

## Appendix A

**Development Control Committee**  
Meeting to be held on 2 March 2016

Electoral Division affected: CHORLEY NORTH, CHORLEY RURAL NORTH
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**Chorley borough: application number LCC/2015/0069**  
**Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods**

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### **Executive Summary**

Application – Application – Revised working scheme including amended levels and extension of the mineral extraction and landfill areas at Clayton Hall Landfill Site, Dawson Lane, Whittle Le Woods.

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

### **Recommendation – Summary**

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscape and habitats for a period of 5 years in addition to 5 years of aftercare controlled by condition (including the site area under permission 09/98/0049), and the maintenance and management of footpaths and public access in perpetuity, and 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, highway matters, noise, restoration and aftercare.

### **Applicant's Proposal**

Planning permission is sought for a revised working scheme at Clayton Hall Landfill Site including amended levels and extension of the mineral extraction and landfill areas at the southern boundary of the current active landfill area.

The applicant has stated that the proposal would include the excavation of some 72,000m<sup>3</sup> of sand/overburden over an area of approximately 0.6 hectare along with the landfilling of some 288,000m<sup>3</sup> of non-hazardous municipal, commercial and industrial waste over a wider area of 5.7 hectares incorporating the extension area and part of the existing site. Final contours would also be adjusted to accommodate the likely need to retain landfill gas and leachate control infrastructure beyond cessation of landfilling. The maximum height of proposed levels would not exceed those currently permitted.

The applicant has indicated that the remaining mineral reserves are below 6000m<sup>3</sup> and the landfill capacity has fallen to below 320,000m<sup>3</sup>, with a life of some 4 years. The proposal is likely to increase the life of the overall site from about 4 years to 8 years (notwithstanding the existing permission expires in 2028).

The area of the existing site still to be worked comprises Cells 3A, 3B, 3C, 4A and 4B shown on drawing no 08469/99 – *Boundary of Proposed Revised Working Scheme*. Cells 3A and 3B are largely complete and await capping and final restoration.

There would be no change to site accommodation, buildings, waste types, vehicle numbers (typically 16 HGV visits to the landfill each day) and operating hours.

The application is accompanied by an Environmental Statement (ES) and Non-Technical Summary. The ES provides details of the site history and the proposed development before examining the impacts associated with the proposal. It assesses key identified potential environmental impacts in respect of hydrology and hydrogeology, landscape and visual impact, landfill gas, ecology, cultural heritage, and other matters including noise, air quality and highways matters.

## **Description and Location of Site**

Clayton Hall is a largely worked out sand quarry, which is being restored through the deposit of non-hazardous waste. The site also has an associated waste management and recycling centre. The site is accessed from Dawson Lane and is located between Whittle-le-Woods and Leyland, on the western flank of the River Lostock Valley.

Agricultural land and woodland extends beyond the site to the north and east. Buckshaw Village is to the south. An established residential estate is located to the north-west of the existing site.

This site is located within Green Belt.

## **Background**

### **History**

Clayton Hall Quarry is a long established sand quarry, which is currently being restored by landfilling. The old mining planning permissions relevant to this site were reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 6 April 1998 as part of permission ref. 09/98/049. The reviewed conditions provide for the extraction of minerals followed by progressive

restoration of the site involving the importation of waste materials until the end of 30 years from the date of the permission i.e. 6 April 2028. The site is subject of first periodic review for the determination of modern working conditions (see application ref. 09/13/1075).

Planning permission for a waste baling and recycling centre was granted in February 1991 (ref 09/90/0690).

Planning permission for an extension to existing facility to provide new recycling shed weighbridge and office cabin and inert/green waste sorting bays was granted in March 2003 (ref 09/02/1268).

Planning permission for the demolition of existing workshop building and erection of new building on same site for use as transfer station was granted in April 2005 (ref 09/05/0150).

Planning permission for the erection of a concrete leachate tank and landfill gas flare was granted in August 2007 (ref. 09/07/0640).

Planning permission for the erection of 3 leachate tanks was granted in June 2008 (ref. 09/08/0478).

