

Development Control Committee
Meeting to be held on 16 July 2015

Electoral Division affected: Chorley Rural East
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Chorley Borough: application number LCC/2014/0170
Quarry extension at Brinscall Quarry, Twistmoor Lane, Withnell, Chorley

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Executive Summary

Application – Quarry extension at Brinscall Quarry, Twistmoor Lane, Withnell, Chorley.

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, protection of water resources, highway matters, noise, blasting, dust, soils and overburden, ecology, restoration and aftercare.

Applicant's Proposal

Planning permission is sought for a 1.85 hectare extension to the west of the existing Brinscall Quarry (also known as Withnell Quarry but here on referred to as Brinscall Quarry). The applicant has stated that the extension to the extraction area would allow for the removal of an additional 300,000 tonnes of gritstone block, approximately 1,000,000 tonnes of aggregate, and 160,000 tonnes of interbedded shale/mudstone. The applicant anticipates that the extension would provide some 15 years of mineral reserve but that working and final restoration would be tied in with the existing site which has permission until 2042. Overburden and quarry waste would be utilised to restore the quarry floor. The site would employ working practices in line with the existing quarry.

Description and Location of Site

Brinscall Quarry is an active sandstone quarry located on the northern scarp of Withnell Moor overlooking the villages of Withnell and Brinscall, in the district of Chorley. The existing quarry covers an area of approximately 14.5 hectares. The site boundary extends from the edge of the villages, where the land rises onto open moorland to the south. Access to the site is gained from Twistmoor Lane. The nearest residential properties to the proposed extension are situated approximately 80m away at Butts Brow Cottages on Butterworth Brow. Brinscall Quarry is located within Green Belt. The extension area falls within the Withnell and Wheelton Moors and White Coppice Biological Heritage Site (BHS) and on the West Pennine Moors moorland fringe. Public Footpaths 57 and 58, Chorley skirt close to the northern and western boundary of the proposed extension.

Background

History

Brinscall Quarry appears on historic maps dating from 1845. However, the first recorded planning consent was issued in 1948 under the provisions of the General Interim Development Order 1933 for the working of minerals at the site (ref. 5/4/ID18).

Planning permissions were granted for quarry extensions in 1953 (ref 5/4/47) and 1967 (ref. 5/4/484).

In 1975 planning permission was refused for a southern extension to the quarry (ref. 9/74/165).

Under the provisions of the Environment Act 1995 modern working and restoration conditions to permissions 5/4/47 and 5/4/484 were approved in 1998 (ref. 09/97/0520). The operator at the time appealed clauses (i) and (ii) of condition 3 of permission 09/97/0520 relating to depth of mineral extraction and this appeal was allowed by the Secretary of State of the Department for Transport, Local Government and the Regions (DTLR) following recommendations made by the Planning Inspector in a report dated 29 August 2000. A complete revised list of conditions was provided in a decision letter prepared on behalf of the Secretary of State for DTLR, dated 22 August 2001.

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, protecting green belt land, conserving and enhancing the natural environment, and facilitating the sustainable use of minerals.

Planning Practice Guidance to accompany NPPF

Minerals

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

- Policy CS1 Safeguarding Lancashire's Mineral Resources
- Policy CS3 Meeting the demands for New Minerals
- Policy CS4 Identifying Sites and Areas for Mineral Extraction
- Policy CS5 Achieving Sustainable Mineral Production

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

- Policy NPPF1 Presumption in Favour of Sustainable Development
- Policy DM1 Management of Waste and Extraction of Minerals
- Policy DM2 Development Management
- Policy M1 Managing mineral production
- Policy M2 Safeguarding Minerals

Central Lancashire Core Strategy

- Policy 18 – Green Infrastructure
- Policy 21 – Landscape Character Areas
- Policy 22 – Biodiversity and Geodiversity
- Policy 29 – Water Management

Chorley Local Plan (saved policies)

- Policy EP2 – Biological Heritage Sites
- Policy EP20 – Noise

Community Involvement

A public consultation event was held at St Joseph's Social Club, Brinscall on 8 October 2014.

Consultations (summary)

Withnell Parish Council – The Parish Council believe that there is no commercial need for the stone detailed in the application, there are sufficient alternative sources at Bury Fletcher Bank and a site in Derbyshire. The Council believe the low grade material to be quarried first is not needed and that the applicant's own reports indicate a significant scarring to the landscape which is disproportionate to the loss of amenity for hundreds of residents. The Parish Council request the members to reject the application.

Chorley Borough Council – Although there are concerns regarding the impact of increased vehicle movements in relation to the noise and disturbance already experienced by residents in Brinscall and Withnell, Chorley Council raises no objection to the application subject to matters relating to noise, dust, blast vibration,

air quality, ecological impacts, restoration of the site, highway safety, operating hours and drainage being adequately controlled through appropriately worded conditions.

National Planning Casework Unit – No comments to make.

LCC Developer Support (Highways) – The site is an existing quarry. The proposal does not include an alteration to the existing accesses and no increase in the number of vehicles including HGVs involved in the quarry operations is proposed; as a result, no additional vehicular trips will be generated. The existing Public Rights of Ways in the area will also not be affected by the proposed quarry extension.

It is however noted that there has been two recorded traffic accidents, one serious and one slight in the past 5 years on the site's transport route. The serious accident which occurred in 2013 was attributed to high vehicle speed while the slight accident in 2014 was due to lack of signage. The accidents occurred in Twistmoor Lane near its end with the un-adopted section of Butterworth Brow and at a point west of its junction with Public Right of Way (FP 53).

Therefore, while there are no highway objections to the current proposal, it is recommended that the applicant be requested to provide measures to mitigate the impact of traffic accidents on the above section of Twistmoor Lane. The applicant should provide a traffic sign indicating bends in the road and a 'SLOW' worded carriageway marking on Twistmoor Lane near its end with the un-adopted section of Butterworth Brow in one direction and the same sign and marking on Twistmoor Lane at a point east of its junction with FP53 in the other direction. These works should be carried out through the Section 278 agreement of the Highways Act 1980.

It is noted that there are signs on Butterworth Brow indicating the national speed limit which are misleading as Twistmoor Lane and Butterworth Brow are both subject to 30mph speed limits. This issue should be drawn to the attention of colleagues in the Traffic Section to investigate why these signs are in place and if possible get them removed.

Finally, the highway planning conditions relating to the existing use of the quarry access should be extended to cover the current proposal.

LCC County Ecology Service – Subsequent to the original planning submission, the applicant has now submitted additional information to address outstanding issues raised. The main issues at this site appear to include direct and indirect impacts on designated sites (proposed SSSI, Local Site/Biological Heritage Site), protected and priority species and habitats, and peat/ peatland hydrology.

