

Development Control Committee
Meeting to be held on 2nd September 2015

Electoral Division affected:
Skelmersdale East

West Lancashire Borough: application number. LCC/2014/0008
Application under the Environment Act 1995 for review of working and restoration conditions to an old mining permission at Ravenhead Brickworks, Up Holland, Skelmersdale.

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

Executive Summary

Application under the Environment Act 1995 for a review of working and restoration conditions to an old mining permission at Ravenhead Brickworks, Up Holland, Skelmersdale. The application is accompanied by an environmental statement which contains information in relation to noise, landscape and visual, transport, natural heritage, hydrology, flood risk and dust.

Recommendation – Summary

That having first taken into consideration the environmental information as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application, Old Mining Permission ref 9/10/26 be subject to conditions relating to working programme, completion dates for restoration, noise and dust, highway matters, ground and surface water, archaeology, restoration and aftercare.

Applicant's Proposal

The application is made under the Environment Act 1995 and is for the review of working and restoration conditions to an old mining permission providing for the working of minerals at Ravenhead Brickworks, Skelmersdale.

The current planning permission for the site has an end date of 22nd February 2042. For the purposes of future working, the site has been divided into area A and area B. Over the next 15 years, the applicant proposes the continuation of mineral working in Area A down to the lowest point of the excavation. This would involve the removal of 2 million tonnes of material, approximately 0.73 million tonnes of which would be backfilled into the worked out areas to achieve the final restoration scheme. Area B is currently unworked land and it is predicted that these areas will remain unworked over the next 15 year period.

Most of the clay and shale materials required for the brickworks are imported into this site from other quarries and it is proposed that an area in the centre of the quarry will continue to be used for the stockpiling of these materials over the next 15 year period.

The applicant proposes the restoration of an area of former quarry located immediately to the west of the houses adjacent to the site. This area would be backfilled using waste / overburden materials to the approximate original ground levels and would then be subject to a landscaping scheme. The applicant proposes that these works would be completed within three years of the review conditions being approved.

Area A would be progressively restored to a lake in the base of the excavation, new cliff faces to provide replacement SSSI standard geological exposures and surrounding grassland and woodland. No restoration details have been provided should area B be worked.

The application is accompanied by an Environmental Statement which examines the impact of the proposed development in terms of noise, landscape and visual, transport, natural heritage, hydrology, flood risk and dust.

Description and Location of Site

Ravenhead Brickworks is located in Up Holland to the east of Skelmersdale. The site is accessed off the A577 via Chequer Lane.

The site subject to the old mining permission has an area of approximately 36 hectares, the northern part of which is comprised of the existing brickmaking factory and brick storage area together with a redundant brick making plant that is currently being redeveloped as a concrete products factory. The remainder of the site is comprised of the existing quarry which has been worked to a maximum depth of 105 -110 m AOD together with an area of agricultural grazing land that is yet to be worked under the existing permission. Large areas of the existing quarry are used for the stockpiling of imported clay and shale materials that are used as feed stock for the brickworks.

To the north and east of the brick making factory and part of the quarry are residential areas off Fieldview, Highmeadow and Broadacre. There is also residential development along Chequer Lane including a new housing development that is currently being constructed adjacent to the western boundary of the site.

Much of the existing quarry is designated as a SSSI for its geological interest as it displays several important sections through the Lower Carboniferous Coal Measures.

Part of the unworked land within the permission area (area B east) is located within the Green Belt.

Background

History

Planning permission ref 9/10/26 for the working of shale minerals on this site was first granted in 1949. A first review of the working and restoration conditions to this permission under the Environment Act 1995 was completed in 1998 (ref 8/98/0008).

A number of other permissions have been granted on this site for brick making plant and equipment. Planning permission ref LCC/2014/0148 was granted in 2015 for the redevelopment of part of the brickmaking plant as a concrete products factory.

Planning Policy

National Planning Policy Framework: Paragraphs 11 – 14, 17, 89 – 90, 109 – 119, 142 - 146 and 206 are relevant in terms of the definition of sustainable development, core planning principles, green belts, conserving the natural environment, facilitating the sustainable use of minerals and the use of planning conditions.

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

Policy CS3 Meeting the demand for new minerals

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 Development Management

West Lancashire Borough Local Plan

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy GN3 Criteria for Sustainable Development

Consultations

West Lancashire Borough Council: No objection subject to the County Council ensuring that noise mitigation conditions are applied to ensure the amenities of neighbouring residents are protected.

