

**Development Control Committee**

Meeting to be held on 3 September 2014

Electoral Division affected: Whitworth
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**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.**

**Tong Farm, Tong Lane, Bacup**

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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**

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the application be **refused** for the following reasons:

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental to the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby

increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

## Background

This application was presented to the meeting of the Development Control Committee on 9 July 2014 with a recommendation for refusal for the following reasons.

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy and Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.
2. The quarry extension would be detrimental of the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The applicant's agent addressed the committee and spoke in support of the application. He informed the committee that:

- The application had received more than 57 letters and emails of support from local businesses in the East Lancashire area.
- The number of objections received reflected the limited impact the quarry had on the amenity of local residents.
- If planning permission was refused, it would have a detrimental impact on the employees and their families and on the local businesses who used the quarry.
- It was acknowledged that the impact of the quarry traffic on the local highway was an issue however, the community had been built up around the quarry which had been in existence for over 40 years.

He questioned whether the remaining quarries in the area would be able to provide the quality and type of materials required and urged the committee to defer consideration of the application to allow further investigation into the supplies of gritstone/shale in east Lancashire.

The Committee resolved to defer the application until the next meeting of the committee to allow officers to further investigate the overall landbank position and alternative sources of supply at existing sites in East Lancashire.

The report presented to committee on 9 July 2014 provides information on the overall aggregates landbank position and the alternative sources of supply at existing sites in East Lancashire.

### **Advice**

Minerals are essential raw materials which are valuable national assets and vital to a modern economy. As a result it is important that there is a sufficient supply of material to provide the infrastructure and building requirements associated with the demands of the economy whilst ensuring that permitted mineral operations do not have unacceptable adverse impacts on the natural and historic environment or human health. Since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them and to secure their long-term conservation through the mechanism of mineral safeguarding. Efficient and effective functioning of the planning system depends on high quality, readily accessible information on the extent, quality and, if possible, quantity of mineral resources. The mineral planning authority (MPA) is required to produce a 'Minerals and Waste Development Framework' (MWDF), which shows how the MPA will plan for future provision of minerals within their area. Through this process, the County Council as MPA has formulated policies and plans as part of the Joint Lancashire Minerals and Waste Development Framework to guide future development.

Due to the nature of quarrying, the industry requires long timescales for the securing of sites with sufficient reserves to enable capital investment decisions to be made. Therefore, national guidance requires landbank policies to be developed by local mineral planning authorities to maintain safeguarded aggregate reserves in their areas. The Planning and Compulsory Purchase Act 2004 requires every local authority to produce an Annual Monitoring Report (AMR) which reviews what has happened in development planning throughout the year. The review identifies progress against regional and national targets.

The County Council's AMR provides a forecast of demand for aggregates based upon existing reserves and the agreed apportionment. Figures of permitted reserves as set out in the *Joint Lancashire Minerals and Waste Development Framework - Strategic Minerals Issues* document dated November 2007, which was a background paper presenting technical and other data in support of the preparation of the Joint Lancashire Minerals and Waste Development Framework were used. The figures are monitored and updated accordingly as part of the AMR.

Since the last committee meeting the applicant has questioned these figures and has submitted a document entitled '*Supplementary Report: Analysis of Gritstone /Sandstone Permitted Reserves*' dated August 2014 as further support for the application. This report provides a commentary on each quarry comparing what the applicant considers to be the current situation with that set out in the November 2007 Strategic Minerals Issues document. The applicant's supplementary report concludes that most of the quarries have either closed or have limited reserves.

The County Council's Strategic Planning Policy Team, who produced the Joint Lancashire Minerals and Waste Development Framework Core Strategy, has provided the following comments on the submitted report:

*The Core Strategy and the Site Allocation Local Plan were both subject to independent examination prior to their adoption. The Site Allocation Local Plan examination considered its conformity to the National Planning Policy Framework (NPPF); it was found to be sound by the planning inspector, and was subsequently adopted by the Council in September 2013. Information on permitted reserves is provided by operators in response to yearly surveys, or estimated by the Council in the event of non-returns. Information provided to the Council is provided in confidence, and cannot be stored or published in an un-aggregated form. No information has been provided by the applicant, any other operator, or recent monitoring returns, to indicate that the level of permitted reserves has been significantly overstated.*

*Monitoring shows that production of gritstone (and aggregates in general) has reduced significantly since 2002, in part due to the effects on the economy of the global financial crisis. This has had an effect on the demand for construction materials, and the economics of working minerals. Production has shown a slight increase in the last two monitoring reports.*

Gritstone reserves can be expressed as 'landbanks' of minerals, representing the length of time they can be expected to last at estimated rates of use. The annualised estimate of need is the apportionment (38.1Mt for Lancashire area), divided by the number of years the apportionment is for (21years), which provides a figure of 1.8 million tonnes per year. Alternatively, need and likely demand can be calculated using an average of the last 10 years production and sales; currently 1.04 million tonnes per year.

