

Development Control Committee
Meeting to be held on 19th June 2019

Electoral Division affected:
Lancaster Rural East

Lancaster City: Application number LCC/2018/0045
Variation of condition 1 of planning permission 1/98/29 to extend the period for mining operations to 31st December 2036 with final restoration of the site by 31st December 2038. Claughton Moor Quarry, Claughton, Lancaster.

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Executive Summary

Application - Variation of condition 1 of planning permission 1/98/29 to extend the period for mining operations to 31st December 2036 with final restoration of the site by 31st December 2038. Claughton Moor Quarry, Claughton, Lancaster.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the signing of a section 106 agreement relating to extended aftercare and removal of the aerial ropeway system, planning permission be **granted** subject to conditions controlling time limits, working programme, soils and overburden, site operations, hours of working, noise, dust, landscaping, ecology, safeguarding of watercourses and drainage, archaeology, floodlighting, restoration, aftercare and monitoring.

Applicant's Proposal

The application is for the variation of condition 1 of planning permission 1/98/29 relating to the permitted end date of mining operations and the subsequent final restoration of Claughton Moor Quarry.

Condition 1 requires mining operations to cease not later than 31 December 2018 or by when brick manufacturing activities cease at Claughton Manor Brickworks, whichever is the sooner. Condition 1 also requires that the site shall be progressively restored in accordance with the conditions to the permission and shall be finally restored by 31st December 2020 or within two years from the cessation of mining operations, as defined in the permission, whichever is the earlier.

The application seeks to vary condition 1 to extend the period for mining operations by a further 18 years until 31 December 2036 or by when brick manufacturing

activities cease at Claughton Manor Brickworks, whichever is the sooner, with final restoration of the site by 31 December 2038 or within two years from the cessation of mining operations, whichever is the earlier.

Approximately 1.25 million tonnes of mineral reserves still remain to be worked at the site. These would be extracted using the same methods at present by stripping soils, peat and weathered overburden material which would be stored or directly placed onto restoration areas. The shales would then be worked in a generally southerly direction to a depth of around 25 metres below ground level in a series of low benches. Extracted materials are then stored in a series of stockpiles on the quarry floor to allow the materials to weather. These stockpiles are then gradually transported to the brickworks via the aerial ropeway system.

The County Council's screening opinion for the proposed development determined that it would not be likely to have significant adverse effects on the environment and therefore would not constitute Environmental Impact Assessment Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. However, notwithstanding the County Council's screening opinion, the applicant decided to submit an Environmental Statement in support of the planning application.

Description and Location of Site

Claughton Moor Quarry covers an area of around 15 hectares and supplies shale to a brickworks located in the Lune Valley. The quarry is situated in an area of elevated moorland 3.5km east of Caton on the south side of the Lune Valley. The quarry is excavated into a north facing hillside with the land surrounding the site comprising open moorland and rough grazing land. The nearest dwellings are isolated being located 300m to the west at Moorcock Hall and 1.2 km to the north at Claughton Hall. Caton Moor Wind Farm is located 700m to the south-west. The quarry is located within the Forest of Bowland Area of Outstanding Natural Beauty. Claughton Moor Biological Heritage Site is 250m to the east of the active quarry.

The quarry is irregular in shape. The western part is broadly triangular in shape, bound by two streams whose confluence is at the northern limit of the quarry. These streams become the Kirkby Gill / Claughton Beck, which flows northwards towards the River Lune, which lies 2.8 km to the northwest of the quarry. Within this area are two existing buildings within the quarry; an aerial ropeway building on the north side of the site that is linked by an 85m long conveyor belt to the shale reception building to the south-east. Also within this area are a number of lagoons/ponds and clay stockpiles. To the south of this western area is an area of restored workings. This area is also bound by the two streams which flow into the Kirkby Gill / Claughton Beck referred to above. To the east/northeast of the restored area is the current working area, where workings are progressing in a general south-easterly direction through a series of northeast–southwest aligned faces, typically being around 4m in height. The current working area extends to around 4 hectares. Unworked areas within the planning permission area lie to the southeast gradually widening the working area in an easterly direction. The unworked area within the permission boundary amounts to around 4.4 hectares.

