

Development Control Committee
Meeting to be held on 11 July 2018

Electoral Division affected:
Rossendale West

Rossendale Borough: Application number 14/13/0515
Application for determination of conditions for permission 14/94/0355 (as amended by 14/95/0506) for the winning and working of minerals at Hutch Bank Quarry, Haslingden

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application – Application for determination of conditions for permission 14/94/0355 (as amended by 14/95/0506) for the winning and working of minerals at Hutch Bank Quarry, Haslingden.

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

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995, conditions be imposed on planning permission 14/94/0355 (as amended by 14/95/0506) controlling time limits, working programme, hours of working, site operations, highway matters, noise, blasting, water resources, habitat management and restoration, and aftercare.

Legislative Background Information

Section 96 and Schedules 13 and 14 of the Environment Act 1995 provide for the initial review and updating of old mining permissions granted between 30 June 1948 and 22 February 1982 and the periodic review of all mineral planning permissions thereafter as a means to ensure that all planning permissions for mineral working are subject to conditions that reflect modern environmental standards.

Initially, the County Council as Mineral Planning Authority was required to prepare a list of all relevant mineral permissions and then divide the sites between those permitted between 1948 and 1969 (Phase 1 sites) and those permitted between 1969 and 1982 (Phase 2 sites). Applications for the determination of new conditions

for active Phase 1 sites had to be submitted within a period of time set by the Mineral Planning Authority, which was between 1 and 3 years of the date of publication of the Mineral Planning Authority's list and within the following 3 years for active Phase 2 sites. Periodic Reviews typically take place every 15 years unless the Mineral Planning Authority is satisfied that the existing permission provides sufficient controls. The purpose of periodic reviews is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time.

The Mineral Planning Authority can either approve the applicant's proposed schedule of conditions as submitted or impose their own set of conditions. The conditions imposed by the Mineral Planning Authority should meet all the tests of planning conditions and should not restrict working rights nor prejudice adversely, or to an unreasonable degree, the economic viability of operating the site or asset value of the site. If the application is determined on terms different from those set out in the application, the applicant has a right of appeal to the Secretary of State and if the working rights are restricted there may be an entitlement to compensation. It is not open to the Mineral Planning Authority to refuse a valid application.

The existing planning conditions and approved drawings for Hutch Bank quarry do not reflect the operator's current and future aspirations for mineral extraction and restoration operations at the site and equally, the existing conditions are not relevant. Hence it was agreed that a periodic review of the planning permission was required.

An application for the determination of new conditions was first submitted in 2013. However, the application was considered to be development requiring Environmental Impact Assessment. The applicant later submitted an Environmental Statement in 2016 to accompany the application but at the same time discussion was also taking place regarding the extent to which the existing planning permission provided for the importation of soils for restoration purposes. This subsequently led to the submission of amended drawings illustrating a revised scheme of working and restoration, and an addendum to the Environmental Statement in 2018. During this time operations at the site have been very limited.

Applicant's Proposal

The applicant has provided a new schedule of conditions and details of a proposed development scheme for the future working and restoration of the quarry.

The operation and deepening of the quarry would continue through a series of phased cuts, which is chiefly limited to the southern and western areas of the site. Block stone would be extracted using hydraulic picks / excavator. The scheme is based on 3 simplified mineral extraction phases, with phased restoration of the quarry (over four phases) through the importation of soils. Much of the remainder of the site has already been restored to final landform levels and this includes areas of historical quarry waste tipping that has been naturally colonised with vegetation.

The applicant anticipates that stone could be removed from the site at a rate of 100,000 tonnes per annum. Extraction is likely to be campaign led and extraction rates would fluctuate depending on market demand with a daily average extraction rate estimated as approximately 364 tonnes. The proposal would also involve the

importation of around 1million m³ of soil to achieve the final restoration profile. The anticipated rate of input would be 200,000 tonnes / year, which would equate to a daily importation rate of around 728 tonnes.

Built infrastructure would include a wheel wash, weighbridge, cabin and parking areas close to the site access. In addition, mobile crushing and screening plant would be employed close to the mineral extraction areas. All plant and equipment would be removed as part of the restoration of the site.

