

Lancashire County Council

Development Control Committee

Wednesday, 21st October, 2020 at 10.30 am to be held as a Virtual Skype Meeting

Agenda

Part I (Open to Press and Public)

No.	Item
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1.	Apologies for absence
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2.	Disclosure of Pecuniary and Non-Pecuniary Interests
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Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.

3.	Minutes of the last meeting held on 7 October 2020	(Pages 1 - 4)
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The committee are asked to agree that the Minutes of the last meeting held on 7 October, 2020 be confirmed and signed by the Chair.

4.	Update Sheet
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The Update Sheet will be considered as part of each related agenda report.

5.	West Lancashire Borough: application number LCC/2019/0028	(Pages 5 - 68)
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Proposed reprofiling of former landfill site using imported inert materials including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold

- 6. Lancaster City: Application number LCC/2019/0030** (Pages 69 - 144)
Proposed easterly lateral extension to the existing gritstone and shale quarry followed by infilling of the excavation with imported inert waste to be completed by the 30 June 2038, together with the rebuilding and extension of the derelict farmhouse for use as site office accommodation, with the whole of the site to be finally restored to agricultural pasture by 30 June 2039, or within 12 months from the cessation of landfilling operations, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.
- 7. Lancaster City: Application number LCC/2019/0040** (Pages 145 - 174)
Variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling from 30 June 2023 to 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.
- 8. Lancaster City: Application number LCC/2019/0041** (Pages 175 - 194)
Variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038, or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.
- 9. Urgent Business**
An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.
- 10. Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 195 - 196)

11. Date of Next Meeting

The next virtual meeting of the Development Control Committee will be held on Wednesday 4 November 2020 at 10.30 a.m.

County Hall
Preston

L Sales
Director of Corporate Services

Lancashire County Council

Development Control Committee

Minutes of the Virtual Meeting held on Wednesday, 7th October, 2020 at 10.30 am

Present:

County Councillor Barrie Yates (Chair)

County Councillors

S Clarke	P Hayhurst
C Crompton	A Kay
M Dad	M Pattison
J Eaton	P Rigby
D Foxcroft	C Towneley

Announcement

Jill Anderson – This was Jill's last meeting before she retired. The Committee therefore joined with the Chair in placing on record their thanks for Jill's long and valuable service to the County Council and for her sage advice over the years. Everyone wished Jill a very long and happy retirement.

1. Apologies for absence

Apologies for absence were received on behalf of County Councillor Kevin Ellard.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

3. Minutes of the last meeting held on 23 September 2020

Resolved: That the Minutes of the meeting held on 23 September 2020 be confirmed and signed by the Chair of the Committee.

4. Update Sheet

The Update Sheet was circulated prior to the meeting and attached as a supplementary agenda item.

5. Wyre Borough: Application Number. LCC/2020/0031 Erection of a new building to accommodate production plant and bagging equipment including linked loading canopy. Erection of a building for product manufacturing rooms and erection of a new

roof over wet crumb storage area. Creation of hardstanding and car park area. Foggs Farm, Hobbs Lane, Claughton on Brock.

A report was presented on an application for the erection of new buildings, hardstanding and car park area at Fogg's Farm, Hobbs Lane, Claughton on Brock.

The report included the views of Wyre Borough Council, Claughton on Brock Parish Council, the Environment Agency, Lancashire County Council Highways Development Control, Landscape Specialist (Jacobs), Cadent Gas and details of six letters of representation received in support of the application.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site and the nearest residential properties. The Committee was also shown illustrations of the proposed development, the landscape proposals and visualisations and photographs of the development from various viewpoints.

The Committee was reminded that as a result of the Covid-19 outbreak, members of the public who had formally requested to speak at the committee meeting and who met the criteria, had been invited to give their views in the form of a written statement to be read out in full by officers at the meeting. An officer therefore read out a written statement in behalf of the applicant (Copy set out at Annex A to the Update Sheet).

Following questions to the officers with regard to the roofing materials, it was Moved and Seconded that:

'Condition 6 to the proposed planning permission be amended to require the replacement of the proposed pitched roof coloured natural grey with a 'living' green roof.'

On being put to the vote the Motion was Lost.

The substantive motion was then put to the vote and it was:

Resolved: That planning permission be **granted** subject to conditions set out in the report to the committee.

**6. Chorley Borough: Application number LCC/2020/0042
Construction of a new vehicular access and a pressure relief column associated with new waste water infrastructure. Land opposite 107 - 119 Moor Road, Croston, Leyland**

A report was presented on an application for the construction of a new vehicular access and a pressure relief column associated with new waste water infrastructure on land opposite 107 - 119 Moor Road, Croston.

The report included the views of Chorley Borough Council, the Environment Agency, Lancashire County Council Highways Development Control, Lancashire County Council Specialist Advisor (Ecology), the Lead Local Flood Authority and details of 28 letters of representation received objecting to the application.

The Development Management Officer presented a PowerPoint presentation showing an aerial view of the site, and the nearest residential properties. The Committee was also shown an illustration of the site plan and photographs of the access roads to the development from various viewpoints.

The Officer reported orally that since the report had been finalised, a further representation had been received objecting to the application. (Details set out in the Update Sheet at Item 4 of the agenda).

It was reported that at the time that the committee report was written, the applicant had verbally agreed to make a number of changes to the application to meet some of the objections from residents. A plan had subsequently been submitted to formalise these changes which include the reduction in width of the access to 5.5 metres and the removal of the proposed pavements along the site frontage.

To reflect the amended access layout plan it was reported that it was proposed to amend Conditions 2b, 7 and 9 to the proposed planning permission. Full details were set out in the Update Sheet at Item 4 of the agenda.

The Committee was reminded that as a result of the Covid-19 outbreak, members of the public who had formally requested to speak at the committee meeting and who met the criteria, had been invited to give their views in the form of a written statement to be read out in full by officers at the meeting. An officer therefore read out a written statement in behalf of a local resident who objected to the proposals. (Copy set out at Annex B to the Update Sheet).

Following debate and a question to the officers with regard to the proposed floodlighting it was:

Resolved: That subject to the amendments to conditions 2, 7 and 9 as set out in the Update Sheet at Item 4 of the agenda, planning permission be **granted** subject to the conditions set out in the report to the committee.

7. Urgent Business

None.

8. Date of Next Meeting

Resolved: That the next virtual meeting of the Committee be held on Wednesday 21 October 2020 at 10.30am.

L Sales
Director of Corporate Services

County Hall
Preston

Development Control Committee

Meeting to be held on 23rd September 2020

Electoral Division affected: West Lancashire East
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West Lancashire Borough: application number LCC/2019/0028

Proposed reprofiling of former landfill site using imported inert materials including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold
(Appendix A refers)

Contact for further information:

Jonathan Haine, 01772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application – Proposed reprofiling of former landfill site using imported inert material including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold.

Recommendation – Summary

Subject to the applicant first entering into a Section 106 Agreement relation to the promotion of the traffic regulation order process and an extension to the aftercare period, planning permission be granted subject to conditions controlling time limits, working programme, site operations, highway matters, environmental controls, restoration and aftercare.

Background

A report relating to the above application was reported to the meeting of the Development Control Committee on 23rd September 2020. (Copy attached at Appendix A). At that meeting, members resolved to defer consideration of the application to allow a site visit to take place.

The site visit took place on 12th October 2020.

The purpose of this report is to:

- Provide a summary of the submissions from members of the public that were made under the public speaking rules and which were read out to the Committee at the meeting on 23rd September.
- Provide a summary of the further representations that have been received since the report to the 23rd September Committee was prepared.
- Provide advice to members of the Committee on any issues that are raised.

Summary of submissions under public speaking rules

Submissions were received from 15 individuals under the Development Control Committee public speaking rules. In lieu of being able to speak in person to the virtual meeting of the Committee, these submissions were read out by officers. The issues raised are summarise as follows:

- DP & PM: Live at Gillibrand Farm on Wood Lane – the landfill is behind and above their property. The diagram shown to members of the landfill design does not properly illustrate the site as the site was tipped with wet pulverised waste which was not properly compacted. The residents are therefore concerned that surcharging the site with further inert waste will increase the instability of the site and will risk their property which is below the site. The application should be rejected.
- PW – local resident. Draws attentions to the need to demonstrate very special circumstances to justify inappropriate development in the Green Belt. She considers that the applicant has not demonstrated that the development is required or will have tangible benefits in terms of reducing leachate production and therefore no very special circumstances can be demonstrated.
- JS – Draws attention to the report to Committee on 24th July 2019 when members resolved to visit the site. He is concerned that members are being asked to approve the application without seeing the site and appreciating its scenic qualities. The photographs presented are no substitute and do not illustrate the dangerous position of the access. There are a numbers of errors and omissions in the officer's report regarding the volumes of material to be tipped. He considers that the development is inappropriate development in the Green Belt and that the report should have recommended refusal on green belt grounds. He considers that the proposal is unnecessary and an outrageous act of environmental vandalism.
- MB – questions the need to repair the site and excessive scale of the proposal and is alarmed that the information submitted by the applicant has not been subject to independent verification by the Environment Agency. The landfill cross section shown by officers is misleading of the steep hillside location of Parbold Hill. There are no very special circumstances and planning conditions and section 106 agreements are unenforceable and undermined by a lack of resources. The application should be refused.
- KS – Local resident who lives opposite the site at Beacon View. The report does not accurately portray the steep gradient at the access and the number of accidents and near misses. An entrance at Parbold Hall would be much safer and would remove traffic from the busy hilltop viewpoint. The application brings no benefit to the community. The Borough Council voted to refuse the application and the County Council should do likewise.
- DE– Local resident- strongly objects on amenity grounds. The views from Parbold Hill are impressive but will be blocked by the new tipping works. The views and the landscape are protected by the local plan policies and there are always people in the layby enjoying the views from this location. The development and access works would put an end to the enjoyment of the area and replace the current views with noise, smell and loss of amenity. Even after the works have finished, the site will be a different place and the amenity of Parbold Hill as a destination will be lost. The application should be refused.

- KM – Chair of Campaign for the Protection of Rural England - West Lancashire Group. The landfill operations are inappropriate unless there are very special circumstances. The site has exceptional biological importance with many plant species. The applicant has not demonstrated how the existing interest would be protected or enhanced and would result in the loss of the existing biodiversity value. The proposal is therefore inappropriate and unjustified and should be rejected.
- KJ – on behalf of local residents. Concerned that the process does not allow her to show members a virtual site visit or read out her statement. The applicant has not supplied any artists impressions of the access and the entirety of the highway works are contrary to Green Belt policy. The photographs presented by officers are unrepresentative and do not show the impacts of the new access works. She considers that the access proposals are dangerous and a threat to life and should be refused.
- MA – Parbold Hall resident – lives 200 yards east of the site in the path of the prevailing wind and is concerned about the dust and possibly toxic material being imported. He is concerned about the existing biodiversity value of the site and how the area outside of the tipping area will be conserved by an applicant who has no understanding of biodiversity. The access proposals are dangerous and noisy and an access via Parbold Hall would be safer. The development would result in drainage issues. Mr A says that he owns land around Round O Quarry where planning conditions have been breached and none of the restoration conditions have been met. Who will police the conditions? There is no evidence of pollution and no very special circumstances. The application is inadequate and speculative and should be refused.
- JP – local resident. The risk assessment is a misrepresentation of the impacts of the proposals on local residents and users of the layby and costumers of the pub / restaurant. The noise, dust and odour impacts from the last landfill operations will return to the site. The proposals would impact upon the Parbold Bottle and would general impact upon the amenity of the area. The application should be refused.
- Dr RC and Mr GG – carried out a bird survey of the site and surrounding area and recording 26 bird species including 3 Afro – European migrants. The site contains rich and diverse habitats which have value for birds. The lack of human disturbance is a critical benefit.
- JC – Planning Manager for the Campaign for the Protection of Rural England (CPRE) – The development is contrary to national and development plan policy and an overall negative balance – therefore the application should be refused. There are a number of key issues including harm to greenbelt and landscape character, water contamination, land stability, dangerous site access which are either unacceptable or which have not been properly addressed. The CPRE also consider that an Environmental Impact Assessment should have been carried out and that the proposal is not consistent with the policies of the Lancashire Minerals and Waste Local Plan. There is also considerable local objection which is an important consideration.
- Cllr Susan Holland (Parbold Parish Council) – The proposal is contrary to many policies and if permission is granted it will be ignore policies relating to green belt, highways, landscape and the environment. The proposal is far in excess of what is required and therefore very special circumstances cannot be demonstrated. The new access would be costly and would disrupt traffic

flow and harm highway safety. No new sites for landfill of inert wastes are needed and how would it be certain that the wastes would be inert. Parbold Hill is a much loved and valued landscape feature and should be protected.

- Cllrs May Blake and David Whittington – represent Parbold ward on West Lancashire Borough Council. The area is very important for recreation and the Council are looking to upgrade the canal towpath between Parbold and Appley Bridge. The proposed landfill development would risk the recreational value of the area and the works proposed by the Borough Council. The proposal should be refused.
- Rosie Cooper – MP for West Lancashire – Has consistently raised her concerns about the scale of this project and its impact on the area. The Committee should be looking to determine the planning application in parallel with an Environment Agency permit application. She is disappointed that no councillor site visit is taking place. West Lancashire Borough Council have managed to convene such site visits so it is disappointing that LCC have not made similar arrangements. Such a visit is vital and members should not be expected to make a decision based upon desk based information. The site is green belt and members should be assured that it is appropriate development and that there are no other sites available.

Further representations

Since the Committee report to the 21st September 2020 Committee was prepared the County Council has received 114 further representations objecting to the application. The grounds for objection are summarised as follows;-

- Loss of visual amenity and would despoil an existing beauty spot and view point that is a famous Lancashire landmark. The raised landform would obscure the existing views.
- The proposal would deter people from visiting the restaurant.
- Impact of HGVs – the existing A5209 has been identified in the West Lancashire Route Management Strategy Stage 2 report as a route that is unsuitable for the current level of HGV's so why add additional vehicles to this road.
- Use of the access would result in road safety issues.
- The Committee should visit the site before considering the proposal – not all of the Members know the site or are aware of the issues. Why is due process not being followed?
- Such a significant proposal should not be considered at the current time when committees can only meet remotely– it should be deferred until representation from all parties can be made in a suitable forum.
- The report contains significant factual errors and misrepresents the detrimental impacts on the area. It goes against the views of the district council, five parish councils and 1000 local residents.
- There is a risk of additional flooding.
- There does not appear to be any form of monitoring for the waste being tipped
- The Lancashire Minerals and Waste Local Plan already makes adequate provision for tipping of inert materials – there is no need to create another site.

- The proposal would only give rise to a 25% improvement in drainage which is not a reason to over ride green belt policy. No very special circumstances have been demonstrated to justify the development in the Green Belt.
- The proposal would stop the area being used by local people which is important at a time of Covid 19 restrictions.
- The proposed tipping volume is far more than required to address the drainage issues.
- The proposal would result in dust issues and noise pollution and unpleasant odours.
- There is no evidence to demonstrate that there are problems with the surface of the site – this is admitted by the Council officer.
- The surveys of ecology are inadequate. The site is used by a wide range of bird species.
- Why is there no provision for objectors to provide their views at the meeting – is there underhandedness between the applicant and the council. The application should not be decided in secret.
- There is no timescale on restoration – there will still be pressure for the holiday lodges that were originally part of this application.
- Consideration of the application should be deferred to allow the EA permitting process to be carried out.
- The proposal is contrary to all planning policies and should be refused.
- Tipping additional inert waste would prevent proper decomposition of the existing waste material lengthening the cost of monitoring and clean up.

One representation supporting the application has been received. The resident considers that the proposal will restore the hill to its original profile which will look much better and will provide short term pain for long term gain.

The applicant has also made a submission which is summarised as follows:-

- The proposal is for the minimum amount of work required to remediate the existing site.
- The site is not under any specific habitat protection and is private land. Any ecological value of the site is a matter of happenstance and any weight to be offered to such accidental interest is limited and ought to be tempered.
- The works do not conflict with green belt policy.
- The proposed works will not have a long term impact on the viewpoint – the existing layby and viewing area will be retained.
- The site has an uneven surface and poor surface water drainage leading to increased volumes of rainwater percolating into the waste and increased leachate generation and risk of water pollution. The proposed importation of additional soil materials will remediate the areas of significant settlement.

Advice

The issues raised in the written submissions from the 'public speakers' and in the further representations that have been received should be noted by members of the

committee. However, it is considered that the issues raised are covered in the report that was presented to the Committee meeting on 21st September 2020.

A number of residents and Rosie Cooper MP have raised the issue about the need for the Committee to visit before determining the application. A report was previously presented to members on 24th July 2019 recommending that they visit the site prior to determining the application and the Committee agreed with this recommendation. However, this was prior to the Covid 19 pandemic which clearly has important implications for the logistics of holding a site visit. Nevertheless a site visit took place on 12th October 2020 which together with the video and other photographs that have been provided, will ensure that members have sufficient appreciation of the site and its surroundings to determine the planning application.

Recommendation

That subject to the applicant entering into a section 106 agreement to provide for the funding of any necessary Traffic Regulation Orders and to extend the aftercare period to a total of ten years, planning permission be granted subject to the following conditions:-

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The site including the access and tipping area shall be finally restored in accordance with the scheme and programme approved under the requirements of condition 22 below within 24 months from the date of commencement of development as notified to the County Planning Authority under the provisions on condition 4a to this permission.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

3. The importation of inert fill materials to the remediation area shall cease within 18 months of the date of commencement of importation as notified to the County Planning Authority under the requirements of condition 4b to this permission. Filling and restoration works within the remediation area shall be undertaken progressively in accordance with the scheme and programme approved under the requirements of condition 9.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. Written notification of the following events shall be sent to the County Planning Authority within 7 days of such commencement.

- a) Commencement of the development
- b) Commencement of importation of materials to the remediation area

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

Working Programme

5. 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 15th April 2019 as amended by the letter from Peter Dickenson Architects dated 20th November 2019.

- b) Submitted Plans and documents:

- Drawing 3746-19-11 Red Edge Plan
- Master Plan drawing submitted 2nd December 2019
- Drawing 4458/01/002 rev 3- Site Plan (Landform maintenance)
- Drawing 4458/1/009 rev 1 - Restoration Patch Repair Surface Water Management Scheme
- Drawing 4458/01/011 Rev 2 - General Section
- Drawing 4458/01/013 Rev 3 - Site topography December 2018 with patch repair sections
- Drawing P19034 - 001E Proposed access scheme
- Drawing P19034-002D Long Sections
- Drawing P19034 -005C Potential Traffic calming Scheme

- 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 DM2 of the of the Lancashire Minerals and Waste Local Plan and policies SP1, GN1, GN3, EN2 and EN3 of the West Lancashire Borough Local Plan.

6. Raising of land levels using imported inert materials shall only occur within the area edged in a red dashed line on the Masterplan drawing submitted on 2nd December 2019.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

7. No materials other than clean inert clay and soils shall be imported to the site for the purposes of the landfill remediation works permitted by this planning permission.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

8. No imported materials shall be tipped temporarily or permanently above the levels shown on drawing 4458/01/002 Rev 3 - Site plan (Landform maintenance).