Environment Agency: The EA object to the removal of condition relating to groundwater monitoring. The EA consider that the developer has not assembled sufficient information to understand groundwater levels across the site. A condition is therefore needed requiring the developer to prepare a scheme of water monitoring and a water management plan to show how water will be abstracted, used and discharged.

The Coal Authority: The applicant should be aware of the location of and stability of abandoned mine workings on the site and the possibility of intercepting such workings or coal as part of the development.

Natural England – The application site contains the Ravenhead Brickworks SSSI. Natural England advise that the proposed works are not likely to impact upon the

SSSI provided that they are undertaken in accordance with the application documents. NE consider that the conditions proposed by the applicants are broadly acceptable.

United Utilities – UU do not have any existing assets in the area but the developer must ensure that all existing water courses are maintained to ensure that any existing outfalls have somewhere to discharge to.

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

- The nearest properties directly overlook the quarry and the impacts of noise are unbearable.
- The site has recently begun to quarry stone which has increased the noise impacts of the operation through the crushing and screening operations.
- The proposed initial restoration area proposed by the applicant will not prevent noise as it is not high enough – the area needs to be at least 5 metres higher than the adjacent gardens.
- The working hours for the site are too long which makes it difficult to use gardens.
- The hours for the brick making plant should be the same as the quarry.
- The permission should not allow the working of materials other than the shale.
- The views from the nearest houses have deteriorated in recent years and the site now has the appearance of an open cast mine.
- The use of the site for the stockpiling of imported shale and loading into the brickworks is very disturbing.

Advice

The Environment Act 1995 provides for the updating of working and restoration conditions on old mining permissions and for their regular review at fifteen year intervals. The purpose of this legislation is to ensure that all mineral workings operate under modern schemes of working and restoration conditions and are subject to planning controls that reflect modern environmental standards. The legislation provides for all active sites benefitting from old mining permissions to be subject to an initial review with periodic review thereafter. The old mining permission relating to the extraction of minerals at Ravenhead Quarry was subject to an initial review in 1998 which resulted in a new scheme of working and restoration conditions for the site. The current application is to comply with the legislation requiring the permissions for such sites to be reviewed periodically.

It is important to recognise that the application is not to enable mineral extraction beyond the boundaries or parameters set by the original old mining permission. The application is only to consider the working and restoration conditions that should be attached to the existing permissions. In considering the conditions that should be imposed, Government advice is that a 'distinction should be drawn between conditions that deal with the amenity and environmental aspects of quarrying, which should not affect the asset value of the site, and those conditions that would fundamentally affect the economic structure of the operation'. If the result of the new

conditions would provide further restrictions which would prejudice adversely to an unreasonable degree either the economic viability or asset value of the site, then a liability for compensation could arise. Conditions likely to give rise to such compensation claims would include those that restrict the area or depths of minerals that could be worked or those that restrict hours of operation or tonnages of minerals extracted per year.

In this case the original permission for the site was granted in 1949 and provides for the extraction of shale over the whole of the permission area. However a large part of the site is now occupied by the brickmaking factory, the development of which either benefits from separate planning permissions or which appears to have been constructed under the permitted development rights which apply to mineral workings. Additional areas of the original permission in the north east corner and western sides are now occupied by housing developments.

Working Proposals

The application includes an indicative working plan covering the next 15 year period. The applicant proposes to continue working the minerals within phase 1 and 2 of the quarry but does not propose at this stage to develop area B which is the unworked land to the east and south of the existing quarry. Over the next 15 years, it is therefore likely that the quarry will not extend significantly beyond its existing limits. This is due to the fact that the majority of the clay and shale minerals which supply the Ravenhead brickworks are imported on a campaign basis from the applicant's other quarry sites at Huncoat near Accrington and Dalton north of Skelmersdale. These imported materials are used to construct stockpiles in the centre of the quarry which are then gradually worked to feed the brickworks.

The remaining mineral extraction activities with phases 1 and 2 over the next 15 year period will be confined to the working of small quantities of the fireclays which are found in thin seams in the lower part of the site together with some limited areas of more general shale extraction at higher levels. As part of the proposed working scheme, it is now proposed to employ a 50 metre standoff to the houses on Broadacre. The existing permission allows working up to the boundary of the site which immediately adjoins the properties. The incorporation of the standoff would therefore have some environmental benefits by providing a buffer zone where none currently exists.