The quarry would continue to operate in accordance with the current permitted hours of 0700 to 1900 hours, Mondays to Fridays and 0700 to 1330 hours on Saturdays. There would be no operations on Sundays, Bank and Public Holidays.

At the time the application was submitted it was considered that the development was a Schedule 1 Project under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The application was first submitted without an Environmental Statement and consequently the application could not be determined. The applicant subsequently submitted an Environmental Statement and Non-Technical Summary, and following that an addendum to the Environmental Statement. The Environmental Statement provides details of the site history and the proposed development before examining the impacts associated with the proposal that could be likely to have significant effects on the environment, and the need for any mitigation.

The application includes a schedule of proposed new planning conditions regarding site area, updated drawings, time limits, development schemes, site operations, and indicative restoration.

Description and Location of Site

Hutch Bank Quarry is a gritstone quarry occupying an area of approximately 31 hectares of land to the west of Haslingden, Rossendale.

The quarry entrance is located in an elevated position, approximately 270m above ordnance datum and approximately 70m above the junction of the access road with the Grane Road (B6232). Levels within the site vary considerably due to mineral extraction and the storage and redistribution of overburden and quarry waste. Quarry faces are located to the north and west of the site. There is a pond feature at the northern end of the quarry at a height of approximately 250m. Undisturbed land to the north of the quarry sits at around 290m above sea level.

The site is surrounded on the north, south and western boundaries by agricultural land. The nearest residential property to the quarry is Hutch Bank Farm approximately 96m to the east at a lower altitude, with the Hurstwood Enterprise Park beyond. Windy Harbour Farm is located some 200m to the north-west. A number of properties are located off the Grane Road to the south with varying distances of around 200-300m from the site and some being adjacent to the quarry access road.

Several public footpaths are located at or adjacent to the boundary of the quarry. These include Public Footpath numbers 177 and 179 which cross the northern area of the site, footpath no. 180 to the east, and numbers, 220, 214, 215 and 216 which follow close to the southern and western boundaries. Public Footpaths nos. 236 and 232 follow Stone Street and then Hutch Bank Road respectively, which also provide vehicular access to the quarry and Windy Harbour Farm from the Grane Road.

Background

History

The old mining permission for this site was granted under an Interim Development Order (IDO) in 1947. The planning permission was then reviewed under the provisions of the Environment Act 1995 and new planning conditions were determined on 19 July 1995 (permission reference number 14/94/0355). Planning permission was subsequently granted on 2 April 1996 to amend the permitted quarry working hours set out within permission 14/94/0355 (ref.14/95/0506). The reviewed conditions provided for the extraction of minerals, localised landscaping works and the deposition of mineral waste with details of restoration saved by condition. A planning condition also provided for the importation of soils for restoration purposes. The mineral working and restoration of the site is time limited to 2043.

Planning Policy

National Planning Policy Framework (NPPF)

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

Planning Practice Guidance accompanying the NPPF (PPG)

Minerals
Waste

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

Policy CS1	Safeguarding Lancashire's Mineral Resources
Policy CS3	Meeting the demands for New Minerals
Policy CS5	Achieving Sustainable Mineral Production
Policy CS7	Managing our Waste as a Resource
Policy CS8	Identifying Capacity for Managing our Waste
Policy CS9	Achieving Sustainable Waste Management

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals

Policy DM2 Development Management
Policy M1 Managing Mineral Production

Rossendale Borough Council Core Strategy Development Plan Document (RBCCS)

Policy 1 General Development Locations and Principles
Policy 18 Biodiversity, Geodiversity and Landscape Conservation
Policy 24 Planning Application Requirements

Consultations (summary)

Rossendale Borough Council – No comments received.

LCC Highways Development Control – No comments received.

Environment Agency – No objection. Conditions are recommended to control the depth of working to that proposed, to prohibit blasting, and to monitor groundwater levels. The site restoration works with the importation of soils will require an Environmental Permit that is regulated by the Environment Agency.