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

9. No delivery and grading of inert waste materials shall commence until a scheme of phasing of the filling works has been submitted to the County Planning Authority for approval in writing. The scheme shall contain the following information:-
 - a) The tipping and progressive restoration of the site in a series of phases.
 - b) Details for the stripping of existing soils prior to the importation of materials in each phase including details of the location and means of storage of stripped materials.
 - c) A timescale for the grading and restoration of each phase once that phased has been filled to the final levels.

Thereafter, the site shall be filled and restored in accordance with the approved scheme of phasing.

Reason: In order to ensure the progressive development and restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

10. No development shall commence until a scheme and programme for the treatment of the Japanese Knotweed within the site has been submitted to and approved in writing by the County Planning Authority.

All Japanese Knotweed within the site shall be treated in accordance with the approved scheme.

Reason: To control invasive species within the site in the interests of the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

11. No waste materials shall be imported to the site until the site access, internal access road and tipping bay has been constructed in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following.
 - a) The design and layout of the access from the A5209.
 - b) The works that will be undertaken to the pedestrian footway alongside the public highway to allow the construction of the new access.

- c) The design of the internal access road including surfacing.
- d) The design of tipping bay including location, design, surfacing and design and landscaping of the soil screening bunds.

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

12. No development shall commence until a programme of traffic calming and highway safety measures has been undertaken on the A5209 in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) The speed limit restrictions that are to apply on the A5209 including details of signage to be installed and their locations.
 - b) Enhanced road markings to be installed on the carriageway surface of the A5209.
 - c) The measures that will be employed to prevent HGVs from turning left into and out of the site.

The traffic calming and road safety measures contained in the approved scheme shall be implemented prior to the commencement of the development and retained at all times throughout the duration of the development.

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

13. HGVs associated with the importation of inert materials to the site shall only access the site by way of the proposed access shown on drawing P19034 - 001e Proposed Access Structure. No such HGVs shall access the site by way of the existing access point in the south west corner of the site.

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

14. All topsoil stripped from the site during works to create the site access and tipping bay shall be retained on the site for use in the restoration of the site.

Reason: In the interests of the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Hours of Operation

15. No development involving the construction of the site access, grading of imported inert materials or restoration works shall take place outside the hours of:

08.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

No development or restoration shall take place at any time on Saturdays, Sundays or Public Holidays.

Importation of inert waste materials shall only take place between the hours of 09.00 – 17.00 hours Mondays to Fridays. No such importation shall take place on Saturdays, Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent 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 DM2 of the Lancashire Minerals and Waste Local Plan.

16. Measures shall be taken at all times to ensure that no mud, dust or other deleterious material is deposited on the public highway by HGVs leaving the site.

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

Environmental Controls

17. Measures shall be taken at all times to minimise the generation of dust from the site. Such measures shall include the sweeping of the access road and tipping bay, application of water to any internal site roads and suspension of activities during dry and windy weather conditions when other mitigation measures fail to be effective.

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

18. 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 DM2 of the Lancashire Minerals and Waste Local Plan.

19. Noise emitted from the site during the approved landfill remediation and site restoration works shall not exceed 10dBA leq (free field), above the background level as defined in this permission, when measured from any of the following properties at a point closest to the noise source:

- a) Beacon Lodge, A5209
- b) Miller and Carter Restaurant

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

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

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 Lancashire Minerals and Waste Local Plan.

21. 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 Lancashire Minerals and Waste Local Plan.

Restoration and Aftercare

22. No delivery and grading of inert waste materials shall take place until a scheme and programme for the final restoration of the site and other areas of Parbold Hill Landfill Site has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) The respreading of stripped soil including use of imported soils in the event of a shortfall of on site materials.
- b) The treatment of the restored surface including measures to ensure plant growth
- c) The seeding of restored areas including seed mixes to be used
- d) Details for the further restoration of those parts of the site outside of the remediation area including works to landfill gas vents, removal of security fencing and habitat management works.
- e) Details of a permissive right of way including routing, surfacing and fencing
- f) Management of existing tree and shrub planting on the boundaries of the wider landfill site
- g) Details for the removal and restoration of the leachate pumping station once it is no longer required.
- h) Details for the removal and reinstatement of the site access with the A5209 including the footway and tipping area.
- i) Details of the works to be undertaken to the existing access of the A5209

j) A timescale for each of the above works.

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

23. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include management works to habitats including grazing or moving as appropriate, management of invasive species, drainage works and management of tree and hedge planting.

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

Definitions

Completion of restoration: The date when the County Planning Authority certifies in writing that the works of restoration contained in the scheme and programme approved under the requirements of condition 22 have been complied with.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

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

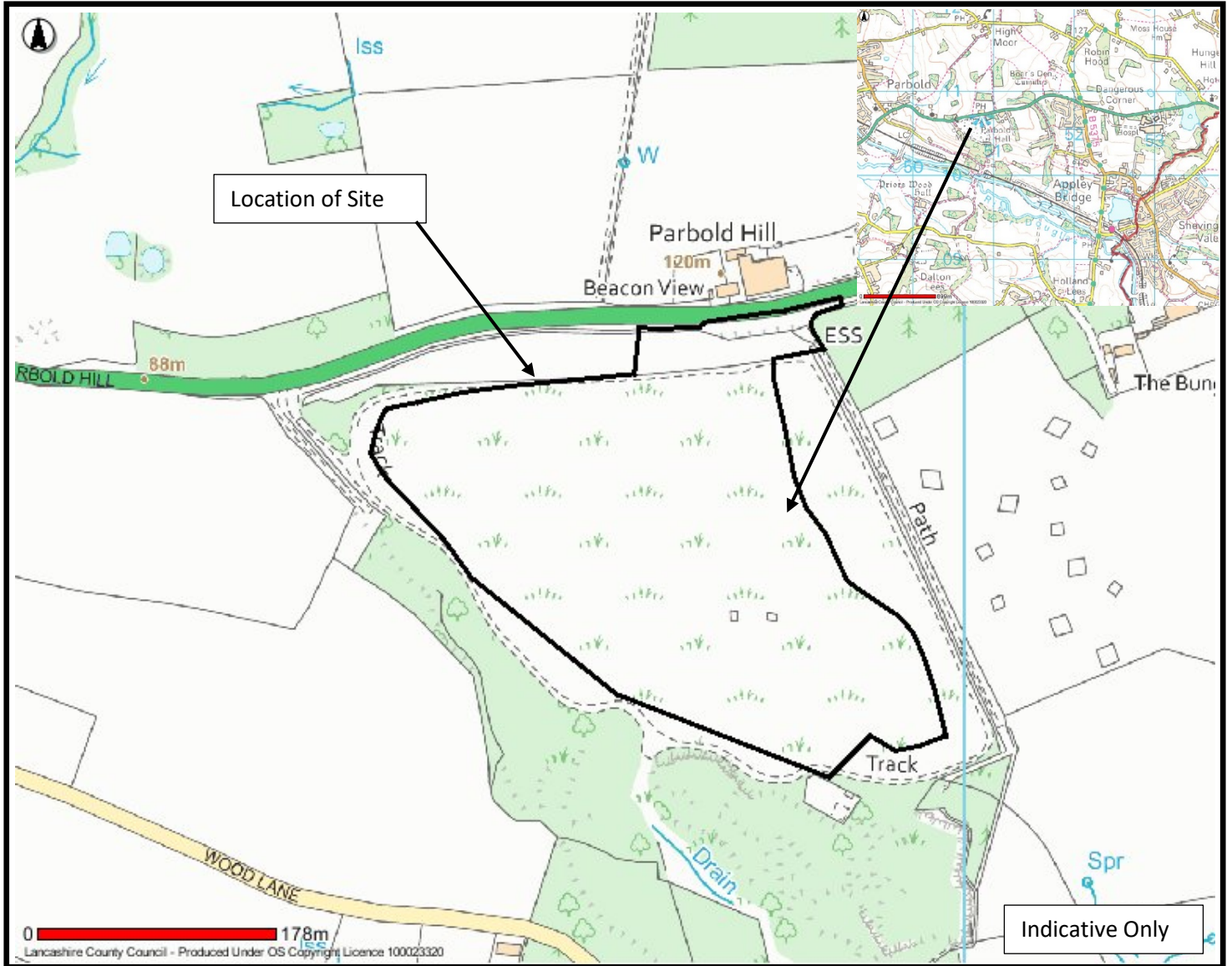
Notes:

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

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. It also requires the confirmation of a Traffic regulation Order on the A5209.

To discuss the highway works and the Traffic Regulation Order you should contact the Lancashire County Council Highways quoting the planning permission reference.

APPLICATION LCC/2019/0028 PROPOSED LAND RESTORATION AND REGRADING WORKS USING INERT MATERIAL, ASSOCIATED HIGHWAY WORKS INCLUDING CONSTRUCTION OF A TEMPORARY PUBLIC CAR PARK. FORMER PARBOLD HILL QUARRY PARBOLD HILL PARBOLD



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Development Control Committee

Meeting to be held on 23rd September 2020

Electoral Division affected: West Lancashire East
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West Lancashire Borough: application number LCC/2019/0028
Proposed reprofiling of former landfill site using imported inert materials including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold

Contact for further information:
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Executive Summary

Application – Proposed reprofiling of former landfill site using imported inert material including new access. Former Parbold Hill Quarry, Parbold Hill, Parbold

Recommendation – Summary

Subject to the applicant first entering into a Section 106 Agreement relation to the promotion of the traffic regulation order process and an extension to the aftercare period, planning permission be granted subject to conditions controlling time limits, working programme, site operations, highway matters, environmental controls, restoration and aftercare.

Applicant's Proposal

The application is to import inert materials to a former landfill site to allow the reprofiling of its surface contours.

The application has been amended a number of times to address objections that have been raised. The initial proposal was to import around 200,000m³ of inert soils and clays to reprofile the whole of the landfill site area of around 10ha.

However, the proposal was subsequently amended so that only around half of the site area would be affected requiring a reduced volume of approximately 90,000 m³ (approximately 200,000 tonnes) of inert soil and clay. The area that would be subject to the proposed reprofiling operations is now around 5 ha in area.

The inert waste materials would be delivered at a rate of approximately 40 HGV loads per day giving an overall timescale for the regrading and subsequent restoration operations of approximately 18 months. The raising of levels would be undertaken in three phases across the north and eastern sides of the site. The areas of the former landfill site outside of the proposed reprofiling area would remain in their current condition and would not be affected.

The site would be accessed off the A5209 via a new priority junction. In the original planning application it was proposed to close the existing layby adjacent to the A5209 and utilise this to create a site access leading to a tipping area and replacement public car park / viewing area on part of the landfill itself. However, due to objections from LCC Highways, these arrangements were subsequently revised with the access point being moved to the west involving a new priority access being constructed from the A5209 leading to a surfaced tipping bay and turning area which would allow HGVs to tip their loads without having to travel over the landfill thereby reducing the risk of mud and other debris from being tracked out onto the public highway.

Delivery of inert materials would be undertaken between 09.00 and 17.00 to avoid peak periods on the A5209.

Following completion of works within each phase, the land would be restored by respreading the previously stripped soil materials over the imported materials. Upon restoration works in phase 3 being completed, the tipping bay and access would be removed and the land reinstated to its existing condition.

The application originally referred to a phase 2 which included the construction of a number of timber holiday accommodation lodges in the woodland to the south of the former landfill site and further works on the former landfill to provide amenity and recreational facilities for residents of the lodges. However, the phase 2 works no longer form part of the proposal.

Description and Location of Site

The proposal relates to the former Parbold Hill Landfill site (total area of around 10 ha) which is situated immediately to the south of the A5209 which is the main road linking Burscough with junction 27 of the M6. The site is located at the highpoint of Parbold Hill approximately 1km east of Parbold and 2 km north west of Appley Bridge.

The site is located in the open countryside. However to the north of the site adjacent to the A5209 is the Miller and Carter public house / restaurant with a further residential property located immediately to its west approximately 30 metres from the landfill site boundary. To the east are a number of properties located around Parbold Hall around 250 metres from the landfill site. Parbold Hall itself is a grade II* listed building. The only other properties located within 400 metres of the site are on Wood Lane on the edge of Parbold village to the south and west of the site.

The former landfill site is an area of rough grazing land which slopes from the A5209 towards a woodland to the south forming the northern side of the Douglas Valley.

A public footpath follows the eastern edge of the site. Along the western corner of the site is a public right of way which leads to a stone memorial feature called the 'Parbold Bottle'.

Vehicular access is currently gained from an access point off the A5209 on Parbold Hill. Immediately adjacent to the west bound carriageway of the A5209 is a lay by / viewing area providing views over the site, Douglas Valley and West Lancashire plain towards Liverpool.

The site is located in the Green Belt.

Background

History: The site has a long history of mineral working and landfill operations.

Planning permission was granted for the restoration of Parbold Hill Quarry with imported pulverised waste in 1981 (planning permission ref 8/80/1151). The permission also granted permission to landfill the nearby West Quarry, Appley Bridge with the waste being imported by rail from a new siding adjacent to West Quarry. The landfill operations took place between the early 1980's and early 1990's.

Planning Policy

National Planning Policy Framework : Paragraphs 7 – 14, 47, 109 – 110, 127, 143 - 146, 163, 170 - 176, 180 – 183 and 184 - 196 are relevant regarding the definition and presumption in favour of sustainable development, determining applications, highway considerations, Green Belt, the requirement for good design, protecting valued landscapes and ecology, flood risk and planning and pollution control and impacts on heritage.

National Planning Policy for Waste

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

Policy CS7 Managing our waste as a resource

Policy CS8 Identifying capacity for managing our waste

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM1 Management of waste and extraction of minerals

Policy DM2 Development Management

Policy LF2 Sites for inert landfill

West Lancashire Local Plan

Policy SP1 Strategic Policy

Policy GN1 Settlement Boundaries

Policy GN3 Criteria for Sustainable Development

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment

Policy EN3 Provision of Green infrastructure and Open Recreation Space

Consultations

West Lancashire Borough Council: Object to the application on the basis that the proposed development is inappropriate development in the Green Belt which causes harm to openness and would cause urban sprawl. The Council consider the harm to be substantial and that the justification for the works to be less than compelling as it appears to relate to reducing costs to the land owner rather than upgrading and landform and landscape quality. The harm to the Green Belt is therefore not outweighed by the special circumstances put forward by the applicant.

The Borough Council also consider that the proposal would be harmful to visual amenity and the character of the landscape and therefore would not accord with Policies GN3 and EN2 of their local plan.

The Borough Council also consider that the applicant has not demonstrated that the development would not adversely affect the amenities of the nearest residents and businesses on Parbold Hill by reason of noise, dust and odours therefore conflicting with Policy GN3.

The Borough Council's response includes the comments from their environmental health officer. She recognises that the proposed development is on a site which is regulated by the Environment Agency under an environmental permit and that the proposed works would require a variation of that permit. She also notes the initial position of the Environment Agency to object to the application which she supports as planning permission should not be given to a development without confidence that it could meet permit conditions. There is also comment that there is little information on noise but that the extra numbers of delivery vehicles would have a negligible impact on road traffic noise but there could be some impacts from movement of HGV's braking and accelerating at the access and reversing alarms at the tipping point. There could also be noise impacts from the plant involved in distributing the imported materials across the site in relation to general noise and particularly reversing alarms.

Hilldale Parish Council: Object due to general concerns about the health of local residents through dust and odours and general noise and pollution. The Parish also consider that the LCC Waste Plan already contains sufficient provision for the tipping of inert waste and there is no requirement for the proposal. They also state that the tipping would be harmful to the openness of the Green Belt and that the activity would take place in a very visible location which would harm the value of the area for residents and those who visit the area for recreational purposes. The Parish do not consider that the applicant's data on leachate volumes demonstrates very special circumstances to justify inappropriate development in the Green Belt. They also consider that the additional HGV traffic would create congestion and delays and that the proposed access is at a dangerous location. It is also considered that the applicant's assessment of ecological issues is too limited and the deposit of inert waste will cause additional damage to the area.

Dalton Parish Council: Object to the application as they consider it to be inappropriate development in the Green Belt for which no special circumstances have been demonstrated. The Parish Council consider that there is no proof that the works need to be undertaken, there is no need for another landfill facility and that the development is just a business opportunity. The Parish Council state that the site is very visible and that the development would be harmful to the visitors to the site. The highway safety implications are also raised in relation to slow moving HGVs exiting the site onto a busy road with a derestricted speed limit. The Parish are also concerned at the noise, dust and vibration impacts which will impact on residents, visitors and local businesses.

Parbold Parish Council: Consider that the development would be inappropriate in the Green Belt and highly damaging in terms of landscape value, public amenity, highway safety and waste planning policy. It is considered that the proposal is not

justified by the policies of the Waste Local Plan and is excessively beyond the quantities identified in the plan. The Parish also state that the evidence of need for the development does not demonstrate that the existing problems on the site could only be remedied by the deposit of inert waste and could be resolved by less damaging means. Consequently the Parish Council consider that there is no need for the proposal and certainly nothing which would constitute very special circumstances to outweigh the harm.

Wrightington Parish Council: Object as they consider that the proposal would constitute inappropriate development in the Green Belt. The Parish do not consider that it is necessary to import the volume of materials proposed and that the loss of visual amenity would be more detrimental than the benefits of the development for which no special circumstances have been demonstrated. The parish are also concerned at the large increase in HGV movements which would have to negotiate an access on the brow of a hill and almost opposite the access to the restaurant. The Parish are further concerned about noise, dust and potential vibration and that there is no requirement for additional landfill sites in Lancashire.

Newburgh Parish Council: Strongly object to the application. Consider that the scale of the application is huge and that the adverse effects will be on the same scale. To import the required volume of material will require 50,000 HGV movements which will take place at the top of Parbold Hill which is a very busy A road with a 60 mph limit. The access point will become a bottleneck which will increase the risk of accidents. The additional HGV traffic on the A5209 will affect Newburgh and the parish already record 350 HGV movements on this road over a 12 hour period. The Parish also consider that the tipping of the material will have seriously adverse impacts by way of noise, dust and disruption and note that Parbold Hill is well known as a tourist attraction due to its wide ranging views. The Parish are also concerned that the applicant's timescale of two years is highly questionable as supplies of inert waste are market driven and variable. The longer the site continues, the greater the impacts will be. The parish note their experience with Round O Quarry where the proposed 5 year restoration took 20 years and HGVs regularly broke the speed limit and deposited waste materials on the road through Newburgh. The parish also draw attention to the policy in the National Planning Policy Framework regarding Green Belts.

Lathom South Parish Council: Object on the following grounds:-

- Parbold Hill is important and its panoramic views attract significant numbers of people.
- The proposed access and parking arrangements would result in landfilling operations dominating the site for much longer than the operating period.
- The proposal would repeat the same harm to the Green Belt and disruption to local resident's lives as the previous household waste landfill activities.
- The proposals would not solve the issue of the landfill sinking and the site should be left to find its level and not periodically topped up with further waste.
- Inert waste should be treated and reused.
- The waste would be transported over unnecessarily long distances to the site as West Lancashire does not have many brownfield sites from which such materials would be generated.
- West Lancashire has, and has had, more than its fair share of landfill sites.

- The waste is classified as inert now but could later be identified as being harmful.
- The proposal would be harmful to the local economy including the restaurant opposite the site.
- Access to the site would interfere with traffic on the A5209.

LCC Highways Development Control: In response to the highway arrangements included within the original planning application using the layby off the A5209, Highways considered that the applicant had failed to demonstrate a safe and suitable means of access and that the proposals would have a severe safety impact on existing highway users and should therefore be refused.