Planning permission for the erection of a landfill gas generator for the generation of electricity from landfill gas, gas flare, plant, switch/meter room and ancillary offices and stores was granted in March 2009 (ref. 09/09/0009).

Planning permission for a proposed additional gas engine, revised layout of renewable electricity generation compound used to generate electricity, and retention of meter and switch/substation cabinets was granted in April 2011 (ref. 09/11/0058).

Planning permission for the construction of a leachate tank, heat exchange unit, pipework and bridges to be used to treat landfill leachate was granted in November 2011 (ref: 09/11/0794).

Planning permission was granted on 30 November 2012 for an extension to the waste sorting and recycling centre building to connect with the existing waste transfer station, increase in the roof height of the existing building to create continuity, additional external water tanks, electrical cabinets and the creation of additional car parking spaces (ref. 09/12/0868).

Planning permission was granted on 19 February 2015 for the construction and use of a new tank for storage of water for fire-fighting, with association pump house and concrete foundation (ref. LCC/2015/002).

## **Planning Policy**

### *National Planning Policy Framework*

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 respectively.

*Planning Practice Guidance accompanying the NPPF (PPG)*

Minerals  
Waste

*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 CS5 Achieving Sustainable Mineral Production  
Policy CS7 Managing our Waste as a Resource  
Policy CS8 Identifying Capacity for Managing our Waste  
Policy CS9 Achieving Sustainable Waste Management

*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 DM3 Planning Obligations  
Policy DM4 Energy from Waste  
Policy LF1 – Sites for Non-Hazardous Waste  
Policy M1 Managing Mineral Production

*Central Lancashire Core Strategy*

Policy 22 Biodiversity and Geodiversity  
Policy 29 Water Management

*Chorley Local Plan 2012-2026*

Policy ST1 New Provision or Improvement of Footpaths, Cycleways, Bridleways and their associated facilities in existing networks and new development.  
Policy V1 Model Policy  
Policy BNE9 Biodiversity  
Policy HW3 Valley Parks

**Consultations** (summary)

Clayton-le-Woods Parish Council – Object to the extension and length of time for proposed operations. Concerns regarding breaches of planning and permitting regulations.

Whittle-le-Woods Parish Council – The Parish Council is concerned that conditions are set for the existing site but are regularly disregarded such as in relation to smells and levels.

Chorley Borough Council – No observations received.

LCC Developer Support (Highways) – No objection. Conditions are recommended in relation to wheel cleaning and travel plan.

County Landscape Service – No observations received.

County Ecology Service – The application is supported by an adequate assessment of potential impacts upon biodiversity; no additional ecological information is needed to enable determination of the application. In general, significant impacts on biodiversity do seem reasonably unlikely. There is however a need to secure mitigation and compensation through any planning permission for this site, to include, standard precautions for the avoidance of impacts on nesting birds; Watercourse/aquatic environment protection (pollution prevention); Revised landscaping proposals (layout plan, establishment, aftercare and management scheme).

Further revisions to landscaping may need to be considered including changes to planting around newt ponds, more areas of species rich/rough grassland, a greater range of habitats and the inclusion of bird and bat boxes. Details are required for the establishment, aftercare or management (woodland, scrub, grassland, hedgerow, ponds), avoidance of impacts on protected species, and should be secured as part of any planning permission.

County Archaeology Service –The site is immediately to the east of the Clayton Hall medieval moated site, which is designated as a Scheduled Monument (Monument number 1012313). It is recommended that Historic England be consulted directly on the possible implications of the proposed works on the setting of the monument. Beyond this, it does not appear that the changes to the existing scheme will have any direct or significant indirect impacts on non-designated heritage assets.

Environment Agency – No objection. It is assumed that the existing operational groundwater monitoring network installed and maintained for Environmental Permit purposes provides an enclosing envelope of groundwater level monitoring, which will provide continued monitoring data until mineral extraction has been completed and restoration has taken place. The site is subject to an existing permit and the EA is aware that there are issues on the site including amenity impacts, leachate storage and implementation of management systems, which they are working with the operator to address. Enforcement notices have been served, which have led to improved management of the site and subsequent reductions in complaints.

United Utilities – No observations received.

