

Development Control Committee
Meeting to be held on 19 October 2016

Electoral Division affected: Chorley Rural East, Chorley West

Chorley Borough: application number LCC/2016/0059
Extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley

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Executive Summary

Application – Extension to the area of phased extraction of sand, gravel and clay, followed by infilling with inert waste for restoration purposes back to agriculture, woodland, and nature conservation including a 5m high screen bund at Sandons Farm, Sandy Lane, Adlington, Chorley.

Recommendation – Summary

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping, habitats and public access for a period of 10 years in addition to 5 years of aftercare controlled by condition (consistent with planning permission 09/05/0018), planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of working, noise and dust, highway matters, water management, soils, ecology, restoration, and aftercare.

Applicant's Proposal

The application is for an extension of the sand extraction area within the south eastern area of the existing quarry. The existing quarry covers an area of approximately 11ha. The proposed extension would provide for the extraction of approximately 80,000m³ of sand, gravel and clay to a maximum depth of approximately 10m below existing ground levels.

An estimated 30,000 tonnes of the extracted mineral would be clay, which would be used to line the site prior to the proposed importation of approximately 75,000m³ of construction, demolition and excavation waste and soil forming material. Overburden would be used to form a 5m high screening bund between the mineral

extraction area and the nearest residential properties. It is proposed to restore the void along with the restoration of the existing quarry.

Permission is currently in place at the existing site until 2020. The applicant anticipates that the extension would release approximately 2 years additional supply of sand, would require an additional 12 months of tipping to complete restoration but the site restoration would still be completed within the existing permitted time period.

The extension land is contained within the original red line boundary of the existing quarry site (09/05/0018) and falls within an approved restoration and planting plan area. The restoration and afteruse for the site would primarily be meadow/species rich grassland and woodland.

Description and Location of Site

The proposed development area covers approximately 2.1 hectares within the existing Sandons Sand Quarry site. The site is located off Sandy Lane in Adlington approximately 4km south of Chorley town centre and is accessed via a concrete haul road taken from the A5106 Wigan Lane. The nearest residential properties are located on Carrington Road approximately 50m from the closest edge of the proposed extended extraction area and approaching 25m from proposed screening bunds.

The quarry and proposed extension area are located within the Green Belt. Footpaths numbers 11 and 12 run along the southern and eastern boundaries of the site.

Background

History

Two planning applications were initially submitted for the existing quarry site. The first for the phased extraction of sand and gravel followed by infilling of inert waste for restoration purposes back to agriculture (ref 09/05/0018) and the second for the phased extraction of sand and gravel followed by low level restoration without landfilling (ref 09/06/0867). Both were refused planning permission by Lancashire County Council's Development Control Committee. However, planning permission was granted on appeal by the Planning Inspectorate in December 2008 following a public inquiry. The applicant implemented planning permission 09/05/0018 and operations commenced in June 2008.

On 17 April 2013 planning permission was granted to allow for the sorting, treating, crushing and screening of imported construction, demolition and excavated soil/waste with re-usable/recyclable material exported off-site and the remainder for use in the restoration of the quarry (ref. 09/13/0133).

On 20 May 2015 planning permission was granted for a northerly extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation (ref. LCC/2015/0014).

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

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 29 Water Management

Chorley Local Plan

Policy BNE 1 – Design Criteria for New Development
Policy BNE 9 – Biodiversity and Nature Conservation

Consultations (as summarised)

Coppull Parish Council – No observations received.

Adlington Town Council – Objects on the grounds that the proposal would be in extremely close proximity to local housing. Work on the site has been taking place for many years and the Council is keen for it to reach a conclusion in the interests of

local residents. Should Lancashire County Council be minded to allow the application, the Town Council requests that permissible times of working are set to minimise disruption to residents and that they are stringently enforced.

Chorley Borough Council – No observations received.

Environment Agency - No objection in principle subject to the inclusion of conditions that reflect those attached to the existing planning permission for the main quarry site in relation to groundwater protection.

Coal Authority – No observations.

