

Development Control Committee
Meeting to be held on 15 October 2014

Electoral Division affected:
Whitworth

Rossendale Borough: application number. LCC/2014/0055

Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup

Appendix A – report to the Development Control Committee meeting of 9 July 2014

Appendix B – report to the Development Control Committee meeting of 3 September 2014

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Executive Summary

Application – Extension to quarry and restoration by means of infill with inert construction, demolition and excavation waste, the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes at Tong Farm, Tong Lane, Bacup.

The application is accompanied by an Environmental Statement and Non-Technical Summary under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, vehicular numbers, restriction of permitted working depth, extraction boundary markers, noise and dust, soils and overburden, restoration, aftercare and monitoring.

Background

This application was presented to the meeting of the Development Control Committee on 9 July 2014 and 3 September 2014 with a recommendation for refusal (the reports are appended as appendix A and B respectively). At the September meeting it was

proposed that subject to conditions controlling the hours of working, the application be approved. The Committee was advised that if they were minded to approve the application, it would be necessary to defer the application to allow officers to draw up conditions to the planning permission. The Committee resolved to defer the application to allow a schedule of conditions to be drawn up and to be presented to the meeting of the Development Control Committee on 15 October 2014. This report sets out the recommended schedule of conditions.

Advice

Notwithstanding the resolution of the Committee to grant planning permission subject to conditions relating to hours of working, it would be necessary to impose conditions controlling the operations reflective of those that are in place on existing planning permissions pertaining to the site. The planning conditions are listed below for consideration and are a reflection of the previous planning permissions for the site. However, some conditions are proposed to be amended to control the materials recycling element of this proposal that is not currently permitted at the site along with some additional conditions to control the operations on the site.

Site Operations

The applicant proposes to operate the site in accordance with the conditions attached to planning permission 14/98/0383 and 14/10/0325. These conditions have proved to be acceptable for the operation of the existing quarry. Such conditions include: a topographical survey, noise restriction, silencing of plant and equipment, vehicle sheeting, wheel cleaning, record of vehicular movements and no explosives.

It is considered that the imposition of similar conditions would seek to ensure the proposed development would not generate any unacceptable impacts on local amenity or the environment.

Groundwater

As part of the planning application the applicant submitted a water features survey and hydrogeological appraisal report dated August 2010. The Environment Agency has advised that the survey and report demonstrated that the risk to local supplies is limited and the quarry extension should have no impact on the groundwater dependent features. However, they further note that the water feature survey and the related report were conducted 4 years ago and therefore a condition is recommended for an updated assessment to consider if there have been any changes to the water environment.

Highways

Conditions are proposed to restrict vehicular movements, access and egress from Pennine Road and hours of operations reflective of the planning permissions to the existing site save for reduced hours in the afternoon from the existing 6.30pm to a more restricted time of 5pm to further protect the amenity of local residents and to address the concerns expressed by the Committee at the last meeting.

Stockpiles

No details of soils and overburden stockpiling have been submitted as part of the application, although there is opportunity for these to be stored on the quarry floor pending their future use in the restoration of the site during the extraction phase. However, to protect visual amenity as the site is progressively restored a condition controlling the height of the stockpiles is proposed.

Extraction boundary

A further condition is proposed requiring the extraction boundary to be physically marked out at all times to ensure that the limit of mineral extraction is clearly visible and is not breached.

Recycling Element

A condition is proposed to provide for the importation of non hazardous construction, demolition and/or excavation waste to the site as well as soils for restoration purposes to reflect the recycling element of the application.

Restoration

Proposed developments must be appropriate to the landscape character type within which they are situated and contribute to its conservation, enhancement or restoration or the creation of appropriate new features. Therefore any restoration plans must ensure that the proposals fit well with the area's Moorland Fringe landscape character and in particular that any method of enclosure used along the field boundaries matches what is found nearby. The working and restoration of the extension together with the material from the recycling facilities would be utilised and would integrate with the existing quarry such that the final profiles would ensure that the site is restored to existing (pre quarry) levels. This would ensure that the after use for the site would return to agricultural. The proposed restoration scheme is considered acceptable.

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, planning permission be **granted** subject to the following conditions:

Time Limits

1. The mining operations authorised by this permission shall cease by 1st April 2024. The recycling activities shall cease by 1st April 2036 and the site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored in its entirety within a further 12 months.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of local amenities, the visual amenities and to secure proper restoration of the site.

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 1 April 2014 as amended by the letters from Chris Ballam dated 11 of April 2014, 18 June 2014, 20 June 2014, 25 June 2014, 29 June 2014, 30 June 2014, 8 July 2014 and 9 July 2014.
 - b) Submitted Plans and documents:
Drawing No 9865/01C entitled `Location Plan`
Drawing No 9865/03C entitled `Restoration Scheme`
Drawing No.9865/02D entitled `Topographical survey and scheme of working`
Drawing No. 9865/04B entitled `Section drawing`
Drawing no. LG1, Rev A entitled `Landscape Restoration Proposals and Context`
 - 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 CS5 of the Core Strategy and Policies DM1 and DM2 of the JLMWLP.

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 DM2 of the JLMWLP.

Site Operations

4. Within 3 months of the date of this permission a water features survey, and if necessary, hydrogeological impact assessment shall be submitted to the County Planning Authority for approval in writing.