Within the brick shale reserves at this site are also bands of sandstone. In recent years, these materials have been crushed on site and exported as aggregate. These sandstone materials have to be removed in order to access the underlying shale / fireclay materials. The existing permission for shale extraction has no depth limitation and it is therefore considered that the removal of these materials is permitted under the old mining permission for the site. The working of these materials does not require any blasting and the volumes of such materials remaining within phases 1 and 2 are relatively small. Any condition which sought to prevent the working of such materials would affect the asset value of the site and would therefore be likely to attract a compensation claim.

Whilst it is not anticipated that either part of area B will be worked over the next 15 years, a condition is proposed that requires the details of the working of those areas to be submitted and approved should extraction proceed more quickly than is currently anticipated. The condition provides for details of screening and standoffs from the properties given the close proximity of some parts of area B to houses and would ensure that the local amenity impacts of future working are minimised as far as possible.

The main activity within the quarry therefore relates to the stockpiling of imported shale materials and the working of these stockpiles on a continual basis to feed the brickworks. These activities give rise to the majority of the complaints and objections that have been received to the current application in terms of the proximity of these activities to the nearest houses and the impacts on residential amenity including visual impacts, noise and dust and working hours.

In particular, the brickworks operates on a 24hrs per day, 7 days per week basis and to ensure that the works has sufficient supplies of raw materials, shale is transported by loading shovel between the stockpiles and the factory between 06.00 – 18.00 Mondays to Sundays. There are no conditions on hours of operation attached to the original 1949 permission. Any condition which sought to further restrict the operating hours of the brickworks itself or the loading operations beyond those hours that are currently used would be likely to affect the economic viability of the site and would therefore be liable to a compensation claim. A condition on general hours of operation is proposed and the applicant is willing to accept a condition controlling the hours within which shale stockpiles are formed. The applicant is also willing to accept a condition controlling the hours within which shale is moved between the stockpile area and the brickworks but which reflects the hours that are currently used for such operations.

The areas used for stockpiling of imported materials are located approximately 100 metres from the nearest properties on the north east side of the quarry. These properties have been developed relatively recently and were constructed up to the boundary with the quarry and incorporated no buffer area to provide protection to residential amenity. The applicant has recognised that the quarry does have some impacts on these properties and the proposed working scheme therefore proposes that an area of the quarry measuring 150 metres by 70 metres nearest the houses off Vale Croft, Field View and Broadacre be backfilled with quarry waste / stored overburden to original ground levels and then subject to a landscaping scheme (the initial restoration area). Once the landscaping has developed, this proposal would have some benefits for the visual outlook from the properties as it would help to screen the views of the brickworks and stockpiling area that are currently gained from the rear elevations of these houses. One resident considers that the proposed landscaping area should be in the form of a raised bund. Whilst this may provide more effective noise screening, such a bund would take longer to construct, the actual construction operations would be very close to the houses and all of the current long distance views from these houses would be lost. The applicant's proposal to construct a relatively flat landform with landscaping is therefore supported and it is suggested that the details of these works be the subject of a condition.

The initial restoration area would also have the benefit of displacing the some of the stockpiling areas further into the quarry so that they are further from the houses. Discussions have taken place with the operator as to whether it would be possible to further relocate the stockpiling areas into worked out areas of phase A where they would be even further from the houses. However, stockpiles in this location would increase transportation distances to the brickworks which might increase noise and potential dust impacts to the nearest houses and would also bring activities closer to the houses on the western boundary of the quarry.

The applicant has also proposed conditions relating to noise levels and monitoring, dust and noise controls and prohibition of blasting. These conditions are considered acceptable subject to minor wording changes to meet the tests in paragraph 206 of the NPPF and would be acceptable in terms of policy DM2 of the LMWLP.