Natural England – No comment to make.

Ramblers' Association – No comments received.

National Planning Casework Unit – No comments received.

County Ecology Service – The proposed working and restoration should be subject to conditions in relation to further details for habitat creation and management and also for the protection of nesting birds, bats and badgers.

County Archaeology Service – There are no significant archaeological implications in relation to the proposed development.

National Grid Gas and Electricity – No comments received

National Grid Company Plc – No comments received

LCC Public Rights of Way – No comments received.

United Utilities - No comments received

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 4 representations have been received with the following summarised comments:

- Object to further deepening of the quarry because of risk of impact on to private water supply to local farms and houses.
- Concern in relation to blasting impacts with vibration and debris falling beyond the site.
- Parking issues associated with the delivery of large machinery to the site.

- Potential mud, dust and vibration issues associated with the movement of heavy goods vehicles. A structural survey is requested.
- The quarry size should not be increased.
- Blasting and dust have been a problem in the past.
- Residential amenity would suffer.
- Wildlife would be affected and nature conservation would suffer.
- Highway safety would be affected by the volume of traffic.
- The access road to Grane Road would be dangerous.
- The emergency run-off on the access road has been abandoned.
- The wheel wash has been abandoned.
- Detrimental effect on the value of property.

Advice

Hutch Bank Quarry has a long history of mineral extraction and tipping of mineral waste generated at the site. The applicant has submitted a proposed scheme of continued mineral working and restoration at the site, together with an Environmental Statement, and a proposed schedule of conditions under the provisions of Section 96 and Schedule 14 of the Environment Act 1995.

Scheme of working and restoration

The phasing and direction of working and the restoration methodology appears to represent a logical approach that also provides for the retention of sections of long established cliff faces that provide valuable habitat for birds.

The first phase would involve a series of 5 metre cuts to lower an area of the quarry floor to a depth of approximately 250m above sea level, through the extraction of approximately 105,000m³ of mineral. The first phase of operations would also involve restoration works to shape an irregular landform to the southern and central parts of the site, through the importation and placement of approximately 23,000m³ of soils.

Phase 2 of operations would see mineral extraction operations moving to the north-western quarry area, deepening the quarry floor to 250m above sea level through a series of 5 metre cuts, with the extraction of approximately 120,000m³ of mineral. There would be a further cut to create a 2-metre deep basin to the northern/ central area which, being the lowest part of the quarry, would eventually become a permanent waterbody. Ramped access would be provided into the Phase 2 extraction area. Restoration operations during this phase would involve the filling of the Phase 1 mineral void to provide a final profile which would slope gently from the southern quarry flanks into the Phase 2 quarry floor. Restoration of this area would require an estimated 23,000m³ of imported soils.

Phase 3 would involve approximately 341,000m³ of mineral extraction across the central and western parts of quarry, lowering the quarry floor to 250m above sea level and leaving benches along the north and north-western quarry boundary. Restoration activities, requiring approximately 29,000m³ of fill, would take place within the Phase 2 extraction area to the north west of the quarry, buttressing and

stabilising the quarry sides. The southern part of the Phase 3 extraction area would involve the removal of a sloped buttress along the northern part of the Phase 1 extraction area.

Once all mineral extraction operations have been completed, the final phase of operations, Phase 4, would be to restore to the quarry to final levels through the importation of an estimated 924,000m³ of imported fill. Quarry faces would be retained at the north and north-west of the site.

The terms of the 1995 review permission for this site did not precisely define the extent to which waste materials could be imported for infilling and restoration purposes. As part of the current application, the applicant has provided more information on the limits of infilling that would be undertaken. The extent of this aspect of the development is considered to be acceptable in terms of the scope of the original Interim Development Order permission at this site.

Restoration of the site would be to a mosaic of habitats. The existing grassland areas to the south and east of the site and on the quarry edges would remain undisturbed and most the active quarry area would be restored to conservation grassland. Exposed rock faces at the north and north-west and through the central ridge would be left undisturbed to revegetate naturally. Surface water would drain to the deepest area of the quarry to the north, creating a waterbody.