Prior to determination it is recommended that further details are required to address potential impacts on peatland hydrology, and in relation to site restoration. If these issues can be satisfactorily addressed, and Lancashire County Council is minded to approve the application, then any planning permission would need to secure mitigation and compensation by planning condition and/ or obligation in relation to the matters referred to above and also in relation to protection of wildlife interests.

LCC County Ecology Service also note that the application refers to an area proposed for advance tree planting. Unfortunately the area proposed for tree planting lies within Withnell and Wheelton Moors and White Coppice BHS, in an area apparently proposed for inclusion in the West Pennine Moors SSSI, and supports dry heath/ acid grassland mosaic (habitats of existing biodiversity value). The proposed tree planting therefore appears ecologically inappropriate, and likely to further damage the biodiversity interest of the BHS and proposed SSSI.

Environment Agency – No objection. The proposed development will only meet the requirements of the National Planning Policy Framework if measures as detailed in the Flood Risk Assessment (200/5) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The groundwater information clarifies the status of groundwater levels at the site but because groundwater levels are likely to vary spatially and change over time it is recommended that in order to establish groundwater level accurately, a minimum of 12 continuous monthly readings are required. Groundwater monitoring should continue through the period of development to ensure that excavation has no detrimental impact on groundwater resources.

It is not expected that the proposed extension should have detrimental impact on groundwater levels in the area provided that the excavation does not proceed below the groundwater table, subject to conditions relating to additional borehole(s) and groundwater monitoring.

Surface water generated in the quarry is likely to contain high levels of suspended solids and therefore the applicant needs to put in place robust pollution prevention measures. This would include drainage from access roads, parking areas and wheel wash (if present).

There is a discharge consent in place (consent number 017091297) for discharge of trade effluent into the Goyt. This has not been mentioned in the application documentation. The applicant will need to consider if the existing consent will need varying in the light of the proposed quarry extension, and how this discharge links in with surface water management on site.

Any fuel oil stored on site should be stored in line with the Oil Storage Regulations.

Natural England – No objection.

LCC County Landscape Service – The application is to extend the existing quarry on the western edge by 1.85 hectares. The proposal represents a small extension in comparison to main site.

Views of the site and the proposed extension from the village and surrounding area are largely hidden from view by trees and the local topography. The proposed extension will be clearly visible, however, from the public footpaths immediately adjacent to the western boundary of the site.

Referring to the Landscape Strategy for Lancashire the site sits within the West Pennine Moorland Fringes Landscape Character Area 4j. To the north lies LLCA 6B (West Pennine Moorland Foothills) and to the south LLCA 2a (West Pennine Moorland Hills). Taking into account the Landscape Strategy for Lancashire and the recommendations relevant to this site, the proposed extension to the site during its working life is not considered to conflict with the Strategy.

Of concern, however, is the lack of detail at this stage of the restoration of the site. The EIA, Section 10 states that there will be areas of woodland planting, as well as the construction of a bund and new drystone walling to mitigate for the loss of the existing landscape features. On the Indicative Restoration Plan however only the drystone wall is apparent. The height and profile of the bund and any planting on it, has the potential to conflict with the Landscape Strategy as it relates to this particular character area.

Given the significance of the restoration of the site on the existing landscape, details of the restoration of the site, including the bund, should be provided at this stage.

LCC County Archaeology Service (LCAS) - Figure 10 (Drawing No. 2) shows that the proposed quarry extension limits have been revised, in line with comments made by LCAS in April 2014 (see LCC/2014/0050), so that the site of Cocker's Folly would now not be impacted by the proposals. The County Archaeology Service therefore has no further comments to make on the proposed quarry extension.

LCC Public Rights Of Way – No observations received.

Ramblers' Association – No observations received.

Health & Safety Executive – No comments to make.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 234 representations have been received, which object to the application for the following summarised reasons:

- Already significant noise pollution, which will only be increased. Noise from hydraulic breakers, HGVs and road sweepers.
- Increased traffic pollution and traffic safety issues.
- Increased deterioration of road surface conditions.
- Concern over blasting activities and the impact on nearby houses – the need for monitoring.
- Detrimental impact on the character of the areas.
- Extent to which the Quarry encroaches upon the historical farmland of the moors.
- Impact on residential amenity.
- Scale, appearance and design of the proposal.
- Would be an eye sore.
- Reduced access to the moors.

- There are objects of importance in the area placed by residents.
- The area is used by local faith groups.
- Dust pollution and deterioration of air quality.
- The impact of quarry surface water run-off on watercourses including the Goit and Croft Lodge.
- Increased traffic activity.
- Concern over the future detrimental effects on the mental and physical health of the community.
- Would be an irreversible act of vandalism
- Is close to a regular walking path.
- People have scattered ashes at the site and Cocker's Folly. It would be disrespecting those memories.
- Local church holds a service every Easter.
- Important place for the local wildlife.
- Impact on Flora and Fauna.
- Is an area of natural beauty which attracts walkers and ramblers.
- Is a flight path for wading birds and is an essential place for bird species to breed.
- Negative impact on the local ecosystem – the protection of rare crustose lichen
- Extension would go against stated policy (2009 - LCC state no more aggregate needed until 2021). Proposed development would produce 1 million tonnes of aggregate.
- There is no need for the stone, and it is no longer used as a main building material.
- Lack of engagement with the local community. Information has been incomplete, misleading and inaccurate.
- Change the nature of Brinscall – would become more of a woodland rather than moorland with proposed advanced tree planting.
- Significant changes in landform (irreversible and significant adverse effect)
- Development would be in the Green Belt.
- Unclear on how and where the stone would be used.
- Some residents lack access to the online application and a charge of £100.00 to gain a copy is excessive, especially to those on low incomes.
- There is a need for a full flood risk assessment as the proposed extension would cover 1.85 hectares.
- Application significantly underplays the impact that the extension would have on the local community.
- The continual erosion of natural resources would clearly impact on the animals and plants around the area.

