

Development Control Committee
Meeting to be held on 25th May 2016

Electoral Division affected:
Clitheroe

Ribble Valley Borough: application number. LCC/2016/0027
Importation and processing of construction and demolition waste including road planings and reclaimed asphalt pavement (RAP) including the regularisation of the RAP hopper. Bankfield Quarry, Pimlico Link Road, Clitheroe.

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Executive Summary

Application - Importation and processing of construction and demolition waste including road planings and reclaimed asphalt pavement (RAP) including the regularisation of the RAP hopper. Bankfield Quarry, Pimlico Link Road, Clitheroe.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, duration of the permission, working programme, hours of operation, noise and dust and access issues.

Applicant's Proposal

The application is for the change of use of an area of land within an existing limestone quarry to permit its use as a site for the processing of construction and demolition waste predominately arising from road maintenance operations.

Retrospective permission is also sought for the construction of a new hopper forming part of the existing asphalt production plant at the site.

The area to be used for the processing of construction waste measures 1.6 hectares in area. The proposal would involve the importation of up to 65,000 tonnes of construction and demolition wastes per year. Imported wastes would be stockpiled and then crushed and screened using mobile plant with the resultant material being transported to the RAP hopper where it would be stored pending use in the production of road surfacing materials.

The crushing and screening activities would take place between the hours of 07.00 – 22.00 hours Mondays to Fridays and from 07.00 – 13.00 on Saturdays. The importation of waste materials would take place between 05.00 – 22.00 hours Mondays to Fridays and from 05.00 – 13.00 hours on Saturdays. Provision is also

requested to import waste materials outside of these hours on 150 occasions per year.

The RAP hopper is a building measuring approximately 6 metres by 4 metres and 10 metres in height enclosed on 3 sides by green metal profiled sheeting and which incorporates a hopper and conveyor used to load recycled materials into the asphalt plant.

Description and Location of Site

The proposed development is located at Bankfield Quarry, located off Pimlico Link Road approximately 1.8 km north east of Clitheroe. Bankfield Quarry is a deep limestone quarry approximately 40 hectares in area. The application site is located within an area near original land levels located south west of the quarry occupied by an asphalt plant, stockpiles of stone, site offices and workshop and weighbridge facilities. The quarry access is onto Pimlico Link Road.

To the north and east is a cement works and large quarry used to supply cement making materials. The southern boundary of the site is formed by Pimlico Link Road beyond which is Coplow Quarry, a former landfill site used for the disposal of waste arising from cement manufacture. To the west is a chemical manufacturing plant. The nearest residential properties are located off Chatburn Old Road and at the junction of Pimlico Link Road and Pimlico Road, 300 metres to the west of the application site. There is also a further single property and a hospital located at the junction of Pimlico Link Road and Chatburn Road, 400 metres to the south east of the application site.

Background

History: Bankfield Quarry has a long history of development related to limestone quarrying.

Planning permission for the marginal widening and extension in depth of the quarry to minus 50 metres AOD was granted in 2002 (planning permission 3/97/636) which is the current permission for the site.

The asphalt plant at the site benefits from a planning permission granted in 1989 (ref 3/88/0786).

Planning Policy

National Planning Policy Framework : Paragraphs 11- 14, 17, 122 – 123 and 142 - 146 of the NPPF are relevant with regards to the presumption in favour of sustainable development, core planning principles, impacts of noise and pollution and the sustainable use of minerals.

National Planning Policy for Waste: Paragraph 7 is relevant regarding the determination of applications for waste facilities.

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

Policy CS8 Identifying capacity for Managing Waste
Policy CS9 Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)
Policy DM2 Development Management

Ribble Valley Borough Core Strategy

Policy DS2 Presumption in favour of sustainable development
Policy DMG1 General Considerations
Policy DMG3 Transport and Mobility
Policy DMB1 Supporting Business Growth and the Local Economy

Consultations

Ribble Valley Borough Council: No objection.

Clitheroe Town Council: No observations received.

LCC Highways Development Control: No objection- the proposed development would have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

Environment Agency: No objection. The proposal will need to be the subject of an environmental permit.

