

Development Control Committee

Meeting to be held on 13 July 2016

Electoral Division affected: Farington

South Ribble Borough: application number. LCC/2016/0035

Variation of condition 1 of permission 07/11/0739 to allow the development to continue until 01 June 2031 and variation of condition 26 of permission 07/11/0739 to allow site operations from 06.30am Mondays to Fridays, in relation to the extraction of sand and restoration to agricultural land by the importation of waste at Lydiate Lane Sand Quarry, Lydiate Lane, Farington, Leyland

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Executive Summary

Application – Variation of condition 1 of permission 07/11/0739 to allow the development to continue until 01 June 2031 and variation of condition 26 of permission 07/11/0739 to allow site operations from 06.30am Mondays to Fridays, in relation to the extraction of sand and restoration to agricultural land by the importation of waste at Lydiate Lane Sand Quarry, Lydiate Lane, Farington, Leyland.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, restoration and aftercare.

Applicant's Proposal

The application site is an existing sand quarry with permission for restoration back to agricultural land by the importation of inert waste. The existing planning permission (ref. 07/11/0739) is subject to a number of conditions. Condition 1 requires that operations cease by 2 August 2016 and that the site be progressively restored by 2 August 2017. Condition 26 states that no work should take place on the site except between the hours of 7.30am and 6.30pm Mondays to Fridays and between 8.30am and 12.30pm on Saturdays with no working on Sundays or Public Holidays. Maintenance of equipment, plant and machinery only may be carried out on Saturday afternoons between the hours of 12.30pm and 6.30pm.

The applicant is seeking to change condition 1 of permission 07/11/0739 to allow the development to continue until 01 June 2031 and to change condition 26 of

permission 07/11/0739 to allow site operations including quarrying of sand and importation of inert waste to take place from 06.30am Mondays to Fridays.

There is no proposal to increase the overall footprint of the site, increase the depth of working or change the final restoration levels beyond that which has already been consented. There are currently no vehicle movement restrictions and site traffic has historically fluctuated with market demand for mineral reserves, site conditions, and availability of restoration materials.

The applicant has stated that there remains some 500,000 tonnes of sand to extract which would probably be exhausted before the proposed planning application end date. However, the Environmental Permit Application of December 2012 assessed the void space to be infilled to restoration levels as 1.3 million cubic metres or 2.2 million tonnes. The applicant has stated that it would be difficult to predict the rate of infill over a future period but a conservative estimate of 15 years would be appropriate, which also coincides with the lease period on the land and avoids the potential situation of having to re-apply at a later date.

Description and Location of Site

The application site is an operational sand and gravel quarry to the north of Lydiate Lane and adjacent to the M6 motorway, approximately 2km north-east of Leyland town centre. Access to the site is taken from Lydiate Lane. Sand and gravel has been extracted from several phased areas of the site with agricultural grassland to the north where extraction is yet to commence. The permitted mineral extraction area extends over approximately 19 hectares and there remains approximately 6 hectares of unworked land.

The site has planning permission to be restored to original land levels by the importation of inert waste which has already commenced in the early phases of the site at the south-east. Land beyond the site to the north is in agricultural use although is identified as a strategic investment site for future mixed employment use development (see Policy C4 of the South Ribble Local Plan). Residential properties are located along Lydiate Lane, primarily opposite the site access on the south side of Lydiate Lane at Bristol Avenue.

The applicant's proposal would not alter the area of the previously authorised development.

Background

Planning history

The site has a varied and complex planning history involving a number of different operators.

Lydiate Lane sand quarry was granted planning permission on appeal in Aug 1993 (ref. 07/91/648) subject to conditions. The quarry has been operational since 1998.

In October 1998 planning permission was granted for an extension of time to allow the mining and landfilling operations for a further 5 years until 2016 (ref 7/98/360).

In 2006 the site operator submitted a planning application (ref. 07/06/0672) to vary conditions 4, 10, 16, 25 and 30 of planning permission 7/91/648 (as amended) to provide for: the cessation of mining and landfilling operations no later than 2 August 2021 and progressive restoration of the site within a further period of 12 months; cessation of sand extraction in any further phase until imported waste is physically deposited in the preceding phase, commencing with phase 3 for the purpose of restoring it; the erection of a 4.0m high screen mound along the entire southern boundary of Phase 6 in place of the close boarded fence originally required by the condition; Skip carrying vehicles to enter the site to deposit engineering materials for the construction of on-site roads and to remove wastes from the site; and the construction of a mini-roundabout at the junction of Lydiate Lane with Stanifield Lane within 3 months of the date of granting of a certificate of Pollution Prevention and Control Permit for the importation of waste to the site. Permission was granted for the variation of conditions but was refused for the operational life of the site to be extended until 2 August 2021 and for a variation to the condition relating to the construction of a mini-roundabout.