Following the application being amended to move the access point to the west, Highways maintained their concerns due to the applicant not providing a proper transport assessment, the proposed access point having reduced visibility and being located on an incline to vehicles turning into the site from the west and leaving the site heading east. Highways were also concerned about the impacts of the new access on the footway alongside the A5209.

In response to the submission of a full transport assessment and further highways proposals, LCC Highways note that all traffic movements are proposed to be from the east and therefore all HGV movements will be left in and right out only and that the access will be designed to discourage other movements. Highways consider that this must be reinforced through a traffic regulation order and also an extension of the existing 40 mph limit on the A5209 to cover the site access location. This would need to be supported by appropriate signage and road markings. Highways also consider that the developer's proposals for the footway should enable a reasonably level footway to be achieved although probably requiring a retaining wall along part of the site frontage. Subject to conditions and the Traffic Regulation Orders being implemented as described above, Highways consider that the development is acceptable.

Jacobs UK (Landscape Advice): Jacobs UK note that the landfill area has been much reduced from the original proposal with a consequent reduction in the volumes of fill materials. However, Jacobs note that the site lies in the Green Belt and that the various highway works including the new access and removal of the existing stone walls alongside the A5209 is likely to have some detrimental impact on local landscape character and views from the adjacent restaurant and neighbouring property. With regards to the visual impact of the actual tipping activities Jacobs state that there would be adverse visual impacts in the short to medium term but that it is difficult to accurately assess the impacts of these works on views from the layby and other receptors as no cross sections or other supporting information has been submitted. In relation to restoration, Jacobs comment that with sensitive design it should be possible to restore the landscape and provide visual and biodiversity enhancements but insufficient detail has been provided in the submission. Further detail is needed on the contouring of the fill area to ensure integration with the surrounding landscape and how the correct soil conditions would be achieved to allow the creation of the proposed habitats. It will also be important to ensure the correct aftercare of the site to ensure that the habitats develop properly. These issues need to be addressed prior to determination or agreed as pre commencement conditions.

Natural England: No objection – based upon the submitted proposals, the development would not be likely to have significant effects on statutorily protected sites such as Special Protected Areas (SPA's) or Sites of Special Scientific Interest (SSSI's). However, Natural England advise that the County Council record their decision that likely significant effects on European Sites can be ruled out.

LCC Ecology Service: The applicant's ecological survey appears to significantly undervalue the ecological value of the site and does not adequately establish to ecological impacts. The assessment concludes that the proposed remediation works will have a minimal effect on local ecology but this does not appear to be the case.

Based on the information available, the site as a whole appears to be of significant biodiversity value as it is a large area of 11ha supporting a mosaic of semi natural habitats which is likely to meet a number of the selection criteria for Biological Heritage Site status. The site is likely to be of value to a range of species including breeding birds, foraging barn owl, amphibians, hedgehogs and cinnabar moth and forms part of a continuous unit with other semi natural habitats in the area. The site is also undisturbed which increases its biodiversity value.

The current proposals would result in the loss of a significant area (around 4ha) of the site and it is not clear whether there would be indirect impacts on the remaining habitats on the site. Although in theory the loss would be temporary and habitats of good biodiversity could be re-established once the remediation works are complete, the applicant has submitted little information to demonstrate a commitment to re-establishing habitats of high biodiversity value and therefore the applicant has not demonstrated that the impacts would be avoided, mitigated or compensated for.

Therefore, before the application is determined, the following matters should be addressed:

- That all impacts are unavoidable and that alternatives with less ecological impact have been explored.
- The exact scale and extent of the impacts should be clarified and the habitats to be retained should be adequately protected.
- LCC should be satisfied that there would be adequate compensation for all unavoidable impacts and that habitats of high biodiversity value would be re-established in the areas directly affected and that the whole site would be managed to main and improve biodiversity.

If these matters can be addressed, planning conditions are recommended to provide for a construction environment management plan, a habitat establishment and maintenance plan and an obligation for long term management.

Environment Agency: Objected to the original proposal as the Environment Agency considered that they did not have sufficient information to determine if the development could meet their requirements to prevent or minimise pollution. The Environment Agency states that the site is a closed landfill which has an Environmental Permit and which is underlain by a secondary 'A' aquifer. The Environment Agency accept that some remedial works through importation of additional inert waste to repair the cap and improve the restoration profile is necessary to encourage surface water run off, reduce infiltration into the waste and reduce the volumes of leachate being produced. However, the Environment Agency

initially were concerned that insufficient information had been submitted to demonstrate that the volume of material proposed would achieve the desired results or if they could be achieved with a lower volume of imported waste.

In response to the amended application reducing the area and volume of fill, the Environment Agency confirm their view that the necessary remediation and repairs at this site can only be carried out with some level of imported materials and that the revisions show a reduction in the volume of material in order to achieve benefits which improve long term aftercare and reduce the environmental impacts of the site. More details of these measures will be required through management plans and risk assessments submitted with permit variation applications. In light of these modifications the Environment Agency withdraw their objection to the application.

Canal and River Trust: The Trust own and manage the Leeds and Liverpool Canal which passes 270 metres to the south of the application site. The main issue of concern to the Trust is the run off from the site given that the Flood Risk Assessment states that run off from the site would increase following completion of the regrading works. This would especially be a concern if run off from the site were to discharge into the Sproddley Brook especially if this flows into the canal. The Trust requests that the destination of site run off be confirmed and that a condition be imposed relating to the control of surface run off including measures to reduce siltation and to prevent run off into the canal.

Council for the Protection of Rural England (CPRE): The CPRE object to the application due to the prominent location of the site in the Green Belt impacts on the adjacent the view point. The CPRE also consider that there is no evidence that the cap has fractured leading to increases in leachate levels and consider that water might be entering through the sides of the former landfill. They also consider that the density of the fill materials will not be known leading to concerns about the stability of the site through the increased loading on the surface of the site. The CPRE also agree with the observation of LCC Highways that the new access position is dangerous. CPRE also consider that the increase in traffic noise and potential for odour will harm local amenity, that the proposal is inconsistent with the policies of the Lancashire Minerals and Waste Local Plan and that there are no very special circumstances to justify the inappropriate development in the Green Belt. The CPRE have also commissioned a habitats survey of the site which showed that the site has a diverse range of plant species and associated ecological value and that there are no proposals to restore or enhance this vegetation.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. A total of 967 representations objecting to the application have been received raising the following summarised issues:-

- The impacts of lorry traffic in terms of safety and congestion on the A5209. The A5209 at the access point is unrestricted and dangerous with steep hills on both approaches to the access location.
- The development would have adverse health impacts particularly through air pollution.
- The countryside has previously been blighted by the landfill activity and has now recovered. The site should not be re disturbed.

- The site will be very visible due to its elevated position and there is no screening or landscaping proposed.
- The proposal would compromise the existing views, recreational value and natural beauty of one of the area's best beauty spots as it would lead to HGVs tipping waste in full view of the viewpoint.
- Covering the site with inert waste will not stop the leachate problem and could make it worse as it would reduce the dilution effects. The site could be covered with an impermeable membrane but use of such materials could give rise to landslip impacts.
- The proposed new car park would have inferior views to the present one.
- The previous landfill activities gave rise to considerable odour, litter, sea gull and fly impacts and the proposed activities might lead to these problems reoccurring including the release of gas from the site.
- The development will disturb the previous landfill contents.
- The site has a wide range of wildlife including numerous bird species, which would be impacted upon by the proposals. The applicant's ecological survey is inadequate and does not characterise the interesting habitats which have developed on the site. No mitigation has been suggested and there is no detailed restoration plan.
- The development would lead to traffic problems through Parbold Village where there are a number of pinch points and other constraints on the A5209.
- There are already traffic issues past Wrightington hospital and any additional traffic past this site would be unacceptable.
- The development of holiday homes in the area is inappropriate.
- The proposal is a landfill project masquerading as a restoration scheme. The levels of tipping would increase the height of the site above the levels previously agreed and are unnecessary – the project is purely a profit making exercise.
- The site is too close to three local schools and a residential area.
- The development would be harmful to the Green Belt and no special circumstances have been demonstrated.
- The applicant has not demonstrated how they would control and monitor the volumes and types of waste that could be tipped at the site.
- Run off from the site will flow down hill and pollute the canal and River Douglas and result in flooding issues in Parbold.
- The proposal will be detrimental to local business.
- There would be health implications for users of the scout and girl guide hut and church on Parbold Hill.
- Why have these works become needed just after the site being acquired by a new owner?
- There is no need for the landfill capacity and waste should be recycled and not landfilled. Parbold has had more than its fair share of landfill sites.
- There would be a risk of land stability issues arising from the tipping of additional material on a steep slope.
- The quarry is used as a rock climbing venue and has returned to nature with a wide variety of trees and ecological interests.
- The ability of the applicant company to carry out the development with proper management and control processes is questionable.
- The impacts on the springs and watercourses downhill of the site has not been considered.

- The proposed works would harm the setting of Parbold Hall which is a grade 2* listed building.
- The timescales for the project are too optimistic given the lack of identified need in the Local Plan for inert waste sites.
- The applicants risk assessment does not adequately assess the impacts on Parbold Hall. There are four properties on the Parbold Hall site which would be a risk of dust as one of the properties is only 100 metres from the site.
- The proposal does not adequately assess the risks of landfill gas migration particularly on Parbold Hall.
- A safer access to the site could be achieved via the main access to Parbold Hall which would avoid the need to create a new access onto the A5209.

A large number of these residents have also raised further objection following the amendment of the planning application. The issues raised are the same as those summarised above.

A representation has been received from agents for the Miller and Cater restaurant which is opposite the application site. They state that the restaurant is a popular destination and as a result there are regular vehicle movements to their restaurant throughout the day and that the proposed development has the potential to adversely affect the restaurant in terms of highway safety and amenity. They do not object to the phase 1 works but are concerned about highway safety and request a pre commencement condition relating to a construction management plan.

A number of representations have been received from the 'Stop Parbold Hill Landfill Group'. The Group note that the Environment Agency have withdrawn their objection on the basis that the remediation of the site is necessary and can only be carried out with some imported material. However, the Group consider that in the absence of a permit, there is no certainty as to the level of importation that is required and that it is not possible to confirm how it relates to planning policies for inert landfilling or to judge whether very special circumstances exist to justify inappropriate development in the Green Belt. They consider that any tipping above that required would be contrary to both Green Belt and waste planning policy.

The Group consider that the 88,000m³ of material that is proposed to be imported is significantly in excess of the volume needed to achieve a smooth profile. It is their view that the volume of waste that needs to be imported should be established through the EA permitting process which should be undertaken in parallel with the planning application and not after planning permission has been granted.

The Group have also commissioned a hydrogeological appraisal report which identifies that the proposals would be unlikely to lead to a cessation in the need to pump leachate from the site as the placement of permeable restoration materials would not prevent infiltration of rainfall through the cap and that there may be a component of groundwater flow through the waste mass which would still continue. The report also suggests that surcharging the waste with additional materials may cause an increase in leachate levels with potential impacts on ground water and surface water quality and could also lead to land stability issues. It is also considered that the proposed volumes of inert waste are excessive and that there would be safety implications for the future use of the site from gas and leachate management infrastructure.

The group also comment on why the existing access to the site cannot be utilised for this development rather than creating a new access.

Rosie Cooper MP for West Lancashire has written giving her concerns about this application.

County Councillor Greenall has made a representation concerned about the ability of the A5209 to accommodate the additional traffic particularly from congestion being caused by lorries turning into the site, the additional noise and dust impacts, the impacts on the panoramic views from the layby and the implications for access into the Wrightington hospital site.

Advice

Parbold Hill Quarry is a former sandstone quarry that was infilled with biodegradable wastes between the early 1980's and early 1990's. The planning permission that authorised this development related to the infilling of both Parbold Hill Quarry and the nearby West Quarry, with the waste being imported by rail from Greater Manchester and Merseyside to a siding in Appley Bridge adjacent to West Quarry and then transported by a private haul road to Parbold Hill. Landfill operations ceased in the early 1990's and the site was then restored.

Landfilling of biodegradable wastes as took place at Parbold Hill generates leachate and landfill gas. Leachate is formed by rainwater or groundwater entering the waste mass and then becoming contaminated with pollutants within the waste. If leachate levels are not controlled, the leachate can pollute groundwater around the site or can break out at the surface causing pollution of surface water courses. Landfill gas, which is comprised predominantly of methane, arises due to the degradation of biodegradable wastes in anaerobic conditions.

Modern landfills are operated on the containment principle where an engineered liner is constructed on the base and sides of the excavation. The liner is installed to provide a seal between the waste and any groundwater that is present in the surrounding ground. Following landfill operations, the final surface of the waste is then capped with clay or an artificial membrane to prevent gas escape and the ingress of rainwater into the waste mass which would generate leachate. The final surface is also normally tipped to gradients to encourage run off of rain fall even allowing for the settlement of the landfill as the waste degrades. Containing the waste in this way allows leachate and landfill gas to be controlled to minimise harm to the environment.

Parbold Hill Quarry operated on the dilute and disperse principle which prevailed prior to modern containment techniques becoming common place. With dilute and disperse sites, the waste was simply tipped into a void such as a quarry excavation with no requirement to first construct an engineered liner on the base and sides of the void. To encourage surface water run off and minimise leachate generation it was commonplace to cap such landfills with lower permeability materials such as clays and to tip to gradients to encourage run off. Parbold Hill Landfill incorporated such capping in its design and was tipped to a domed landform in order to encourage surface water run off.

In all landfill sites, it is common place for leachate to accumulate at the base of the landfill. In order to minimise the environmental risks of such accumulation, leachate levels normally have to be controlled by pumping with the extracted leachate being discharged to the public sewer where it can be treated in a waste water treatment works. Parbold Hill Landfill is subject to a permit from the Environment Agency which requires the land owner to control leachate levels to no more than 1 metre depth by pumping to the sewer. At Parbold Hill, there is a leachate collection system in the base of the landfill which flows in to a chamber from where the leachate is pumped to a treatment tank adjacent to the West Quarry Landfill site where dissolved methane is removed prior to discharge into the sewer.

The current owner of the Parbold Hill site is concerned about the frequency with which leachate has to be pumped from the site for which there is a financial cost. The owner considers that the leachate volumes are considerably higher than they should be due to settlement and cracking of the cap which has resulted in low areas where rain water enters the waste mass and creates leachate rather than running off the surface and entering surface water courses. The applicant also states that in October 2019 United Utilities notified them of a breach of the consented limit for ammonia within their trade effluent consent which controls the volumes and chemistry of the leachate which is discharged to sewer. As a result United Utilities have required the provision of an action plan to ensure that the requirements of the trade effluent consent are complied with.

To address these issues, the applicant's proposal is therefore to use imported inert cohesive materials (waste clays and soils) to regrade the surface of the site to promote surface run off and so reduce leachate levels and the costs of the aftercare of the site.

Evolution of the proposal

When the proposal was first submitted, the applicant proposed to cover the whole of the former landfill with further inert materials. The site was to be served from a new access which would join the A5209 where the existing layby is currently located and in order to replace the layby, a new public car park / viewpoint would have been constructed on the northern area of the former landfill. The submission also made reference to phase 2 which although not forming part of the planning application, intended to develop a number of holiday lodges and supporting infrastructure on the southern side of the landfill and in the woodland area to the south together with various paths and recreational facilities on the landfill itself. However, following objections from LCC Highways and the Environment Agency, the proposal was amended to reduce the area of proposed land raising and relocate the access to the west.

Planning law requires that planning applications be determined in accordance with the policies of the Development Plan unless material considerations indicate otherwise. The relevant development plan policies for this site are found in the West Lancashire Local Plan and Lancashire Minerals and Waste Local Plan (Core Strategy and Site Allocations and Development Management Policies DPD). The National Planning Policy Framework (NPPF) is a material consideration that should be taken into account. The NPPF sets out that planning applications which conflict with up to date development plans should not normally be granted and that decisions

which depart from the development should only be made if the material considerations in a particular case indicate that the plan should not be followed.

The main issues in this planning application relate to the need for the development in terms of controlling the pollution potential of the closed landfill site, impacts on the Green Belt and the local landscape, ecology, highway safety and capacity, flooding and impacts on local amenity. Although the development is not for the operation of a landfill site, the development would involve the tipping of inert wastes and therefore the relationship with the policies of the Lancashire Minerals and Waste Local Plan concerning the supply of landfill capacity for such materials is also a consideration.

The need for the development in order to control pollution and remediate the landfill.

When this landfill was completed in the early 1990's, it was filled to the final levels stipulated in planning permission. The approved plan showed the maximum restoration level of 118 metres AOD in the north of the site close to the A5209 falling in southerly direction to a height of 75 m AOD adjacent to the woodland on the southern side of the quarry. Together with the capping of the waste with 1 metre of clay, the final profile of the site was designed to shed surface water thereby minimising the generation of leachate.

However, over the last 30 years since the site was restored the surface of Parbold Hill landfill has settled substantially. Settlement is commonplace on all landfills that accept biodegradable wastes but is particularly an issue in landfills in quarry sites such as Parbold Hill where the waste is likely to be particularly deep. Settlement is invariably not even over the surface of a landfill resulting in lower areas which can collect water if the original contours were not sufficiently steep or if the settlement is particularly severe. It should be noted that settlement occurred on the nearby West Quarry Landfill site which was addressed through the later importation of inert materials to raise levels and encourage water run off.

The current proposal for Parbold Hill is supported by a topographical survey which shows the current surface contours of the site. The survey indicates that there are certain areas particularly on the northern and eastern sides of the site where settlement has been particularly severe and where land levels have fallen by up to 7 metres compared to the approved restoration profile. The applicant suggests that this results in surface water ponding on the surface of the site and percolating into the landfill, giving rise to the need to pump excessive levels of leachate in order to comply with the conditions of the permit relating to leachate levels.

In support of the application, the applicant has provided records of leachate pumping volumes and rainfall in order to demonstrate the correlation between the two. The data appears to show that leachate volumes are increasing (approximately 187 litres in 2014 compared to 550 litres in 2018). The applicant accepts that the site is not lined and therefore the additional leachate volumes may be as a result of groundwater flowing through the landfill and contributing towards leachate production. The groundwater levels surrounding the landfill are monitored at a number of locations around the site and show that groundwater levels do exceed the base of the landfill in certain areas. Although the borehole data is complicated by a number of the old boreholes showing inconclusive results, the applicant considers that the groundwater levels are reasonably consistent over time and therefore the

rise in leachate levels must be due to increased surface water infiltration into the landfill due to failure of the capping.

The quarry (and landfill) is located within sandstone strata named the Harrock Hill Grit. It would be expected that increased leachate levels would be likely to result in pollution of ground water within the Harrock Hill Grit down gradient of the site and which would be detected in any groundwater monitoring boreholes. However, there is insufficient data from the boreholes that exist to fully determine the impact on groundwater. Any pollution of groundwater should be evident in springs where the gritstone unit outcrops on the surface or where the groundwater supplements base flow in rivers such as the River Douglas. The applicant has also presented water quality data between 2002 and 2018 in the River Douglas and in the Leeds Liverpool Canal. However, this data does not suggest that there is any clearly identifiable pollution issue from landfill leachate.