LCC County Ecology Service – No objection subject to conditions to seek to protect ecological interests as set out as recommendations in the applicant's submitted ecological survey reports, and also further controls relating to grass cutting.

LCC Highways Development Control – No observations received.

Public Rights Of Way – No observations received.

Canal and River Trust – No objection.

Ramblers' Association - No observations received.

Natural England – No objection.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 6 representations have been received raising the following summarised reasons for objection:

- Sufficient space has already been given over to the quarry and the negative impacts on the local area and wildlife.
- The working and restoration of the existing site appears to be behind schedule.
- The operator is not currently complying with the permitting start times by commencing works from 7am when the conditions state from 7.30am. This would be likely to continue into the extension area.
- Access to the footpath network should not be compromised.
- Objection on the grounds of noise and dust close to residential properties and that the extension would prolong activities at the site.
- It should be noted that the ownership boundary does not include the strip of land including the footpath to the rear of Carrington Road.
- Concerns raised about risks of flooding.
- Crushing/screening operations could move closer to residents.
- Major noise nuisance is being experienced from scramblers/trials motorcyclists using the existing quarry outside working hours. The extension could bring this problem nearer to houses.

Two properties to the rear of the site do not wish to see screening bunds and wish to make the applicant aware that they have a septic tank system within the applicant's site boundary that should not be compromised.

Advice

This application is for an extension to an existing sand quarry followed by restoration close to original ground levels by the importation and deposit of inert waste materials.

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

Need for minerals

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 (still the case in 2016), 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.

In view of the updated published 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 a relatively small 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. The proposed extension would secure additional reserves of sand at an existing producing site and would therefore meet the aim of paragraph 145 of the NPPF for a steady and adequate supply of aggregate minerals. Furthermore, rejection of this application on a 'no need' basis would result in a sterilisation of a valuable known reserve given that the existing surrounding site will be restored with the importation of inert waste materials.

Restoration

The site would be restored through the importation of inert waste and soils to achieve final levels comparable to existing. In the context of the permission in place for the existing quarry it would be logical to follow the same approach to achieve a consistent landform across the wider site. Sustainable management of waste materials is achievable as permission is also in place at the quarry site to allow for the sorting, treating, crushing and screening of imported construction, demolition and excavated soil/waste with re-usable/recyclable material exported off-site and the remainder for use in restoration.

Grassland would be re-created across the site along with a woodland planting belt as is required under the existing permission. The proposed restoration scheme is considered acceptable subject to conditions controlling the management of existing soils, soil storage and waste management operations, final restoration and aftercare. An Environmental Permit would be required from the Environment Agency and this would control the specific waste types and measures to prevent pollution.

The existing site is subject to a s.106 agreement for a 10 year aftercare management plan following the 5 year aftercare period covered by condition given the size of the site, and the extensive planting and nature conservation proposals. In view of the nature of the proposed restoration scheme and proximity to the neighbouring residential area, it is considered that, should permission be granted, that a revised s.106 agreement is required to account for the extension area within the existing site to ensure satisfactorily restoration establishment of planting/nature conservation/ public access objectives.

Green Belt

In allowing the appeal of permission 09/05/0018 for the existing quarry, the Planning Inspector gave consideration to the appropriateness of both the minerals and landfill element of the quarry development within the context of the Green Belt and concluded that with appropriate planning conditions and an assumption that the final restoration of the site would contribute to the achievement of objectives for the use of land within Green Belt, the scheme was acceptable within the Green Belt and that there was no need to consider the issue of very special circumstances.

Government policy on Green Belt at the time of the appeals was set out in Planning Policy Guidance Note 2 and is now set out in the NPPF. Nevertheless, it is considered that the Green Belt principles in respect of proposals of this nature are comparable and the Planning Inspector's view on Green Belt impact is shared in respect of this application.