In 2008 a planning application was submitted by a new operator to vary the requirements of planning permission 07/06/0672 with an alternative phasing scheme with particular emphasis on ensuring that operations would be compliant with best practice for landfilling in accordance with any future Pollution, Prevention and Control (PPC) Permit (now Environmental Permit) issued by the Environment Agency. The revised scheme provided for the retention of the existing operations area (sand washing/screening plant and stockpiles etc) at the south western part of the permitted site until the site is finally restored. The scheme included four additional progressive working and tipping phases incorporating the construction of geological barriers suitable for the receipt of waste, which follows a more irregular pattern but maintaining a general trend of working towards the north of the site. Planning permission was granted on 16 July 2010 (ref. 07/08/0231).

On 18 January 2012 planning permission was granted for removal of condition 23 (provision of a road sign for the south side of Lydiate Lane) and 25 (the construction of a mini roundabout) of permission 07/08/0231 (ref. 07/11/0739).

Planning Policy

National Planning Policy Framework (NPPF)

Paragraphs 6 – 16, 79 - 92, 109 – 125, 142 -148 are relevant with regard to the definition of sustainable development and the operation of the planning system, protecting green belt land, conserving and enhancing the natural environment and facilitating the sustainable use of minerals respectively.

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals

Waste
Noise

*Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD -
Managing our Waste and Natural Resources (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 - Site Allocations and Development
Management Policies – Part One (JLMWLP)*

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM1 Management of Waste and Extraction of Minerals
Policy DM2 Development Management
Policy LF2 – Sites for Inert Landfill
Policy M1 Managing Mineral Production

Central Lancashire Adopted Core Strategy

Policy 22 Biodiversity and Geodiversity
Policy 29 Water Management

South Ribble Local Plan

Policy G13 Trees, Woodland and Development
Policy G16 Biodiversity and Nature Conservation
Policy G17 Design Criteria for New Development
Policy C4 Cuerden Strategic Site

Cuerden Strategic Site Masterplan Report – April 2015

Consultations (summary of responses)

Farington Parish Council – No observations received.

South Ribble Borough Council – Objection. Frequent complaints have been received in relation to noise and dust and vehicle movements from the site. The proposed extension of operating hours could have an adverse impact on local residents and an extension to the life of the site would prolong the impact. There has been insufficient assessment of noise from HGVs leaving the site [comments received prior to applicant's revised noise assessment].

LCC Highways Development Control – No objection. The proposals would have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

County Ecology Service – There is an opportunity to improve the restoration scheme with increased biodiversity. Bat survey required to assess potential impact of loss of trees from remaining unworked areas of the existing site.

Environment Agency – No objection.

Highways England – Recommend a number of conditions to ensure that the safety and integrity of the M6 motorway is maintained.

Public Rights Of Way – No observations received.

Ramblers' Association – No observations received.

Representations – The application has been advertised in the local newspaper and by site notice, and neighbouring residents informed by individual letter. 10 representations have been received raising the following summarised concerns:

- There would be noise nuisance/ vehicle noise on highway.
- There would be dust nuisance/sand blowing off lorries onto property.
- There has been a problem with unsheeted lorries.
- Noise of lorries from the site at 6.30am would be unacceptable.
- To ensure that noise limits would be complied with from 6.30am the operator would not be able to use specific plant and machinery as set out in the noise assessment. This could make the proposal unfeasible.
- Operations already start before the current authorised time and noise can be heard particularly from vehicle engine noise/generator.
- One of the representations has no issue with the time extension until 2031.
- The Lydiate Lane Sand Quarry is immediately adjacent to the Cuerden Strategic Site, as allocated in the local development plan. It should be demonstrated by the applicant that mineral workings would not cause instability or undermine any part of the Cuerden Strategic site, taking into account its strategic designation.
- A time extension at the quarry could negatively affect the development of the Cuerden Strategic Employment Site by way of noise, dust, ground stability, traffic etc.
- The applicant has not provided adequate justification for the proposed time extension.
- The application does not consider the potential impacts of the quarry development on the Cuerden Strategic Employment Site. Initial engineer's advice has been sought and it is considered that structural integrity concerns are raised regarding the potential ability to develop land in close proximity to the quarry site. It is recommended that some form of obligation be made for restoration to engineer approved standard.