Background

The shale quarrying operations at the site benefit from a planning permission granted in 1978 (ref 1/78/431) which restricted the duration of quarrying operations to 31 December 2018 with final restoration of the site by 31 December 2020 or within two years of the cessation of mining operations,

The working and restoration conditions to the 1978 permission were reviewed in February 2000 under the Environment Act 1995 (ref. 01/98/0029).

There are a number of other permissions relating to plant and machinery at the site.

The most recent planning permission for the erection of replacement shale reception/storage building and covered conveyor belt and demolition of existing structures, was granted in September 2013 (ref. 01/13/0701).

Planning Policy

National Planning Policy Framework

Paragraphs 7 – 11, 38, 47, 54 – 57, 80, 83 – 84, 108 - 109, 170, 172, 175, 180, 183, 203, 205 and 208 are relevant with regard to the following: Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport – considering development proposals; Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution; and Facilitating the sustainable use of minerals – maintaining supply.

National Planning Practice Guidance

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document

Policy CS1	Safeguarding Lancashire's mineral resources
Policy CS3	Meeting the demand for new minerals
Policy CS5	Achieving sustainable minerals production

Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM1	Management of waste and extraction of minerals
Policy DM2	Development Management

Lancaster City Council Local Plan 2011 – 2031 Development Management Development Plan Document (DPD)

Policy NPPF1	Presumption in Favour of Sustainable Development
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Policy DM7	Economic Development in Rural Areas
Policy DM25	Green Infrastructure
Policy DM27	Protection & Enhancement of Biodiversity
Policy DM28	Development and Landscape Impact
Policy DM29	Protection of Trees, Hedgerows and Woodland
Policy DM34	Archaeology
Policy DM35	Key Design Principles
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

Lancaster City Council – No objection. Unlike the main brickworks complex, the quarry and the existing aerial ropeway system are not regulated by a separate Environmental Permit from Lancaster City Council's Environmental Health Department.

Claughton Parish Council – No observations received.

Caton-with-Littledale Parish Council – No observations received.

LCC Highways Development Control – No observations received.

Environment Agency – No objection. The quarry is not regulated by an Environmental Permit from the Environment Agency but they do issue Discharge Consents for discharge to surface waters from de-watering (or similar) activities. Records show there are 2 such consents associated with the quarry. There are no significant issues with these discharges.

LCC Specialist Advisor (Ecology) – No objection subject to conditions relating to the implementation of measures to ensure there would be no detrimental impact on water voles, otters, peregrine falcons, nesting birds, badgers and reptiles.

Natural England - No objection.

Jacobs (Landscape) – No objection subject to appropriate planning conditions regarding the implementation, establishment and long-term management of the restoration schemes.

Forest of Bowland Area of Outstanding Natural Beauty - No observations received.

Health and Safety Executive – No objection.

LCC Lead Local Flood Authority - No observations received.

Representations – The application has been advertised by site notice, press notice and neighbouring residents have been notified by letter. No representations have been received.

Advice

Claughton Moor Quarry supplies shale to be used for the production of bricks at the nearby Claughton Manor Brickworks on the A683 in the Lune Valley.

The shale quarrying operations originally benefitted from a planning permission granted in 1978 (ref. 1/78/431). The working and restoration conditions to this permission were reviewed under the Environment Act 1995 under permission 01/98/29. Condition 1 of the review permission requires that the quarrying operations cease by 31st December 2018, or by when brick manufacturing activities cease at Claughton Manor Brickworks, whichever is the sooner, with progressive restoration of the site until the final date of restoration of the 31st December 2020, or within two years of the cessation of mining operations, whichever is the sooner. The cessation of mining operations is deemed to have occurred when no such operations have been carried out for a period of 2 years.