Ground and surface water

The Environmental Statement includes an investigation of the ground and surface water issues relating to the working of minerals at this site. The applicant has concluded that there are no local ground water or surface water abstractions within 1km of the site and that the site does not lie within a sensitive groundwater area. Equally the site does not currently discharge any water into local surface water courses. The applicant estimates that groundwater abstraction will only be required once mineral working extends below 86 – 97 metres AOD which is below the current depth of working. At this time water will need to be discharged off site to a water course. A condition was imposed on the previous review permission ref 8/98/0008 requiring a scheme and programme of ground water monitoring to be submitted and approved. The applicant therefore considers that a further such condition is unnecessary as he considers that an approved scheme is already in place. However, an acceptable scheme was never approved and the Environment Agency request that a condition on groundwater monitoring is included in any new schedule of working conditions. Such a condition is therefore proposed requiring a scheme to be submitted within twelve months of the date of any revised conditions. This scheme will ensure that an adequate monitoring and mitigation programme is in place prior to the workings reaching a stage where they are likely to have a significant impact on ground water or require discharge to surface water courses and would ensure compliance with Policy DM2 of the LMWLP.

Transport Issues

Ravenhead Brickworks benefits from a relatively high standard access onto the A577 via a short length of Chequer Lane. Vehicle movements to and from the quarry currently use the main access point through the brickworks site which is hard surfaced and which incorporates wheel cleaning facilities. The number of vehicle movements associated with the export of minerals from the quarry is very small and most vehicle movements are associated with the importation of shale materials from other quarry sites. Such movements usually take place on a campaign basis over a few weeks to enable a stockpile to be constructed. Chequer Lane is of reasonable standard and leads quickly (100 metres) to the A577 leading to the M58. There are three properties located off Chequer Lane close to the site entrance. The impacts of traffic associated with this site are therefore relatively slight. Conditions are

recommended regarding wheel cleaning and sheeting of vehicles and the hours within which materials are imported to the site to ensure that the transport impacts of the development are properly controlled and to ensure compliance with Policy DM2 of the LMWLP.

Restoration proposals

The applicant has included restoration proposals for phases 1 and 2 which provide for this part of the site to be restored to a combination of grassland, woodland / scrub with a shallow lake in the base of the quarry (maximum of 1.5 metres deep). The restoration would also provide for the retention of a number of cliff faces which would ensure that geological exposures of SSSI standard are retained. The application includes a management plan for the SSSI which identifies the features of interest and which has guided the working and restoration proposals to ensure that sufficient exposures are retained in the ongoing working of the quarry. Natural England have no objection to the proposals subject to a condition to protect the geological features of the SSSI.

The other aspects of the restoration proposals would allow the site to be restored to a variety of habitats that would benefit wildlife and the visual amenities of the area. Subject to a condition being imposed requiring the details of the restoration to be approved together with a timescale for the restoration of the initial restoration area and phases 1 and 2, it is considered that the proposals are acceptable.

No restoration details have been provided for Area B as it is not anticipated that this land will be worked during the next review period. However, a condition has been included within the revised schedule of conditions providing for details of restoration to be submitted prior to entering phase B should entry into that area be required sooner than anticipated.

Conclusions

The purpose of the Environment Act legislation is to ensure that all mineral working sites are subject to schemes of working and restoration conditions that meet modern environmental standards. The last schedule of conditions for this site was approved in 1998.

The main issue at this site relates to the close proximity of residential areas to the current and future areas of the quarry. The future working and restoration proposals for this site have been revisited as part of the current application and incorporate a number of measures that are designed to reduce the impacts of the quarrying and stockpiling operations on the nearest residents. The revised schedule of conditions has been drafted to ensure that these measures are implemented in the near future and that the general working and restoration of the site is subject to a set of conditions that reflect modern environmental standards and current Government advice. It is considered that the recommended conditions would not affect the asset value or economic viability of working the site and therefore would not result in a likely compensation claim. The conditions would ensure that site operations comply with the requirements of the development plan and are therefore recommended for approval.

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

Recommendation

That having first taken into consideration the environmental information as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application Old Mining Permission ref 9/10/26 be subject to the following conditions:-

Time Limits

1. The winning and working of minerals authorised by this permission shall cease not later than 22nd February 2042. The site shall thereafter be finally restored in accordance with the scheme and programme approved under the requirements of condition 24 by not later than 22nd February 2043.

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Working Programme

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:

- a) The Application for review of conditions ref LCC/2014/0008, Environmental Statement and supporting statement received by the County Planning Authority on 10th January 2014.