Landscape and Visual Impact

The site is an established quarry with limited visual impact on the local landscape. The quarry lies within the Settled Valley / Moorland Fringe landscape character areas. The overall visibility of Hutch Bank Quarry is restricted by the steeply sloping nature of the surrounding landscape and therefore is mainly visible from upland locations which are crossed by a number of public rights of way.

The visual impacts of the proposed scheme of working would be no more intrusive than the current quarrying activity in the area and in the long term there would be benefits resulting from the restoration of the site including treatment of high quarry faces to leave a long term sustainable landform. No restoration works would be above pre-development ground levels.

Subject to recommended conditions regarding further details of the restoration and aftercare of the site the proposals are considered acceptable and accord with the policies of the National Planning Policy Framework and the Development Plan.

Noise, Dust and Blasting

The National Planning Policy Framework states that minerals planning authorities should ensure that unavoidable noise is controlled and that appropriate noise limits should be imposed where extraction is in proximity to noise sensitive properties. For this site, due to the substantial natural screening by steep quarry faces, the relative remoteness of receptors and the lack of substantive historical noise complaints, it is considered that noise impacts would be unlikely, particularly if operations continue to be restricted to the hours of working that have previously been imposed and with

recommended conditions to limit noise levels to those recommended in the supporting guidance to the National Planning Policy Framework.

The National Planning Policy Framework also stresses that unavoidable dust emission should be controlled, mitigated or removed at source. Again at this site, the containment of operations and distance to residents means that dust is only likely to be an issue when associated with heavy goods vehicle movements from the site and the potential for mud deposits on the access road to dry up and create dust. This should be addressed through conditions controlling wheel cleaning and requirements to keep the highway free from mud, dust and debris.

The applicant is not proposing an increase in the existing permitted hours of operation at the site which currently permit mining operations and restoration works to take place between the hours of 0700 to 1900 hours, Monday to Friday and between 0700 to 1330 hours on Saturday.

The operator is proposing to work the site without using blasting methods. A condition is recommended to seek to ensure that occurs as blasting could present issues which have not been properly assessed through this application.

Highway Matters

The applicant has provided a Transport Statement to assess the likely effects of transport associated with mineral extraction and restoration.

The export of 100,000 tonnes per annum of aggregates could typically give rise to between 13-18 daily HGV loads, depending on vehicle type. The importation of 200,000 tonnes per annum of restoration materials could typically give rise to 26-36 daily HGV loads. However, some HGVs bringing restoration materials to the site could also be back-loaded with aggregates for export. It is envisaged that up to 50,000 tonnes per annum of export materials could be transported in HGVs which have brought imported materials to the site. In effect, therefore, the number of HGVs related only to the export of materials is likely to be half of that envisaged above, at 7-9 daily HGV loads. In total, therefore, there could be between 33-45 HGV loads per day when accounting for both import and export. Based on the review of development operations, the Hutch Bank Quarry operations would not typically result in a noticeable impact on operational conditions on the immediate local highway network.

The actual number of HGV movements will vary depending on market conditions and there are currently no planning conditions restricting numbers. There is one permitted access route into the site, which would continue to be used. Vehicle movements could impact on local residents particularly at the junction of the access road with Grane Road. In view of the site history it is considered that although HGV movements have the potential to impact on residential amenity in terms of wheel entrained dust or debris, noise, and general inconvenience associated with passing vehicles especially when productivity at the quarry is high, it would not be reasonable to impose any restriction in this respect without restricting the operator's existing rights given there would be no significant changes to the existing vehicle movements

to and from the site. A condition is recommended in relation to wheel cleaning and preventing mud, debris, or dust being carried onto the highway.

The quarry access road falls steeply from the quarry towards Grane Road. A local resident has made reference to the existence of a HGV escape lane off the access road in the event of brake failure. However, there does not appear to be any evidence of this. It could be argued that road going HGVs will be subject to MOT and servicing checks and the likelihood of brake failure requiring a dedicated escape lane would be very rare. Vehicles may encounter roads of equal gradients on the public highway as part of any day to day movement.