The applicant has advised that there are substantial reserves of brick shale in the quarry that are sufficient to sustain production at the site until approximately 2036. The permission covers an area of around 25 hectares, with just over 8 hectares representing the current active area (approximately half of which is the current working area, and the other half that is used for the stockpiling of shale, the aerial ropeway building and shale reception building), a further 10 hectares being restored and an area of around 4 hectares still to be mined. The applicant has advised that approximately 70,000 to 80,000 tonnes of brick shale would be extracted from the quarry per year.

The remaining reserves cannot be worked within the remaining permitted time period and so the application seeks to vary condition 1 of the existing permission 01/98/29 to allow the mining operations at the site to continue until 31st December 2036 or by when brick manufacturing activities cease at Claughton Manor Brickworks, whichever is the sooner, with progressive restoration of the site until the final date of restoration of the 31st December 2038, or within two years of the cessation of mining operations, whichever is the earlier. A separate planning application reported elsewhere on this agenda has been submitted to allow the manufacture of bricks at Claughton Manor Brickworks to continue until 31st December 2036.

The application would allow the remaining permitted shale reserves at this quarry to be worked thereby sustaining production at the associated Claughton Manor brick works and safeguarding the rural employment opportunities that are provided by that facility. The brickworks is an important site for the manufacture of brick materials in north west England and extending the timescale for the extraction of the remaining reserves would allow this site to continue to supply the market for such products to which great weight should be attached as required by paragraph 205 of the National Planning Policy Framework.

The proposal raises a number of planning policy issues regarding the acceptability of the site to continue to be used for this purpose, and the environmental impacts arising from the continuation of the development over a longer period than was originally permitted in relation to landscape and visual and the associated restoration

and afteruse of the site, traffic, ecology and habitats, noise, dust, ground and surface water pollution and heritage assets.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In considering the issues that arise from the proposed development, it is necessary to take into consideration the relevant policies of the Development Plan and the planning history of the site and all other material planning considerations. Government policy is a material consideration that should be given appropriate weight in the decision making process.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and the Lancaster City Council Local Plan 2011 – 2031 Development Management Development Plan Document (DPD).

The National Planning Policy Framework seeks to ensure that the planning system supports and secures sustainable economic growth in rural areas in order to create jobs and prosperity, and support the growth and expansion of all types of business and enterprise.

Policy DM7 of the Lancaster City Council Local Plan supports proposals for economic development within rural areas which maintain and enhance rural vitality and character where it is demonstrated that they improve the sustainability of rural communities by bringing local economic, environmental and community benefits. The policy seeks to ensure development is appropriate in scale and nature.

Policy CS1 of the Lancashire Minerals and Waste Core Strategy seeks to permit minerals to be extracted only where they meet a proven need for materials with particular specifications. Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan seeks to safeguard mineral resources. The proposed time extension would ensure that the currently permitted mineral reserves continue to be available for the production of important construction materials. If additional time were not granted, the ability to recover the remaining reserves would be lost which would have implications for the viability of the associated brick manufacturing plant.

The proposed development therefore conforms with Policy DM7 of the Lancaster City Council Local Plan, subject to the impacts being acceptable. The development also complies with Policy CS1 of the Lancashire Minerals and Waste Core Strategy, and Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan, in terms of safeguarding Lancashire's mineral resources.

An extension to the lifespan of the shale quarry would generate impacts over a longer period and that have to be assessed.

Landscape and Visual Impact

This site is an existing shale quarry located in an area of elevated moorland with the land surrounding the site comprising open moorland and rough grazing land and

within the Forest of Bowland Area of Outstanding Natural Beauty. Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. Policy DM28 of the Lancaster City Council Local Plan states that the greatest weight will be attached to the protection of nationally important designated sites. Proposals that are within, or would impact upon the setting of, designated landscapes are required to be appropriate to the landscape character type and designation. Development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape. Consideration will be given to both the individual and cumulative impacts of a proposal. Proposals which would have a significant adverse effect upon the character of the landscape or which would harm the landscape quality, nature conservation interests, geodiversity interests or cultural heritage will not be permitted.

The quarry covers an area of around 25 hectares including two existing buildings, and lagoons/ponds and clay stockpiles covering an area of around 4 hectares, an area of restored workings that covers around 10 hectares, the current working area of around 4 hectares, and the unworked area of around 4.4 hectares.