Slope Stability

Concern has been raised that the extraction of sand could generate ground instability beyond the boundary of the site. A slope stability assessment was undertaken as part of the application for the existing quarry and this concluded that even if extraction took place within 25m of properties, there would be no instability issues. The assessment was previously scrutinised by the Planning Inspector during the Public Inquiry into the refusal of planning permission for the existing site. The applicant has carried out a re-assessment and re-submitted the slope stability assessment as part of this application and there appears to be no good reason to dispute the findings here. The Canal and River Trust has raised no objection in relation to operations adjacent to the Leeds and Liverpool Canal. It is therefore considered that the working and restoration scheme is acceptable in this respect subject to the extent of the working areas being restricted by condition.

Impact upon local amenity

The existing permitted extraction boundary limit and subsequent area for infilling with inert waste is typically 100m from residential property (including gardens). The proposed development would bring quarrying and restoration works within 50m of these properties and the proposed screening bund within 25-30m.

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 and dust. 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 reflect those conditions should permission be granted for an extension for the working of 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 that considers local ambient noise levels and actual and predicted noise levels from site operations. It is concluded that sand extraction and restoration works and formation of screening/storage mounds in the proposed extension area would be unlikely to generate unacceptable noise when considering Government noise standards set out in the PPG. The formation of the screening mounds would generate short term noise events in closer proximity to residential properties, which Government guidance accounts for with short term recommended higher noise limits. However, once created they would provide additional noise mitigation for works within the extension area, and the substantial quarrying and backfilling works still to be undertaken within the existing permitted extraction area. Planning conditions are recommended which reflect those imposed on the permission for the existing quarry to seek to ensure equivalent controls.

Representations from two local residential properties have requested that they would prefer not to see screening bunds behind their properties and maintain views across the site. However, in the interests of other neighbouring residents and the reliance on the bund within the noise assessment, it is considered that the screening bund should be constructed in its entirety. Furthermore, the bund would be a temporary feature of short term duration to be removed as part of restoration of the site.

A number of representations have alleged that site operations are currently commencing as early as 7am, in contravention of the existing conditions which restrict operations before 7.30am, Monday to Friday and 8am on Saturdays. Reference is also made in respect of noise nuisance from screening plant that is located within the quarry site rather than the more remote 'operations area'. In view of this information the applicant has been advised to ensure compliance with the existing terms of the planning permission. Failure to comply with the requirements of the planning permission would represent a breach of planning control and enforcement action could be taken. However, this is not a material consideration in determining whether or not this planning application can be supported.

A number of concerns have also been raised in respect of motorcycle activities taking place within the quarry environment outside working hours that is causing noise disturbance. The applicant has advised that this is unauthorised activity that he would prefer to avoid and will seek to implement further measures to remove this nuisance. Nevertheless and ordinarily, permitted development rights exist which allow such activities for a limited number of days during the year. However, as a means of seeking to prevent this within the quarry environment, it is recommended that should permission be granted, a condition should be imposed to prevent motorcycle use within the quarry. Such a condition could also extend to the existing quarry site as well as the extension area should the permission be implemented.

Objections have been raised in relation to dust impacts. This matter was considered as part of the application for the existing quarry site culminating in a condition for a dust management scheme being imposed by the Planning Inspectorate. A scheme was subsequently submitted and approved as part of an application for the approval of details reserved by condition. This included measures such as utilisation of a water bowser when necessary, the employment of a speed limit of 10 mph within the site, vehicles transporting material from the site to be sheeted, the employment of wheel cleaning facilities, the employment of a road sweeper when necessary, the spraying of storage heaps and seeding of screen mounds.

Episodes of dust entrainment are typically limited at a site of this nature during sand excavation and often more confined to vehicle movements over haul roads in dry weather. The main haul road out of the site is at a significant distance from the main residential areas off Carrington Road and Sandy Lane. Furthermore, an air quality report issued by Chorley Council entitled *'2015 Updating and Screening Assessment for Chorley Council - In fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management'*, dated May 2015 concluded that previous review and assessments have not indicated the need for detailed assessments and there are no Air Quality Management Areas (AQMA's) within Chorley Borough. It was determined through previous assessment that within Chorley Borough, pollution from traffic sources is the most significant and most likely source to result in exceedances of the

Air Quality Objective levels. All other potential sources have been assessed and were found to have limited impact on air quality and background pollution concentrations (including particulate matter).

