mismatched levels between the southern and northern areas of the site. The levels that are now proposed would ensure that the quarry is in-filled so that it achieves better contours with the land surrounding the site and would provide even gradients across the site without any abrupt changes in level. The revised contours would therefore provide a landform that could be better utilised for future agricultural operations and would eliminate any safety concerns arising from remnant stone faces. Whilst the shape of the final landform would be different from that previously approved, the amended contours are considered acceptable in landscape terms and would ensure that water would drain away from the properties on College Road. The amended landform is therefore considered acceptable in terms of landscape and would continue to preserve the openness of the Green Belt.

A number of local residents are concerned that some parts of the site have been filled above the approved levels. The County Council has undertaken a survey of the levels on site which confirms that some areas of the site have been over tipped but that there are other areas within the site which still require material to achieve the levels that are now proposed. Over the site as a whole, the levels that are now proposed would not provide for an overall increase in the remaining void space on the site. The remaining operations on site consist of re-grading works so that materials that have been tipped over approved levels are moved into other areas of the site which are still under level. These works are currently ongoing following which soils would be imported to provide a final restoration surface. The existing planning permission requires all tipping operations to cease by 1st April 2014 and therefore the only materials that should now be imported to the site are soils or soil making materials. If the revised contours are considered acceptable, it is considered that any permission should be subject to a condition restricting the import of further material to that suitable for restoration purposes and that such importation should be completed by 30 September 2014 with full restoration of the site by 1st April 2015.

It is acknowledged that the site adjoins the rear boundary of the houses on College Road and that these residents are affected by noise, dust and traffic impacts arising from the continuation of tipping operations. However, the amended contours would not extend the duration of tipping any longer than currently approved. Therefore, provided that the remaining operations are subject to conditions to control noise, dust and hours of operation, the application is considered acceptable in terms of local amenity and complies with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocation and Development Management policies.

The original planning permission for this site included a restoration / landscaping scheme that provided for a tree planting belt to be established on the boundary with the houses on College Road. At some point, the gardens of these houses have been extended to the boundary with the quarry and therefore much of this landscaping would now be within the gardens and outside of the land controlled by the applicant. It is therefore considered appropriate to review the landscaping of the site at this stage so that any landscaping proposals are capable of being implemented by the applicant and are appropriate to the area. A condition is proposed to achieve this.

Part of the northern area of the site including the site access and wheel cleaning facilities remains unrestored. This area of the site is covered by the Interim Development Order Permission ref 8/94/0044 and lies outside the boundary of the current planning application. It is however, land within the control of the applicant. Therefore in order to ensure the appropriate control of operations within this area including re-grading and restoration operations, it is considered that a condition should also be imposed to confirm that the conditions to any new permission relate to the site of the current application and also to the land covered by permission 8/94/0044.

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

Recommendation

That planning permission be **granted** subject to the following conditions:

Time Limits

1. The conditions to this permission shall relate to the land edged red on drawing 13C101/004 and to the land edge blue on drawing SAA/2377/001.

Reason : For the avoidance of doubt and to ensure that all active areas of the site are subject to appropriate controls to ensure the controlled working and restoration of the site to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

2. The importation of soil materials for the purposes of restoration shall cease by not later than 30th September 2014. The site shall thereafter be restored in

accordance with the conditions to this permission by not later than 1st April 2015.

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Working programme

3. 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 ref 8/96/1196 submitted on 30th December 1996 as amended by the planning application ref LCC/14/0007 received by the County Planning Authority on 23rd December 2013.

b) Submitted Plans and documents:

Map 1 dated 22nd December 1996

Map 2 dated 30th November 1996

Map 3 dated 30th November 1996

Drawing 13C101/004 dated March 2013

Drawing 13K112/002 dated November 2013

Drawing no. SAA/2377/001 received from Steven Abbott Associates on 9th May 2014

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 Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Site Operations

4. No materials other than clean topsoils, subsoils or soil making materials suitable for restoration purposes shall be imported to the site.