National Planning Case Work Unit – No observations received.

Natural England – No objection.

National Grid Gas and Electricity - No observations received.

National Grid Company P. L. C. - No observations received.

LCC Public Rights Of Way - No observations received.

Health & Safety Executive – No objection.

Lead Local Flood Authority – No objection subject to conditions controlling flood risk mitigation and sustainable drainage.

Ramblers Association – Provisions should be in place to ensure that the proposed development does not have a detrimental impact on users of public footpath number 11.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 11 representations have been received with objections raised on the following grounds:

- The existing landfill site is already too high.
- Existing problems with noise, odour, bird nuisance, flies, rats and litter.
- Poor site management
- Visual impact of current landfill site
- For the extension to be granted there must be continued capping of the existing site and the Environment Agency must continue to inspect the site and apply standards rigorously.
- Proximity of the site to housing.
- Impact on users of the surrounding footpaths.

### **Advice**

This application is for a revised working scheme including amended levels and extension of the mineral extraction and landfill areas.

The minerals and waste policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals and also encourage sustainable waste management practices, which reduce the need to transport waste great distances.

It is necessary to consider the need for mineral extraction and additional landfill capacity 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. Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The application is accompanied by an Environmental Statement which gives further consideration to any likely significant effects on the environment and details of mitigation where considered necessary.

### **Minerals**

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.

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 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 that provision will be made for the extraction of 10.8 million tonnes of sand and gravel between the plan period of 2001 – 2021. Based on the position at 2005 this allowed for the release of not less than 4.1 million tonnes of sand and gravel between 2005 -2021.

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. 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.

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 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 report identifies that in 2013 there were 8.2 million tonnes of sand and gravel reserves in Lancashire with planning permission. These permitted reserves are held in eight quarries, though in 2012, one quarry, German Lane was inactive and Runshaw (Euxton) had not started extraction (which is still the case), although its permission has been implemented.

Based on the 10 year average of sales at 2013 the permitted reserves of 8.2 million tonnes are expected to last 15 years, and the 7 year landbank is expected to begin to be eroded in 2028. However, in order to ensure the continued steady and adequate provision of aggregate to market, the ability of permitted sites to meet the forecast annualised demand must be considered. The LAA indicates that it is likely that a number of these sites will not be worked out before the expiry of their permission. If this is the case, in the event that their permitted life is not extended, the permitted reserve and landbank will need to be revised. More crucially, in 2013 nearly half of the permitted reserve was held in one quarry (Runshaw Quarry) and this remains inactive. More recently, planning permission was granted in May 2015 for a small extension to Sandons Farm Sand Quarry. This has been implemented and provides an additional 60,000m<sup>3</sup> of sand and gravel.

In view of the updated information that is available in the LAA, known constraints on the availability of consented reserves that might limit output over the plan period, and given that the proposed extension relates to an almost insignificant volume of mineral it is considered that there is sound justification to override the 'no need' position set out in Policy M1 of the JLMWLP. Furthermore, rejection of this application on a 'no need' basis would be likely to result in a sterilisation of a known reserve given that the existing surrounding landfill site is likely to be completed in the near future.

A more contentious issue, perhaps relates to the creation of additional non-hazardous landfill void space by mineral extraction and the amendment of existing levels.

### **Landfill and restoration**

One of the aims of Government waste policy is to promote the movement of waste management up the waste hierarchy from prevention at the top, down through preparing for re-use, recycling, other recovery, and disposal at the bottom. The principles of proximity are also promoted whereby waste should be managed at one of the nearest appropriate facilities and disposed of as near as possible to its place of production so as to reduce the distances travelled and the associated economic, environmental and social costs of transport.

Policy DM1 of the JLMWLP states that developments will be supported in accordance with site specific policies with the plan for provision of a network of new waste management facilities based on strategic locations and local sites, and the management of a limited and declining number of existing landfill facilities.



Policy LF1 of the JLMWLP refers to site for non-hazardous landfill and states that long term landfilling of non-hazardous waste will only be supported at Whinney Hill Landfill Site in Accrington. Elsewhere, landfilling of non-hazardous waste will be supported at existing permitted sites.