The quarry would be progressively extended across the unworked land but the total area of the quarry would not significantly increase due to progressive restoration of worked areas. The location of the unworked areas of the site is on elevated open moorland that is not particularly visible in the landscape with the main viewpoints being from the northern side of the Lune valley approximately 4 km away. The site would be progressively restored back to elevated open moorland so an extension of the duration of working would not involve a significant increase in the visual impact of the development. It is therefore considered that the visual impact in the landscape would not be unacceptable.

Paragraph 205 of the National Planning Policy Framework requires that as far as is practicable, mineral planning authorities should provide for the maintenance of landbanks of non energy minerals from outside of Areas of Outstanding Natural Beauty. The site is located within the Area of Outstanding Natural Beauty where, according to paragraph 205, there would normally be a presumption against mineral extraction. However, the application relates to an existing and long established quarry and the proposal would not result in any increase in the size of the site compared to that already permitted or increase the landbank of permitted brickmaking materials. It is also considered that the working of the remaining reserves would not be detrimental to the scenic quality of the area and therefore would not offend the reasons for the area being designated as an Area of Outstanding Natural Beauty. In principle, an extension of time for the extraction of the remaining permitted reserves of shale is considered to be acceptable in relation to paragraph 205

To assist with the restoration of the site, and to maintain and enhance rural character, a condition should require that the land be restored in accordance with the previously approved restoration details. As part of the Environment Act review application in 2000 a reassessment was undertaken of the restoration options for the site and revised proposals were agreed for the re-establishment of typical moorland

habitats (heather and bog / mire) rather than grass sheep grazing as had previously been the case. The more recent restoration works appear to have been successful in developing such habitats and if continued across the remaining working areas would ensure that the restored site would contribute towards biodiversity gain and would be appropriate in terms of the landscape character of the AONB. Subject to a condition requiring progressive restoration in accordance with the existing approved details, the development is considered to conform with Policies DM28 and DM35 of the Lancaster City Council Local Plan.

When the existing review permission was determined in 2000, it was considered that an aftercare period of longer duration than the standard 5 years would be justified given the types of habitat restoration that were being proposed rather than agricultural grassland as was previously the case. Aftercare periods beyond five years can only be delivered through the use of section 106 agreements. When the original review permission was determined by the Committee it was therefore subject to a requirement for a section 106 agreement. However, the applicant company only owned the minerals rights and leased the surface from the landowner and the landowner therefore also had to be a party to any section 106 agreement. However, the landowner was not willing to sign the agreement and therefore the review permission that was eventually issued only contained a 5 year aftercare requirement.

In relation to the current application, the same types of restoration are proposed and therefore it is considered that an aftercare period longer than 5 years would be desirable. The means to control this through a section 106 agreement should therefore be revisited.

Shale is transported from the quarry by means of an aerial ropeway system consisting of a system of buckets that are suspended on cables supported by stanchions. Neither of the current permissions for the brickworks or the quarry contain any controls regarding the removal of the ropeway system following the cessation of brickmaking or extraction activities. The ropeway system is unique to a UK mineral site and does have some industrial interest in its operation. However, it is considered that the ropeway system should be removed upon cessation of operations to ensure that it does not present a safety issue or a visual intrusion to the landscape once it is no longer used for shale transport.

The applicant only has rights to maintain and repair the ropeway system and does not own the land on which the ropeway is situated. Therefore any controls on its removal would have to be included within a section 106 agreement along with the aftercare controls discussed above. It is again likely that the landowner would not agree to be a party to the agreement. However, it is considered that this issue could still be addressed through a section 106 agreement to which only the County Council and the mineral operator would be parties. This would mean that the obligations within the agreement could not be enforced on the landowner should the mineral operator cease to exist. However, this risk is considered to be relatively small and is outweighed by the benefits of achieving some control on both long term aftercare of the quarry and removal of ropeway system.