The AMR 2012-2013 published in January 2014 states that gritstone reserves increased from 66mt in 2011 to 71.4mt in 2012 primarily attributable to revised estimates from operators being received as part of the monitoring process and a small extension of stone extraction at the Whinney Hill Quarry complex. This permitted reserve represents a 68 year land bank at current rates of production, or a 39 year landbank based on annualised apportionment, which is well above the required 10 year land bank of 18.1 million tonnes as set out in the supporting text to Core Strategy Policy CS3. The AMR 2012-2013 confirms that there is no need for additional gritstone reserves.

The applicant's supplementary report includes a breakdown of each relevant individual quarry named in the *Joint Lancashire Minerals and Waste Development Framework - Strategic Minerals Issues* document and provides comments on their understanding of site information. Using the applicant's approach the sites referred to are listed below with comments provided when required.

#### **Sites the applicant suggests are closed**

**Twist Hill & Delf Quarry** – The applicant has stated that mineral extraction was to cease by 30/11/09. However, the applicant has not referred to the building stone quarry that was granted on 5 June 2013 (ref. 12/13/0173). Nevertheless, this is not an aggregate quarry and is not relevant here.

**Whittle Hill Quarry** - The applicant has stated that mineral extraction has ceased and the site is flooded and has been landfilled (as referred to in the Strategic Minerals Issues document). The quarry is currently flooded but permission for mineral extraction remains in place and there are mineral reserves available for extraction. However, this site is in Chorley and generally beyond the economic area of influence of the application site.

**Catlow Quarry** - The applicant has advised that extraction ceased on 31<sup>st</sup> December 2007. However, planning permission ref 13/12/0585 was granted in March 2013 to allow, limited extraction of stone, importation of stone and processing of stone until 31 December 2018 with restoration by 31 December 2020. This site relates to building stone and is not relevant here.

**Hardrock** - Currently being landfilled.

**Round O** - Currently being landfilled.

**Deerplay Quarry and Landfill site** - The applicant has stated that this is a closed landfill with no mineral reserve. However, planning permission was granted on 16<sup>th</sup> April 2008 to allow mineral extraction and landfilling to continue for an additional period of 15 years (ref 12/06/0959). Unworked reserves at the time, and still remaining due to the quarry remaining dormant, equate to some 300,000 tonnes of shale and sandstone.

**Huncoat Rakehead Quarry** – Determination of periodic review conditions under application ref. 11/12/0345 was approved on 18 January 2013. The site relates to some 14ha of largely shales and mudstones and the operator has advised that the site would be capable of releasing around 150,000 tonnes per annum in favourable market conditions. This appears to be in conflict with the applicant's assertion that estimated reserves are only 10,000 tonnes. However, minerals are worked predominantly for brick manufacture and therefore reserves do not form part of the aggregate landbank calculations.

**The applicant states that the following quarries have a limited life or do not produce aggregate:**

**Mitchell's House**- Stone roofing slates only. This is correct.

**Ellel Crag**- This site is in Lancaster district with limited life. This is correct.

**Leeming**- The applicant has stated that the planning permission is for dressed stone only. This is correct.

**Middle Hill** – There is no planning permission for mineral extraction in Lancashire. Limited permitted building stone reserves remain on land within Rochdale Metropolitan Borough Council.

## **Additional sites**

Brinscall Quarry, Chorley district – Existing gritstone quarry with permission until 2042. This is correct. However, this site is in Chorley and generally beyond the economic area of influence of the application site

Waddington Fell, Ribble Valley – Gritstone quarry (building stone, crushed rock and sand) with approximately 300,000 tonnes of remaining unconstrained reserve. However, there are also approximately 700,000 tonnes of permitted reserves under and adjacent to the existing saw shed building.

## **Seven quarries named in the Committee report dated 9 July 2014**

**Whinney Hill** -The applicant has advised that mineral extraction has ceased having run out of sandstone reserves within the existing permission. However, planning permission has been granted for the extraction of a further 2.76 million tonnes of sandstone over a period of approximately 10 years (based on current rates of extraction) subject to the applicant first entering into a Section 106 Agreement relating to drainage matters.