Clayton Hall Quarry and Landfill site is a largely worked out sand quarry that is being restored through the importation of non-hazardous waste to previously approved levels under the provisions of permission ref 09/98/049. A small lateral extension within the confines of the existing site boundary is proposed along with revisions to the working programme and amendments to the slope profiles to provide additional void space and to account for the extended site. Sustainable management of waste materials is achievable as a major waste management facility exists at the site in conjunction with the landfill, and landfill gas is used to power existing gas engines. The proposal would provide a relatively small increase in capacity and would generally relate to an area of the existing site that is furthest removed from residential properties.

Clayton Hall is the only landfill site in the south area of Lancashire and therefore provides a local facility for residual waste material that is not currently re-used, recycled or recovered for other purposes, in accordance with the proximity principle.

The permitted highest levels for tipping at the site would not be increased. Existing operations are now moving away from residential properties and the site is being progressively restored. Consequently, previous concerns of local residents in relation to noise, dust, vermin and odour are likely to diminish.

The existing site is already subject of an approved restoration and landscaping scheme. As part of this application a restoration masterplan has been provided illustrating additional areas of tree/shrub planting and species rich meadow. The general arrangement is considered largely acceptable although a number of recommendations have been suggested by LCC's County Ecology Service, which are supported. The applicant has subsequently provided an amended restoration plan to include changes to planting around newt ponds, more areas of species rich/rough grassland, and a greater range of habitats.

Further details of restoration, landscaping and aftercare can be secured by condition. Additionally, in view of the nature of the restoration and habitat creation proposals and the need to manage the site for the protection of great crested newts, it is considered reasonable and necessary to require the applicant enter into a s.106 agreement for longer term management and maintenance of the site beyond the 5 year aftercare period limited by statute, by a further 5 years to seek to ensure satisfactory establishment of planting and habitats.

This application also presents an opportunity to provide public access through the creation and maintenance of a footpath link, in perpetuity, around part of the development site in the recreational interests of the local area and to contribute to the aspirations of Policies ST1 and HW3 of the Chorley Local Plan regarding the establishment of a network of footpaths and links with the Cuerden Valley Park. The applicant is amenable to this suggestion following further discussions, has amended the illustrative restoration masterplan accordingly, and is willing to enter into a s.106

agreement for the delivery of this. The alignment of footpath access around the site has been carefully considered to seek to ensure that there would be protection of more valuable habitat areas and sufficient distance from neighbouring properties so as not to compromise security and privacy.

The proposed restoration scheme is considered acceptable subject to the s.106 agreement and conditions controlling the management of existing soils, soil storage and waste operations, final restoration and aftercare.

### **Green Belt**

The site 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 and engineering operations are not inappropriate development in the Green Belt provided that the openness of the Green Belt is preserved and there is no conflict with the purposes of including land in Green Belt.

The proposed extension is small in relation to the existing site and amendments to existing approved levels would not change the use of the site or result in a significantly different restored site. Although the timeframe for mineral workings and restoration operations would be likely to be extended for an additional number of years, 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.

### **Impact upon local amenity**

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 applicant has submitted an Environmental Statement to accompany the planning application, which addresses matters such as noise, air quality and landfill gas. The noise assessment concludes that the extension would produce no more noise than those similar operations that are already being carried out at the existing site and noise levels fall with acceptable levels set out in the NPPF. The extension area is at the furthest point from the main residential area at and around Spring Meadow and therefore noise, odour and general disturbance would be unlikely to be intrusive. Furthermore, the extension would have no greater impact on visual amenity or landscape character. Planning conditions are recommended which reflect those relating to working practices imposed on the permission for the existing quarry/landfill to seek to ensure equivalent controls. Further scrutiny and control of the restoration works, in terms of waste types, groundwater protection, working practices, vermin control, and pollution control would be undertaken by the Environment Agency through the Environmental Permitting process.

With regard to pollution control, paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. The existing waste management facility operates under an Environmental Permit and it should be assumed that the permitting regime operates effectively.