Cllr Paul Wharton (Borough Councillor for Farington East in South Ribble) – Objects on the grounds of noise, dust, air quality and the impacts on the roads surrounding the site. Numerous complaints have been received from local residents regarding dirt of the road from the quarry. Dust is also a problem in the summer months. Allowing the site to run from 6.30am will have a serious detrimental impact on the quality of life of residents due to noise.

Cllr Jonathan Woodcock (Borough Councillor for Farington East in South Ribble) – Objection. The proposal would have a disproportionately negative impact upon local residents who have already had to live with the health implications and noise issues for years. The site has been poorly managed over a long period of time with problems around traffic and noise.

Advice

This application is for two proposed changes. Firstly to extend the time period for working and restoring an existing quarry site and secondly, to allow working at the site from 6.30am Mondays to Fridays instead of the currently permitted 7.30am.

The principle of quarrying and restoring the site with inert waste has already been established and the mineral reserve within the whole site has already been accounted for within the County's overall available mineral landbank.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the mineral that would be extracted along with an assessment of the potential impacts of working and restoring the site on the local environment including impacts on the public highway, the amenity of the residents who live nearby, the impact on the Green Belt, and the local environment. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

Need for 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. The Lydiate Lane Quarry reserves are already accounted for and therefore any time extension for working the site would not represent 'new extraction'.

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 (still the case in 2015), 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.

There is sound justification to allow the continuation of working at the site from a need perspective thereby releasing sand reserves that have already been factored into local supplies and also to ensure that valuable reserves would not be sterilised.

Restoration

The site would be restored through the importation of inert waste and soils to achieve final levels comparable to adjoining land. The applicant has submitted new drawings which reflect the previously approved scheme but provide a renewed clarity on the nature of phased working and restoration including tree/hedgerow planting layout and methodology. The restoration scheme is considered acceptable as part of the proposed extended duration of working. An Environmental Permit is required for the site and this controls the specific waste types and measures to prevent pollution from the restoration works.

Green Belt

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

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

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

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

The existing quarry void is being restored back to surrounding agricultural land levels through the importation of inert waste and soils. A continuation of mineral extraction would not harm the openness of the Green Belt and satisfactory restoration would contribute to returning the land to a standard fit for agricultural use and therefore would not conflict with the purposes of including land in Green Belt.

Slope Stability

Representations have been received in relation to adjoining land allocated as the Cuerden Strategic Site (See Policy C4 of the South Ribble Local Plan and the Cuerden Strategic Site Masterplan Report – April 2015). The adjacent strategic site land is currently in agricultural use. However, future development (subject to planning permission) could see built development in close proximity to the quarry site. Assurance has been sought that the extraction of sand up to previously approved extraction boundaries would not be likely to generate ground instability beyond the red line boundary of the site. Highways England has also sought assurance that the integrity of the M6 embankment would not be compromised.

The applicant has submitted a geotechnical assessment that satisfactorily demonstrates that the previously approved and currently proposed extraction boundaries would not be likely to lead to any slope failure beyond the site boundary given the nature of the mineral deposit, the depth of working and the distance between the extraction boundary and the site boundary. There appears to be no reason to dispute the findings of the assessment. Therefore it is considered that the phased working plans and restoration scheme are acceptable in this respect and the working areas can be restricted by conditions.

Visual Impact

The site has limited visual impact from neighbouring land partly due to well established screening mounds. Views into the site are possible from the M6 motorway but this is fleeting. Users of the local footpath network can currently see the quarry and screening mounds. A large proportion of the site has been worked over many years and restoration works have commenced. The proposed time extension would allow remaining unworked areas of the site to be excavated and restoration works to be completed. However, there would be no significant additional visual impact associated with continued working and extending operations into currently unworked areas of the site.