Representations – The application has been advertised by press and site notice and neighbouring residents informed by individual letter. One representation has been received on behalf of the landowner of a plot of land off Pimlico Link Road. The representation states that an outline planning permission (ref 3/2014/0742) has been granted on this land for up to 19 dwellings. Concern is expressed that the applicant's noise report does not acknowledge the existence of this planning permission and that the proposed recycling activity would give rise to harm to the occupiers of the residential development due to noise and night time activities.

Advice

Bankfield Quarry is a long established limestone quarry. The site includes a large asphalt plant which is used for the production and supply of road surfacing materials.

Planning permission was granted in 2002 for the marginal widening and extension in depth of the quarry to minus 50 metres AOD (ref 3/97/636). This is the current permission for the site and permits the working of limestone until 31st December 2018 with a further one year period for restoration. Whilst, the applicant Company ceased quarrying activities at the site in 2008, the asphalt plant has continued to

operate using hardstone and sand materials imported from other quarries together with bitumen.

Much of the asphalt material supplied for Bankfield Quarry is used for road maintenance contracts where the existing road surface is removed before new surfacing materials are laid. The old surfacing materials contain stone and bitumen that can be reused in the production of new surfacing materials if they are included as an admixture at limited rates. Such reuse has benefits in terms of reducing the quarrying of new hardstone materials and allowing the reuse of bitumen which is produced from crude oil.

The applicant therefore proposes to establish a facility at Bankfield Quarry for the recycling of up to 65,000 tonnes of such wastes per year. A stockpile of waste material (which may include road planings, kerb stones, concrete and other cement / bitumen based materials) would be constructed and a crusher / screening plant used on a periodic basis to produce a suitably graded material for feeding into the asphalt plant alongside other virgin materials. The proposed activity would therefore achieve a move up the waste hierarchy for these materials and would reduce demand for primary won aggregate and hydrocarbon materials, thereby meeting a number of objectives in national planning policy.

In terms of locational issues, the application site is situated within the permitted boundary of a limestone quarry. Whilst the applicant is currently not operating the adjacent quarry, the nature of the recycling activities would be very similar to that which previously took place when the site was an active quarry. Moreover, the recycling activities would be on a considerably smaller scale compared to when quarried limestone was being processed for sale. The application site is well screened from Pimlico Link Road by landscaped screen bunding and subject to conditions being imposed to limit stockpile heights and the duration of the activity to the same time limit as the existing quarrying permission, it is considered that the recycling development is acceptable in terms of visual amenity.

The RAP hopper would normally be considered as permitted development under the rights relating to buildings and plant associated with mineral workings. However, the permitted development rights were removed by a condition to the 2002 planning permission. Whilst the RAP hopper is a substantial structure, it is located adjacent to the existing asphalt plant which is significantly larger and due to the existing boundary screening around the site perimeter, the visual impacts would be acceptable. The RAP hopper incorporates a conveyor to transport recycled materials into the coating plant. However, any noise impacts would be acceptable given the distance to the nearest properties.

Bankfield Quarry benefits from a high standard access direct onto Pimlico Link Road which links to the A59 and wider strategic road network. Establishing a recycling facility at Bankfield Quarry would also allow HGV's delivering asphalt materials to road surfacing contracts to return to the site loaded with waste materials rather than running empty thereby reducing vehicle miles. The existing planning permission for the site permits up to 50 HGV's to leave the site per hour and the proposed development could be undertaken within that overall limitation. For these reasons there are no highway objections to the development.

One representation has been received on behalf of a landowner who has outline planning permission for the construction of up to 19 dwellings on an area of land on the south side of Pimlico Link Road, approximately 150 metres from the application site. The landowner is concerned that the potential noise impacts of the recycling development have not been properly assessed and that there would be unacceptable impacts, particularly during the night time and early morning for occupiers of the proposed houses.

The historical permissions for Bankfield Quarry did not contain any restrictions on hours of operation. However, the 1997 planning application for widening and deepening of the quarry provided an opportunity to review that position. The applicant maintained that the asphalt plant at the site was an important facility for the production of highway surfacing materials and that such materials were often required during the night time period, particularly for motorway and trunk road contracts. The controls on hours of working within condition 19 of the planning permission therefore limit quarrying and processing of stone to between 05.00 – 22.00 hours Mondays to Fridays and 05.00 – 13.00 on Saturdays with the production and export of coated roadstone able to take place outside these hours (during the night time period) on up to 150 instances in any one year.