- The proposed screening with soil and trees would do little to alter the fact that there would be a huge hole clearly visible to anyone travelling through Brinscall.
- Twistmoor Lane – pre 2010 was a beautiful leafy country lane, abundant with flowers. Now grass is being churned up by lorries trying to pass each other. Mud and grit on the road is a danger.
- Damage to local roads – along Dole Lane into Abbey Village.
- Proposed start time of 7am on Saturday is too early.
- The reduction of natural light due to the proposed planting of trees along the ridge.
- The proposal would bring no economic benefit to Brinscall. Few (local) people are employed there and quarried materials are almost universally exported.
- Intrudes further into the West Pennine Moors, which is earmarked as a possible SSSI.
- A reduction in the benefits of solar power, reducing green credentials due to the blocking of light.
- Consultation period on the application insufficient.
- Cocker's Folly would be lost in the melee of bund mounds and tree planting.
- The time frame needed for the extraction from Brinscall Quarry should be reason alone for refusal.
- The application for a quarry extension in 1974 was refused and so should be again.
- The site is described as rough pasture but in actual fact is moorland which is a valuable and shrinking habitat.
- The purpose of the quarry re-opening was to build the M65 motorway; this has long since been completed and so should go back to as it was before.
- Affects health and lifestyle of residents. Unable to sleep during the day and unannounced house shaking.
- Extending the boundary towards Cocker's Folly would open up the view of the quarry from the village and would create a significant scar on the landscape.
- Quarry extension would deter visitors as it would be viewed as less attractive therefore bringing less trade to local businesses.
- Even from a significant distance in the village the noise is still audible, and little has been done to muffle the noise.
- It is a rural place and the roads were not built to cope with the increased, heavy HGV traffic. The roads are narrow and steep and Twistmoor lane doesn't have footpaths and there are blind bends.
- The activities of the youth will be affected, such as running, playing football and cycling.
- Rural communities should be protected or they will be lost under a mass of commercial development.

- The HGVs travel through Abbey Village which has a primary school, so is a danger for the children and parents when arriving and leaving school.
- LCC and United Utilities put in a large sum of money to create a bridle path leading towards Anglezarke. Twistmoor Lane connects the bridleway to ones at Roddlesworth and Darwen Tower. It is increasingly becoming unsafe to ride along the lane. The lorries have no consideration for horse riders and empty wagons cause huge noise.
- The Moorland is priceless as it can never be replaced.
- It is unclear what would happen when the quarrying is finished. Would the owners apply for landfill permission – this would cause many more years of heavy traffic, dirt and smell.
- It is possible that sand and grit could block waterways which could result in the flooding of the bottom of the village.
- There has been no explanation on how pollution levels and vehicle movements would be monitored.
- The operator lacks credibility.
- The area is popular with walking groups and the proposed extension would change this and would go against the Government's push to encourage people to do more exercise.
- Homes are bought with the consideration of the scenic landscape and the extension would blight these views.
- Residents are constantly being woken up 6 days a week at 7:30am or earlier with the existing quarry.
- Studies should be presented before the planning committee members considering moorland bird species impact before an informed decision is made.
- Is a southerly extension not possible? This would have a smaller impact in terms of noise and visual intrusion on Brinscall.
- Isn't there a responsibility to safeguard and maintain the integrity of the Greenbelt for future generations.

Lindsay Hoyle MP – Has deep concerns about the application given the continued nuisance that this quarry has caused to local residents. Objection is raised as it is believed that the local roads are already under pressure and this application would add to the problem. In particular, residents have to tolerate large volumes of heavy goods vehicles on local roads, which will only be made worse by the extension.

There will also be a negative impact on the local environment in this area of outstanding beauty. Furthermore, he shares residents' concerns about whether there is a proven requirement and need for the extraction.

Chorley Borough Councillor Margaret France - would agree with most of the local residents that this development would have a great impact on the amenity of residents of the villages of Brinscall, Withnell, and Abbey Village. The visual impact

would be immense, and completely change the nature of the area from open moorland to mitigation of habitat in the form of woodland. The quarry extension would bring the noise, dust and vibration from the quarry much closer to the houses in Brinscall. The traffic generated through Abbey Village caused by the HGVs from the quarry is a source of disturbance to many people, operating as it does from 7am six days a week. Members of Development Control Committee are urged to unanimously object to this application, to save the villages and ecological heritage.

Advice

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 mineral that would be extracted along with an assessment of the potential impacts of the proposal on the local environment including impacts on the public highway, the amenity of the residents who live nearby and the impact on the Green Belt. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Need for Minerals

The existing site is currently worked for block stone used for building projects and also for aggregates where the rock is not suitable as block stone and also as a by-product of block stone removal. The applicant has stated that the planning application is being made now because the current benching profile and height of the western quarry face would allow a workable access ramp to the extension area. As extraction advances within the existing site it would become more difficult to work the extension area.

There are two key aspects in relation to minerals planning policy. That relating to aggregate production and that relating to the removal of building stone. In operational terms, the two aspects are interrelated at this quarry.

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 while ensuring that there are no unacceptable adverse impacts on the natural and historic environment, or human health.

The Joint Lancashire Minerals and Waste Plan covers the administrative areas of Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council (the Joint Authorities). The Joint Plan consists of an adopted Core Strategy and Site Allocation and Development Management Policies Local Plan.

Policy CS1 of the JLMWDF (published February 2009) states, *inter alia*, that minerals will be extracted only where they meet a proven need for materials within particular specifications.

Policy CS3 of the JLMWDF is about meeting the demand for new minerals and states, *inter alia* that:

- *"No additional land will be made available for the extraction of gritstone for aggregate use before 2021 unless it is of a special quality not available elsewhere".*
- *"Proposals for the extraction of locally sourced building stone for building and architectural purposes will be supported."*
- *"The mineral planning authorities will endeavour to maintain a landbank of at least seven years of planning permissions for the extraction of sand and gravel and 10 years for crushed rock (limestone and gritstone).*

Policy M1 of the JLMWLP (published September 2013) states that development will not be supported for any new extraction of sand and gravel, limestone, gritstone or brickshale for aggregate mineral. This policy was formulated in view of the mineral landbank information available at the time but acknowledges that there is explicit recognition for a need to plan, monitor and manage the supply of minerals.

Commentary to Policy M1 reiterates the position set out in Policy CS3 of the JLMWDF by advising that the extraction of locally sourced building stone is not managed by a land bank and proposals for extraction are supported.

The commentary to Policy M1 continues by noting that *"it is recognised that building stone quarries could also produce aggregate from the removal of overburden and the winning and working of the building stone. Policy M1 does not seek to prevent the necessary extension of building stone quarries where aggregates are produced as a necessary part of their working but it is important to consider the impact of aggregate by-products on the supply identified in the Core Strategy when considering such proposals"*.

The commentary to Policy M1 lists a number of tests that should be considered in relation to building stone quarries as follows:

- *"The primary purpose of the proposed quarrying operation would be to produce and sell building stone*
- *Any aggregate production would be reasonably ancillary to the extraction and working of the building stone (proportions would reasonably relate to the circumstances of the quarry and would represent a sustainable use of the building stone resource)*
- *The aggregate would not have a significant impact on regional aggregate supplies"*

In April 2015 a Local Aggregate Assessment (LAA) report was published by Lancashire County Council to inform the monitoring and review of the Minerals and Waste Local Plan. The report contains information on the past 10 years data for aggregate production and sales and it seeks to identify objectively assessed need, a requirement of the NPPF's presumption in favour of sustainable development.

The LAA identifies that total sales of crushed sandstone have shown a marked decline over the previous ten years. In 2013 sales were 0.67 million tonnes (Mt).