- b) Submitted Plans and documents:

Drawing 66721.SS.002 - Site Area Plan
Drawing 66721.SS.003 - Planning permission boundary
Drawing 66721.SS.007 - Phase 1
Drawing 66721.SS.008 Rev A - Phase 2.
Drawing 66721.SS.009 - Restoration Masterplan
Drawing 66721.SS.010 - Sections

- c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

3. Within six months of the date of this permission, a scheme and programme for the landscaping of the Initial Restoration Area as shown on drawing ref

66721.SS.007 Rev A shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain the following information:

- a) The depth of soil materials to be used in the restoration of the Initial Restoration Area and measures to be taken to produce a graded surface suitable for seeding.
- b) Details of seeding including seed mixes to be used and rates of application.
- c) Details of proposed tree and shrub planting including sizes, types and numbers of species to be planted, planting techniques and protection measures.
- d) Details of drainage measures to be implemented along the boundary with the adjacent residential properties.

The Initial Restoration Area shall be infilled to the contours shown on drawing 66721.SS.007 Rev A within 36 months of the date of this permission and shall thereafter be landscaped in accordance with the conditions of the approved scheme and programme within a further period of six months.

The landscaping works in the Initial Restoration Area shall thereafter be maintained for a period of five years including weed control, maintenance of protection measures and replacement of dead and dying plants.

Reason: In the interests of the visual and local amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. Working of minerals within phases 1 and 2 shall only take place within the area edged pink and labelled 'proposed limit of extraction' on drawing 66721.SS.008.

Reason: In the interests of amenity of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

5. Within twelve months of the date of this permission, a scheme and programme of water monitoring shall be submitted for the approval of the County Planning Authority. The scheme and programme shall contain details of the following:-

- a) Information to establish the level of the water table within the site.
- b) Details of groundwater monitoring to be undertaken upon commencement of working below the water table including location and construction of monitoring boreholes, information to be recorded and reporting of results to the County Planning Authority.
- c) Details for how ground and surface water arising on the site will be managed including details for treatment and discharge off site.

The approved scheme shall be implemented and maintained at all times upon commencement of working below the water table.

Reason: In the interests of the protection of ground and surface water resources and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

6. The Ravenhead Quarry Geological Site of Special Scientific Interest shall be maintained during the duration of mineral extraction and restoration operations in accordance with the Ravenhead Quarry SSSI Management Scheme dated November 2013.

Reason: To ensure that the interest features of the geological SSSI are maintained during the working and restoration of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

7. No soil stripping or winning and working of minerals shall take place within the areas shown as Area B (South) and Area B (East) on drawing 66721.SS.003 until a scheme and programme of working and restoration has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:-

- a) Details of standoffs from noise sensitive properties.
- b) The locations, dimensions and means of construction of screening mounds around the perimeter of Area B.
- c) Details for the working of minerals including limits of extraction, direction of working, phasing and configuration of faces.
- d) Details of the areas to be used for the stockpiling of brick making materials including heights of stockpiling.
- e) A revision of the restoration scheme approved under the requirements of condition 25 including details and positions of faces to be retained including those to preserve the Geological SSSI, dimensions and depths of any water areas in the base of the excavation, removal of soil screening mounds and landscaping measures including details of tree and shrub planting.

Reason: In order to ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

8. Noise emitted from the site shall not exceed the background level +10 DB LAeq (1 hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source or at any other location subsequently approved in writing by the County Planning Authority:

- a) No 11 Vale Croft
- b) No 158 Tower Hill Road
- c) No 232 Tower Hill Road

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

9. The noise limits set out in condition 8 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their deconstruction and respreading during restoration of the site. Noise from any of these activities shall not exceed 70 dBLAeq (1 hour) (free field), as defined in this permission, as measured from any of the properties identified in condition 7 at a point closest to the noise source. For these activities the background +10 dBLAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

Reason: To permit higher noise limits for certain activities and to still safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

10. No winning and working of minerals, formation of stockpiles or restoration works shall take place outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays (except Public Holidays)
07.30 to 13.00 hours on Saturdays

No winning and working of minerals, formation of stockpiles or restoration works shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

The hours of operation stated by this condition shall not apply to the working of stockpiles in order to supply raw materials to the brickworks. Such operations shall not take place outside the hours of 06.00 - 18.00 Mondays to Sundays.

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

11. Stockpiles of brickmaking materials or aggregate including imported materials shall not be located other than within the areas shown for that purpose on drawing 66721.SS.007 Rev A. Such stockpiles shall not exceed a level of 138 m AOD.