**Scout Moor** -The applicant has stated that although the 2007 Issues document notes that the minerals extracted are coal and shale, his view is that the primary mineral worked is dimension stone and that any aggregate produced is from crushed dimension stone waste and overburden. However, as part of the application for a quarry extension at Scout Moor in 1998 the applicant provided information referring to opportunities for stone to be crushed to sand; secondly, aggregates to be used in the manufacture of concrete products, and thirdly, as dimension stone and flags. This would still appear to be the case at the site. A significant reserve is present at the site and permission is in place until 2029. The site is also identified as a suitable location for inert landfill with the expectation that proposals for inert waste recycling and inert landfill would help deliver the restoration of the quarry. Inert recycling could therefore make a further contribution to the availability of aggregates.

**Fletcher Bank** – The administrative boundary between Lancashire and the Metropolitan Borough of Bury runs roughly north-south through of the quarry meaning that the eastern side of the site is in Lancashire and the western side of the site (including the access onto Manchester Road A56) is within Bury. The applicant has suggested that there is approximately 5 years of reserves remaining. However, significant reserves remain within the existing quarry and planning permission is in place for a quarry extension providing for the extraction of approximately 4 million tonnes of gritstone. Given the proximity of Fletcher Bank to Greater Manchester, the reserves do not form part of Lancashire's reserve calculation. Nevertheless, they do contribute to local supply.

**Jamestone Quarry** – Currently operational contrary to the applicant's assertion that the site is closed. There are extensive permitted reserves of gritstone and shale.

**Whitworth Quarry** -The applicant has stated that the majority of the reserves are located within Whitworth Quarry which accounts for somewhere around 52 million tonnes of the 71.4 million tonnes given in the Annual Monitoring Report for 2012-13 or nearly 75%. Without Whitworth reserves the total reserve figure would be around 19 million tonnes (10 years life) but it is likely that the reserves at the other quarries are

more limited than suggested in the 2012-2013 report. The applicant suggests that Whitworth has significant issues with quality and financial viability, poor access and significant environmental impacts on residential areas.

It is acknowledged that the majority of the reserve falls within Whitworth Quarry. However there is no evidence to suggest that there are "significant issues" with either the quality or the financial viability associated with aggregate production at this site. Although the access to Whitworth Quarry may generate environmental impacts upon the surrounding highway network the quarry has permission for mineral extraction until 2042 and there is a policy which safeguards a new access route.

Additionally, the applicant's report states that the majority of gritstone quarries are engaged in either reviews or are seeking planning permission for extensions. Therefore, the applicant suggests there may be a shortage of permitted reserves at all quarries with the exception of Scout Moor and Whitworth. It is acknowledged that the County Council is currently in receipt of one application for the determination of conditions under periodic review for gritstone reserves at Hutch Bank Quarry and that planning permission for an extension at Whinney Hill Quarry has been granted subject to the completion of a Section 106 agreement relating to drainage matters. However, the review application or any applications for extensions would have no bearing on known permitted reserves.

## **Conclusion**

It is considered that the supplementary analysis of permitted reserves submitted by the applicant has not provided any information of significance to suggest the permission should be granted contrary to local plan policy concerning the need for minerals or in view of NPPF guidance that was considered as part of the report presented to Committee on 9 July 2014. Furthermore, the applicant's supplementary assessment is inaccurate in relation to a number of gritstone quarry sites that are referred to and which do contain workable permitted reserves that are available and could be released in more favourable market conditions.

The report presented to Committee on 9 July 2014 advised that in terms of local economic value and employment, the applicant is of the view that if planning permission for the proposed extension could not be secured, the extraction of aggregates at the quarry would cease with the loss of this aggregate supply to the east of the County and the loss of local employment associated with the quarrying activities and supporting industry. The employment and local economic benefits that the quarry currently provides is recognised but it was concluded in the previous report to Committee that these would not outweigh the overriding lack of policy support to the release of further aggregate reserves given the land bank situation. On this basis the recommendation remains as previous and set out below.

## **Recommendation**

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the application be **refused** for the following reasons:

1. The proposed quarry extension would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy and

Policy M1 of the Joint Lancashire Minerals and Waste Local Plan in that the applicant has not demonstrated that there is a need for aggregate materials or fireclay for brick manufacturing.

2. The quarry extension would be detrimental to the living conditions of local residents caused by the movements of heavy goods vehicles close to residences over an extended period of time particularly as there is no proven need for the minerals, contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
3. The recycling operations would be detrimental to the living conditions of local residents caused by the movement of heavy goods vehicles importing waste materials to the site and subsequently exporting recycled materials thereby increasing the overall number of vehicles that would be required to provide the necessary materials for the restoration of the site or to export permitted minerals over a substantial period of time associated with the quarry extension and revised restoration levels contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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

#### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2014/0055	August 2014	Catherine Lewis/Environment/30490
14/10/0324		
14/98/0383		
14/96/0085		
13/1/2888		
13/1/1606		

Reason for Inclusion in Part II, if appropriate

N/A