The 10 year average of sales continues to decline, at 0.95 Mt over the period between 2003 and 2013. The 3 year average is less, at 0.82Mt. The LAA adds that in addition to the 10 year average, any other extraordinary infrastructure developments should be considered in terms of assessing likely future demand. In the Plan area this could include transport infrastructure and increased delivery of house building.

The LAA states that in 2013 there were 71.05 Mt of gritstone reserves with planning permission. Based on the 10 year average of sales the permitted reserves of 71.05Mt are expected to last 74 years, and the 10 year landbank is expected to begin to be eroded in 2075. However, it is stressed that in order to ensure the continued steady and adequate provision of aggregate to market, the permitted quarries' ability to meet the forecast annualised demand must be considered. At 2010 a large proportion of the permitted reserve (52 Mt, representing 73% of the permitted reserves) were held in Whitworth Quarry in Rossendale (the most recently publicly available information on Whitworth Quarry's permitted reserves).

In terms of crushed sandstone the LAA concludes that whilst the permitted reserves are more than sufficient for landbank provision they are unevenly distributed and should other quarries in the Plan area become worked out and unable to continue producing aggregates, the industry's ability to meet forecast demand at the local market level may be restricted.

In addition to the *National Planning Policy Framework*, the government has also published accompanying practice guidance. Paragraph 84 of the *Planning Practice Guidance* advises 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. The PPG adds:

'There are a number of reasons why an application for aggregate minerals development is brought forward in an area where there exists an adequate landbank. These could include:

- significant future increases in demand that can be forecast with reasonable certainty;*
- the location of the consented reserve is inappropriately located relative to the main market areas;*
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market; and*
- known constraints on the availability of consented reserves that might limit output over the plan period.'*

In relation to the first bullet point above, it is reasonable to assume that demand for mineral products will increase with economic upturn and in particular as a

consequence of local infrastructure projects associated with City Deal initiatives in the Chorley, South Ribble and Preston area.

With reference to the second bullet point, it is clear that a large proportion of Lancashire's gritstone reserves are located in east Lancashire primarily within one quarry, Whitworth Quarry in Rossendale. Similarly, significant reserves are shared between Scout Moor Quarry near Edenfield, Fletcher Bank Quarry near Shuttleworth, Ramsbottom, Jamestone Quarry at Haslingden Grane, Hutch Bank Quarry, also at Haslingden, Whinney Hill in Accrington and Rakehead at Huncoat. Consequently, west and central Lancashire is not well served for the purposes of the local plan period.

There is no strong argument that aggregate from Brinscall Quarry is of a nature, type or quality that has a particular use within a distinct and separate market or that there are any known constraints that might limit output over the plan period.

In conclusion on the need for minerals, firstly, the NPPF states that great weight should be given to the benefits of mineral extraction, including benefits to economy. Secondly, the proposed quarry extension would release a valuable supply of building stone, which is supported in principle by the policies of the development plan. Thirdly, while the landbank of permitted reserves for gritstone aggregate is more than sufficient for the plan period, there is clearly an imbalance between the locations of the permitted reserves across Lancashire. On this basis it is considered that there is sound justification to override the 'no need' position set out in Policy M1 of the JLMWLP in terms of aggregate supply and also good reason to support the extraction of gritstone block in principle.

Green Belt

The quarry is located in the Green Belt. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 of the NPPF explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 87 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 90 of the NPPF states that mineral extraction is not inappropriate development in the Green Belt provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

The extension is small in relation to the existing site and although mineral working operations would be visible from the villages of Brinscall and Withnell during soil

stripping, bund formation and the extraction of upper mineral reserves, the temporary nature of the quarrying activity and the final proposed restoration scheme would not affect the openness of the Green Belt in the longer term and would not conflict with the purposes of including land in Green Belt. On this basis the proposed development would not be inappropriate in the Green belt and therefore very special circumstances do not need to be demonstrated.

Landscape, visual impact and restoration

The proposed extension area would be visible from a number of vantage points within the villages of Brinscall and Withnell and from public footpath numbers 57 and 58 to the west of the site. As discussed in the Green Belt section, the view would be largely restricted to the formation of the site boundary soil storage/screening bund and its long term presence, and mineral extraction operations within the upper horizons.

Policy 21 of the Central Lancashire Adopted Core Strategy states that new development will be required to be well integrated into existing settlement patterns, appropriate to the landscape character type and designation within which it is situated and contribute positively to its conservation, enhancement or restoration or the creation of appropriate new features.

The applicant has undertaken a landscape and visual impact assessment (LVIA) of the proposed extension including an evaluation of the local landscape character context and nature and scale of each stage of the proposal. The LVIA concludes that the quarry development would have substantial/moderate adverse effects on local landform, which would be significant, and a slight adverse effect on visual character and landscape character, which would not be significant.

The change would mostly affect the visual characteristics of elevated locations north of the site where the south quarry face would be visible. Overall effects on landscape character are judged by the applicant to be a medium magnitude of change and a moderate adverse effect falling to a slight adverse effect by final restoration.

The County Council's Landscape Service advises that the site sits within the West Pennine Moorland Fringes Landscape Character Area (LCA) 4j. To the north lies LCA 6b (West Pennine Moorland Foothills) and to the south LCA 2a (West Pennine Moorland Hills). It is also advised that when taking into account good practice guidance in Lancashire County Council's Landscape Strategy for Lancashire and the recommendations relevant to this character area, the proposed extension to the site during its working life would not present any conflicts in principle. However, concern is raised over the lack of detail regarding site restoration.

The applicant has since provided further details of indicative site restoration incorporating the existing site. The site wide restoration would include the spreading of overburden and available soils at various thickness across the quarry floor and quarry face benches to provide a substrate for natural regeneration along with interspersed areas of restoration blasts to break up the quarry floor and provide

alternative niche environments. Water would be allowed to naturally pool within the lower levels of the site and within areas of lower permeability.

Following extraction within the extension area, restoration opportunities within the quarry void would be limited in relation with what could be achieved across the existing site. Therefore an enhanced site wide restoration scheme would be an opportunity to provide mitigation/compensation in restoration and biodiversity terms when compared with the approved scheme of restoration for the existing site, which provides for a rather flat uniform landform at 180m AOD. The applicant's proposed indicative restoration scheme is considered acceptable and could be controlled by condition. Should permission be granted, it is also considered reasonable to rely on pre-commencement conditions requiring the submission of the finer details of restoration and aftercare and also in relation to soil storage bunds to ensure that the scheme is appropriate in relation to the landscape character and in terms of minimising visual impact.

The applicant has proposed advanced tree planting as part of the landscape mitigation proposals. However, concern has been raised, including from local residents, over how this would affect the status of the BHS outside the extension area (as discussed in the Ecology section below) and the general long term views of this section of moorland. On this basis, it is recommended that notwithstanding the applicant's proposals, tree planting be excluded from any screening landscape works.