The water features survey shall include details of surface and groundwater features which may potentially be affected by the development.

Should the survey identify water features not previously identified or they are found to have changed since the survey entitled Water Features Survey and Hydrogeological Appraisal, dated August 2010, the applicant shall complete a hydrogeological impact assessment to demonstrate that the quarry extension will not have an impact upon these water features.

Reason: To protect groundwater resources from any adverse impact of quarrying operation.

5. 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 preceding the date of the anniversary of this permission and shall consist of a plan drawn to 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/wastes 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 Policy CS5 of the Core Strategy and Policy DM2 of the JLMWLP.

6. The provisions of Part 19 of Schedule 2 of the Town and Country 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 DM2 of the JLMWLP.

7. Noise emitted from the operations hereby permitted shall not exceed 55dB LAeq (1hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source:
 - a) Bent Head, NGR SD 877 227
 - b) Causeway House, NGR SD 879 223
 - c) Hey Head, NGR SD 883 222
 - d) Dry Corner, NGR SD 885 224

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

8. Noise limits set out in condition 7 shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds for materials and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) as defined in this permission as measured from any of the properties identified in condition 7 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 JLMWLP.

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

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

10. No mining operations shall take place below a depth shown on drawing no 9865/04B entitled `Section Drawing`.

Reason : To secure satisfactory restoration and to safeguard local watercourse and drainages and to conform with Policy DM2 of the JLMWLP.

11. No mining operations, recycling operations or restoration works shall take place outside the hours of:

0730 to 1700 hours, Mondays to Fridays (excluding Public Holidays)
0800 to 1330 hours on Saturdays

No mining operations or restoration works shall take place at any time on Sundays or Public Holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

This condition shall relate to the combination of all other permissions consolidated under this permission.

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

12. Within 3 months of the date of this permission the extraction boundary referred on drawing no 9865/02D entitled `Topographical survey and scheme of working` shall be marked out using 1m high coloured timber posts at an interval of 10 metres. Thereafter, the marker posts shall be retained in position until the site has been restored.

Reason: To ensure adequate control of site operations and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. Only soils, non hazardous construction, demolition and/or excavation waste shall be imported to the site.

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 JLMWLP.

14. Any stockpiles shall not exceed 4 metres in height or a height of 2 metres above final approved levels, whichever is the lower.

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

Highway Matters

15. Wheel cleaning facilities shall remain available for use, be maintained in full working order at all times during the development and shall be used by all HGVs leaving the site so as to ensure that no debris is deposited by vehicle wheels on 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.

16. No more than 7 heavy goods vehicles as defined in this permission shall leave the site in any one hour during Mondays to Fridays inclusive (except Public Holidays) and Saturday morning. No such vehicles shall leave the site on Saturdays after 1300 or at any time on Sundays or Public Holidays. This condition shall relate to the combination of all other permissions consolidated under this permission.

Reason: In the interests of highway safety and to safeguard the amenities of local residents and adjacent properties and to conform with Policy DM2 of the JLMWLP.

17. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight and the time and date of the movement and shall be made available for inspection by the County Planning Authority or its representative on request. The records shall be retained at the site for a period of twelve months.

Reason: To allow the development to be monitored 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 minerals or recycled aggregates from the site shall be securely sheeted.

Reason: In the interests of highway safety and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

19. The sole access and egress from the site shall be to and from Pennine Road as shown on Plan No 980716/1 dated the 16 of July 1998 of permission 14/98/0383.

Reason: To safeguard the amenity of local residents and adjacent properties and to conform with Policy DM2 of the JLMWLP.

20. Stock proof hedges, fences or walls including gates shall be provided and maintained around the perimeter of the site at all times until the restoration and aftercare period is completed.

Reason: In the interests of public safety and to safeguard the amenity of the local residents and land users and to conform with Policy DM2 of the JLMWLP.

21. No explosives shall be used on the site.

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

Restoration

22. Restoration of the site shall be carried out in accordance with the details shown on drawing no. LG1, Rev A entitled 'Landscape Restoration Proposals and Context.'

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

Aftercare

23. 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 works to improve the fertility of the land, drainage works and management of tree and hedge planting.

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

- i) Details and results of soil sampling undertaken across restored areas of the site.

- ii) Details of fertiliser, lime and other nutrient requirements necessary to promote normal plant growth based upon the results of the soil sampling required by i) above.
- iii) Details of any other measures necessary to promote the agricultural use of the land including works to relieve compaction or installation of drainage.
- iv) Details of cropping or grazing regimes to be undertaken on the restored areas of the site.
- v) Details for the management of tree and hedge planting including weed control, replacement of failures and maintenance of protection measures.

Thereafter, aftercare works in the following year shall be undertaken in accordance with the approved schedule of aftercare works.

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

Monitoring

24. Within one month of each anniversary of the date of this permission until the end of the aftercare period referred to in this permission a report shall be submitted to the County Planning Authority recording in detail, as appropriate, the operations carried out on the land during the previous 12 months in respect of mineral extraction and landfilling and the measures taken to implement the restoration and aftercare provisions and setting out the intended operations for the next 12 months.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy DM2 of the JLMWLP.

Definitions

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

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

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

Notes

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

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

Paper	Date	Contact/Directorate/Ext
LCC/14/0055	1 April 2014	Catherine Lewis/Environment/30490

Reason for Inclusion in Part II, if appropriate

N/A