Impact upon local amenity and pollution control

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

The existing planning permission for the site is subject to conditions relating to the control of noise and it would be reasonable to re-impose those conditions should permission be granted for a time extension for the working of the site. However, the applicant is also seeking permission to extend the working day, starting at 6.30am, Monday to Friday. This has raised concerns over potential noise nuisance at a more unsociable time, particularly from HGVs arriving at and exiting the site.

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

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

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

In the accompanying practice guidance for the NPPF the management of the noise associated with particular development types is considered in a number of separate

documents. For minerals development there is National Planning Practice Guidance: Minerals (PPG).

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

Proposals for the control or mitigation of noise emissions should:

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

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

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

In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

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

(1900-2200) the noise limits should not exceed the background noise level ($L_{A90,1h}$) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

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

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

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

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

The applicant has submitted a noise assessment (as amended) which considers local ambient noise levels and actual and predicted noise levels from site operations and HGV movements. Noise levels are measured against Government guidance, appropriate British Standards and World Health Organisation advice. The noise assessment demonstrates that background noise levels are significant as a result of traffic movements along Lydiate Lane and from the M6 Motorway throughout the day including the period from 6.30am. The noise report concludes that site operations would comply with the Government night time noise limit of 42dB(A) LAeq,1h (free field) subject to controls over the use of plant and machinery from 6.30 to 7.00am and that HGV movements to and from the quarry during this period would have a negligible impact on existing traffic noise. High maximum noise level readings (L_{max}) from HGVs, cars and motorbikes are already a significant feature along Lydiate Lane, which is a busy A-road throughout the day.

Subject to additional noise related conditions controlling the Government guidance night time period (6.30am -7.00am) to restrict noise levels from the site to 42dB(A) LAeq,1h (free field) and as a precautionary approach, restricting mechanical operations to HGVs and loading shovels during this period (as recommended by the noise assessment), it is considered that noise from the proposed operations would not give rise to an adverse effect in accordance with the Government's Planning Practice Guidance. A condition on the existing permission relating to the control of

daytime noise (after 7am) in accordance with Government guidance could be carried forward.

Highway Matters

There would be no change to the highway arrangements associated with the application other than HGVs leaving the site from 6.30am. Vehicle movement numbers are not currently restricted due to the suitability of Lydiate Lane and the surrounding highway network to accept HGVs. The County Council's Highway Development Control has raised no objection and commented that the proposals would have a negligible impact on highway safety and capacity in the immediate vicinity of the site.

Notwithstanding the acceptability in highway capacity terms, HGV movements have the potential to generate noise and dust/mud nuisance. Noise from vehicles has been discussed above. Historically, complaints have been received in relation to mud being tracked out of the site during wet weather and dust when the sand off vehicles and the road is dry. This has been a particular problem with high numbers of vehicle movements. The operator has a responsibility to ensure that this issue is carefully monitored and action taken in the event that there is evidence of dust or mud leaving the site. A new permission would provide an opportunity to impose more precise controls on requirements to keep roads clean by way of condition.

Comments have been received from Highways England with recommended conditions to seek to ensure the protection of the M6 Motorway and maintain access to it. Following further discussions with Highways England they now appreciate that there is a definitive footpath and track between the quarry site and the motorway embankment and accept that a condition to prevent quarry workings impact on the motorway embankment is all that is required as a precautionary approach. Conditions are recommended to restrict quarry working to the previously approved extraction boundary and also to protect the M6.

Protected Species and Habitats

The site features worked areas of sand and gravel and areas of partial restoration through the importation of inert waste. The remaining unworked authorised extraction areas are improved pasture land with limited habitat interest with the exception of a number of mature trees and hedgerows.

In view of the potential habitat for bats, the applicant was requested to undertake a bat survey assessment. A bat survey has been undertaken and this concluded that bats are not currently using the trees as roost sites and that the trees on site have low potential for bat roosting. Therefore, a European Protected Species mitigation licence would not be required for the felling works to proceed and it is reasonable to allow the development to proceed in this respect subject to a condition to seek to protect nesting birds during the bird breeding season.

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 proposal does not seek to increase the overall footprint of the site or deviate from any other aspect of the consented operation, other than extending the time period for the development and commencing operations an hour earlier Mondays to Fridays. The time extension would allow for a continued supply of the remaining sand and gravel reserves within the existing quarry area that are already accounted for within the County's mineral landbank, and would allow for appropriate site restoration.