It is understandable that local residents might well consider that the quality of their views of the open moorland fringe would be affected, but it is considered that the proposed extension would not have such a detrimental impact to present a sufficient basis for refusal, particularly given the small scale of the extension area and proximity of the existing site.

Highway matters

The policies of the Development Plan in particular Policy DM2 of the JLMWLP seek to ensure that proposals for mineral development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

Quarry traffic current accesses the site via Twist Moor Lane. Existing planning conditions restrict quarry vehicles travelling along Butterworth Brow and down into Brinscall Village and also from turning left from Twistmoor Lane onto Norcross Brow. Butterworth Brow at the site entrance is a privately maintained highway but the landowner is unknown. This section of privately maintained road extends for approximately 400m across the site entrance and has no official speed limit. Butterworth Brow adjacent to Butts Brow Cottages is a local access road with a 30mph speed limit. Twistmoor Lane commences close to 'Church House' to its junction with Norcross Brow. This is also a local access road with a 30mph speed limit. Thereafter, quarry vehicles access the A675 to the M65 via Abbey Village or towards Bolton. There is no conditional restriction on the number of vehicle movements given the long history of quarrying at the site and consequently traffic volumes have varied over time depending on the market demand for stone.

Traffic count data held by Lancashire County Council reveals that approximately 3500-4000 vehicles travel along the A675 Bolton Road through Abbey Village in both directions on any one day. HGVs represent approximately 7% of that number. The applicant has stated that an average of approximately 40 HGVs arrived at and then left the site each day through 2014. The applicant has also stated that the maximum number of HGV movements in any one day between 2014 to present, took place on 17 June 2015 when approximately 93 HGVs left the site (based on an output of 1851 tonnes). Over the longer term, quarry HGV traffic has typically represented, on average, some 1% of overall traffic flow along the A675. More recently there has been an increase in HGV traffic to and from the site, as demonstrated by the recent maximum figure, which is a reflection of an upturn in demand.

The applicant has submitted a transport statement that identifies the local highway network, the local road safety record and a review of the transport implications in relation to the proposed development. The report concludes that overall the existing highway network that serves the quarry has a good safety record and the proposed extension would not result in an increase in traffic generation from that experienced with the existing operations.

It is acknowledged that the proposed extension would not be likely to increase the number of vehicle movements each day in relation to the existing site. However, the extension would release a new volume of mineral reserve to be exported off site, which would ultimately increase the duration of operations at the site should daily output remain largely unchanged. The accompanying text to Policy DM2 of the JLMWLP considers that the magnitude of the impact can be influenced by the duration of the operations.

LCC Developer Support (Highways) has noted that there has been two recorded traffic accidents, one serious and one slight in the past 5 years on the site's transport route. County Council data indicates that the serious accident which occurred in 2013 was attributed to high vehicle speed of a light goods vehicle while the slight accident in 2014 involved a motorcycle crashing while avoiding a vehicle collision. The accidents occurred in Twistmoor Lane near its end with the un-adopted section of Butterworth Brow and at a point west of its junction with Public Right of Way (FP 53).

LCC Developer Support (Highways) has concluded that while there are no highway objections to the current proposal, opportunity should be taken to request that the applicant be required to help improve highway safety in terms of providing a traffic sign indicating bends in the road and a 'SLOW' worded carriageway marking on Twist Moor Road near its end with the un-adopted section of Butterworth Brow in one direction and the same sign and marking on Twistmoor Lane at a point east of its junction with FP53 in the other direction. A condition is recommended in this respect and the applicant is amenable to this.

In respect of the noted speed limit discrepancies along Twistmoor Lane and Butterworth Brow the County Council's Traffic Section have clarified that there are no current Traffic Regulation Orders (TROs) for Butterworth Brow or Twistmoor Lane and the current signage in the vicinity of No 4 Butterworth Brow would indicate the

default speed limits as a result of the carriageway layout i.e. the presence of a system of street lighting defaulting the road to restricted status (30mph) with the remaining section defaulting to derestricted (National Speed Limit) due to the lack of street lighting.

The proposed extension would be worked as part of the existing site operations and it is considered reasonable and necessary to ensure that should permission be granted that all existing relevant highway related conditions should be imposed. These relate to access arrangements, vehicle sheeting, permitted times for vehicles to leave the site and vehicle/road cleaning facilities. Subject to the conditions referred to it is considered that there would be no unacceptable adverse impacts associated with quarry vehicles on the highway network or local amenity.

Impact upon local amenity and pollution control

The NPPF and the JLMWDF 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 and vibration. More specifically, Policy DM2 of the JLMWLP supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The application site is located on the northern scarp of Withnell Moor overlooking the villages of Withnell and Brinscall and forms an extended area of the existing quarry. The nearest residential properties to the proposed extension are situated approximately 80m away at Butts Brow Cottages on Butterworth Brow at an elevation some 20m lower where the local topography provides a significant natural screen. The main residential area of Brinscall is located at a distance of approximately 400m and extends out to approaching 1km away on the opposite side of the valley.

The applicant has undertaken assessments in relation to noise, blasting and air quality. Given the application is for an extension to existing workings, the applicant was able to make use of current operations in assessing likely impacts.

Noise

In respect of noise, the applicant established baseline noise impacts, calculated predicted noise levels of worst case scenarios, and measured against Government guidance.

Paragraph 123 of the NPPF states that *planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*

- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

Assessment of 'significant adverse impacts' is directed to the DEFRA publication *Explanatory Note to the Noise Policy Statement for England*.

In the accompanying practice guidance for the NPPF the management of the noise associated with particular development types is considered in a number of separate documents. For minerals development there is *National Planning Practice Guidance: Minerals (PPG)*.

In relation to noise the PPG states that applicants *should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood.*

Proposals for the control or mitigation of noise emissions should:

- *consider the main characteristics of the production process and its environs, including the location of noise-sensitive properties and sensitive environmental sites;*
- *assess the existing acoustic environment around the site of the proposed operations, including background noise levels at nearby noise-sensitive properties;*
- *estimate the likely future noise from the development and its impact on the neighbourhood of the proposed operations;*
- *identify proposals to minimise, mitigate or remove noise emissions at source;*
- *monitor the resulting noise to check compliance with any proposed or imposed conditions.*

The PPG continues by adding that *Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:*

- *give rise to a significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved.*

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be

above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

The PPG recommends appropriate noise standards and advises that *Mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq, 1h (free field) at a noise sensitive property.*

Where the site noise has a significant tonal element, it may be appropriate to set specific limits to control this aspect. Peak or impulsive noise, which may include some reversing beepers, may also require separate limits that are independent of background noise (e.g. L_{max} in specific octave or third-octave frequency bands – and that should not be allowed to occur regularly at night.)