Ecology

The application is accompanied by an ecological impact assessment, which considers baseline conditions, likely significant effects, and the need for any mitigation measures.

As referred to previously, restoration of the site would be to a mosaic of habitats. The existing grassland areas to the south and east of the site and on the quarry edges would remain undisturbed and most of the active quarry area would be restored to conservation grassland. Exposed rock faces at the north and north-west and through the central ridge would be left undisturbed to revegetate naturally. Surface water would drain to the deepest area of the quarry to the north, creating a waterbody.

The Environmental Statement concludes that the proposed restoration works with embedded design and operational measures in place, are unlikely to have significant adverse effects of the priority habitats or protected or notable species. Conditions are recommended for the ongoing protection of nesting birds and also to ensure that sufficient detail of restoration, habitat management, and aftercare of the site is provided and is then employed by the operator. The latter condition also includes a requirement for the operator to provide details for the survey, avoidance and mitigation of potential future impacts on nesting birds, bats and badgers as may be encountered through the duration of the permission that runs to 2043.

Hydrology and Hydrogeology

A hydrogeological impact assessment has been carried out by the applicant with information on quarry geology, historic mine workings and private water supplies. The assessment takes account of the geology, hydrogeology and the general environmental setting of the site. The assessment has been informed using a 'source-pathway-receptor' approach. Hydrogeologically the site is considered to be located in a low-sensitivity location in an upland setting. However, by virtue that local properties take potable supplies from springs that emanate from the base of the Lower Haslingden Flags, the applicant has assessed the risks posed by mineral extraction and restoration by the importation of soil materials in accordance with Environment Agency guidance and appropriate methodology. The risk assessment has established that there is no requirement for a geological barrier underlying the restoration material as underlying the proposed inert fill there would be at least 19m of in-situ natural geological barrier (mudstone). Furthermore, the mechanical

removal of rock rather than blasting would minimise the likelihood of suspended sediment entering groundwater.

Four boreholes were installed around the site in 2016. Taking into consideration borehole logs, site elevations and groundwater levels it was concluded that springs at Holden Hall (south west), Hutch Bank (south east) and Todd Hall Farm (north/north east) are supplied mainly by thin sandstones in the mudstone rocks beneath the flagstone sequence. Continued monitoring of the groundwater and spring flows is recommended to assist in baselining hydrogeological conditions. Further assessment and scrutiny of the soil infilling operations would be undertaken through the Environmental Permitting process.

Overall, the assessment concludes that future mineral extraction and restoration proposals for Hutch Bank Quarry would be unlikely to pose a risk to the local water environment. The Environment Agency have raised no objection subject to conditions requiring no blasting and monitoring of the existing borehole network and spring flows. Conditions are recommended accordingly.

Public Rights of Way

As referred to earlier, there are a number of public footpaths in close proximity to the quarry. The definitive line of footpath numbers 177/179 cross the northern area of the site but as a result of mineral extraction, high quarry faces currently exist along the route making them impassable. A diversion order request is currently in place but is subject to ongoing assessment to ensure the suitability of the alternative route around the quarry boundary. The order has not yet been confirmed but would be addressed under the provisions of separate legislation rather than through the terms of this review application. Elsewhere, the proposed quarrying and restoration works would be unlikely to present any additional impacts to the footpath network or for users of footpath in proximity to what is an established feature in the local landscape.

Human Rights Act

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 the 1st Protocol states that an individuals' peaceful enjoyment of their property shall not be interfered with except as is necessary, in accordance with law and as is proportionate. If the recommended conditions were imposed the development would be unlikely to generate such an impact on neighbouring properties which would breach those rights.

Conclusion

Hutch Bank Quarry has a long history of mineral extraction, and tipping of mineral waste. Current operations are undertaken in accordance with a number of existing planning permissions across the quarry. Under the provisions of Section 96 and Schedule 14 of the Environment Act 1995 the applicant submitted a proposed scheme of continued working and restoration and a schedule of proposed conditions. It is recommended that the proposed scheme of working and restoration, which has

been judged to appropriately reflect the provisions of the old mining permission, be approved subject to a new set of conditions, which have the same general purpose and meaning as those conditions proposed by the applicant. It is considered that the recommended conditions set out below would meet all the tests for planning conditions, they would not restrict working rights in respect of the site and would not prejudice the economic viability of the applicant's working of the minerals at the site or the asset value of the site.