Condition 1 of the existing planning permission seeks to achieve an earlier restoration of the quarry should mineral extraction not be undertaken to any

substantial extent for a two year period. Since that permission was granted there have been a number of cases that have established that such conditions are not lawful and that an earlier end date cannot be achieved in this way. Therefore it is considered that the time limit condition of any new permission should only refer to the date of 31st December 2036 and should not include any reference to an earlier cessation of mineral working.

Traffic

The site is served by a minor road that passes past Moorcock Hall which links to the villages of Brookhouse and Caton. Due to the use of the aerial ropeway for transporting shale from the quarry to the brickworks, the development only attracts a small number of vehicles. The vehicles that would be generated by staff and maintenance vehicles travelling to and from the quarry would not be significant. A condition should continue to require that the shale is to be removed from the site by the use of the existing aerial ropeway system. Subject to such a condition, the proposed time extension is therefore considered acceptable in terms of the capacity and safety of the local highway network, and accords with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DM35 of the Lancaster City Council Local Plan.

Ecology and Habitats

The site is not affected by any ecological designations of European or national importance and it is unlikely that there would be any significant impacts on European protected species. The nearby Biological Heritage Site would not be affected.

Natural England and LCC Specialist Advisor (Ecology) have both not objected with the latter seeking to ensure that there would be no detrimental impact on water voles, otters, peregrine falcons, nesting birds, badgers and reptiles. Providing that conditions require the implementation of such measures and that the restoration works continue to have benefits for ecology, then the development accords with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policies DM25, DM27 and DM29 of the Lancaster City Council Local Plan.

Noise and Dust

The working of the quarry does not require blasting. The quarry is in a remote location with the nearest property at Moorcock Hall located approximately 400 metres from the quarry which means that impacts in terms of noise or dust on residential amenity are very unlikely. Any impacts relating to noise and dust can be effectively controlled through the use of planning conditions. Subject to these conditions, the development is acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policy DM35 of the Lancaster City Council Local Plan.

Ground and Surface Water Pollution

There are two streams in the western part of the site that join to become the Kirkby Gill / Claughton Beck, which flows northwards towards the River Lune, but they

should not be affected by the development. Working of the quarry does not require the pumping of any groundwater. A condition should be imposed to require that no stream of water course should be disturbed except those that relate to the quarry drainage and settlement lagoon system. Any planning permission should also seek to prevent any potential pollution of ground and surface water. Subject also to conditions relating to water pollution, the impact of the development on water resources is acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policy DM40 of the Lancaster City Council Local Plan.

Heritage assets

Virgin ground would be disturbed by working the remainder of the permitted area of the quarry. No scheduled monuments would be affected but to ensure there would be no impact on heritage assets, a condition should require the development of the unworked area in accordance with the previously approved scheme of archaeological researching and recording. Subject to such a condition, the development is acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policy DM34 of the Lancaster City Council Local Plan.

Other matters

Whilst no lighting is currently proposed, it may be introduced in the future, and so to ensure that any lighting used would not cause light pollution or glare to the countryside and the wider area, a condition is proposed requiring details of proposed lighting to be submitted for approval.

With the imposition of all the conditions referred to above, it is considered that the environmental impacts of the proposal are acceptable and the development complies with Policy CS5 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Lancashire Minerals and Waste Local Plan, and Policy DM35 of the Lancaster City Council Local Plan.

Conclusion

The proposed development would allow a further 18 year period for the continued operation of Claughton Moor Quarry until 31st December 2036.

The main issue is if the continuation of the quarrying operation would be likely to have significant effects on the landscape of the Forest of Bowland Area of Outstanding Natural Beauty. However, the site is not prominent or readily visible in the landscape and the progressive restoration proposals would mean that the visual impact would not significantly increase over the longer working period. It is therefore considered that the landscape impact upon the Forest of Bowland Area of Outstanding Natural Beauty would be acceptable. The working of the site does not have any unacceptable impacts on local amenity in terms of noise, dust or traffic.