Leachate from the site is collected and pumped to a leachate treatment tank adjacent to the West Quarry site where it is aerated to remove dissolved methane prior to discharge to sewer. The discharge is subject to a consent from United Utilities. Analysis of the leachate shows that its chemistry is highly variable and that significant dilution occurs during the winter periods. The applicant states that this variability makes treatment very difficult which has resulted in United Utilities notifying the applicant of a breach of the consented limit for ammonia. The applicant states that reducing water infiltration into the waste will result in a lower volume of leachate with a more consistent chemistry thereby enabling the modification or adjustment of the current leachate treatment plant and therefore addressing the issues raised by United Utilities in relation to compliance with the existing consent.

A number of representations and detailed technical reports have been received from the ' Stop Parbold Hill Landfill' group who are opposed to the proposed development. In relation to the pollution control issues, the group consider that the applicant has not demonstrated that these remediation works are required. The group have commissioned a detailed hydrogeological report which concludes that ground water ingress, and therefore pumping of leachate, will continue and that the proposed works are unlikely to deliver the required improvements in leachate quality and volumes. They consider that there is a lack of clarity regarding the integrity of the cap and that further investigations could identify problem areas therefore narrowing the areas where remediation is required. They also consider that surcharging with further inert materials will lead to further settlement and could cause issues in relation to stability and landslip. The Group have also produced a drone survey of the site which in their view demonstrates that the surface contours of the site at present are even and progressively fall to the south with no evidence of areas of localised settlement which might result in water ingress.

The application together with the submissions that have been made by the 'Stop Parbold Landfill Group' have been the subject of a number of consultations with the Environment Agency.

The Environment Agency (EA) objected to the original proposal to regrade the whole of the site as they did not consider that such extensive works were necessary to address the leachate issues at the site. However, in response to the amended proposal to regrade only the parts of the site where settlement is most significant, the EA have withdrawn their objection. The EA consider that the information submitted

by the applicant shows that less than 20% of the infiltration leachate is being collected by the collection system and that the remainder is likely to be entering the groundwater beneath the site. As it is not possible to improve the basal lining of the site, the primary means to control the impact on groundwater is to provide a low permeability capping layer with associated surface water drainage. The EA state that they have been of the view for some time that such works could only be achieved through the importation of additional cohesive fill materials to provide the capping improvements that are required. The EA state that these works will need to be the subject of an application to vary the existing permit. Whilst there is no guarantee that a permit variation will be approved, the permit process would allow a full assessment of the site proposals including stability, landfill gas, groundwater and amenity impacts. However, the Environment Agency have not raised any fundamental objection to the application on any of these grounds.

In response to a review of the hydrogeological report submitted by the Stop Parbold Landfill, the Environment Agency state that the information has identified no significant issues that would prevent the applicant / operator submitting an environmental permit application. In response to the comments in the report about the effectiveness of the proposal, the EA again reiterate their view that the effectiveness of the existing capping is of concern due to excessive settlement which has created damage and changed the surface drainage contours. The EA do not agree that further investigation of the cap would be desirable to better target the areas needed for remediation as in their experience such works are very costly and are not sufficiently conclusive. The EA do agree with some aspects of the report particularly in relation to the difficulties in quantifying how leachate is generated and the extent to which leachate is evading the collection system and entering groundwater. However, they remain of the view that the data suggests that rainwater infiltration is increasing and that an effective capping system would help to reduce these impacts. In relation to the stability concerns, the EA state that these issues would have to be investigated as part of a permit variation application and if there was any evidence of a risk of landslip, the proposed waste activity in its current form would certainly be refused.

In relation to the existing contours of the site and the use of the drone survey, it is understood that the levels recorded by the drone are to the top of the vegetation. Many parts of this site, particularly those areas subject to settlement, are covered by tall vegetation particular reeds / rushes and therefore the drone survey may not have recorded the true contours of the land surface. It is understood that the applicant's survey of the land contours was done using land based techniques and which is likely to be more accurate in terms of representing the true levels of the site. The Action Group consider that the existing contours allow a falling gradient across the site which permits the run off of water as evidenced by the absence of ponding or standing water on the site surface. However, the Environment Agency consider that the absence of such water could equally be due to localised failures of gradients and the capping which prevents water ponding on the surface of the landfill.

Paragraph 183 of the National Planning Policy Framework requires that the focus of planning decisions should be on whether the proposed development is an effective use of land rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Paragraph 183 also states that planning decisions should assume that these regimes will operate effectively.

The proposed regrading operations, if granted planning permission, will need to be the subject of an application to the Environment Agency to vary the existing permit. The controls attached to that permit would cover the types of materials to be used for the regrading exercise, how these would be keyed into the existing site surface and the maintenance and upgrading of the existing landfill gas, leachate and monitoring arrangements. The merits of the applicant's proposals would be fully assessed as part of the Environment Agency's determination of any permit application and it is not necessary for the planning process to cover these issues to the full depth as would be undertaken as part of the permit. However, there is a requirement to ensure that there would be no fundamental issue that would prevent a planning permission from being granted and therefore the advice of the Environment Agency as the statutory regulator in relation to pollution control from landfill sites is an important consideration.

This proposal raises a number of complex issues in relation to the generation and collection of leachate within this closed landfill site. As the site was operational over 30 years ago, information on the construction and gradients of the base of the site is largely absent and therefore it will be difficult to understand the effectiveness of the existing leachate management system. However, the Environment Agency have always been of the view that the existing capping system has been compromised due to differential settlement and is not fully effective in reducing the infiltration of rainwater into the waste therefore producing greater volumes of leachate. It is not possible to undertake any works to the base or sides of the site to improve leachate capture without large scale re excavation of waste which would have significant environmental impacts. The only practical way to achieve any reduction in leachate volumes is to use additional imported materials to regrade the surface of the site and encourage run off rather than infiltration. Modern landfills often use plastic membranes rather than clays as a capping material. However, whilst this would minimise the need to import materials, such techniques would not be feasible without first importing materials to correct the differential settlement that has occurred.

The proposal has been amended so that only the areas of most concern are to be addressed thereby ensuring that the duration of the development and associated impacts are the minimum required to address the capping issues. The proposal is supported by the Environment Agency as a means to address the potential pollution issues at this site and therefore it is considered that the proposal would have benefits in that regard.

Highways / Transport Issues

Paragraph 109 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on the highway safety or the residual cumulative impacts on the road network would be severe. Policy DM2 of the Lancashire Minerals and Waste Local Plan states that proposals for minerals and waste development will be permitted where the environmental impacts (including highway impacts) are acceptable or where they can be made so through the imposition of planning conditions or other controls.

Parbold Hill Landfill site lies immediately adjacent to the A5209. When the site was landfilled, the waste was imported via a private haul road from Appley Bridge rail sidings and therefore there were very limited impacts on the public highway during

that time. However, there is an access to the site from the A5209 which was used as an occasional means to access the site and which has been retained.

For the current proposal, it is not feasible to import the inert materials by rail and therefore it is proposed to construct a new access onto the A5209. The initial proposal (which was for the importation of around 200,000m³ of inert waste) involved closing the layby adjacent to the A5209 and creating a new access in the layby position. However, the initial proposal was not accompanied by any form of transport assessment and LCC Highways did not consider that the proposal provided for a safe and suitable means of access to the A5209 and therefore objected to the application.

The proposal was then revised by reducing the volume of fill to approximately 90,000 m³ and amending the access location. A full transport assessment was submitted to support the amended proposal. The applicant proposes to import the fill materials at a rate of up to 40 HGV loads per day which equates to five trips per hour (equivalent to one trip every six minutes). At these rates, the required fill volumes could be imported in 55 weeks using a Monday to Friday operation. The revised access position is approximately 200 metres to the west of the layby as is not considered possible to utilise the existing access to the site due to its position on a steep hill where visibility to the right for emerging traffic is constrained due to the crest of the hill. The new access would be constructed with a 12 metre radius followed by a corner taper on the eastern side of the access with no radius on the western side of the access. The aim of the design is to prevent right in and left out manoeuvres and would be supported by road markings on the site access. The applicant is also willing to fund a Traffic Regulation Order to allow enforcement of this turning restriction and to implement the speed limit reductions that are required.

In relation to the use of the access by HGVs, the applicants transport assessment includes data on traffic volumes, speeds and accidents on the A5209. During weekdays, the peak two way flows on the A5209 are around 1200 movements per hour with around 800 two way movements per hour during other day time periods during the week day. The speed survey showed that average speeds were around 37 and 34 mph on the westbound and eastbound carriageways respectively with 85th percentile speeds of 42 and 40 mph respectively. In order to address any concerns about adding to congestion on the A5209, the applicant proposes to restrict traffic movements to between 09.00 and 17.00 to avoid peak periods. In any event, the traffic generation would be relatively small compared to the existing traffic levels on the A5209 and therefore it is considered that the proposal would not result in unacceptable congestion issues on the A5209 either in the location of the proposed access or at other nearby locations such as the entrance to Wrightington Hospital.

Safety issues on the A5209 have been raised in many of the representations to this application. The 85th percentile speeds have been used to calculate the visibility splays at the access. The proposed design shows that adequate visibility can be achieved from the proposed access location. In order to enhance safety at the access location, the applicant is prepared to implement a traffic calming scheme in the area of the site access. At present, the A5209 past the proposed access is derestricted until a point 200 metres to the west of the site where a 30 mph limit is in place. The applicant is proposing that a 40 mph limit be implemented along the frontage of the site which would link to the existing 40 mph section currently in place to the east of the site. The applicant proposes that the speed limit amendments

would be supplemented by road signage and road markings. The changes to the speed restriction would need to be the subject of a Traffic Regulation Order. It is considered that the costs of the Order process should be funded by the applicant and it will therefore be necessary for this matter to be the subject of a section 106 agreement.

The new access would cross a footway path that runs alongside the westbound carriageway of the A5209. The access would consist of an 8.5 metre wide carriageway with a pedestrian island located in the centre to enable pedestrian movements over the bell mouth of the access. The footway is located on a higher level than the road and therefore its vertical alignment would need to be amended to allow it to cross the access. However, the design shows that the maximum slopes would only be 5% which is significantly less than the gradients on other sections on the footway further to the west on Parbold Hill itself.

LCC Highways have considered the revised access arrangements. They note that the proposed access arrangements are designed to prevent right in and left out movements from the access to prevent loaded vehicles from having to stop on an uphill gradient to wait to turn into the site. However, the access design would not physically prevent such movements and therefore LCC Highways are insisting on the implementation of a Traffic Regulation Order (TRO) to prevent such movements. LCC Highways also consider that the TRO should include the lowering of the speed limit on the A5209 and comment that the police are supportive of such a change and therefore there should be no obstacles to the achievement of this change. LCC Highways make a variety of comments on the applicant's proposed traffic calming scheme including the signage and road markings. It is considered that the details of the scheme can be subject to a planning condition. Subject to the developer agreeing to fund the TRO and providing amended drawings of the traffic calming scheme, LCC Highways have no objections to the development.

A representation has been received from the landowner immediately to the east of the site suggesting that access to the application site could be achieved through his land to a junction onto the A5209 via the existing access into Parbold Hall. It is suggested that this means of access would be safer than that proposed by the applicant and would offer a number of other advantages. Whilst the views of the resident are noted, the proposal does not form part of the current planning application which must be considered on its own merits. LCC Highways have concluded that the access proposed in the planning application is acceptable and therefore there is no requirement to consider other access options that may be available.

Therefore in terms of highway impacts, it is considered that the site is capable of being accessed through safe and suitable means which would not harm road safety or result in congestion issues on the A5209. The proposed access design provides for a surfaced tipping bay which would avoid the need for HGVs to travel on the surface of the landfill which should prevent mud and other debris being deposited on the surface of the A5209 where it could present a skidding risk. Subject to conditions being imposed regarding the construction of the site access and tipping bay and implementation of the traffic calming scheme including speed limit reductions, the development is considered acceptable in terms of highway considerations.

Relationship with policies in Lancashire Minerals and Waste Local Plan

The Lancashire Minerals and Waste Local Plan contains policies relating to the management and disposal of inert waste materials. Policy LF1 concerns sites for inert waste landfill and states that development will be supported for the disposal of inert waste that cannot be recycled or recovered at the following sites: Scout Moor Quarry in Rossendale and land to the south of Jameson Road Landfill, Fleetwood. Parbold Hill Quarry is not one of the sites listed in the policy.

The purpose of the policy is to ensure that adequate disposal capacity exists for non-recyclable inert wastes such as excavation wastes from construction projects. The policy is further reinforced by the requirement in the National Planning Policy for Waste which sets out the need for a mix of types and scales of waste management facilities and that adequate provision must be made for final disposal.

Although the proposal is not for the operation of a landfill facility, the materials used to carry out the regrading works would be inert wastes and therefore it is useful to consider the policy issues and general need for such facilities. The sites that were previously used for the disposal of inert waste materials in West Lancashire (Round O Quarry, Newburgh and Hardrock Quarry, Up Holland) have now ceased and the only sites now in operation those that are granted by the borough council for landscaping mounds or other land engineering exercises as part of other developments. Although the Parbold Hill site is not one of the sites listed within policy LF2, the inert waste disposal capacity at the site would make a useful contribution towards local supply thereby reducing the distance that inert materials are transported for disposal. Even if the proposal was considered to be contrary to Policy LF2 due to it not being one of the sites listed in the policy, the proposed regrading works can only be carried out using inert waste materials and therefore, if these works are required to remediate the site, it is considered that there would be a justification to depart from policy LF2.

Green Belt Impacts

Parbold Hill Quarry is located within the Green Belt as identified in the West Lancashire Borough Local Plan.

Paragraphs 133 – 147 of the National Planning Policy Framework (NPPF) relate to the Green Belt. The NPPF states that the Government attaches great importance to Green Belts with the fundamental aim being to prevent urban sprawl by keeping land permanently open. In relation to specific development proposals, the NPPF states that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

New buildings are normally accepted as being inappropriate development. Other forms of development such as mineral extraction and engineering operations (which would include landfill and other land engineering exercises such as that proposed at Parbold Hill) are considered to be not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within it.

The key policy test is therefore to assess whether the proposals would be inappropriate development and if so, whether very special circumstances exist to justify the location of the development in the Green Belt having regard to the other impacts and benefits of the development.

In relation to the first question, the proposal must be assessed against the fundamental aim of Green Belts which is to keep land permanently open. There are also five stated purposes of Green Belt which are to check the unrestricted sprawl of urban areas, prevent neighbouring towns from merging into one another, safeguard the countryside from encroachment, to preserve the setting and character of historic towns and to assist in urban regeneration.

Although the site does currently contain some evidence of its former use as a landfill site, the site is essentially an area of countryside lying within the wider area of Green Belt in this area and therefore fulfils several of the aims of the Green Belt as listed above. The proposal would involve the reactivation of engineering operations on this site including the stripping of existing soils and formation of screening / storage mounds and the importation and tipping of inert waste materials in order to allow the regrading of part of the former landfill site. It would also involve the creation of a new access off the A5209 and associated turning head and tipping area within the site itself. These works would take place over a maximum period of 18 months. Although the site would be restored to its current condition following the proposed works, there would be a loss of openness during the period of the works particularly arising from the creation of the new access and the active tipping operations on the site. The proposal would therefore be inappropriate development in the Green Belt.

Given this conclusion, very special circumstances must therefore be demonstrated to justify the development. Such special circumstances will not exist unless the harm to the green belt, and any other harm arising from the development, is outweighed by other factors in particular the need to carry out the development for reasons of pollution prevention and securing the proper management of the former landfill site. This balancing exercise is discussed later in this report.

Landscape

Paragraph 127 of the National Planning Policy Framework requires that developments are sympathetic to local character and history including the surrounding landscape setting. Policy GN3 of the West Lancashire Borough Local Plan states that development will be assessed against a number of criteria including maintaining or enhancing the distinctive character and visual quality of any landscape character areas within which they are located, minimise the removal of trees, hedgerows and areas of ecological value and incorporate new habitat creation where possible. Policy DM2 of the Lancashire Minerals and Waste Local Plan states that development will be permitted where all impacts including those on the landscape are acceptable or can be made so through conditions or other controls.

The application site is located at the summit of Parbold Hill from where there is an extensive panoramic view towards Wigan, across the coastal plain to Liverpool / North Wales and round to Blackpool with closer views across the Douglas Valley towards Ashurst Beacon. There is a layby off the A5209 directly adjacent to the application site from where these views can be appreciated and consequently the layby is a well known and popular viewing location. Views of the site itself from

elsewhere are more limited and are partially screened from the Douglas Valley by the woodland which edges the southern side of the site and by the general contours of the hillside from locations such as Parbold village itself. Where the site is currently visible from the wider surrounding landscape, the site is currently seen in the context of the surrounding countryside and is only really distinguishable due to the different vegetation types on the restored landfill site compared to the surrounding agricultural fields.

From the layby on the A5209, the application site is prominent in the foreground although at present there is little visible evidence of its past uses except for the presence of landfill gas venting pipes and security fencing. During the previous landfill activities, waste was tipped to a maximum height of around 118 m AOD. The site has since settled to provide the expansive views that are currently obtained from the layby. The proposal involves the land levels of the site being surcharged with inert waste to the levels that were achieved as part of the previous landfill activities and therefore provide the slope gradients that are required to encourage surface water run off. The layby adjacent to the A5209 is at a level of around 118m AOD and therefore it is probable that the existing distant views from the layby would be maintained in the long term with the main impacts being confined to views that are currently obtained of the lower reaches of the Douglas Valley and other closer locations which would be obscured by the new landform. The restaurant and adjacent property are at a similar level than the A5209 but are set back from the break of slope next to the layby and therefore the impact on views from these locations would be correspondingly less.

There would be particular visual and landscape impacts during the period when the works are being undertaken. Although no major landscape features such as trees or hedgerow would be removed, the development would require the construction of a new access and tipping area which would necessitate removal of part of a stone wall alongside the A5209 forming the site boundary. The applicant proposes to screen the tipping area using some earth mounding but it would not be sufficiently high to fully screen these activities. The actual regrading works would also take place within 30 metres of the layby and would be in the foreground of the existing viewpoint location. It would be possible to minimise the visual impacts through a phased restoration and construction of a screening mound using stripped soil materials between the layby and the tipping area but it must be concluded that the works themselves would have a significant visual impact particularly in view of the recreational / tourist value of the views that are currently gained from the layby. However, these impacts would be confined to the 18 month period of the operations.

When planning permission was granted for this site in 1980, little consideration was given to the restoration of the site with no formal aftercare requirement. Consequently the site surface is currently unmanaged and still contains evidence of its previous use as a landfill site and has a large stand of Japanese knotweed. Although the proposed regrading area now affects only approximately 50% of the former landfill site, it is considered that a condition should be imposed relating to the further restoration and aftercare of the whole site. This should include removal of the existing security fencing, treatment of the landfill gas vents and management of the existing vegetation including control of invasive species. The applicant is also willing to consider some element of public access to the site once restored.

Policy EN3.2(e) of the West Lancashire Borough Local Plan states that development that would prejudice the delivery of the informal countryside recreational activities proposed at the following sites (including Parbold Hill) will not be permitted. The land allocated for this purpose is the area directly to the south of the existing layby which would be affected by the proposed regrading activities. Whilst there would be some immediate impact on the ability to deliver recreational activities on this land during the period of operations, upon restoration there would be no conflict with the policy. Provided that a condition is imposed to secure the proper restoration of the regrading area, it is considered that the proposal is acceptable in relation to policy EN3.2(e).