### **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.

The applicant has submitted a traffic 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 site is acceptable and has sufficient capacity. Although, the proposed development is unlikely to lead to any increase in the daily input of waste at the site or volumes of traffic compared with levels that have existing for many years, it is acknowledged that the proposed extension would increase the duration of operations at the site for several more years. Nevertheless, the road network appears to be capable of continuing to accommodate the traffic generated with no unacceptable impact. The County Council's Developer Support (Highways) has raised no objection and has recommended conditions to seek to ensure the cleanliness of the highway and for a travel plan. The latter is considered unreasonable given the existing site and waste management operations and given what the proposed development relates to.

Concern has been raised in relation to the potential impact on the local footpath network. Although quarrying operations and landfilling would take place closer to footpath number 11 than is currently approved (from typically 60m to around 20m at

the closet point) the overall impact would be negligible with the transient nature of passage along the path, the temporary nature of operations and the site boundary vegetation.

## **Water Management**

The application and Environmental Statement is accompanied a section on water resources and with a flood risk assessment report.

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 there is low probability of flooding from fluvial sources, there is a low susceptibility to groundwater and surface water flooding, and the proposed development is unlikely to lead to significant increase in flooding elsewhere.

The Environment Agency have raised no objection and consider that the proposed extension could be adequately controlled as part of the existing Environmental Permit for the site (subject to any amendments that are necessary) including groundwater monitoring and assessment. It is considered that conditions would be unnecessary in this respect other than to restrict the depth of working.

## **Cultural Heritage**

The site is to the east of the Clayton Hall medieval moated site, which is designated as a Scheduled Monument (Monument number 1012313). However, it is considered that the proposal would have no direct or indirect effect on the monument or its setting, particularly given the long established operations at the site and the proposed end use.

## **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 and re-profiling of the existing site would release a small volume of sand and gravel and would provide a void for the deposit of a relatively small volume of non-hazardous waste materials for appropriate restoration of the site. Need for the mineral reserve can be demonstrated contrary to the policies of the Joint Lancashire Minerals and Waste Local Plan largely given the small volume of mineral involved and, in view of guiding principles within the NPPF. The extension area would be unlikely to generate any detrimental impacts on neighbouring land uses, local residents, the highway network, Green Belt or the environment in general especially when considered in relation to the existing site.

## **Recommendation**

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscape and habitats for a period of 5 years in addition to 5 years of aftercare controlled by condition (including the site area under permission 09/98/0049), and the maintenance and management of footpaths and public access in perpetuity, and 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 6 April 2028 and the site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 6 April 2029.

*Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interest of local amenities, the visual amenity and to secure the proper restoration of the site in accordance 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 on 20 July 2015

- b) Submitted Plans:

Drawing no. 08469/136 - Site Location Plan

Drawing no. 08469/124B - Boundary of Proposed Revised Working Scheme

Drawing no. 08469/128 - Revised Scheme - Base of Waste Contours

Drawing no. 08469/132A - Revised Scheme Post Settlement 5m Contours

Drawing no. 08469/134D- Revised Scheme Pre-Settlement Levels (1m)

Drawing no. 08469/137 - Basal Layout Cross Sections

Drawing no. 08469/138A- Final Contours - Cross Sections - Sheet 1 of 2

Drawing no. 08469/138A- Final Contours - Cross Sections - Sheet 2 of 2

Drawing no. T239.202, Rev 2 - Restoration Masterplan

Drawing no. 11.171/11 - Site Layout - Sprinkler tank

Drawing no. T239.204 - Sandstone Surface Footpath Details

*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.*

4. A copy of the conditions and all documents referred to in this permission, shall be made available at the site office at all times throughout the development.

*Reason: to ensure all site operatives can readily make themselves aware of the planning conditions.*

5. A topographical survey of the site shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the end of the 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.*

6. The provisions of Part 17, Class A and 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.*

7. Mineral extraction shall not take place below the base levels shown on drawing no. 08469/137 - 'Basal Layout Cross Sections' and drawing no. 08469/128 - Revised Scheme - 'Base of Waste Contours'.

*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.*

8. No waste or restoration materials shall be deposited either temporarily or permanently on any part of the site at a higher level than the levels shown on drawing no. 08469/134D - 'Revised Scheme Pre-Settlement Levels (1m)'.