Reason : In the interests of the visual and general amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

5. No tipping of soil materials including restoration materials shall be undertaken above the final contours shown on drawing 13C101/004.

Reason :In the interests of the visual and local amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

6. By not later than 30th September 2014, all areas of the site above the levels shown on drawing 13C101/004 shall be regraded to allow the restoration levels shown on that drawing to be achieved.

The regrading works shall be undertaken to ensure that waste levels on any over tipped areas of the site are regraded so that waste levels including 50 cm of restoration soils will not exceed the levels shown on drawing 13C101/004.

Reason: To ensure the proper restoration of the site in the interests of local and visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

7. Noise emitted from the site shall not exceed 55 dBLAeq (1 hour) (free field), as defined in this permission, when measured from any of the properties on College Road at a point closest to the noise source.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD

9. All mobile plant used on the site shall be fitted with and utilise non - audible or white noise reversing alarms.

Reason: In the interests of local amenities and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

10. Measures shall be taken at all times during the grading of the site and spreading of restoration materials to minimise the generation of dust. Such measures shall include the watering of access and vehicular haul routes during dry weather conditions as necessary.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

11. No regrading or restoration operations shall take place outside the hours of:

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

No regrading 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 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 Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Highway Matters

12. The 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 and restoration works so as to ensure that no debris from the site is 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 Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

13. No more than 50 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive. No more than 25 heavy goods vehicles shall leave the site on Saturdays, Sundays or Public Holidays.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

14. 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 Local Development Framework Site Allocations and Development Management Policies DPD.

Safeguarding of Watercourses and Drainage

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

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

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

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

17. 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 (Director of Transport and Environment).

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Restoration and Aftercare

18. Restoration shall be carried out in accordance with the following:

a) The upper layers of the fill material shall be subsoiled (ripped) to a depth of 600mm with a heavy-duty subsoiler (winged) prior to the placement of soils. Any materials brought to the surface during such operations shall be removed from the site or buried at depth.

b) The overall depth of topsoils, subsoils or soil making materials replaced during restoration shall be not less than 0.5 metres.

c) The soils shall be ripped or cultivated to remove materials injurious to plant life including rocks, stones, boulders or other materials capable of preventing or impeding normal agricultural land and wire rope, cable or other similar objects.

d) The soils shall then be treated to produce a reasonably level but uncompacted surface suitable for seeding operations.

e) The site shall then be seeded in the first available seeding season following the completion of soiling operations with a grass seed mix, the details and sowing rates of which shall first be submitted to and approved in writing by the County Planning Authority.

f) The wheel cleaning facilities and site buildings shall be removed, all foundations broken out and the land occupied by these structures restored by the spreading of soil materials.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

19. Within three months of the date of this planning permission, a scheme and programme of landscaping and drainage works shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:

a) Details of tree and shrub planting including the creation of the new hedge line along the western boundary of the site between nos 18 and 36 College Road and the reinforcement of the existing hedge line on the eastern boundary with new tree and hedge planting. The planting details shall contain information on the location and layout of new planting, details of sizes, species and types of plants, planting techniques and protection measures.

b) Details of drainage works to be employed including creation of a cut off trench along the eastern boundary of the site and measures to control discharge of collected water into existing water courses.

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

The approved drainage works shall be implemented by not later than 30th September 2014.

Reason : To ensure the proper restoration and landscaping of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD

20. 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. Such aftercare works shall include:

- a) Works to improve the fertility of the land
- b) Works to control drainage and to repair damage resulting from surface water run off
- c) Management of tree and hedge planting including replacement of failures, maintenance of protection measures and weed control.
- d) Reseeding works to ensure a full grass sward over the surface of the site.
- e) Measures to control invasive or noxious weeds.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Development Framework Site Allocations and Development Management Policies DPD.

Definitions

Completion of Restoration : The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 18 have been completed satisfactorily.

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

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

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Ext
LCC/14/0007		Jonathan Haine/ Environment/534130
8/06/1303		
8/96/1196		
8/94/0044		

Reason for Inclusion in Part II, if appropriate

N/A