Local amenity impacts

The main amenity impacts would be in terms of noise and dust impacts from the proposed importation and grading of the inert materials. In terms of local receptors, the Miller and Carter restaurant is on the northern side of the A5209 approximately 50 metres to the north of the application site. There is also a single residential property adjacent to the restaurant which also has views across the former landfill site. To the east of the site approximately 200 metres from the landfill site boundary are a number of properties and associated buildings at Parbold Hall. It should be noted that the operators of the restaurant have made a representation to the application and do not object to the application on amenity grounds with the only concerns being raised regarding highway safety and access issues.

Policy DM2 of the Lancashire Minerals and Waste Local Plan states that minerals and waste developments will be supported provided that all material impacts (including those that affect local amenity such as noise and dust) are acceptable or can be controlled to acceptable levels through the application of planning conditions or other controls.

In terms of noise, the main impacts on the receptors to the north of the A5209 would arise from HGVs on the A5209 turning into the site and tipping their loads within the proposed tipping bay which would be approximately 120 metres from the property and a slightly greater distance from the restaurant. Noise impacts would also result from the use of a bulldozer and excavator to place and grade / compact the inert fill materials. Some acoustic attenuation to the property and restaurant would be possible by constructing a screen bund along the northern side of the fill area. In terms of noise impacts, the background noise in this area is already quite high due to the relatively high levels of traffic on the A5209 with up to 1200 two way vehicles during the peak hour and typically around 800 movements per hour during other times within the normal working day. Given the relatively small levels of plant that would be required to carry out the development and the background noise levels, the noise impacts at the property and restaurant would not be unacceptable. However, the site activities would be clearly audible by users of the layby and it would be difficult to mitigate these impacts due to the proximity of the layby to the site.

In relation to dust, the main impacts are likely to occur from the movement of plant involved in spreading and placing the imported materials. The proposed site design includes a surfaced tipping bay into which HGVs would reverse before discharging their loads thereby eliminating the need for such vehicles to traverse the site on a haul road which might otherwise be a major source of dust. Again due to proximity and location on a hill top, it is possible that dust impacts could still be generated by the spreading and levelling of imported materials and that such impacts would

particularly affect users of the layby. However, the operations would be confined to an 18 month period part of which would be within a winter period when dust impacts would be unlikely.

It is not the intention to excavate any previously tipped biodegradable wastes or to remove the existing capping materials and therefore it is not expected that the operations would result in increased release of landfill gas that would cause an odour issue.

Many objections to this application have been received in relation to likely amenity impacts of the development and citing the issues that occurred during the previous landfill operations on this site. It is acknowledged that the previous operations did have a significant impact on local amenity due to odour, litter, noise and dust. However, the current proposal is very different in terms of its duration and the nature of the waste materials that are proposed to be deposited and therefore it is very unlikely that the local environmental impacts of the previous landfill operations would be experienced to the same degree should the current proposals proceed.

Mitigation for noise and dust would be possible through careful site design including use of the tipping bay and siting of screen mounding, noise and dust mitigation measures, use of white noise reversing alarms on mobile plant and limitation on hours of operation and overall development timescale. Provided that these measures are the subject of planning conditions, it is considered that the development would not have any unacceptable amenity impacts and would be acceptable in relation to policy DM2 of the Lancashire Minerals and Waste Local Plan. However, it is likely that there would be some temporary impacts on users of the layby that could not be adequately mitigated due to their proximity to the area of active operations.

Heritage Impacts

The land immediately to the east of the landfill site is part of the grounds of Parbold Hall. There are a number of buildings that are located within the grounds including a large house dating from the early to mid 18th century with 17th century remains. The house is listed grade II*.

Paragraph 193 of the National Planning Policy Framework requires that great weight should be given to the conservation of heritage assets irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. Substantial harm to or loss of the assets of the highest significance including grade I or II* listed buildings should be wholly exceptional.

The listed building at Parbold Hall is approximately 250 metres from the nearest part of Parbold landfill site. There would be no direct impacts but it is necessary to consider the likely impacts on the setting of heritage assets. The eastern edge of the landfill site is formed by a line of trees and large hedgerow plants and there is also substantial woodland planting on the western side of the Parbold Hall building itself. This means that the degree of intervisibility between Parbold Hall and the landfill site is very limited and there are very few locations where the hall and the landfill would be seen together. The only locations where such views would particularly be obtained is from view points on the southern side of the Douglas Valley including Ashurst Beacon which is 2.5 km from the application site. These views would therefore be relatively distant. Taking into account these factors together with the

limited area and duration of the works, it is considered that there would be no impact on the setting of Parbold Hall and the proposal is acceptable in terms of the policy on heritage assets within the National Planning Policy Framework and Development Plan.

Drainage / flooding

A number of the representations that have been received raise flooding issues and are concerned that the proposed works will increase rates of run off which will lead to flooding in Parbold and other locations.

The applicant has carried out a flood risk assessment. The site is not located within flood zones 2 or 3 (areas with highest probability of flooding). However there are several areas within Parbold village which are located within these flood zones especially those located close to the River Douglas.

At present the site falls to the south and therefore rainfall falling on the site will run in this direction towards the River Douglas. The proposed regrading works will not generally change the patterns and direction of run off which would continue to be to the River Douglas. Although the aim of the development is to promote surface water run off rather than rainfall infiltrating into the landfill, the additional runoff resulting from improved capping would not be significant in terms of local flooding impacts. The Canal and River Trust have raised a concern about possible impacts on the Sprodley Brook which they consider might flow into the canal. However, due to the contours of the land, there is no surface water connection between the site and this brook. The Environment Agency have not raised any objection or concerns in relation to flooding issues.

During the period of the regrading exercise, there is a risk that rates of run off could be increased due to the area of bare ground that would result. The reduced area of development will reduce such impacts compared to the original scheme. However, during the works it will be important to ensure that measures are taken to control run off to avoid surcharging down stream watercourses. This can be the subject of a planning condition.

Ecology

There are no ecological designations on the application site or on land that is immediately adjacent to it. The existing habitats on the site are comprised of mainly rough grassland with smaller areas of scrub and a large area of Japanese knotweed. There are no significant trees on the site that would be affected by the proposals.

Paragraph 170 of the National Planning Policy Framework states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Policy GN3 of the West Lancashire Borough Local Plan requires that development should minimise the removal of trees, hedgerows and areas of ecological value or where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value.

Natural England raise no objection to the application in relation to impacts on European or nationally significant (SSSI) sites. However, they note that there are

several European wildlife sites located in relatively close proximity to the site and therefore indirect impacts on such sites should be considered. This is particularly the case in relation to over wintering or other bird interests that are associated with the coastal and estuarine habitats off the Lancashire coast. However, the habitats that are found within the application site are not those that would be used by such bird species and therefore such impacts are unlikely and can be screened out for the purposes of the Habitats Regulations.

The applicant has carried out an ecological assessment which included an assessment of suitability of the site for European protected species (bats and great crested newts) along with a phase 1 survey to map general habitat types. However, there has been no more detailed survey of animal and plant species.

In relation to European protected species, the woodland to the south of the site includes a number of old quarry faces some of which have potential as bat roosts. The development would not affect these but the application site could be used as a foraging area for bats. In terms of Greater Crested Newts (GCN's) there are no ponds within the application site, the nearest being 300 metres to the south near to Wood Lane. The applicant has not surveyed for GCN's in these ponds but has undertaken an assessment of habitat suitability. All three ponds are below average in terms of their suitability for GCNs.

The applicant allowed access to ecologists commissioned by the Campaign for the Protection of Rural England (CPRE) and their findings were submitted as part of the CPRE's representation to the application. The CRPE report included a full survey of vascular plants. The survey states that an exceptionally diverse range of plant species exists on the site with over 140 species including three of national – local conservation importance. The survey notes that avoidance is unlikely to be feasible due to the nature of the proposals but makes several recommendations to safeguard the biodiversity of the site including translocation of an area where one notable plant species is found, ensuring that restoration is achieved using low nutrient soils, creation of new wildflower areas and management of invasive species. A representation has also been received which includes the results of a bird survey which has been carried out on the site and in the surrounding area. The survey recorded 26 species of birds using the site and surrounding area and concludes that the site is a rich and biodiverse habitat supporting important bird species.

In relation to the CPRE comments, it should be noted that these were made in relation to the original proposal which involved raising levels over the whole site. The revised proposals involve undertaking works on a reduced area and therefore the impacts on existing habitats would similarly be less and would largely not affect land on which two of the notable plant species are found.

In response to the application, the LCC Specialist Advisor (Ecology) has reviewed the application including the CPRE Ecology report and notes the ecological diversity of the site which she considers would be sufficient to meet Biological Heritage Site (BHS) standards. She considers that the interests are due to the nature of the soil materials that have been used for the restoration and that the site has largely been unmanaged and free of disturbance for a significant period of time. The proposed development would now only affect part of the site so the impacts on ecology would be reduced but there would still be the potential for some loss or damage to ecological interests. In relation to Great Crested Newts, the nearest ponds are

around 300 metres from the site with the intervening distance being comprised of woodland. It is therefore considered unlikely that the site would be suitable Great Crested Newt habitat given the distance from the ponds and suitable habitat between. The works might result in some temporary loss of bat foraging habitat but there would be no direct impacts on any bat roosts.

Whilst it is unlikely that the site has any value for European protected species, it is probable that the site does have some general ecological value due to the range of plant species and habitats and the number of animal (particularly bird) species that use the site. This is largely as a result of the site not being subject to agricultural activities or any form of public disturbance since the previous landfill operations were completed nearly 30 years ago. The impacts on ecological interests within the site have been reduced due to the area of remediation activities being concreted on the parts of the site which have shown the greatest settlement issues. The areas of the site outside the regrading area should be largely unaffected apart from some general disturbance impacts from noise from plant activities. The extent of the operations can be controlled by planning condition. Unfortunately, the works to raise the surface contours of the site will require the existing land surface to be disturbed and therefore will inevitably result in a loss of ecological interest on part of the site. These impacts will have to be weighed against the benefits of carrying out the development taking into account the ability for the ecological impacts to be mitigated through suitable restoration.

In terms of the restoration, it will be important to ensure that that these works utilise the existing soil materials rather than imported soils which might be too fertile. This can be subject of a planning condition. It is possible that the raising of levels might result in different hydrological conditions so that some of the marshy habitats currently found on the site would not regenerate due to the improvement in surface water drainage resulting in a dryer neutral grassland habitat. Provision should therefore be made for reseeded of the restoration area with a suitable wildflower mix. This can also be the subject of a planning condition.

In relation to the restoration of the site, the applicant proposes to restore the regrading area to an agricultural standard as was required by the 1980 planning permission. However, it is now 40 years since that permission was granted during which time the condition and value of the site has evolved and there have been many changes to planning policy. There is also now a requirement within National Policy that proposals should provide for net gains for biodiversity. In view of the current condition and value of the site, a restoration to agricultural land using imported soils would not achieve that objective. It is therefore important to ensure that the existing soils on the site are stripped and stored for use in proposed restoration work prior to the imported inert materials being used to raise the levels of the site. This method of working should ensure that the soils used for restoration are suitable to protect the existing diversity of plant species on the site. This method of working should be the subject of a planning condition along with other conditions on the control of invasive species and the landscaping of the wider landfill site.

It is also considered desirable on this site that the aftercare should be over a longer period than the five years that can normally be required through a planning condition. A period of ten years is considered appropriate and would allow for a longer period of management to take account of any works that are required to landfill gas

infrastructure and to ensure that the present ecological value of the site is enhanced. This requirement would need to be the subject of a section 106 agreement.

With such controls, it is considered that the existing ecological value of the site would be protected and with suitable management would be likely to see some enhancement compared to its existing condition. The proposal is therefore considered acceptable in relation to paragraph 170 of the National Planning Policy Framework (NPPF) and policy GN3 of the West Lancashire Borough Local Plan.

Conclusions and overall balancing exercise

Parbold Hill is a closed landfill site which has experienced significant settlement of the original landfill surface. The applicant maintains that the settlement is giving rise to increased volumes of leachate production for which he is incurring greater costs in terms of management. In order to remediate the site and reduce leachate volumes, it is therefore proposed to import additional inert waste materials to raise land levels, improve capping and improve surface run off.

The site is located within the Green Belt. The operations would involve significant civil engineering operations including construction of a new access and tipping bay and levelling of imported inert materials over a significant area of land. It is considered that these works, although over a relatively short period, would harm the openness of the green belt and would therefore be inappropriate development in the Green Belt. Therefore planning permission should only be granted if very special circumstances can be demonstrated. Very special circumstances will only exist if the harm to the Green belt and any other harm is outweighed by the benefits of the proposal. The impacts of the development on the landscape and in particular the views from the layby adjacent to the A5209 together with impacts on existing ecological interests would occur in addition to the impacts on openness of the Green Belt.

The applicant states that the volumes of leachate being generated are resulting in additional costs in terms of the management of the closed landfill site. This cannot by itself represent very special circumstances. However, the Environment Agency are of the view that the recontouring of the site would give rise to significant benefits in terms of pollution control particularly in terms of groundwater. The works to improve the capping of the site can only be achieved through the importation of additional fill materials and the areas of the proposed works has been reduced to focus on those areas of the site which have been subject to the greatest settlement. These benefits have to be weighed against the impacts on openness and the other impacts of the development in order to determine whether very special circumstances would exist. The impacts on landscape and views would be temporary over a relatively short term period and those on ecology could be mitigated given suitable restoration. On balance the benefits of the development are considered to outweigh the impacts identified above and therefore very special circumstances can be demonstrated.

The proposed operations would also have highway impacts and potential to harm the amenity of those local residents who live close to the site. However, it is considered that these impacts can be mitigated to acceptable levels through planning conditions.

On balance, it is therefore considered that the proposal is acceptable in terms of the policies of the National Planning Policy Framework and Development Plan.

Human Rights

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

This application were it to be approved would be unlikely to generate such an impact on neighbouring properties which would breach those rights. The recommended conditions together with the relatively short duration of the operations would protect the amenity and rights of local residents.

Recommendation

That subject to the applicant entering into a section 106 agreement relating to the promotion of the Traffic Regulation Order process and to extend the aftercare period to a total of ten years, planning permission be **granted** subject to the following conditions:-

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The site including the access and tipping area shall be finally restored in accordance with the scheme and programme approved under the requirements of condition 21 below within 24 months from the date of commencement of development as notified to the County Planning Authority under the provisions on condition 4a to this permission.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

3. The importation of inert fill materials to the remediation area shall cease within 18 months of the date of commencement of importation as notified to the County Planning Authority under the requirements of condition 4b to this permission. Filling and restoration works within the remediation area shall be undertaken progressively in accordance with the scheme and programme approved under the requirements of condition 9.

Reason: To ensure the progressive restoration of the site in the interests of visual amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

4. Written notification of the following events shall be sent to the County Planning Authority within 7 days of such commencement.

- a) Commencement of the development
- b) Commencement of importation of materials to the remediation area

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

Working Programme

- 5. 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 15th April 2019 as amended by the letter from Peter Dickenson Architects dated 20th November 2019.

- b) Submitted Plans and documents:

- Drawing 3746-19-11 Red Edge Plan
- Master Plan drawing submitted 2nd December 2019
- Drawing 4458/01/002 rev 3- Site Plan (Landform maintenance)
- Drawing 4458/1/009 rev 1 - Restoration Patch Repair Surface Water Management Scheme
- Drawing 4458/01/011 Rev 2 - General Section
- Drawing 4458/01/013 Rev 3 - Site topography December 2018 with patch repair sections
- Drawing P19034 - 001E Proposed access scheme
- Drawing P19034-002D Long Sections
- Drawing P19034 -005C Potential Traffic calming Scheme

- 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 DM2 of the of the Lancashire Minerals and Waste Local Plan and policies SP1, GN1, GN3, EN2 and EN3 of the West Lancashire Borough Local Plan.

- 6. Raising of land levels using imported inert materials shall only occur within the area edged in a red dashed line on the Masterplan drawing submitted on 2nd December 2019.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

- 7. No materials other than inert clay and soils shall be imported to the site for the purposes of the landfill remediation works permitted by this planning permission.

Reason: In the interests of local amenity and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

8. The levels of any waste materials including any restoration soils shall not exceed the levels shown on drawing 4458/01/002 Rev 3 - Site plan (Landform maintenance). The provisions of this condition shall also apply to any temporary stockpiles of waste materials that are formed during the development.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

9. No importation of inert waste materials shall commence until a scheme of phasing of the filling works has been submitted to and approved in writing by the County Planning Authority. The scheme shall contain the following information:-
 - a) The tipping and progressive restoration of the site in a series of phases.
 - b) Details for the stripping of existing soils prior to the importation of materials in each phase including details of the location and means of storage of stripped materials.
 - c) A timescale for the grading and restoration of each phase once that phase has been filled to the final levels.

Thereafter, the site shall be filled and restored in accordance with the approved scheme of phasing.

Reason: In order to ensure the progressive development and restoration of the site in the interests of visual amenity and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.

10. No importation of inert waste materials shall commence until a scheme and programme for the treatment of the Japanese Knotweed within the site has been submitted to and approved in writing by the County Planning Authority.

All Japanese Knotweed within the site shall be treated in accordance with the approved scheme.

Reason: To control invasive species within the site in the interests of the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Highway Matters

11. No waste materials shall be imported to the site until the site access, internal access road and tipping bay has been constructed in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following.
 - a) The design and layout of the access from the A5209.

- b) The works that will be undertaken to the pedestrian footway alongside the public highway to allow the construction of the new access.
- c) The design of the internal access road including surfacing.
- d) The design of tipping bay including location, design, surfacing and design and landscaping of the soil screening bunds.

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

12. No development shall commence until a programme of traffic calming and highway safety measures has been undertaken on the A5209 in accordance with a scheme and programme to be first submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) The speed limit restrictions in the form of the extension of the existing 40 mph limit that are to apply on the A5209 including details of warning and speed limit signage to be installed and their locations.
- b) Enhanced road markings to be installed on the carriageway surface of the A5209 to include marking out of a 2 metre wide ghost island within the carriageway in the area of the proposed site access.
- c) The measures that will be employed to prevent HGVs from turning right into and left out of the site.

The traffic calming and road safety measures contained in the approved scheme shall be implemented prior to the new access being brought into use and retained at all times throughout the duration of the development.

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

13. HGVs associated with the importation of inert materials to the site shall only access the site by way of the proposed access shown on drawing P19034 - 001e Proposed Access Structure. No such HGVs shall access the site by way of the existing access point in the south west corner of the site.

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

14. All topsoil stripped from the site during works to create the site access and tipping bay shall be retained on the site for use in the restoration of the site.

Reason: In the interests of the proper restoration of the site and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Hours of Operation

15. No development involving the construction of the site access, grading of imported inert materials or restoration works shall take place outside the hours of:

08.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

No development or restoration shall take place at any time on Saturdays, Sundays or Public Holidays.

Importation of inert waste materials shall only take place between the hours of 09.00 – 17.00 hours Mondays to Fridays. No such importation shall take place on Saturdays, Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent 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 DM2 of the Lancashire Minerals and Waste Local Plan.

16. Measures shall be taken at all times to ensure that no mud, dust or other deleterious material is deposited on the public highway by HGVs leaving the site.

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

Environmental Controls

17. Measures shall be taken at all times to minimise the generation of dust from the site. Such measures shall include the sweeping of the access road and tipping bay, application of water to any internal site roads and suspension of activities during dry and windy weather conditions when other mitigation measures fail to be effective.