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

9. 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 09/98/049.

*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.*

10. No mining operations, landfilling or restoration works shall be carried out and no movement of heavy goods vehicles from the site shall take place except between the hours of 7.30am and 6.30pm Monday to Friday inclusive, 8.00am to 12.00 noon on a Saturday, and at no time on a Sunday or Public Holiday. For the purposes of this permission a heavy goods vehicle shall be defined as a vehicle designed to carry a payload of 1,500kg or more.

*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.*

11. All plant and machinery shall be silenced effectively in accordance with the manufacturer's specification and shall be maintained in that condition at all times.

*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.*

12. 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.*

13. Within 6 months of the completion or cessation of mining operations/restoration works as provided for in condition 2 of this permission, a scheme and programme shall be submitted to the County Planning Authority for approval in writing to include the following matters:

- a) a plan showing the position of all plant and equipment, which is to be retained beyond the period required to complete the restoration of this site in accordance with condition 19, and a timeframe for that retention;

- b) the works necessary to make good any subsidence of or damage to the land brought about by the repair or provision of the control equipment involved in the management of leachate or landfill gas;
- c) details of all additional plant, equipment, buildings, structures, pipelines or similar which involve disturbance of the land and will be required in addition to those shown on the plan referred to in a) above; and
- d) details of the final restoration of the land following the removal or cessation of the use of the plant, equipment, buildings, structures and pipelines referred to in a), b) and c) above.

The approved scheme and programme shall be carried out.

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

14. All plant and equipment other than that referred to in the proceeding condition shall be removed from the site by 6 April 2030.

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

15. The site shall be the final place of deposit for waste and no waste shall be removed from the site once it has been used in the restoration of the site.

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

16. No machinery, plant or equipment, which is not directly concerned with the actual mining or restoration operations, shall be stored 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.*

17. The existing wheel cleaning facilities shown on drawing no. 11.171/11 - 'Site Layout - Sprinkler tank' shall be retained and shall remain available for use at all times during the operational life of the site so as to ensure no mud or other materials from the site are deposited on the public highway. Such facilities shall be used and maintained in full working order at all times and shall be used by all 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.*



18. 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 Joint Lancashire Minerals and Waste Local Plan.*

## **Restoration**

19. No development shall commence until details of the working, restoration and aftercare of the site (including the site area under permission 09/98/0049), in general accordance with drawing no. T239.202, Rev 2 - Restoration Masterplan have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include:

- a) The nature of the intended after-use of the site;
- b) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- c) The final excavation levels of the site;
- d) The final configuration of the excavated areas and determination of the angles of slope;
- e) The respreading of any available soil making materials and seeding specification;
- f) Full detail of proposed soil types and depths within surface horizons to demonstrate that the soils will be capable of supporting the desired habitats and plant communities.
- g) The drainage and treatment of silt traps, lagoons and water areas;
- h) Native tree/shrub planting, seed specification and planting densities;
- i) The methods to be employed to promote normal plant growth;
- j) Full detail of habitat establishment and management methods.
- k) The maintenance and aftercare of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- l) Details of management responsibilities.
- m) A schedule of management prescriptions.

Thereafter the restoration of the site 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 22 of the Central Lancashire Core Strategy.*

20. If the approved pre-settlement levels have not been achieved within the permitted time limit of this permission, details for revised lower restoration levels utilising existing materials on the site and a revised landscaping scheme shall be submitted to the County Planning Authority for approval in writing within 1

month of the expiry of the permitted time period to this permission. The approved details shall be completed within 12 months of the date of approval. All landscaping works including the planting of trees and shrubs approved as part of the approved scheme and programme shall be implemented within the first planting season, as defined in this permission, following the completion and restoration of the site and shall thereafter be maintained for a period of five years including replacement of dead and dying species and maintenance of protection measures.

*Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.*

### **Aftercare**

21. 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 after use 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.*

### **Definitions**

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

### **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/Ext
LCC/2015/0069	Feb 2016	R Hope/34159

Reason for inclusion in part II, if appropriate

N/A