The applicant does not wish to crush or screen materials at night but has applied for the ability to import waste materials outside of the core hours contained in condition 19 of the permission with the same limitation on frequency of 'out of hours' operation. As discussed above, the site already has permission to use the asphalt plant at night and due to the manner of operation, the importation of waste materials into the quarry should not significantly increase levels of traffic or noise during the night time period beyond those levels that can take place under the existing permission. There are controls within the current planning permission that relate to night time noise and it is considered that these controls would allow noise during the night time period to be maintained at acceptable levels. Paragraph 123 of the NPPF also states that planning authorities should recognise that development will often create some noise and existing businesses wanting to develop in continuation of their businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. It should also be noted that the existing permission for the quarry is time limited until 2018 and should an application be made for a continuation of any quarrying and recycling activities beyond that date, there would be opportunity to review night time working and noise limitations at that time. For these reasons, the objections of the adjacent landowner are not supported. However, it is considered that conditions should be imposed on any permission in relation to hours of operation and dust and noise controls and with such conditions, the proposal would be acceptable in relation to Policy DM2 of the Lancashire Minerals and Waste Local Plan.

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

Recommendation

That planning permission be **Granted** subject to the following conditions

1. The recycling activities authorised by this permission shall cease not later than 31st December 2018. All stockpiles of waste and recycled materials shall thereafter be removed and the site restored by not later than 31st December 2019 in accordance with the scheme and programme of restoration approved under condition 52 of planning permission 3/97/636.

Reason : To provide for the restoration of the site within the approved timescale 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 and Policy DMG1 of the Ribble Valley Core Strategy.

Working Programme

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

- a) The Planning Application and supporting statement received by the County Planning Authority on 24th March 2016.

- b) Submitted Plans and documents:

Drawing B004/00138A - Recycling and RAP storage area - Site Plan
Drawing B004/00139B - Recycling and RAP storage area - Location Plan

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 and policies DMG1 and DMG3 of the Ribble Valley Core Strategy.

3. No stockpile of imported waste materials or processed material shall exceed a height of five metres.

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

4. No crushing and screening of waste materials shall take place outside the hours of:-

07.00 - 22.00 hours Mondays to Fridays
07.00 - 13.00 hours on Saturdays

No such operations shall take place at any time on Sundays or public holidays.

The above hours shall not apply to the importation of waste materials which shall not take place outside the following hours:

05.00 - 22.00 hours Mondays to Fridays
05.00 - 13.00 hours on Saturdays

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

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

5. Notwithstanding the general hours of working specified in condition 4 above the importation of waste materials to the site may also be able to be undertaken outside the specified hours including on Saturdays, Sundays and public holidays provided that the instances of working outside the hours specified in condition 4 do not exceed 150 occurrences as defined in this permission, in any one calendar year.

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

6. Measures shall be employed at all times to minimise dust emissions from the site. Such measures shall include the fitting of dust suppression measures to all crushing and screening plant, the watering of all stockpiles and haul roads to reduce dust emissions and suspension of processing activities during dry and windy weather conditions.

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

7. 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 2 of the Lancashire Minerals and Waste Local Plan.

8. The noise levels emitted from the site when measured at Park House or Clitheroe Hospital shall not exceed the levels stated in conditions 30 and 31 of planning permission ref 3/97/0636.

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

9. The sole access to and egress from the site by HGV's shall be to and from the Pimlico Link Road as shown on drawing B004/00139B.

Reason : In the interests of highway safety and residential amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DMG3 of the Ribble Valley Core Strategy.

10. The wheel cleaning facilities installed at Bankfield Quarry shall remain available 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. The wheel cleaning facilities shall be maintained in full working order at all times and shall be used by all HGV's leaving the site.

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

Definitions

Occurrence: any instance of importation of waste material outside the hours specified in condition 4.

Notes

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

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

Paper	Date	Contact/Directorate/Ext
LCC/2016/0027		

24th March 2016

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Reason for Inclusion in Part II, if appropriate
N/A