For particularly noisy short term events such as soil stripping and road construction the PPG advises:

Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum.

The applicant's noise assessment concludes that noise levels from quarry operations would not exceed guideline levels set out in the NPPF. The applicant proposes achievable noise limits at the nearest properties, which could be imposed as recommended conditions in terms of controlling the general noise. However, there is concern in relation to potential intermittent noisy quarry working activities, which would not be identified within hourly noise calculations but could cause unreasonable disturbance particularly in the early morning. For this reason, and in acknowledgement of the more prominent location of the application site, it is recommended that should permission be granted, hours of working for mining and restoration works shall be restricted to commence from 7.30am within the extension area in contrast with the 7am start time that is permitted at the existing quarry. Soil stripping and mound formation should not commence before 8.30am, consistent with the existing permission. A condition controlling noise from reversing alarms is also

recommended consistent with the existing permission. On this basis it is considered that noise from the proposed operations would enable a good standard of amenity to be achieved in accordance with the Government's Planning Practice Guidance.

Blasting

Concern has been raised in relation to the effects of blasting at the existing quarry and the potential implications of blasting within the extension area.

The applicant has provided a Blasting report which explains the background to blasting effects including vibration and air-over pressure and reference to relevant guidelines. Measurement of a blast event is then discussed and evaluated. The report concludes that current blasting practices produce vibration impacts well below guideline levels, and blast levels and requirements for monitoring could be reasonably controlled by condition.

Condition 29 of permission 09/97/0520 (for the existing site) states that vibrations from 95% of all blasts in any calendar month shall not exceed 6mm/sec peak particle velocity (PPV) in any plane. Condition 30 states that the vibration from blasting shall not exceed 9 mm/sec PPV (the maximum). These limit values would have been derived from Government planning guidance at the time and are still reflective of current industry standards. Conditions are recommended accordingly.

Air Quality

The applicant has undertaken an air quality assessment to consider the effects of air quality from the extraction, processing and movement of material from the site. The report concludes that it is very unlikely that any significant decrease in local air quality would occur with the extension of the quarry. Any dust events would be limited and of short duration and would be minimised by dust control recommendations. The report indicates that local air quality objectives relating to PM₁₀ dust (particulate matter of a size less than 10 micrometres in diameter) would not be exceeded and therefore air quality would not be significantly affected.

Chorley Borough Council, which has responsibility for environmental health functions has raised no objection subject to controls through appropriately worded conditions. Conditions are recommended in relation to the applicant's proposed dust control measures and general requirements in relation to wheel cleaning and cleaning of the internal access road. Subject to conditions it is considered that there would be no unacceptable adverse impacts relating to dust and air quality that would arise with the proposed extension.

Ecology

Paragraph 118 of the NPPF states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

Policy 22 of the Central Lancashire Adopted Core Strategy refers to conservation, protection and seeking opportunities to enhance and manage the biological and geological assets of the area.

Policy EP2 of the Chorley Local Plan states that development likely to have an adverse effect on a biological heritage site will not be permitted unless the reasons for development are sufficient to override the nature conservation considerations. Should development be permitted, planning conditions or agreements may be used to secure appropriate safeguards or compensatory measures.

The application site falls within the Withnell and Wheelton Moors and White Coppice Biological Heritage Site (BHS) and on the West Pennine Moors moorland fringe. The BHS extends over some 683 hectares and comprises an extensive area of moorland and adjacent land, supporting a mosaic of habitats including blanket mire, wet and dry heath, acid grassland and marshy grassland. However, the application site largely comprises moorland edge grazing pasture.

Bilberry and acid grassland become prominent on the steep slopes around the edge of the moor. Areas of marshy grassland dominated by purple moor-grass and stands of bracken also occur here. The existing Brinscall Quarry on the north-western flank of the moor is included in the site. Birch woodland and a mixed moorland vegetation is re-colonising the quarry, with species such as bell heather, heather, bilberry and crowberry. The BHS site as a whole is of considerable ornithological interest and the following species breed there: red grouse, dunlin, snipe, curlew, redshank and wheatear. Two notable lichens, *Ophioparma ventosa* and *Lecidea leucophaea*, are present. Green hairstreak butterflies breed in the south-west of the BHS site.

The application is accompanied by an ecological assessment and further supporting information, which concludes that the proposed extension area includes habitat of relatively low diversity and quality and that a well-conceived restoration plan could provide a net ecological benefit as is demonstrated with the natural regeneration that has taken place within former quarry working areas. The assessment recommends that operational care must be taken with the confirmed presence of peregrine falcon, measures should be included to prevent loss of water in the indirectly affected peatlands to the south of the site and the erection of stockproof fencing around the application site beyond the mineral extension area.

The County Council's Ecology Service has undertaken a comprehensive assessment of the submitted ecological information and has highlighted that the main issues at this site appear to include potential direct and indirect impacts on designated sites (proposed SSSI, Local Site/Biological Heritage Site), protected and priority species and habitats, and peat/ peatland hydrology. In summary, the Ecology Service has recommended that should permission be granted, further information should be provided in relation to details to address potential impacts on peatland hydrology, further details of site restoration, and conditional measures should be imposed to protect peregrine falcon by restricting blasting to outside the nesting season (as recommended by the applicant's ecological consultant) and also in relation to repeat survey for badgers. It is also noted that the developer should be aware of the need to comply with separate legislative requirements in relation to badgers and nesting

birds. It should also be noted the survey information relating to the location of protected species is not included on the planning register due to its sensitive nature.

The County Ecology Service also note that the application refers to an area proposed for advance tree planting but it is recognised that the area proposed for tree planting lies within Withnell and Wheelton Moors and White Coppice BHS, in an area apparently proposed for inclusion in the West Pennine Moors SSSI, and supports dry heath/ acid grassland mosaic (habitats of existing biodiversity value). On this basis it is advised that the proposed tree planting therefore appears ecologically inappropriate, and likely to further damage the biodiversity interest of the BHS and proposed SSSI. As discussed in the '*landscape, visual impact and restoration*' section above it is recommended that the advance tree planting be excluded from the proposal and this could be controlled by condition.

It is considered that the applicant has satisfactorily demonstrated the nature of potential impacts at the site, measures to avoid impact, and recommendations for mitigation and compensation including the indicative restoration details referred to above in the section on 'Landscape, visual impact and restoration'. Overall, in terms of ecological impact it is considered that the loss of the area of BHS within the application site would not be so great as to warrant the refusal of planning permission, subject to recommended conditions in relation to further details of restoration and aftercare, an impervious water barrier to reduce surface water flow, protection of badgers, peregrines and nesting birds.

Water Management

The application is accompanied by a flood risk assessment and hydrogeological assessment and further supporting information. The reports clarify the understanding of the existing site regime and set out the implications of the proposed extension.