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

18. 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 DM2 of the Lancashire Minerals and Waste Local Plan.

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

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 Lancashire Minerals and Waste Local Plan.

20. No importation of inert waste materials shall take place until a scheme and programme of surface water control measures has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall include details for the control of surface water run off from the regrading area to ensure that the existing rates of run off from the site are not exceeded.

The measures in the approved scheme shall be implemented prior to the commencement of any soil stripping and shall be retained throughout the development and restoration.

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 Lancashire Minerals and Waste Local Plan.

Restoration and Aftercare

21. No importation of inert waste materials shall take place until a scheme and programme for the final restoration of the regrading area and other areas of Parbold Hill Landfill Site has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall include details of:

- a) The respreading of stripped soil including use of imported soils in the event of a shortfall of on site materials.
- b) The treatment of the restored surface including measures to ensure plant growth.
- c) The seeding of restored areas including seed mixes to be used.
- d) Details for the further restoration of those parts of the site outside of the remediation area including works to landfill gas vents, removal of security fencing and habitat management works.
- e) Details of a permissive right of way including routing, surfacing and fencing.
- f) Management of existing tree and shrub planting on the boundaries of the wider landfill site.
- g) Details for the removal and restoration of the leachate pumping station once it is no longer required.

- h) Details for the removal and reinstatement of the site access with the A5209 including the footway and tipping area.
- i) Details of the works to be undertaken to the existing access off the A5209
- j) A timescale for each of the above works.

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

22. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the amenity afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include management works to habitats including grazing or moving as appropriate, management of invasive species, drainage works and management of tree and hedge planting.

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

Definitions

Completion of restoration: The date when the County Planning Authority certifies in writing that the works of restoration contained in the scheme and programme approved under the requirements of condition 21 have been complied with.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

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

Regrading area: the area shown edged in a dashed red line on the Masterplan drawing submitted on 2nd December 2019.

Notes:

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

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. It also requires the confirmation of a Traffic regulation Order on the A5209.

To discuss the highway works and the Traffic Regulation Order you should contact the Lancashire County Council Highways quoting the planning permission reference.

Planning Application LCC/2019/0028

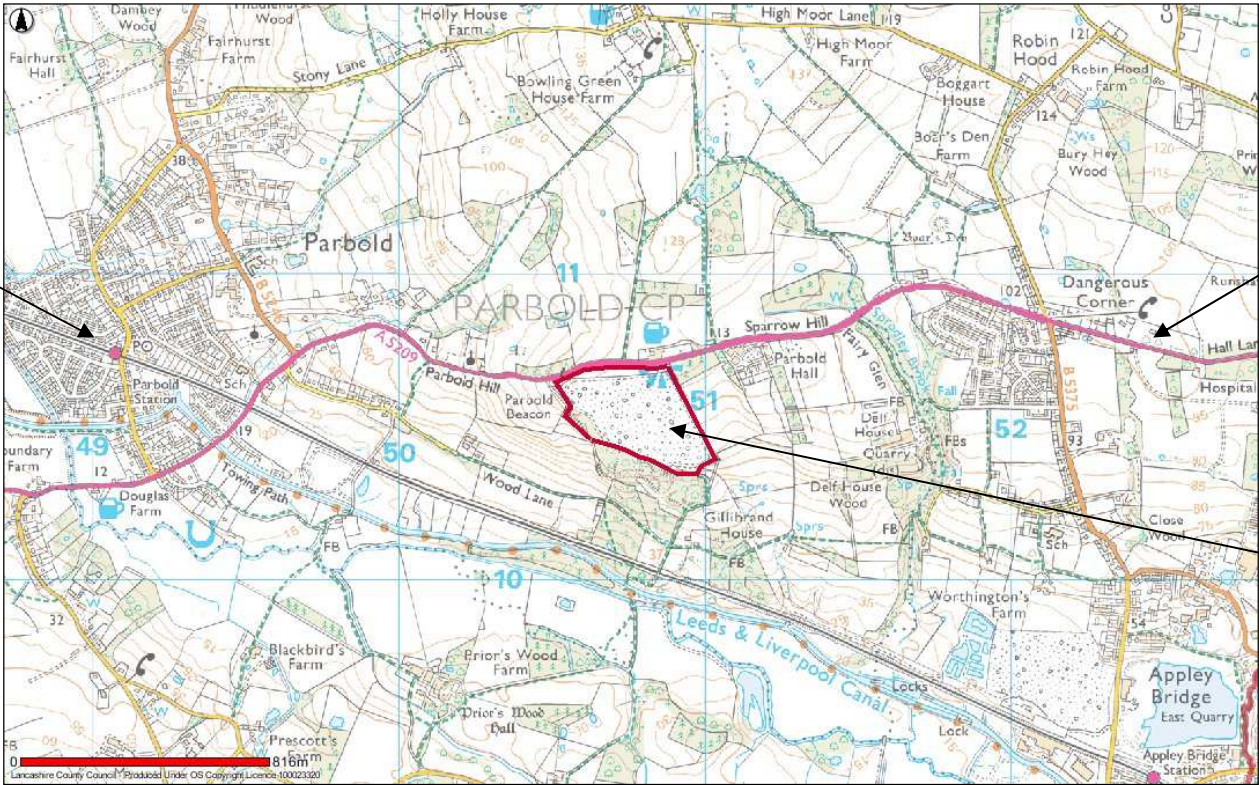
**Proposed land restoration and regrading works
using inert material,
Parbold Hill Quarry, Parbold Hill, Parbold**

Planning application LCC/2019/0028

Parbold village

A5209

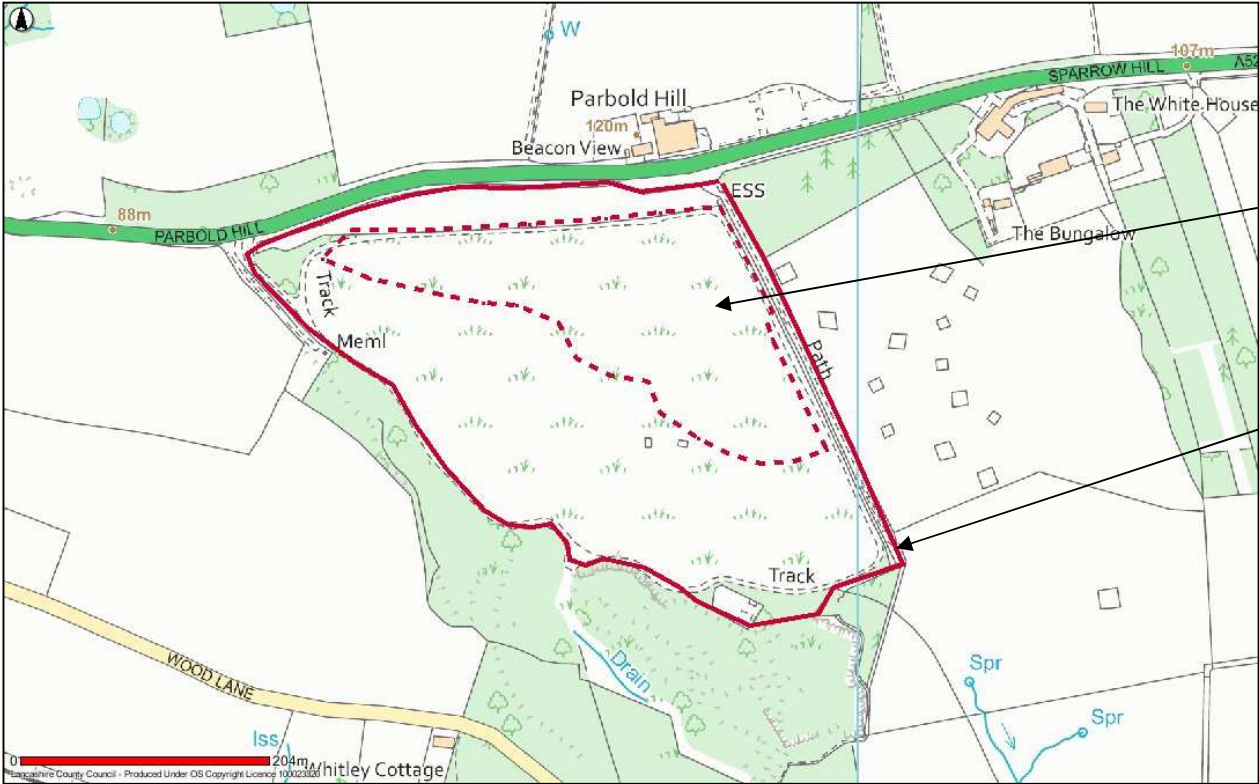
Parbold Hill Landfill



Planning application LCC/2019/0028



Planning application LCC/2019/0028

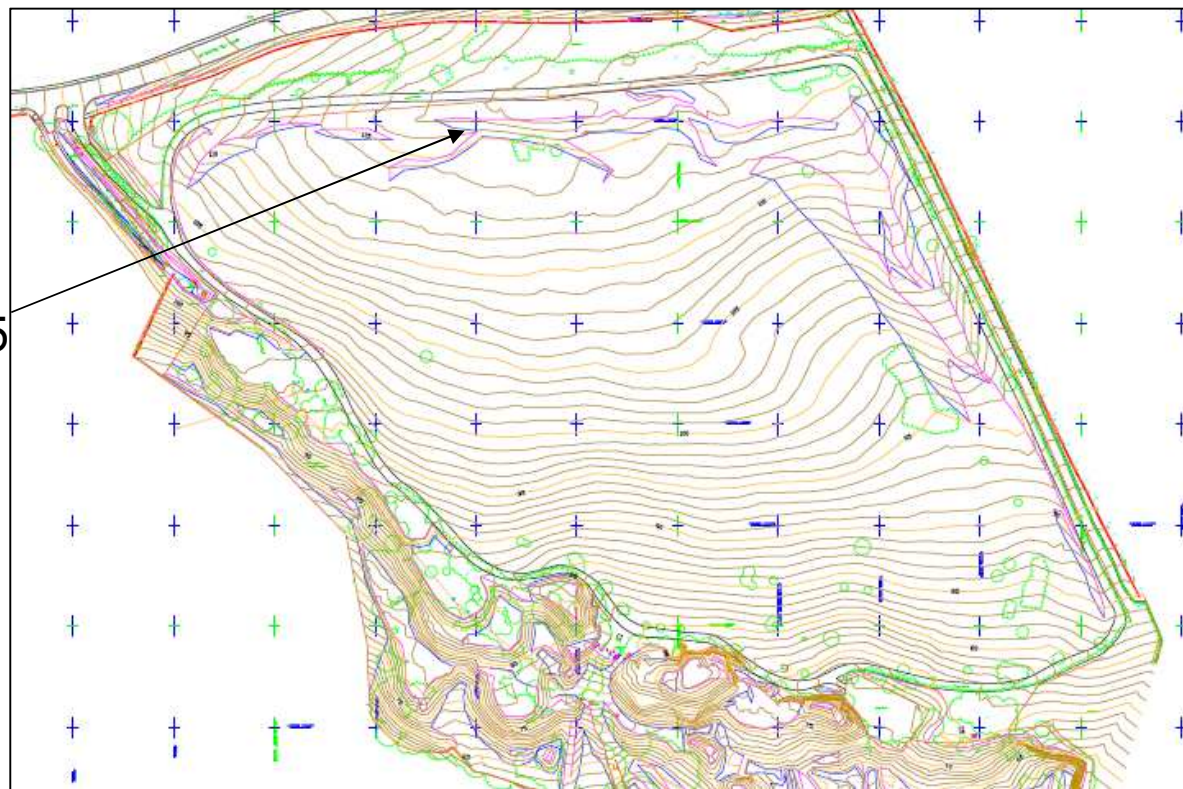


Proposed
Regrading area

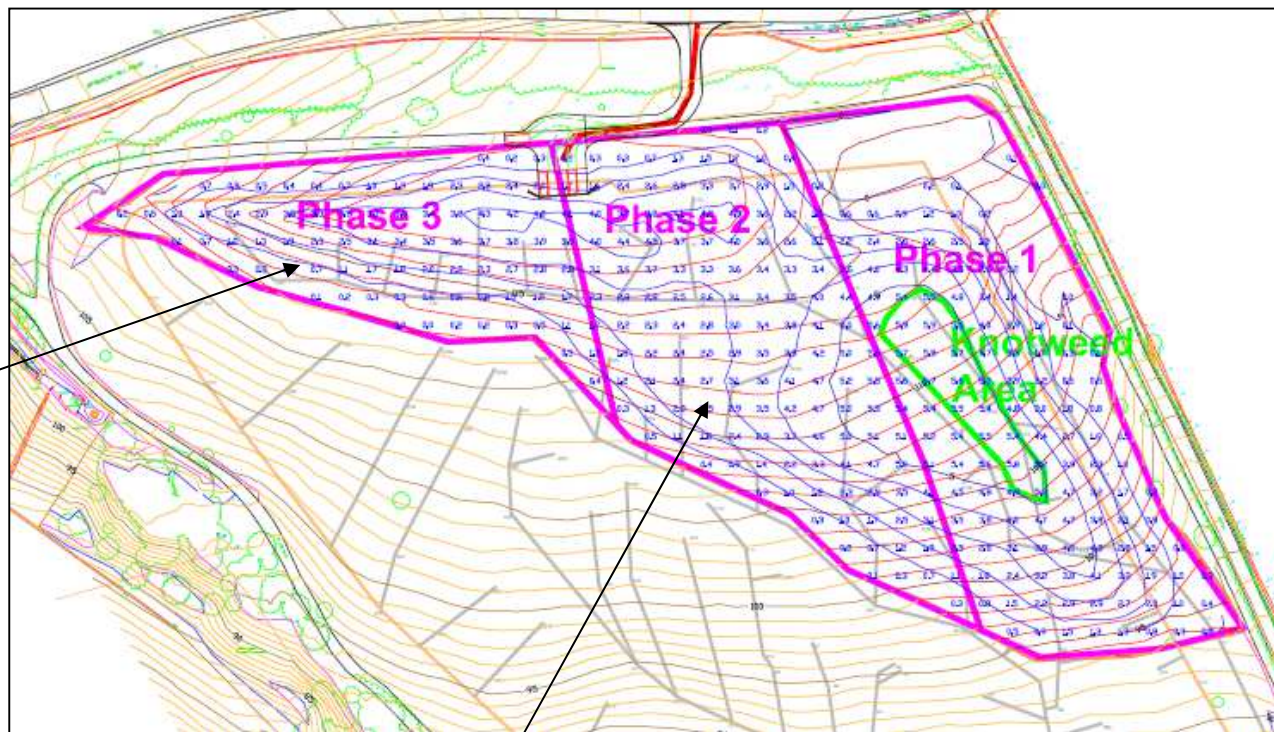
Parbold
Hill Landfill

Parbold Hill – Existing Contours

Maximum
Height of 115
m AOD



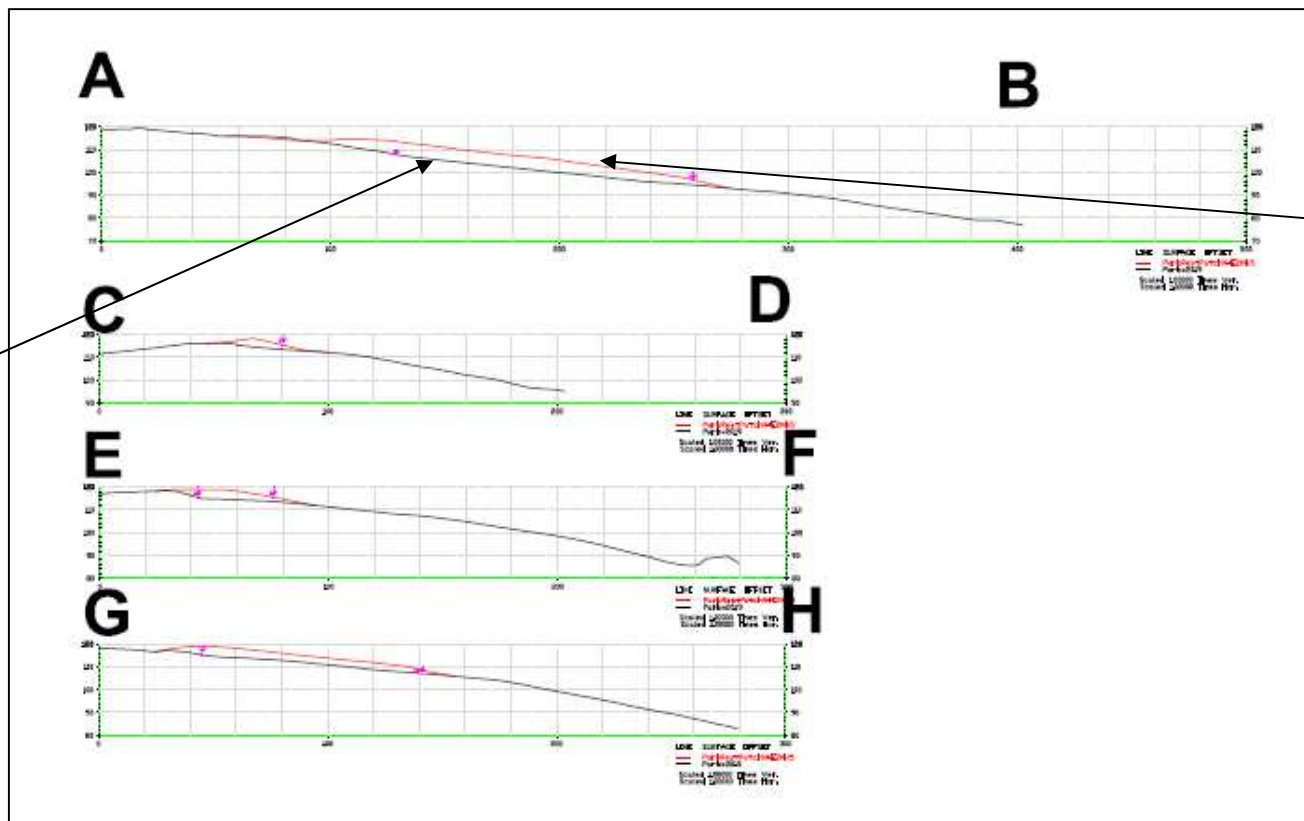
Parbold Hill – Proposed contours



Proposed contours (red line)

Figures on drawing are the proposed additional depths of fill above the existing contours (between 5.9 and 0.1 m)