It is considered that the proposal is supported by national policy and the policies of the Development Plan that supports and secures sustainable economic growth in rural areas in order to create jobs and prosperity. Provided that the planning conditions attached to the existing permission are updated and attached to any new

permission and supplemented by additional conditions, and that the permission is subject to the signing of a section 106 agreement relating to extended aftercare and removal of the aerial ropeway system, it is considered that the extension of time would be acceptable in relation to the amenities of the area and the Forest of Bowland Area of Outstanding Natural Beauty.

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.

This application were it to be approved would be unlikely to generate an impact on those rights in view of the location and nature of the proposal and the conditions that it is recommended be attached to any permission.

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject to the signing of a section 106 agreement relating to extended aftercare and removal of the aerial ropeway system, planning permission be **granted** subject to the following planning conditions:-

Time Limits

1. The mining operations authorised by this permission shall cease not later than 31st December 2036. The site shall be progressively restored in accordance with the conditions to this permission and shall be finally restored by 31st December 2038.

Reason: To provide for the completion and final restoration of the site within the approved timescale in the interest of the amenities of the area and to secure the proper restoration of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

2. Written notification shall be given to the County Planning Authority within 5 working days of each of the following events:
 - a) completion of restoration in phase 3b
 - b) commencement of soil stripping in phase 4b
 - c) completion of restoration in phase 4a
 - d) completion of restoration in phase 4b

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with the permission and to conform with Policy CS5 of

the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

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 07 September 2018.

b) Submitted Plans received by the County Planning Authority on 07 September 2018:

Drawing Number 60560539.CMQ.01 - Claughton Moor Quarry Site Location
Drawing Number 6056539.CMQ.02 - Planning Application Boundary and Land Ownership Plan

Drawing Number 6056539.CMQ.03 - Quarry Phasing Plan

Drawing Number P983 D6 - Restoration Concept

Plan 3 - Site Levels After Working

c) All schemes and programmes approved in accordance with this permission.

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 Policies CS1, CS3 and CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policies NPPF 1, DM1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies NPPF 1, DM7, DM25, DM27, DM28, DM29, DM34, DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

4. Mining operations shall only take place within those areas labelled as Phases 3B, 4A and 4B as shown on Drawing Number 6056539.CMQ.03 - Quarry Phasing Plan.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the

Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

5. No mining operations shall take place below the levels as shown on Plan 3 - Site Levels After Working.

Reason: To secure satisfactory restoration of the site and to safeguard local watercourses and drainages and avoid the pollution or derogation of any watercourse or groundwater resource and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

6. The stockpiling of minerals shall not take place on land that has been subject to restoration works or on land that is yet to be subject to soil stripping operations.

Reason: In the interest of the amenities of the area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

7. No extraction of minerals shall take place in Phase 4B until the extraction of minerals has been completed in the area shown as Phase 3B on Drawing Number 6056539.CMQ.03 - Quarry Phasing Plan. Phase 3B, other than areas required for a haul road and the location of mineral stockpiles, shall thereafter be restored in accordance with the requirements of condition 27 by not later than one year following the commencement of mineral extraction in Phase 4B.

Phase 4A with the exception of any land required to access phase 4B shall be restored within two years of the completion of working in that phase.

Reason: To ensure the orderly working and progressive restoration of the site in the interests of visual amenity and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Soils and Overburden

8. All available soil and peat shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, or before plant or

machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped soil and peat shall be stored in separate mounds within the site for use in the restoration of the site or shall be placed directly on areas to be restored, in accordance with the conditions to this permission.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

9. The stripping, movement and respreading of soil or peat shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

Reason: To ensure the proper removal, storage and replacement of soils to ensure satisfactory restoration and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

10. No soil or peat storage mounds shall exceed a height of 3 metres. All such mounds shall thereafter be seeded and kept weed free to provide a full grass sward over the full extent of the mounds throughout the duration of the development.