Reason: In the interests of visual amenity and to protect the amenity of local residents and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

12. A topographical survey shall be submitted to the County Planning Authority within five years of the date of this permission or on any other occasion requested by the County Planning Authority. The survey shall consist of a plan drawn to a scale of not less than 1:2500 which identifies all surface features within the site, a 10 metre grid survey identifying levels and contoured to 1 metre intervals relating to all land over where winning and working and minerals has taken place.

Reason: In order to allow the proper monitoring of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

13. The provisions of Part 17 Class B of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement, re-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: In the interests of the visual amenity of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

14. The wheel cleaning measures installed at the site shall be used by all Heavy Goods Vehicles associated with the winning and working of minerals and the importation of shale materials into the site to ensure that no mud, dust or other deleterious materials are deposited on the public highway by Heavy Goods Vehicles leaving the site.

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

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

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

16. Any internal haul road or private way between the wheel cleaning facilities and the public highway that is used by HGVs to egress 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 interests of highway safety and local amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

17. Access to and egress from the site shall only be via the existing entrances from Chequer Lane and Tower Hill Road as shown on drawing 66721.SS.003.

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

18. There shall be no use of the Tower Hill Access by HGVs until a scheme and programme for the improvement of the access has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:-

- a) The improvement of the access including turning radii and surfacing.
- b) Details of wheel cleaning measures to be provided including design and location of measures.
- c) Details of the signage to be provided to advise drivers that they should only turn right out of the access.

The access shall be improved in accordance with the requirements of the approved scheme prior to any HGVs using the Tower Hill Road access.

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

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

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

20. Noise monitoring shall be undertaken in accordance with the noise management and monitoring scheme dated November 2013 and contained in Appendix 2 of the Supporting Statement.

A copy of the monitoring results shall be retained for a period of 12 months and shall be made available to the County Planning Authority on request.

21. All mobile plant used on the site shall be fitted with and use non-audible or white noise reversing alarm systems.

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

22. Measures to minimise the generation of dust shall be taken at all times in accordance with the Dust Management and Monitoring Scheme included at Appendix 3 of the supporting statement.

Reason: In the interests of the amenities of local residents and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

23. No blasting shall be utilised in the winning and working of minerals at the site.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Safeguarding Watercourses/Drainage - Storage of Oil / Fuel

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

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

Restoration and Aftercare

25. Within ten years of the date of this permission, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be based upon drawing 66721.SS.009 and shall provide for the following:-
- a) The treatment of the lake margins and how these areas would be landscaped.
 - b) Details for the spreading of soils including depths of placement and types of materials to be respread or details for the treatment of remaining shale material to provide a soil making material suitable for the planting of trees and establishment of grassland.
 - c) Details for seeding of the restored surface including seed mixes to be used and rates of application.
 - d) Details for tree and shrub planting including areas to be planted, details of numbers, types and species of plants, planting techniques and protection measures.
 - e) Details for the measures to control the water level in the lake.
 - f) The retention of the SSSI geological exposures as proposed in the Geological SSSI Management Plan submitted in appendix 4 of the Supporting Statement
 - g) The restoration of the clay stockpile area.

Reason: In the interests of the visual amenities of the area and to ensure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

26. Within ten years of the date of this permission, a scheme and programme of aftercare of the site shall be submitted to the County Planning Authority for

approval in writing. The scheme and programme shall contain details of the following:-

- a) The maintenance of tree and shrub planting including maintenance of protection measures, replacement of failed planting and weed control.
- b) Management of the SSSI exposures in accordance with the Geological SSSI Management Scheme.
- c) Management of the grassland areas including re seeding works, measures to control erosion and other management measures to promote the development of a full grass sward across restored areas.
- d) Measures to control invasive weeds.

Upon certification in writing of the completion of restoration in any phase of the site as defined in this permission, aftercare of that phase shall be undertaken for a period of five years in accordance with the approved scheme and programme of aftercare.

Reason: In the order to ensure the proper restoration of the site in the interests of the visual amenities of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Notes

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

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in any phase of the site in accordance with the scheme and programme approved under the requirements of condition 25 have been completed satisfactorily.

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

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

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

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

Paper	Date	Contact /Ext
LCC/2014/0008	10th January 2014	Jonathan Haine 534130

Reason for Inclusion in Part II, if appropriate

N/A