Parbold Hill – Proposed sections

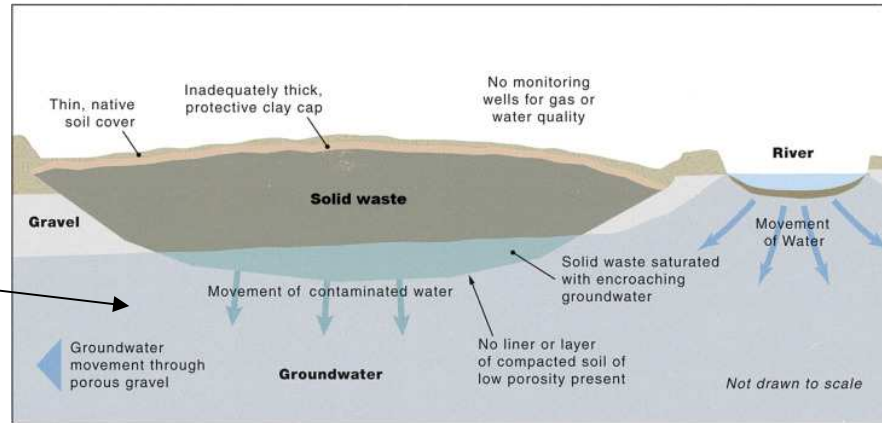


Existing level

Proposed level

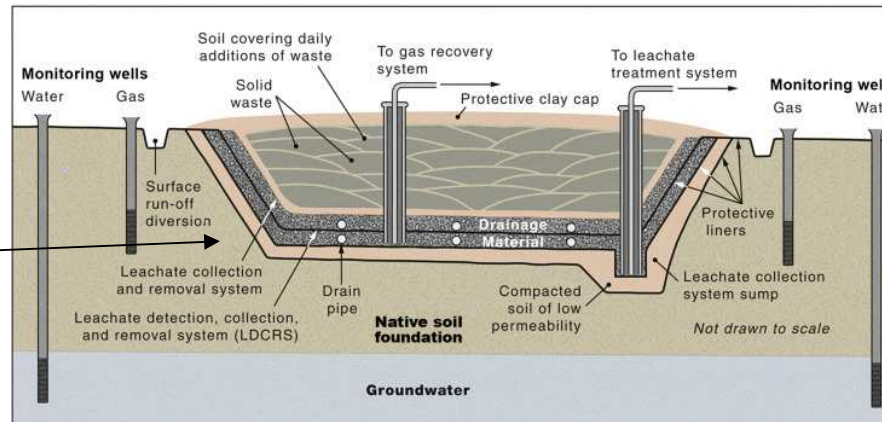
Landfill design

Dilute and disperse landfill design



(A) Old-style sanitary landfill

Modern containment landfill



(B) Modern sanitary landfill

View over regrading area towards viewpoint on A5209



View across regrading area towards Wigan



View across regrading area towards Liverpool



Parbold Bottle with Parbold Landfill in background



View from eastern edge of site towards Parbold Hall



View from Miller and Carter restaurant looking towards layby

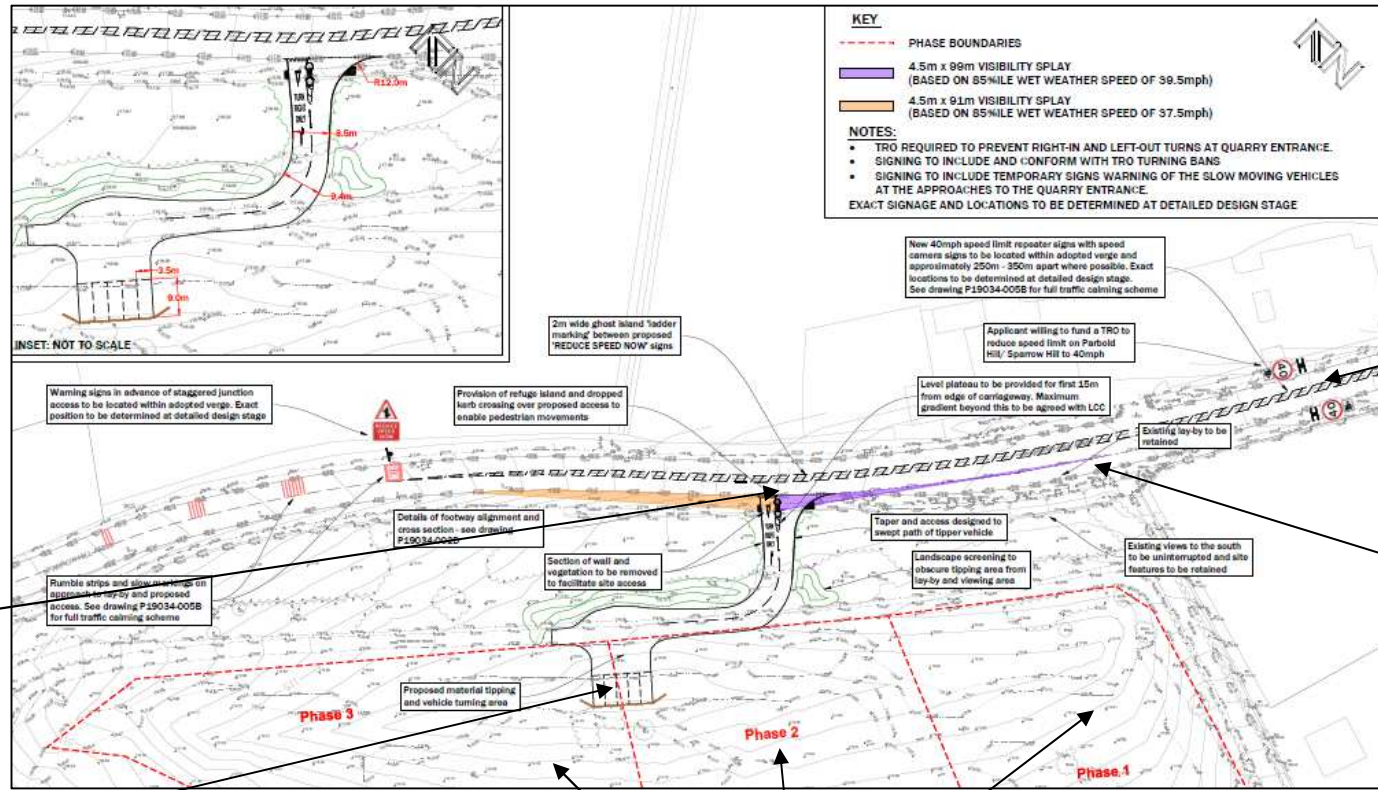


Proposed access off A5209 looking west towards Parbold village

Proposed
access
location



Planning application LCC/2019/0028 – Proposed access arrangements



Proposed access

Proposed tipping bays

Proposed regrading areas

A5209

Layby off A5209



Agenda Item 6

Development Control Committee

Meeting to be held on 21st October 2020

Electoral Division affected: Lancaster Rural East
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Lancaster City: Application number LCC/2019/0030

Proposed easterly lateral extension to the existing gritstone and shale quarry followed by infilling of the excavation with imported inert waste to be completed by the 30 June 2038, together with the rebuilding and extension of the derelict farmhouse for use as site office accommodation, with the whole of the site to be finally restored to agricultural pasture by 30 June 2039, or within 12 months from the cessation of landfilling operations, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

Contact for further information:

Jonathan Haine, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application – Proposed easterly lateral extension to the existing gritstone and shale quarry followed by infilling of the excavation with imported inert waste to be completed by the 30 June 2038, together with the rebuilding and extension of the derelict farmhouse for use as site office accommodation, with the whole of the site to be finally restored to agricultural pasture by 30 June 2039, or within 12 months from the cessation of landfilling operations, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

The proposed development is subject to Environmental Impact Assessment (EIA) and the application is accompanied by an Environmental Statement and Non-Technical Summary.

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 first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period, planning permission be granted subject to conditions relating to time limits, working programme, site operations, hours of working, noise and dust controls, landscaping, archaeology, restoration, aftercare and control of works at Ellel Crag Farmhouse.

Applicant's Proposal

Planning permission is sought for an easterly lateral extension to the existing Ellel Crag Quarry for the quarrying of gritstone and shale with the resultant void to be restored to agricultural pasture using imported inert waste. It is proposed that the quarrying and the infilling would be completed by the 30 June 2038 with the site

being finally restored by 30 June 2039, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

The extension area covers an area of 8.7 hectares consisting of the following approximate areas: 6.8 hectares for the quarrying and landfilling area including the screen mounds; 1.6 hectares for the beck diversion with surface water drainage waterbodies and associated vegetation; and 0.3 hectares for the area in and around the Ellel Crag Farmhouse to be rebuilt.

A total of 1.79 million tonnes of shale and gritstone would be extracted from the extension area. The gritstone materials would be processed into aggregate materials and sold from the site whilst the shale would be sold 'as dug' for brickmaking or other fill applications.

The soils and clay overburden would be retained on site. The soils would be stripped from the extension area and used to create storage / screening mounds around the northern, eastern and southern sides of the extension area and for restoration of the existing landfill area. The boulder clay would be stored and used in the existing quarry to cap the engineered stabilised area and other areas prior to infilling and restoration by infilling with inert materials.

A small drainage ditch currently runs across part of the extension area. This would be diverted around the northern end of the site and would incorporate a number of ponds to provide settlement and new habitat features.

The gritstone and shale materials would be worked in a number of phases down to a maximum depth of 78m AOD. The rock and shale would be removed by mechanical excavator. No blasting is proposed. The phasing and direction of working has been devised taking into account the existing geological structure and the need to maintain the stability of the faces that would be created within the new quarry void.

The resultant void would then be landfilled with imported inert waste. The final levels of the infill over the extension area would be a maximum of 113m AOD which is approximately the same level as the eastern side of the existing quarry edge.

The quarrying operations in the extended area would run concurrently with the landfill and other waste management operations in the existing quarry with the backfilling of the excavation in the extension area following the completion of infilling in the existing quarry.

The operating hours would be as per the existing Ellel Crag Quarry: 0700 to 1800 hours Mondays to Fridays, and 0800 to 1300 hours Saturdays, with no such operations on Sundays or Public Holidays.

As part of this proposal, the applicant is proposing that traffic levels from all activities at Ellel Quarry would not exceed 60 HGVs in any one day with up to 100 HGVs per day on up to 40 days in any one year. The applicant is also proposing that there will be no HGVs on Saturday mornings apart from those engaged in moving plant out of the site.

As part of this application it is also proposed to provide two new small extensions to the Ellel Crag Farmhouse and a small car parking area to the southern side of the

building so that it is suitable for its use as an office facility ancillary to the quarrying / landfill operation.

The application is accompanied by an Environmental Statement that has been prepared to report the findings of an Environmental Impact Assessment for both this planning application and also for separate planning applications for a time extension for the existing landfill operations (ref. LCC/2019/0040), and for the inert waste transfer and recycling operations and wood shredding/chipping operations with associated drying plant. (Ref. LCC/2019/0041).

Description and Location of Site

The application site is an area of agricultural pasture land immediately to the east of the existing Ellel Crag Quarry, a former sandstone and shale quarry that is currently being restored by landfilling with inert waste. An inert waste transfer and recycling facility to produce aggregates, and wood shredding/chipping operation with associated drying plant for the production of biomass, also takes place on the partially restored north side of the landfill site that occupies approximately 20% of the total quarry.

The quarry and extension area is located in open countryside on the east side of Bay Horse Road approximately 7km to the south of Lancaster City Centre. The surrounding area is rural with settlements consisting of individual farmsteads, dwellings and small villages. Vehicular access to the quarry is from Bay Horse Road via a simple priority junction. The site access comprises a 160m long by 6m wide concrete road that leads to the quarry weighbridge with the associated quarry office and administration building set back slightly to the south. A vehicle parking area is on the south side of the vehicle access just prior to reaching the quarry office and weighbridge. A public right of way also exists along the access road.

The proposed extension area is predominantly agricultural land with a number of fields used for pasture that are divided by hedgerows and a number of trees with Starbank Lane forming the southern boundary. The fields are crossed by a drainage ditch that has a general south-east to north-west direction, and exits the area by the northern tip of the existing quarry. The extension area slopes upwards and away from the existing quarry in a west to east direction to a maximum height of 121 mAOD on the eastern boundary.

An 11kV electricity power line follows an east to west direction across the application site which supplies farms and homes to the east and north east of the application site. There is also an underground gas pipeline that runs along the eastern boundary of the extension area.

The derelict Ellel Crag Farmhouse proposed for use as site office accommodation is located in the south-west corner of the application site and is accessed from the west side of the 90 degree bend on Starbank Lane.

The boundary between the extension area and existing quarry is comprised of overgrown stockpiles of stored soils removed during earlier quarry operations, whilst the remainder of the boundary consists of a belt of mature and semi-mature trees by the recycling and chipping area. The northern and eastern boundaries are marked by

stone walls and hedgerows along field boundaries, with the southern boundary being formed by Starbank Lane.

The nearest residential properties to the extension area are located 250 metres and 400 metres to the east at Middle Crag Farm and Wellington Crag Farm (accessed from Starbank Lane), at Crag End Farm (400 metres to the north-east), at Newland Home Farm (500 metres to the south-west) off Starbank Lane and 500 metres to the west at Borbles Hall on Bay Horse Road.

The development would not directly affect any area of any landscape or ecological importance and designations although the site is around 2km from the boundary of the Forest of Bowland Area of Outstanding Natural Beauty. There are no nearby Sites of Special Scientific Interest. Brunstow Wood Biological Heritage site is located some 175 metres to the north-west of the application site.

A public right of way runs around the south side of the existing quarry. A further public right of way is located approximately 60 metres from the eastern boundary of the application site.

Background

History

Ellel Quarry has a long planning history of mineral extraction and waste management proposals. Whilst there is no relevant planning history for the extension area, the following history is relevant in terms of the existing quarry / landfill site.

Planning permission was originally granted in 1948 for the quarrying of sandstone and tipping of inert waste at the site. On the back of this permission, further consents were granted to extend the quarry for waste recycling uses and landfilling including with bio degradable wastes. The current permissions at the site are as follows:-

Planning permission (ref. 01/08/0629) for the variation of condition 1 of permissions 01/97/0286 and 01/97/0287 to amend the time scale from 30 June 2013 to 30 June 2023 for the completion of the landfilling of Ellel Crag Quarry, and for a small scale extension to the quarry to be completed by the 30 June 2023, with the whole of the site to be finally restored by 30 June 2024, or within 12 months from the cessation of landfilling operations, whichever is the sooner, was granted on the 23 April 2013. This permission was subject to a Section 106 Agreement relating to HGV routing, the payment of £11,600 towards the construction of a new footway, and an extension of the aftercare period to a total of 15 years.

Planning permission (ref. LCC/2016/0001) for the retrospective change of use from restored landfill site to inert recycling facility to include the recycling of wood products including installation of two arimax bioenergy 1MW boilers in an existing building with associated wood recycling and drying for fuel, was granted on 16 November 2016.

Two other current applications at the existing quarry are also reported elsewhere on this agenda:

- Variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling from 30 June 2023 to 30 June 2038,

with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, (ref. LCC/2019/0040)

- Variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038 or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period (ref. LCC/2019/0041),

Planning Policy

National Planning Policy Framework

Paragraphs 7 - 12, 38, 47, 54 - 56, 80, 82 - 84, 102 - 103, 108 - 111, 117 - 118, 122, 124, 127 - 128, 130, 170, 175, 178 - 180, 183, 184, 189 - 190, 192, 197 - 199, 203, 205, 207 - 208, and 212 - 213 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; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution; Conserving and enhancing the historic environment – proposals affecting heritage assets, and considering potential impacts; Facilitating the sustainable use of minerals – maintaining supply; and Annex 1: Implementation.

National Planning Policy Framework Planning Practice Guidance

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Waste Management Plan for England (December 2013)

National Planning Policy for Waste (October 2014)

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

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

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

Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities
Policy LF1	Sites for Non-Hazardous Landfill
Policy LF2	Sites for Inert Landfill
Policy M1	Managing mineral production

*Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031
Development Management DPD*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM7	Economic Development in Rural Areas
Policy DM8	The Re-use & Conversion of Rural Buildings
Policy DM23	Transport Efficiency and Travel Plans
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 DM33	Development affecting Non-Designated Heritage Assets or their Settings
Policy DM35	Key Design Principles
Policy DM39	Surface Water Run-Off and Sustainable Drainage
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

Lancaster City Council – Object for two reasons:

- The applicant has not demonstrated that the extraction of minerals from the site is needed to meet the sub-regional targets, or is of a grade of mineral that is capable of being worked commercially. This would not constitute sustainable development for the purposes of the National Planning Policy Framework and would be contrary to Policy CS3 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy.
- The benefits of the proposed mineral extraction and subsequent backfilling with inert waste are not considered justified to outweigh the unjustified harm to the local area in terms of the impact on the special landscape qualities of the area. The proposal therefore does not adhere to Policies DM28 and Policy DM35 of the Lancaster City Council Local Plan, and Policy E1 of the Lancaster City Council Core Strategy.

Ellel Parish Council – Object for the following reasons:

- The hydrology report states that the works would not have an impact on the residents in the area, but this was surveyed at only 500 metres out of the centre of the existing quarry, where there are no residential premises.
- Going from the perimeter of the proposed extension, there are a number of bore holes and springs that feed water troughs in the fields. Some properties only have springs and no mains water.
- The land off the side of the fell will have a change in the water course which will have an impact on homes and businesses.

- The proposed extension is very close to residential boundaries. The two boreholes are 250 metres away from the boundary which puts the water sources under threat.
- The stream is to be rerouted across the land to the north of the site which will affect the spring for livestock.
- When the 8.5 hectares has been excavated the water runoff will be immense and this could pollute the fresh water, which is needed to be unpolluted for farm animals and there is no guarantee of this being kept clear.
- The current contractors do not have a good track record and have in the past breached their permits. They have previously been threatened with prosecution but managed to get this reduced to a negligible fine.
- We are concerned that there will be no monitoring of what the materials the quarry will be filled with when the wagons come to off load.
- The quarry will be excavated 100 metres deep which could have repercussions on the foundations of dwellings nearby.
- What will the 1.79 million tonnes of stone, which is not of good quality, be used for? There is nothing on the planning application that details the use for such a large quantity.
- There is no consideration for the impact on the environment and wildlife. There are hares, deer and buzzards on the land with no reference to key species, making the impact statement outdated and flawed.
- The change of use for the derelict house to offices will cause more traffic on the road at Starbank. The track is a single use road with already existing vehicular access issues, with Five Lanes End already being a hot spot for accidents.
- When the stream is redirected, this will have to travel uphill across the gas pipeline. Also there is an electric supply to be redirected that serves adjacent properties.

Quernmore Parish Council: Object as they consider that the development will have a substantial impact on the traffic, environment and local amenity in the parish. The development would also require the loss of a large area of farmland and would impact on water courses and groundwater supplies to nearby dwellings.

Lancashire County Council Highways Development Control – No objection subject to a condition controlling a weekday limit up to 100 HGV departures and a restriction to 10 HGVs for the peak hours would be acceptable so as to reduce HGV numbers and their impacts on the surrounding road network. The weekend day departures at 30 HGVs on a Saturday would stay the same as the current permission allows and the annual limit of 16,500 will remain the same.

Environment Agency – The EA originally objected to the application as the applicant had not submitted adequate information to demonstrate that the risks to groundwater could be safely managed. The risks included all ground water dependant features within 500m of the site including private water supplies. Upon submission of an updated groundwater risk assessment, the EA state that they are satisfied that the local water supplies are fed from a different geological formation from that which would be quarried and that there is no hydrological connection between the two. Four advice points are made relating to the need to apply for Environmental Permits for waste management activities, dewatering activities, a consent to discharge, and pollution prevention.

Jacobs UK Ltd (Landscape advice) – The application is acceptable in relation to the assessment of landscape and visual impact issues arising from the proposed works. However, further clarification should be sought to understand the proposed earthworks and final restoration details, and these need to be submitted to the Local Planning Authority prior to determination or where appropriate agreed as pre-commencement conditions.