The site is not within a flood risk zone. However, as it is over 1 hectare there is a requirement to submit a flood risk assessment to demonstrate that the proposed development would not be affected by flooding and would not increase flooding elsewhere. The report concludes that the proposed development would generate no adverse surface water impacts and would not introduce an unacceptable volume of water into any adjacent watercourse. The Environment Agency has raised no objection subject to a condition relating to surface water percolation into permeable bedrock. It is recommended that this matter could be satisfactorily addressed as part of a proposed condition for an impervious water barrier referred to in the ecology section above.

Surface water management within the quarry void would continue in line with existing practices, which includes percolation into the rock structure and also collection of water within settlement lagoons prior to discharge off site. The Environment Agency notes that the site has an existing discharge consent that is controlled and regulated by them and it may need reviewing in light of a quarry extension. Conditions are recommended to seek to ensure that no polluted discharges of water occur at the site.

The Environment Agency also consider that the proposed extension should not have detrimental impact on groundwater levels in the area provided that the excavation does not proceed below the groundwater table as is the case with the existing site. Conditions are recommended accordingly to restrict the depth of working, which would also ensure the satisfactory working and restoration of the site in-line with the existing site, and also to require the installation of an additional borehole(s) followed by groundwater monitoring to ensure that groundwater conditions are evaluated as the development progresses. Recommendations within the applicant's assessment make reference to the acceptability of such conditions relating to groundwater.

Archaeology

The applicant has provided an archaeological assessment. The report concludes that the study area contains no statutorily protected sites. The only archaeologically significant interest is Cocker's Folly, a small post-medieval farmstead, located at the south-eastern corner of the application site. The report states that the origin of the farmstead is not well understood though it is likely that it was established during the late 16th to mid-18th century AD. Cocker's Folly appears to have been abandoned in the late 1930s and early 1940s and buildings have been demolished and/or collapsed.

The Folly would not be affected by the proposed development. The County Council's Archaeology Service has commented that the proposed quarry extension limits were revised prior to the submission of the planning application, following advice provided as part of the applicant's request for a Scoping Opinion under the provisions of environmental impact assessment legislation, so that the site of Cocker's Folly would now not be impacted by the proposals. It is therefore considered that impacts on archaeological interests would be unlikely.

Human Rights

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

Conclusion

The proposed extension to the existing quarry would release an additional reserve of mineral for building stone and aggregate and would therefore contribute to the steady and adequate supply of such minerals in accordance with the NPPF. The extraction of building stone is supported by the policies of the development plan. While the release of further gritstone aggregate reserves would be contrary to the policies of the Joint Lancashire Minerals and Waste Local Plan, such a release can be justified given the need to work the block stone and the position of this site in supplying aggregate minerals in this area of Lancashire.

The extension area would be unlikely to generate any significant detrimental impacts on neighbouring land uses, local residents, the highway network or the environment in general especially when considered in relation to the existing operational quarry. The quarry extension would be appropriate development in the green belt. Subject

to conditions controlling site operations, highway matters, protection of ecological interests and in particular for an extended and enhanced restoration scheme covering the whole site it is recommended that permission be granted.

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 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.

2. The mining operations authorised by this permission shall cease not later than 21 February 2042. Thereafter, the site shall be finally restored in accordance with the conditions to this permission by 21 February 2043.

Reason: To provide for the completion and restoration of the site within the approved timescale in the interest of local amenities and to secure the proper restoration of the site and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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 validated by the County Planning Authority on 12 December 2014

- b) Submitted Plans:

Drawing no. 1 - Location

Drawing no. 4 - Public right of way

Drawing no. 5 - Operations

Drawing no. 6 - Operations

Drawing no. D-1262-04-R1 - Restoration Plan

- c) All details approved in accordance with the conditions to 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 Joint Lancashire Minerals and Waste Local Plan.

Site Operations

4. Mineral extraction shall not take place below a surface defined as being 1 metre above the highest natural variation in the water table established through the monitoring and recording of groundwater levels under conditions 34 and 35 of this permission, or below a depth of 178.5m above ordnance datum (AOD), whichever is the higher level above ordnance datum (AOD).

Reason: To ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to ensure satisfactory working and restoration of the site, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

5. No soil stripping or mineral extraction shall take place outside the area annotated as 'proposed extraction area' as shown on drawing no. 5.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. A topographical survey of the site shall be submitted annually to the County Planning Authority within one month of each anniversary of the date of this permission until the end of the aftercare period referred to 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 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 wastes have been deposited.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. The provisions of Part 17, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 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 local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 21 of the Central Lancashire Core Strategy.

Soils and Overburden

8. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site, including the site covered by permission 09/97/0520.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. No topsoil or subsoil shall be sold or otherwise removed from the site.

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

10. No development shall commence until details of the location, design, construction, and treatment of topsoil/subsoil/overburden screening/storage mounds have been submitted to and approved in writing by the County Planning Authority. No topsoil storage mound shall be greater than 2m high and no subsoil storage mound shall be greater than 3m high. Topsoil and subsoil shall be stored separately.

Thereafter, the development shall be carried out in accordance with the approved details.

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

Hours of Working

11. No mining operations or restoration works shall take place except between the hours of:

0730 to 1800 hours, Mondays to Fridays
0800 to 1230 hours on Saturdays

No mining operations or restoration works shall take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan.

12. No soils or overburden shall be stripped from any part of the site nor shall construction of storage or landscaping mounds take place on any part of the site before 0830 hours, Mondays to Saturdays inclusive.

No soils or overburden shall be stripped from any part of the site nor shall construction of storage or landscaping mounds take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan

13. Blasting shall take place only between the hours of 1000 to 1600, Mondays to Fridays and at no other time. This condition shall not apply in emergency situations outside these hours and in such situations the operator shall inform the County Planning Authority in writing of the emergency situation within 7 days of the event.

A warning siren shall be sounded 10 minutes prior to the commencement of any blasting operations.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan

Highway Matters

14. The approved scheme and programme for the provision of `no left turn` signs at the end of Twistmoor Lane to prevent heavy goods vehicles turning left onto Norcross Brow, as approved under condition 14 of permission 09/97/0520 shall also apply to this permission.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

15. Wheel cleaning facilities shall be made available at the site for use at all times during the development, so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway. Wheel cleaning facilities shall be maintained in full working order at all times throughout the development.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

16. Wheel cleaning facilities shall be used by all heavy goods vehicles leaving the site.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

17. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall, throughout the development, be metalled and drained and kept clear of debris along its entire length at all times.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

18. All vehicles transporting minerals from the site shall be securely sheeted.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

19. The sole access to and egress from the site shall be to and from Twistmoor Lane.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

20. No development shall commence until highway safety improvement measures along Twistmoor Lane have been carried out in accordance with details to be first submitted to and approved in writing by the County Planning Authority.