The commencement of site working and transport of minerals from 6.30am Mondays to Fridays would enable the operator to deliver materials to and from sites at the times materials are requested. The applicant has undertaken a comprehensive noise assessment that objectively concludes that noise between 6.30am and 7.30am would not be generated to a level that would result in an unacceptable adverse impact subject to recommended noise control conditions.

Consideration has been given to current planning policy and guidance bearing in mind the site has been operational for some time. There have been no significant material changes in terms of scale, nature or methods of working since the previous grant of planning permission which would result in the development having an unacceptable impact upon the Green Belt, landscape character, local amenity, the water environment, or the local highway network. It is acknowledged that the adjoining land is allocated as a major strategic employment site and built development may take place in the future. However, the quarry currently exists and a slope stability assessment has concluded that it is unlikely that existing or future quarry operations would compromise ground stability beyond the site boundary. Subject to recommended conditions it is considered that proposal complies with the policies of the development plan and the National Planning Policy Framework.

Recommendation

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

Time Limits

1. The mining operations authorised by this permission shall cease not later than 1 June 2030. The site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 1 June 2031.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale, to secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 22 of the Central Lancashire Adopted Core Strategy, and Policy G13 and G16 of the South Ribble 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 Planning Application validated by the County Planning Authority on 3 May 2016
 - b) Submitted Plans:
 - Figure 1 - Location Plan
 - Figure 2, Rev F - Indicative Quarry Development: Existing Site Plan
 - Figure 3, Rev F - Indicative Quarry Development: End of Sand Extraction Phase 3 / EA Landfill Permit Phase 2
 - Figure 4, Rec C - Indicative Quarry Development: Indicative Quarry Development: End of Sand Extraction Phase 4 / EA Landfill Permit Phase 3
 - Figure 5, Rev C - Indicative Quarry Development: EA Landfill Permit Phase 6
 - Figure 6, Rev C - Indicative Quarry Development: EA Landfill Permit Phase 9
 - Figure 7, Rev D - Final Restoration
 - Figure 8, Rev C - EA Landfill Permit EPR/LB3834AE Phase Boundaries Overlaid the Final Restoration
 - Figure 9, Rev B - Indicative Quarry Development: Sections A-E
 - Figure 10, Rev B - Indicative Quarry Development: Section F

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, Policy 22 of the Central Lancashire Adopted Core Strategy, and Policy G13 and G16 of the South Ribble Local Plan.

Site Operations

3. No soils shall be stripped and no minerals shall be extracted in Phase 3, shown on Figure 2, Rev F - 'Indicative Quarry Development: Existing Site Plan', dated April 2016, until the 'Phase 1 EA Permit' Area shown on Figure 8, Rev C - 'EA Landfill Permit EPR/LB3834AE Phase Boundaries Overlaid the Final Restoration' has been restored in accordance with the conditions of this permission. No soils shall be stripped and no minerals shall be extracted in Phase 4, shown on Figure 2, Rev F - 'Indicative Quarry Development: Existing Site Plan', dated April 2016, until the 'Phase 2 EA Permit' Area shown on Figure 8, Rev C - 'EA Landfill Permit EPR/LB3834AE Phase Boundaries Overlaid the Final Restoration' has been restored in accordance with the conditions of this permission.

Reason: To ensure satisfactory restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 22 of the Central Lancashire Adopted Core Strategy, and Policy G13 and G16 of the South Ribble Local Plan.

4. No minerals shall be extracted below the depth identified as the 'Sand Extraction extent' shown on Figure 9, Rev B - 'Sections A-E' and Figure 10, Rev B - 'Section F'.

Reason: To secure satisfactory restoration and to safeguard local watercourses and drainages and avoid the pollution or derogation of any watercourse of groundwater resource and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. No waste shall be deposited at a level higher than the restoration levels shown on Figure 7, Rev D - Final Restoration.

Reason: To ensure satisfactory restoration of the site and to conform with Policies 2, 13, 14, 106, 107, 108 and 112 of the Lancashire Minerals and Waste Local Plan.

6. No soil stripping or mineral extraction shall take place beyond the phased extraction areas shown on the plans listed in condition 2 of this permission.

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.

7. No topsoil or subsoil shall be removed from the site.

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

8. The site shall be the final place of deposit for waste and no waste shall be removed from the site once it has been deposited within the landfill area.