It is considered that continued operations at the site, carried out in accordance with the submitted scheme of working, should not give rise to significant effects on the environment or an unacceptable adverse impact on local amenity, or the environment subject to the recommended conditions, and would comply with the policies of the National Planning Policy Framework and the development plan.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, for the purposes of Section 96 and Schedule 14 of the Environment Act 1995 the following conditions be imposed on planning permission 14/94/0355 (as amended by 14/95/0506):

Time Limits

1. The winning and working of minerals or depositing of mineral waste or imported soils authorised by this permission shall cease not later than 21 February 2042. The site shall be restored in accordance with the conditions of this permission and shall be finally restored no later than 21 February 2043.

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

Working Programme

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

a) Drawings:

Drawing no. 1546-0101 - Site Boundary

Drawing no. 2670/6/001, Rev C - Phase 1 Extraction / Fill

Drawing no. 2670/6/002, Rev C - Phase 2 Extraction / Fill

Drawing no. 2670/6/003, Rev C - Phase 3 Extraction / Fill

Drawing no. 2670/6/004, Rev C - Phase 4 Fill

Drawing no. 2670/6/005, Rev D - Phasing and Restoration

Drawing no. 2670/6/007, Rev B - Indicative Restoration

- b) All details approved in accordance with this permission.

Reason: For the avoidance of doubt and to enable the County Planning Authority to adequately control the development and to minimise its impact on the amenities of the local area in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

3. Mineral extraction, and the depositing of mineral waste and imported soils shall take place in accordance with the sequence of working and restoration, and the levels shown on drawings no. 2670/6/001, Rev C; 2670/6/002, Rev C; 2670/6/003, Rev C, 2670/6/004, Rev C, and 2670/6/005, Rev D.

Reason: To secure the orderly working and progressive restoration of the site and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

4. Mineral extraction shall not take place below a surface defined as being 1 metre above the highest natural variation in the water table established through the monitoring and recording of groundwater levels under condition 5 to this permission, or below the depth of excavation shown on drawing no. 2670/6/005, Rev D - Phasing and Restoration, whichever is the higher level above ordnance datum (AOD).

Reason: To seek to ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to seek to ensure satisfactory working and restoration of the site, and to comply to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. The groundwater monitoring network as shown on Figure 6.1, - Borehole Monitoring Locations - dated January 2018 shall be maintained throughout the period of mineral extraction, restoration works and aftercare, and any monitoring boreholes lost, damaged or blocked must be restored or replaced within 6 months of the loss, damage or blockage being identified. The groundwater levels in borehole numbers BH03, BH05, and BH06 as well as the flows of the spring overflows at Holden Hall, Hutch Bank and Todd Hall Farm shall be measured monthly and reported to the County Planning Authority annually throughout the development. Monitoring results shall relate to ordnance datum.

Reason: To seek to ensure the permitted development has no detrimental impact on groundwater resources and water supplies at Holden Hall, Hutch Bank and Todd Hall Farm and to seek to ensure that the proposed works will not detrimentally impact upon groundwater quality or quantity, to seek to ensure satisfactory working and restoration of the site, and to comply to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried

out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the local landscape and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 24 of the Rossendale Core Strategy.

7. A topographical survey shall be submitted to the County Planning Authority annually by 31 December of each year following the granting of permission and until the completion of restoration, as defined in this permission. The survey shall have been carried out within the two months preceding 31 December and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and be contoured at 1 metre intervals, relating to ordnance datum, over all the land where mining operations have taken place and/or mineral waste and imported soils have been deposited.

Reason: To enable the County Planning Authority to monitor the site to seek to ensure compliance with the planning permission and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

8. Stockproof fencing/walls shall be provided around the perimeter of the site and shall be maintained at all times until the completion of the aftercare period.