In view of the nature of the existing site and the proposed extension it would be reasonable to extend the requirements of the approved dust management scheme should permission be granted.

The proposed extension of quarrying and restoration works would have limited visual impact when seen in the context of the existing site. However, the construction of the proposed 5m high screening/storage mound to the rear of properties on Carrington Road would be more significant and closer to the properties than the existing mounds. Along most sections of the extension area boundary there is a substantial tree/vegetation belt, areas of maturing advance tree planting and wooden panel fencing to reduce the impact for residents. Furthermore, once established and vegetated, the mound would provide a valuable barrier to the working site particularly in terms of noise and would be removed as part of the final restoration of the site.

Taking the above factors into account, it is concluded that the proposed extension of the quarry is acceptable in terms of the amenities of local residents and complies with policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

The proposed extension would run in tandem with the infilling and restoration of the existing quarry. The current access to the site is via a dedicated haul road from Wigan Lane (A5106). Due to the suitability of Wigan Lane to accept HGVs, no vehicle number restrictions are in force in relation to the existing permission. It is considered that an extension to the site would not have any undesirable impact upon highway safety or amenity subject to the same conditional requirements to seek to ensure that there would be no deposit of mud or debris on the public highway, vehicles transporting minerals from the site would be sheeted, and that access would only be taken from Wigan Lane.

Concern has been raised in relation to the potential impact on the local footpath network. However, the proposed extension would have no significant additional impact on the current situation. Footpath number 11 would be unaffected by the proposed extension. Footpath numbers 12 and 57 would not be diverted or stopped up as a consequence of the extension but vehicles accessing the existing site and extension area would continue to cross footpath routes. The operator is obliged to ensure that access along these footpath routes is maintained.

Water Management

The application is accompanied by a flood risk assessment report and a ground conditions report. The latter report follows on from existing requirements to establish and monitor the groundwater environment and maximum groundwater levels at the existing quarry. From this maximum excavations levels have been calculated to allow for 1m clearance above maximum groundwater levels.

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 minimal risk of flooding, and the proposed development is unlikely to lead to significant increase in flooding elsewhere. This is understandable given the nature of the scheme.

The Environment Agency have raised no objection in principle subject to the inclusion of conditions that reflect those attached to the existing planning permission for the main quarry site in relation to groundwater protection. Accordingly, conditions are recommended to restrict the depth of working and also to require groundwater monitoring in line with requirements for the existing site.

Protected Species and Habitats

The application site features areas of pasture land and permanent and ephemeral pond features adjacent to a working sand quarry including maturing advanced tree planting. The site was previously surveyed as part of the planning application for the existing quarry. An updated protected species survey report for amphibians and water voles, and an extended phase 1 habitat survey report have been produced. The assessments conclude that there are no concerns or constraints in relation to fauna and flora that cannot be satisfactorily addressed by precautionary practices during site clearance and during the development and through a considered restoration scheme to re-create appropriate habitat. These matters are addressed through recommended conditions to seek to ensure the protection of wildlife interests and to ensure an acceptable restoration planting plan and longer term after care through a s.106 agreement consistent with the main permission for the site.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance to the law and as is proportionate.

This application were it to be approved would be unlikely to generate a degree of impact on neighbouring properties which would breach these rights. It is considered that any potential impacts could be controlled by condition.

Conclusion

The proposed extension to the existing quarry would release a small volume of sand and gravel and would provide a void for the deposit of inert 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 given the nature and status of the current land bank, the potential sterilization of reserves, and in view of guiding principles within the NPPF. The overall life of the quarry operations would not be increased through this proposal. The extension area would be unlikely to generate unacceptable levels of impact on

neighbouring residents in terms of noise or air pollution, or in terms of slope stability issues, highway matters or the environment in general especially when considered in relation to the existing quarry, and subject to recommended conditions and a s.106 Agreement for longer term aftercare. The proposal is therefore considered to be acceptable in terms of the policies of the NPPF and Development Plan.