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

9. A topographical survey of the site shall be submitted annually to the County Planning Authority within one month of each anniversary of the date of this permission until the end of the aftercare period referred to in the conditions to this permission. The survey shall have been carried out within two months preceding the date of the anniversary of this permission and shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all the land where mining operations have taken place/waste has been deposited.

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

10. All vehicles taking mineral from or bringing waste to the site shall be sheeted so as to prevent spillage or dust blowing from their loads.

Reason: In the interest 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.

11. No skip carrying vehicles shall be used to deposit waste within the landfill. This condition shall not apply to skip carrying vehicles depositing engineering materials to be used for the construction of on-site roads and other engineering works within the site. No skip carrying vehicles shall enter or leave the site before 7.30am.

Reason: To reduce the risk of potentially polluting waste materials entering the site, to reduce noise from vehicles, 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. The internal haul road between the wheel cleaning facilities and Lydiate Lane shall be metalled and drained and shall be kept clear of debris along its entire length throughout the development.

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

14. Wheel cleaning facilities shall be made available at 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.

15. No debris, mud or dust from the site shall be deposited by vehicles upon the public highway.

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

16. No working shall take place on the site except between the hours of 6.30am and 6.30pm Mondays to Fridays and between 8.30am and 12.30pm on Saturdays. There shall be no working on Sundays or Public Holidays. Essential maintenance of equipment, plant and machinery only may be carried out on Saturday afternoons between the hours of 12.30pm and 6.30pm.

Reason: 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.

17. Subject to Condition 18 below, noise emitted from the site shall not exceed 55dB(A) Leq (1 Hour) between 7.00am and 6.30pm, and 42dB (A) Leq (1 Hour) between 6.30am and 7.00am as measured at one metre from the facade of any noise sensitive property affected by the development of the site.

Reason: 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.

18. Noise limits set out in condition 17 shall not apply during the dismantling of the site access road, haul roads, and site compound. Noise from these activities shall not exceed 70db(A) Leq (1 hour) as measured at one metre from the facade of any noise sensitive property affected by the development and restoration of the site for more than 8 weeks in any one calendar year.

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

19. Between 6.30am and 7.00am Mondays to Fridays, no plant, machinery, vehicles or equipment, other than vehicles collecting mineral or depositing waste, and one loading shovel, shall be operated at 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.

20. The boundary hedge to Lydiate Lane at the site access shall be maintained so as to provide a visibility sight line of 160m measured from a point on the access road 4.5m from the edge of the carriageway of Lydiate Lane and be maintained throughout the life of the development and restoration of the site.

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

21. Any site entrance gates at the site access shall be set back at least 15m from the edge of the carriageway of Lydiate Lane and shall open inwards into the site.

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

22. The actions contained within the submitted document 'Dust Action Plan', dated April 2012 shall be adopted during the development including the restoration of the site.

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

23. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site to ensure that there shall be no discharge of contaminated or polluted drainage to ground or surface waters.

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

24. All oil, oil-related or chemical-based liquid storage tanks or drum storage areas shall be sited within the compound area on an impervious base and surrounded by a sealed bund wall capable of containing 110% of the tanks' or drums' total volume and shall enclose within its curtilage all fill and draw pipes.

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

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

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

26. There shall be no development on or adjacent to the M6 motorway embankment that shall put the embankment or earthworks at risk.

Reason: To protect the M6 Motorway and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Restoration

27. The site shall be progressively restored in accordance with the details shown on figures 2-10 as set out in condition 2 of this permission.

Reason: To ensure satisfactory restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 22 of the Central Lancashire Adopted Core Strategy, and Policy G13 and G16 of the South Ribble Local Plan.

Aftercare

28. Aftercare of the site to promote the agricultural use of the site shall be carried out in accordance with the Document entitled 'Aftercare Strategy for Lydiate Lane Quarry' (Appendix 4 of submitted documents) for a period of 5 years on each phase following certification in writing by the County Planning Authority that the works of restoration in that phase are complete, as defined in this permission.

Reason: To ensure satisfactory restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, Policy 22 of the Central Lancashire Adopted Core Strategy, and Policy G13 and G16 of the South Ribble Local Plan.

Definitions

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

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

Notes

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping - up or diversion of a right of way should be the subject of an Order under the appropriate Act.

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/2016/0035	July 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A