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

9. Measures shall be taken to minimise the incidence of dust or wind blown material being carried from the site onto adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps as necessary during dry weather conditions and the fitting of dust mitigation measures to processing plant and machinery.

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 and Policy 24 of the Rossendale Core Strategy.

10. No materials with the exception of soils to be used for restoration purposes shall be brought to site from elsewhere. The composition of such soils shall be approved in writing by the County Planning Authority prior to any being brought to the site from elsewhere.

Reason: To secure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

11. No site clearance, mineral extraction or restoration works shall take place during the bird-breeding season between 1 March and 31 July inclusive unless the site has been surveyed for nesting birds in accordance with Natural England's guidance and if appropriate, an exclusion zone set up around any nesting locations to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: In the interests of ecological protection and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy 18 of the Rossendale Core Strategy.

12. No mineral extraction operations or restoration works at the site shall take place outside the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0700 to 1330 hours on Saturdays (except Public Holidays)

No mineral extraction operations or restoration works at the site 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.

13. There shall be no use of explosives at the site.

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

14. 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 wildlife interests and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

15. Noise arising from operations within the quarry, as measured at any occupied neighbouring property, shall not exceed the background noise level (dB LA 90 (1hr)) by more than 10 dB (A) and shall not exceed a maximum noise level of 55 dB(A) LAeq, 1hr (free field), whichever is the lower.

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.

16. Temporary operations including overburden stripping, storage and respreading of soils; mound formation and removal; and landform creation shall be permitted to exceed the noise limits set out in Condition 15 above for a period which in total does not exceed eight weeks in any 12 month period. During this maximum eight week period noise levels from such temporary operations shall not exceed 70 dB(A) LAeq,1h (free field) as measured at any neighbouring occupied properties.

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

17. The sole access from the site shall be via the approved access via Stone Street and Hutch Bank Road.

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

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

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

19. Wheel and vehicle cleaning facilities shall be provided at the site to ensure that mud, debris or dust is not 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 conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

20. 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 drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

21. 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 the container or 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 first been approved, in writing, by the County Planning Authority.

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

22. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank.

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

23. Within 12 months of the date of this permission details of habitat management, restoration, and aftercare of the site, shall be submitted to the County Planning Authority for approval in writing.

The submitted details shall include:

- a) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas;
- b) The final configuration of the retained quarry faces including face heights and bench widths;
- c) Details of the nature of the proposed soil types to be imported to the site and proposed treatment and depths within surface horizons to demonstrate that the soils will be suitable to stabilise the site and capable of supporting the desired habitats and plant communities.
- d) The provision and management of silt traps, lagoons and water areas.
- e) Types of native trees, shrubs and plants, seed specification and planting densities including the marginal planting of water areas.
- f) The methods to be employed to promote normal plant growth.
- g) Full detail of habitat establishment and management methods for the duration of the planning permission including areas of the site not subject to mineral extraction and deposition of quarry waste/imported soils. This shall include details for the surveying of nesting birds, bats and badgers and measures for avoidance, protection and mitigation.
- h) The aftercare management of the site for a period of 5 years following the completion of restoration, as defined in this permission.
- i) A schedule of management prescriptions during the aftercare period.

Thereafter the habitat management, restoration and aftercare of the site shall be carried out in accordance with the approved details.

Reason: To seek to secure the proper restoration and aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

24. Upon certification in writing by the County Planning Authority of the completion of restoration in accordance with the approved details of this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out in accordance with the details approved under condition 23 of this permission for a period of five years.

Reason: To seek to secure the proper aftercare of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

25. An Annual Report which shall evaluate the aftercare works carried out in the previous year, assess requirements over the forthcoming year and provide details of the aftercare works to be carried out in the forthcoming year shall be submitted to the County Planning Authority in December each year during the aftercare period.

Reason: To seek to ensure that the site is returned to a beneficial afteruse and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies 18 and 24 of the Rossendale Core Strategy.

Definitions

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with conditions to 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
14/13/0515	June 2018	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A