Reason: In the interests of the visual amenity of the area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Site Operations

11. A copy of this permission and all the documents referred to in condition 3 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and

Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

12. No minerals shall be removed from the site except by means of the existing aerial ropeway system.

Reason: In the interests of the general amenities of the area and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

13. Mineral stockpiles shall not exceed 10 metres in height.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

14. No waste materials other than those produced by the working of minerals from the site shall be deposited at the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

15. 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 re-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 amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy

Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Hours of Working

16. No soil stripping, mineral extraction or restoration operations shall take place outside the hours of:

0730 to 1830 hours, Mondays to Fridays (except Public Holidays)
0730 to 1300 hours on Saturdays

No such development shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent the loading of minerals into the aerial ropeway, the use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Control of Noise

17. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times throughout the development.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Dust

18. Measures shall be taken at all times during the development to minimise the generation of dust from site activities. Such measures shall include the

watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties, landowners and land users and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Landscaping

19. All hedges and trees forming part of the site boundaries or to be retained within the site shall be protected from any damage and maintained throughout the development and aftercare period.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM25, DM27, DM29 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Ecology

20. No soil stripping shall take place during the bird-breeding season between 1 March and 31 July inclusive unless the areas to be stripped 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 areas 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 CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM27 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

21. Prior to any phase of soil stripping commencing, an ecological survey of the area to be stripped shall be undertaken. The survey shall focus on the potential impacts of soil stripping on water voles, otter, peregrine falcon, badgers and reptile species. The results of the survey shall be submitted to the County Planning Authority in writing. If the survey identifies the presence of any of the above species within the area to be stripped, written details of avoidance or mitigation measures shall be submitted to the County Planning Authority for approval in writing.

The approved mitigation works shall be undertaken prior to the commencement of any phase of soil stripping

Reason: In the interests of ecologically and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM27 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Safeguarding of Watercourses and Drainage

22. 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 CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

23. 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 CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

24. No stream or watercourse shall be diverted as part of the working of the quarry. The provisions of this condition shall not apply to the maintenance of the existing quarry drainage and settlement lagoons and drainage channels.

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 CS5 of the Joint Lancashire Minerals and Waste

Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM35 and DM40 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Archaeology

25. Soil stripping in any phase shall be undertaken in accordance with the scheme and programme of archaeological researching and recording approved under the requirements of condition 25 of planning permission 1/98/29.

Reason: In the interests of archaeology and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM34 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District Local Plan 2011 – 2031 Development Management Development Plan Document.

Floodlighting

26. Any flood lighting used during the operational life of the site shall be angled into the site, downwards and shaded to minimise light spill.

Reason: To minimise light spill beyond the boundaries of the compound to the Forest of Bowland Area of Outstanding Natural Beauty and to safeguard the amenity of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Restoration

27. The final restoration of the site shall be undertaken in accordance with the scheme and programme approved under the requirements of condition 26 of planning permission 1/98/29.

Reason: To secure the proper restoration of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.

Aftercare

28. Upon certification in writing that the restoration of any phase of the site has been completed, aftercare works to bring that phase of the site to the required standard for amenity use shall be carried out. The aftercare period for each phase of the site shall be five years and the works shall be carried out in accordance with a scheme to be submitted and approved in writing by the County Planning Authority. Such a scheme shall be submitted within two years of the date of this permission and shall provide for the following:-
- a) management of areas restored to heather moorland and heath including measures to control grazing and other management techniques to promote the development of these habitats.
 - b) management of any wetland, bog or mire areas.
 - c) weed control
 - d) replacement of any tree and shrub failures and general maintenance of planting.
 - e) measures to control and repair the effects of water run off
 - f) management of any areas being restored using natural regeneration techniques.
 - g) details of the timing and phasing of the above works.
 - h) monitoring of the aftercare works including provision for the submission of an annual aftercare report providing information on the success of the restoration proposals and aftercare proposals for the following year.

Reason: To secure the proper aftercare of the site and to conform with Policy CS5 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Plan Document.

Definitions

Completion of Restoration in any phase: The date the County Planning Authority certifies in writing that the works of restoration in any of the phases shown on drawing Ref 605 60539-CMQ-03 have been completed in accordance with condition 27.

Notes

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

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

None

Reason for Inclusion in Part II, if appropriate

N/A