Recommendation

That, subject to the applicant first entering into a s.106 Agreement for the extended management of landscaping, habitats and public access for a period of 10 years in addition to 5 years of aftercare controlled by condition (consistent with planning permission 09/05/0018), 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 development, including the final restoration of the site, shall be completed by 31 December 2020 in accordance with the conditions to this permission.

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

Working Programme

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

- a) The Planning Application received by the County Planning Authority on 15 July 2016.

- b) Submitted Plans and documents:

Drawing no. V280.200 - Location Plan

Drawing no. V280.201, rev 1 - Amendment of Extraction Area and Additional Screen Bunding

Drawing no. V280.202 - Amendment of Extraction Area - Levels and Restoration

Drawing no. V280.203 - Amendment of Extraction Area - Sections

Drawing no. V280.204 - Section D-D'

Drawing no. V280.205, rev 1 - Soils Movement, Storage and Phasing Programme

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. No mineral extraction shall take place outside the area shown as 'Phase Three Extraction' on drawing no. V280.201, rev 1 - Amendment of Extraction Area and Additional Screen Bunding (other than that approved under permission 09/05/0018).

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.

5. No development shall take place until the 'Phase Three Extraction' boundary (excluding that adjoining 'Phase Two') shown on drawing no. V280.201, rev 1 - Amendment of Extraction Area and Additional Screen Bunding has been marked out using 1m high coloured posts at a minimum interval of 50 metres between each post. Thereafter, the marker posts shall be retained in position until the site has been restored.

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

6. A copy of the conditions and all documents referred to in Condition 3, to which this permission is subject, 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.

7. Any sand and gravel washing and screening plant used on the site shall be in accordance with the details approved under condition 5 of permission 09/05/0018.

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.

8. 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 sand has been extracted and wastes have been deposited.

Reason: To enable the planning authority to monitor the site and to ensure compliance with the planning permission.

9. 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 prevent the pollution of adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

10. No minerals shall be processed or stockpiled outside the 'Operation Area' shown on drawing no. 16 of permission 09/05/0018 and such stockpiles shall not exceed 4 metres in height.

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

11. No minerals shall be sold direct to the general public from 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.

12. No waste shall be deposited either temporarily or permanently on any part of the site at a higher level than the levels shown on drawing no. V280.202 - 'Amendment of Extraction Area - Levels and Restoration'.

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.

13. The development shall be carried out in accordance with the recommendations set out in the 'Protected Species Survey Report for Amphibians' document dated June 2016 with the exception that vegetation shall be cut to a height of 150mm to reduce the suitability of the habitat for amphibians and to avoid killing or injuring of amphibians during cutting.

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

14. No soils shall be stripped 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.

15. No waste other than inert construction, demolition and excavation waste as defined in this permission shall be deposited at or brought on to the site.

Reason: Waste materials outside these categories raise environmental and amenity issues, which would require consideration afresh.

Hours of Working

16. No mining operations, landfilling or restoration shall take place except between the hours of:

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

No mining operations, landfilling or restoration shall take place at any time on Sundays or Public Holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on 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. Notwithstanding condition 16, no topsoil and subsoil stripping and replacement operations including storage mound formation and removal shall take place except between the hours of:

0900 to 1700 hours, Mondays to Fridays
0900 to 1230 hours on Saturdays.

No topsoil and subsoil stripping and replacement operations including storage mound formation shall take place at any time on Sundays or Public Holidays.

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

Highway Matters

18. The sole access and egress from the site shall be from A5106 Wigan Lane as shown on Drawing no. 20 of permission 09/05/0018.

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

19. The wheel cleaning facilities approved under condition 17 of permission 09/05/0018 shall be used by all HGVs leaving the site 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.

20. Any internal haul road or private way between the wheel cleaning facilities and the A5106 Wigan 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.

21. No debris or mud 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.

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

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

Control of Noise and dust

23. The site area subject of this permission and those site areas subject of permissions 09/05/0018 and LCC/2015/0014 shall not be used for motorcycling at any time.