The submitted details shall relate to a traffic sign indicating bends in the road and a 'SLOW' worded carriageway marking on Twistmoor Lane near its end with the un-adopted section of Butterworth Brow in one direction and the same sign and marking on Twistmoor Lane at a point east of its junction with FP53 in the other direction.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Control of Noise

21. Where reversing alarms are employed on site on mobile plant and equipment, only broadband multi-frequency sound alarms (white sound) shall be used.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan.

22. Noise emitted from the site shall not exceed 55 dB LAeq (1 hour) (free field) (defined as at least 3.5 metres away from the façade of a property or building), when measured from any of the following properties at a point to the noise source:
- a) Withnell Villa NGR 6360 2173
 - b) Church View NGR 6349 2181
 - c) Butts Brow Cottages NGR 6217 2147

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan.

23. The noise limits set out in the preceding condition shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their respreading during restoration of the site or the construction of landscape mounds. Noise from any of these activities shall not exceed 70 dB LAeq (1 hour) (free field) (defined as at least 3.5 metres away from the façade of a property or building), as measured from any of the properties identified in the preceding condition 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 comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan.

24. Noise monitoring, including the recording and submission of noise measurements, shall be carried out in accordance with the approved details to condition 25 of permission 09/97/0520 throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EP20 of the Chorley Local Plan.

Dust

25. The dust control measures set out in Appendix 1 of the submitted air quality assessment (report no. R14.7914/1/DW) shall be employed to ensure that no dust or wind blown material is carried on to adjacent property as a result of any operations carried out on the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Blasting

26. The ground vibrations from all blasts shall be recorded at the property identified below which is closest to the location of the blast, at a point closest to the blast or at any other location at the request of the County Planning Authority.

- a) Withnell Villa NGR 6360 2173
- b) Church View NGR 6349 2181
- c) Butts Brow Cottages NGR 6217 2147

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

27. The vibrations from 95% of all blasts in any calendar month shall not exceed 6 mm/sec peak particle velocity in any plane at the properties identified in the preceding condition, measured at a point closest to the blast shotholes.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

28. Notwithstanding the preceding condition, the vibrations from blasting shall not exceed 9 mm/sec peak particle velocity in any plane.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Safeguarding of Watercourses and Drainage

29. 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 users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

30. All foul drainage shall be discharged to a public sewer or else to a sealed tank and 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 users

and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

31. 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 and gauges and sight glasses. There must be no drain through the bund floor or walls.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

32. No development shall commence until details of an impervious water barrier and drainage controls between the impervious water barrier and the excavation area along the southern boundary of the site have been submitted to and approved in writing by the County Planning Authority.

Thereafter the impervious water barrier and drainage controls shall be constructed in accordance with the approved details prior to the extraction of minerals (excluding soils and subsoils) and thereafter retained through the development.

Reason: To safeguard local watercourses and drainages and to protect ecological interests and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

33. Repair, maintenance and fuelling of plant and machinery shall where practicable only take place on an impervious surface drained to an interceptor and the contents of the interceptor 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 users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

34. Within 6 months from the commencement of the development permitted by this planning permission, details of an additional borehole(s) for groundwater monitoring within the site subject of this permission shall be submitted to the County Planning Authority for approval in writing. The borehole(s) shall contribute to the existing network of boreholes as shown on drawing no 200/5 BH Plan to provide an enclosing envelope of groundwater level monitoring at the site including the site subject of permission 09/97/0520.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

35. The groundwater monitoring details set out in the preceding condition shall be implemented within 6 months of written approval by the County Planning Authority.

Thereafter groundwater levels shall be measured monthly and reported to the County Planning Authority annually throughout the development. All monitoring results shall relate to ordnance datum. Monitoring boreholes shall be maintained throughout the period of development and any monitoring boreholes lost, damaged or blocked must be restored or replaced.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Landscaping

36. No development shall commence until stockproof fences or walls, including gates, have been provided around the perimeter of the site. Thereafter such fencing shall be maintained at all times until the end of the aftercare period as defined in this permission.

Reason: In the interests of public safety and local agriculture and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

37. The advance tree planting area illustrated on drawing no 5 - 'Operations' shall be excluded from the development.

Reason: In the interests of protecting the Biological Heritage Site and landscape features and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18, 21 and 22 of the Central Lancashire Core Strategy.

Ecology

38. No blasting shall take place on any quarry face subject of this permission during the period 1 March to 31 July inclusive unless updated surveys to demonstrate the absence of nesting birds have first been submitted to and approved in writing by the County Planning Authority. Should nest sites be found, blasting works on any quarry face subject of this permission shall be suspended until the nest(s) is no longer used.

Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.

39. No development, including soil stripping, shall commence until a repeat survey for badgers has been carried out and the details (including any mitigation proposals) submitted to and approved in writing by the County

Planning Authority. Thereafter, any details of approved mitigation shall be implemented in full during the development.

Reason: To protect badgers and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.

40. No trees or hedgerows shall be removed and no vegetation or soil shall be stripped during the bird-breeding season between 1 March and 31 July inclusive unless any trees or hedgerows or ground areas of the site have been previously checked and found clear of nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any vegetation or ground to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 22 of the Central Lancashire Core Strategy.

Restoration

41. No development shall commence until details of the working, restoration and aftercare of the site (including the site area under permission 09/97/0520), in general accordance with drawing no. D-1262-04-R1 have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include:

- i) The nature of the intended after-use of the site;
- ii) The removal of any plant, machinery, building, structures, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- iii) The final excavation levels of the site;
- iv) The final configuration of the excavated areas and determination of the angles of slope;
- v) The final face profiles giving maximum face heights, minimum bench widths and maximum face gradients;
- vi) The respreading of any available soil making materials and seeding specification;
- vii) Works for the treatment of the quarry floor and quarry faces so as to leave the quarry in a safe and stable condition;
- viii) The drainage and treatment of silt traps, lagoons and water areas;
- ix) Hydrological and drainage information to demonstrate the level of water that will remain or accumulate in the quarry floor;
- x) Native tree/shrub planting and seed specification; and their cultivation;
- xi) The methods to be employed to promote normal plant growth;
- xii) Full detail of habitat establishment and management methods.
- xiii) The maintenance and aftercare of the site for a period of 5 years following the completion of restoration, as defined in this permission.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy 18, 21 and 22 of the Central Lancashire Core Strategy.

Aftercare

42. 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 amenity afteruse of the site shall be carried out in accordance with the conditions of permission for a period of five years.

Reason: To secure the proper aftercare of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy 18, 21 and 22 of the Central Lancashire Core Strategy.

Definitions

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

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

Notes

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

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact the Area Manager South: Cuerden Way, Bamber Bridge, Preston PR5 6BS. Tel: 01772 658560

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

Paper	Date	Contact/Ext
LCC/2014/0170	July 2015	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A