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.

24. Where reversing alarms are employed on site 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.

25. Noise emitted from the operations hereby permitted shall not exceed 55dB LAeq (1hour) (free field), as defined in this permission, when measured at the properties of Rigshaw Bridge Cottages, Sandons Farm and Carrington Road at a point closest to the noise source.

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

26. The noise limits set out in condition 25 shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds for materials and their regrading during the restoration of the site, or the construction of landscape or baffle mounds. Noise from any of these activities shall not exceed 70dB LAeq (1 hour) (free field) as defined in this permission as measured at the residential properties of Rigshaw Bridge Cottages, Sandons Farm and Carrington Road at a point closest to the noise source. For these activities the 55dB LAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year, unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

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

27. The development shall be carried out in accordance with the dust management scheme approved under condition 25 of permission 09/05/0018 to prevent dust or wind-blown material being carried on to adjacent property.

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.

Water Management

28. Mineral extraction shall not take place below a surface defined as being 1 metre above the surface defined as the 'highest natural variation in the water table' established through the approved scheme and programme under condition 26 of permission 09/05/0018, or below an extraction depth illustrated on drawing no. V280.203 - 'Amendment of Extraction Area - Sections', whichever is the higher level above ordnance datum (AOD).

Reason: To ensure that the proposed works will not detrimentally impact

upon groundwater quality or quantity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

29. The groundwater level in the monitoring boreholes and the level of the excavation base at the site subject to this permission shall be monitored and recorded at monthly intervals throughout the development and shall be reported to the County Planning Authority at 6 monthly intervals following commencement of development. Details of the location and depth of groundwater monitoring points shall be supplied with the report and all levels must relate to ordnance datum.

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

30. 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 watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

31. All foul drainage shall be discharged to a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site completely.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

32. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of their containers' total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. There must be no drain through the bund floor or walls. Double skinned tanks may be used as an alternative only when the design and construction has previously been approved, in writing, by the County Planning Authority.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

33. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site.

Reason: To safeguard local watercourses and drainage and avoid the pollution of any watercourse or groundwater resource or adjacent land and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 29 of the Central Lancashire Core Strategy.

Soils

34. 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.

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.

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

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

36. Topsoil and subsoil storage shall be managed as set out on drawing no. V280.205, Rev 1 - 'Soils Movement, Storage and Phasing Programme', and the accompanying email from Oakbay Design dated 23 September 2016. The screening bund illustrated on drawing no. V280.201, Rev 1 - Amendment of Extraction Area and Additional Screen Bunding, and drawing no. V280.203 - 'Amendment of Extraction Area - Sections' shall be no higher than 5m above pre-development existing ground levels.

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

Restoration

37. Restoration of the site shall be undertaken in accordance with the details shown on drawing no. V280.202 - 'Amendment of Extraction Area Levels and Restoration' the details set out on Page 5 of the submitted document 'Written Statement' dated June 2016, and in accordance with the details approved under the requirements of condition 38 of permission 09/05/0018.

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

Aftercare

38. Aftercare of the site for a period of 5 years shall be carried out in accordance with the details within the document entitled 'Aftercare Scheme' as previously approved under the requirements of the s.106 agreement attached to permission 09/05/0018.

Reason: To ensure that the site is satisfactorily returned to a beneficial afteruse and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

39. From the commencement of development a monitoring report shall be submitted to the County Planning Authority annually by 31 December until the end of the aftercare period.

The report shall include:

- a) any operations carried out on the land during the previous 12 months in respect of mineral extraction;
- b) measures taken to implement the landscaping, progressive restoration and habitat creation;
- c) measures taken to implement the aftercare provisions; and
- d) intended operations for the next 12 months.

Reason: To allow the mineral planning authority to monitor the development and to ensure that the site is returned to a beneficial afteruse and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste 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.

Inert Waste: Waste that will not physically or chemically react or undergo biodegradation within the landfill environment.

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

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

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/2016/0059	Oct 2016	R Hope/34159

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