Jacobs UK Ltd (Ecology advice) – The submitted ecology information and the various amendments provide a brief ecological impact assessment of the proposal that considers protected sites, species and habitats. Some of the initial concerns relating to this application have been satisfactorily addressed but several of the required amendments have not been discussed further and therefore a full assessment still cannot be made. In principle, the conclusions are satisfactory but the assessments are brief and there is a lack of detail that still needs to be addressed to allow a complete assessment to be made. There are several concerns regarding the approach and content of the submitted information in relation to statutory designated sites, protected / notable species, biodiversity enhancements and biodiversity net gain, potential cumulative effects and monitoring. In relation to invasive non-native species, the method statement for the control / mitigation measures for Himalayan balsam prior to and during the construction work should be secured by a planning condition.

Natural England – No objection.

The Wildlife Trust for Lancashire – The application in its current form does not allow for the adequate determination of measurable biodiversity net gain. More detailed information is required from the applicant.

Lead Local Flood Authority – No objection. The applicant will have to apply separately for land drainage consent from the Lead Local Flood Authority.

Lancashire County Council Specialist Advisor (Archaeology) – No objection subject to the imposition of a condition to require that no development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work.

Historic England – No objection.

Health and Safety Executive – No objection.

Public Rights of Way - No observations received.

AONB - No observations received.

United Utilities – No objection.

National Grid Gas and Electricity – No objection to the proposal which is in close proximity to a High-Pressure Gas Pipeline and High Voltage Transmission Overhead Line. The High-Pressure Gas pipeline would need to be marked out ahead of the works taking place.

Electricity North West – No objection. Electricity North West will liaise with the landowner at a later stage once planning has been approved. In accordance with the Electricity Act 1989, we have an obligation to ensure customers are kept on supply.

Cadent Gas – No comments because Cadent Gas are only responsible for low pressure to local high pressure gas distribution assets that would not be affected by the proposal.

Representations - The application has been advertised by press and site notice, and 84 nearby addresses informed by individual letter.

Objections summary

A total of 34 representations have been received raising objection to the application on the following summarised grounds:

Traffic

- The quarry extension would increase the number of large commercial vehicles on the small country lanes that have to be used to access the quarry. These roads are already used by at least six businesses with articulated lorries and large farm vehicles moving in and out of the area on a daily basis. The levels of traffic are and will be unsustainable on the small country lanes in the area that were not intended to be used by large commercial vehicles.
- The state of the roads and particularly the junctions has deteriorated drastically as a result of the additional traffic that has increased significantly over the past few years. Further rapid deterioration will occur if more quarry traffic is added to these roads.
- Grass verges and their associated benefit for small wildlife and insects are damaged as the country lanes are not wide enough to accommodate lorries, especially when they meet each other travelling in opposite directions. The churning up of the grass/mud in the verges causes muddy water to run down the side of the road when it rains. This has resulted in the grids getting blocked and roads flooding.
- The mud and mess on Bay Horse Road through the wetter months is unbelievable. The road becomes a mud track at times and often there are boulders in the road that have fallen from trucks.
- Two of the three junctions from the A6 (adjacent to junction 33 roundabout) will need widening to cope with the wagons. In particular two wagons cannot pass each other adjacent to the A6 junction, traffic backs up and wagons pull onto a car park (on Hampson Lane) to avoid each other.
- All lorries will exit Hampson Lane onto the A6, the majority of which will turn right. This junction is located only 50 yards from the A6 roundabout that helps to serve the M6 junction 33 roundabout. Vehicles exit this roundabout at speed and it is only a matter of time before a serious accident occurs as vehicles turn onto the A6 from Hampson Lane. This risk will increase if the duration of the quarry extends to 2038 and traffic volumes increase.
- The number of trucks transferring inert waste to the quarry is often more than is permitted.
- There are issues of noise and speed associated with trucks as they travel along the narrow lanes between the A6 and the quarry. This is especially the case on Hampson Lane and Stoney Lane where trucks are unable to pass each other and

other vehicles safely. There have been times that emergency manoeuvres have been needed onto the embankment on Stoney Lane to avoid a head on collision with oncoming earth moving HGVs at speed. Furthermore, there are no pavements on these lanes making it especially dangerous for pedestrians. The speed of these trucks, especially when returning empty from the quarry, is quite frightening and dangerous for residents driving out from their homes. This is the case along Stoney Lane in the hamlet of Bay Horse. The hamlet is situated between two sharp bends that drivers find difficult to negotiate especially when trucks are travelling in opposite directions.

- In addition to the quarry traffic, there are also large container lorries travelling to and from the cold storage units located at Whams Lane. All of this traffic movement has severely damaged the road causing multiple potholes and a poor surface area that detrimentally affects private vehicle travel. Stoney Lane must be regularly maintained with signage, e.g. (SLOW), road markings and a noticeable speed limit sign, all of which do not exist. Widening of the road should be a definite consideration.
- A combination of narrow lanes, bends and no pavements is a serious accident waiting to happen.
- Serious thought must be given to put measures in place to mitigate the current traffic issues, including the extension of pavements on Hampson Lane and Stoney Lane, traffic calming measures and speed restrictions.
- The old Ellel Farmhouse is located adjacent to and is accessed on a 90 degree bend from Starbank Road which is an unsafe place to join a minor road. Any increase in the amount of traffic will have an impact on the daily life in the area with increased noise and air pollution to name a couple. This lane is also used by children and families to walk and cycle to school, so any extra heavy vehicles on this piece of road could put lives in danger. This will also be the case at the junction at Five Lane Ends, where there would be an increase in heavy traffic and where children have to cross an already busy junction to get on and off the school bus. The danger from lorries refers to the use of all the country lanes by pedestrians. Even the section on Hampson Lane where the road is wider on the bridge over the motorway, and where there are pavements on both sides of the road, lorries have mounted the pavements and caused them to crack in several places.
- There have been two serious accidents on Bay Horse Road in the last 12 months, one of which resulted in the death of a child, so additional commercial traffic of this nature can only have a detrimental effect on road safety. The junction of Five Lane Ends is already an accident black spot and any increase in traffic will increase this risk
- The roads in the area are used by horse riders. The roads are part of the National Cycle Network and are regularly used by individual and groups of cyclists not just at weekends but all through the week. It will be extremely dangerous for these road users when they meet quarry traffic.

Visual

- The existing quarry is hidden from view to anyone approaching via Star Bank Lane and Bay Horse Road. The quarry extension will be visible from the road, from the nearby properties to the east, potentially from higher viewpoints to the east and will create a blot on the landscape. It will ruin the view for both residents and the many visitors to Dolphinholme and the surrounding villages.

- The scale of the proposal is huge, it will have a lasting detrimental impact on the character of the area, changing forever the face of Star Bank Lane, and in an area that is a gateway to the Forest of Bowland.

Ecology

- The development will have a detrimental impact on the natural environment and the wildlife currently residing in and around the quarry. The habitats of peregrine falcons, barn owls, corvids, bats and dragonflies will be disturbed and lost. Some species, like the brown hare and the roe deer are only just getting a foothold back here after being absent for a number of years. There is no guarantee that they will return to the area once the work is complete. This is unacceptable.
- The plans to build office space in the old Ellel Farmhouse at Starbank Lane will have a detrimental effect on the bats and barn owl that roost there.

Water, electricity and gas provision

- The application claims there is no water extraction within 500 metres of the site; this is clearly wrong. A number of local properties, including farms and businesses, are supplied only by spring or borehole water. There is significant concern that the development will negatively impact the natural water supply in the area. Can any assurances be made that the natural water that supplies these properties will remain unaffected by the proposed works? If the water supply failed due to further quarrying and disturbance, would the quarry make sure there would be a supply of mains water at no expense to affected properties? It is unlikely such provision would be made. The expense of connecting mains water to a small family farm would make the business unviable. The fact that these important matters have no mention in the planning application suggest that sufficient investigation into them and the impact on those that could be affected has not been undertaken.
- There is no policing of what actual 'inert waste' goes into the current quarry. With this in mind, there is the potential of leaching of toxic/chemical waste into the water course which would have a devastating effect on households, farms and livestock drinking this water and the effects of it getting into the food chain.
- The electricity supply at Crag End Farm and the properties at Middle Crag is via overhead wires that come directly through the proposed site: where will this be redirected to and who will pay for it?
- Within metres of the east side of the proposed extension there is a large mains gas pipeline about which there is no mention in the planning application. Have the relevant authorities been made aware of this?

Water Run-off and associated pollution and flooding

- A stream flows right through the application area to be excavated. The topography of the land suggests that changing the course of the stream would not be possible as water does not run uphill.
- The stream exits into the fields on the north side of the application site that are grazed. The aforementioned stream provides drinking water for livestock in those fields. The quarry extension would divert this stream. The applicant claims the diversion would have no impact downstream in terms of water quality and sediment run-off. This is an unbelievable oversight in the application. The area

receives an average annual rainfall of 60 inches so to have 4 inches of rain in a couple of days is not uncommon. To expect no problems of run-off is laughable.

- The stream is a tributary that feeds the River Cocker that already has silt and sediment issues lower downstream contributing to flooding problems for local communities. This proposed extension will only exacerbate this problem. This should be investigated fully. If groundworks begin on this extension and there are inevitable periods of wet weather, then huge amounts of silt, topsoil and sediment will run into the fields to the north and affect the drinking water for livestock. It will also cause pollution issues downstream.
- In addition, in years to come, when 'inert waste' is landfilled in the extended area, will relevant checks and guarantees be made to ensure that this stream will continue to supply good, clean drinking water for livestock in those fields? There is no faith that the quarry's suggestion of 'no impact downstream' is correct, on the contrary, this proposal would have huge impact both in pollution and sediment run-off.
- The application states that there is unlikely to be any flooding as a result of any quarry extension. There is already a problem of flooding problem to some properties near to the west of the existing quarry. I can only think that this proposal will have a further adverse impact. If the water table is also affected, this could cause further problems.

Geology

- The development may affect the geological stability of the area.

Noise, vibration, dust, air quality

- The development of the quarry and the associated use of heavy machinery and the increased traffic to the area create significant noise pollution to an otherwise quiet and calm environment. Air pollution, vibration and dust will also increase.
- What controls will be used to reduce noise? Presumably there will be blasting and additional traffic noise to contend with. What controls will be put in place to minimise impact upon the area/community?

Planning policy

- The Government's Waste Management policy includes the following:

Annex 1: Summary of articles of the Waste Framework Directive (2008/98EC) and actions on local planning authorities

Article 13: Protection of Human Health and the Environment

Member states shall take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment and, in particular: a. without risk to water, air, soil, plants or animals; b. without causing a nuisance through noise or odours; and c. without adversely affecting the countryside or places of special interest.

Delivery mechanism / Action:

Planning Authorities must have regard to the provisions of Article 13 when exercising planning functions to the extent that those functions relate to waste management. This is to ensure that any waste is handled in a manner which guards against harm to human health and the environment when exercising their planning functions to the extent that those functions relate to waste management.

On the basis of the above, I could understand that the existing quarry could be used to manage inert waste but to expand the quarry with the intention of storing inert waste in the longer-term would not be consistent with the Government's waste management policy.

- The planning authority should take into account the criteria of Policies E4 and E20 of the Lancaster Local Plan, and Policies SC3, SC5 and E1 of the Lancaster Core Strategy, that seek to ensure that any development in the countryside makes a positive contribution to the rural landscape.

General comments

- The quarry used to blast out stone and rock regularly but this discontinued many years ago because the operators advised that there was no useable stone left worth digging out. The planning application now states that there are large quantities of useable shale and sandstone that can be quarried. Has this recently been discovered? Where is the evidence of this? Has drilling been done to prove this? It seems that the only reason for this proposal is to create landfill space for inert waste. The existing quarry is a massive area that still has capacity to accommodate millions of tonnes of inert waste. Is there a need for the extension to the quarry, or is it only for the financial gain of the quarry operators?
- The quarry enlargement seems excessive and disproportionate to the area/community.
- The proposal would have a huge impact on the business of Crag End Farm and the properties at Middle Crag, our livelihoods and not least on the local environment. The proposal is ill thought out, unnecessary and the only benefit would be to the quarry itself without regard for those living nearest to it.
- The landfill has been in place for years and to date only a small fraction of the quarry has been infilled. It is therefore questioned as to why an expansion of the quarry is required.
- Any extension that is granted should be for no more than 5 years and only for use of the existing quarry without the need for expansion or changes to the lorry volumes and patterns. The time extension being applied for is excessive.
- The Council is opposed to greenfield development so to allow quarrying would seem to contradict the council's ethos on protection of greenfield sites.
- The area is ideal for ramblers and walkers as they find the serenity of the area is very beneficial to them and the views of the Lake District and Morecambe Bay are attractive.
- The area is predominantly agricultural with many working farms that underpin the living environment that creates such a vibrant area of natural and unspoiled beauty. The planning authority must have regard to their duty to protect such valuable natural assets for the benefit of future generations. It would be a dereliction of that duty to allow the area to be irreparably destroyed in the long term for a short term and speculative commercial gain for a development that is alien to the surrounding countryside and that is of a size and duration that cannot

be sustained by the local infrastructure that has already been subjected to unacceptable levels of overuse.

Dolphinholme Neighbourhood Planning Group (a sub-committee of Ellel Parish Council) object to the application for the following reason:

- The current two planning approvals (permissions 01/08/0629 and LCC/2016/0001) for the site require that the edge of the quarry would be landscaped to woodland by 2023. On this basis, restoration and landscaping activities should be commencing shortly, and the ruined building of Ellel Farmhouse would be developed at the same time. The proposed physical extension of the quarry under application LCC/2019/0030, and the proposed extension in the lifespan of the existing developments under applications LCC/2019/0040 and LCC/2019/0041, contain major changes from this position and, hence, will have an impact on the lives of those living closest to the quarry at Starbank Lane, Dolphinholme.

The National Farmers Union state that a number of their members in the vicinity of the quarry extension have expressed concerns as follows:

1. Potential impact on water supply and quality – this is the main concern of the farms adjacent or near to the proposed extension area that rely on bore holes or springs to supply water to their business. The businesses in the area consist of dairy, livestock and pig enterprises along with a nationally significant mushroom producer. Any quarrying or waste operations which impacted on water supply or on water quality would have a significant impact on business viability.

In the case of the mushroom business, they supply in the region of 130 tonnes of mushrooms per week (around 15% of the national mushroom crop) and deal with a number of national retailers. The business employs 240 staff making it an important employer in the area. They are significant users of water that is exclusively supplied by 3 bore holes with water drawn from the same aquifer as that below the quarry. Mushroom production relies on a steady supply of water which must be of the highest quality, given that it is sprayed directly onto the crop that can be eaten raw. They currently have 3 abstractions licences which allows them to take 4,720m³ of water per bore hole. The volume of water required could not be supplied from the mains. They are also concerned about possible contamination of their water supply, given that they are producing a fresh product which can be consumed raw. Any operation which impacts on either the volume or the quality of the water supplied to their farm by the aquifer could have devastating consequences for the business and could lead to job losses and the loss of a nationally significant food business.

In the case of the livestock farms in the area, these again rely on bore holes and springs to provide water for their livestock and domestic properties. Livestock businesses are heavily regulated and there are standards in place that farmers need to adhere to setting out requirements to meet the health and welfare needs of the livestock, which includes access to water. Livestock are particularly susceptible to heat stress meaning that a ready supply of clean water is vital. There are no other viable options for these farms to supply the volume of water required to meet the needs of these animals. Any operations which could impact on either water supply or quality would be catastrophic for these businesses.

2. Impact of increased traffic on the road network in the area – members are concerned that a substantial increase in the number of lorries associated with the expansion of the quarry and the subsequent infilling with waste could have implications, both in terms of business interruptions (if, for example, increased road use made it more difficult for business to use these roads or roads became damaged through increased use of heavy lorries) and in terms of road safety.
3. Potential impact on the local geology of the extension of quarrying activity – members are concerned that the proposal to quarry an area of around 8 hectares to a depth of 106 metres, along with operations to include blasting, could impact on the geological stability of the surrounding area. This could potentially have a direct impact on the aquifer, but could also change the geology so that some of the bore holes and springs are no longer able to access this water or waste materials could contaminate the water supply. There are also concerns as regards the proposed diversion of a watercourse.
4. Impact on residential amenity – the quarry would extend to the boundary of a number of members farms and also very close to one of their dwellings. This may impact on the quality of their life and their enjoyment of their property, plus the fact these houses also rely on bore holes and springs for their domestic water supply with no viable mains supply option. There are also concerns that the changes in geological stability could impact on their homes.

Other representations summary

Two other representations have been received that do not specifically support or object to the application:

The Lancaster Group of the Ramblers Association refer to three very long-standing and serious public right of way problems on this site, as follows:

- The maps for Footpath Ellel 36 as shown in the planning applications is not the legal route, which is obstructed. The exit to the road of this route is dangerous, as is the walk up the road to the corner.
- Footpaths Ellel 36 and Ellel 37 to the west of the quarry have had problems in safe and easy passage. Consequently, new routes were introduced as permitted routes and an Application for Public Path Modification Orders made in 2008. These Orders have not yet been made after many years.
- Footpath Ellel 36 has its east end at the road corner by the ruined building of Ellel Farmhouse. At one time there was active quarrying and a danger in the area of the former farm buildings but, more recently, the buildings have been used by the quarry so there appears to be no reason not to open up the legal line of this section of the footpath that is safe with good visibility in both directions where the traffic is slow. The legal route is therefore far more preferable.

The other representation expresses concern as to the damage to the road surface, especially around the junction area of Hampson Lane and Stoney Lane, caused by an increased use of wagons associated with house building in the area. If the application is granted, then there should be a proviso that the road surface must be kept in good condition.

One of the objections received states that there would not be a problem with the conversion or rebuilding of the old farmhouse for private occupation.

Advice

The application is for an easterly extension to the existing Ellel Crag Quarry to allow extraction of gritstone and shale, and the subsequent landfilling of the quarry with imported inert waste. The applicant has advised that the quarry can only be extended on its east side as this is the only side not constrained by a number of factors. The physical infrastructure to the west of the quarry including Bay Horse Road and the existing high voltage overhead electricity line and the existing mature vegetation and tree belts are constraints to the extension of the quarry on the northern, southern and western boundaries.

The applicant has provided a Geology and Geotechnical Assessment that describes the local geology which comprises fine to very coarse-grained and pebbly sandstones / gritstones interbedded with grey siltstone and mudstone, with subordinate marine black shales. The geology of the site is complex although it is estimated that the relative proportions of sandstone to mudstone/shale could be around 50:50 in the proposed extension area based largely on the information from boreholes. The applicant states that the sandstones / gritstones can be processed to produce general crushed rock aggregates and a sand grade material suitable for concreting. The underlying mudstones, siltstones and shales are within the Dolphinholme Mudstone formation and can be used for brick making.

The applicant, J A Jacksons (Preston) Ltd. also extract sand and gravel from Bradleys Quarry, Preston and at Lydiate Lane Quarry, Leyland. The applicant has advised that their operations contribute to the local community through the direct employment of 80 locally based people, the indirect employment in the provision of goods and services, and through the supply of aggregates and other materials to the construction industry. The applicant's view is that the proposed quarry extension would allow for the continuation of these socio-economic benefits.

The proposal raises a number of planning policy issues including the policy that relates to the supply of minerals and the requirement for inert waste disposal. These issues have to be assessed alongside the environmental impacts of the proposed extension. These impacts include traffic, biodiversity, landscape, archaeology, water environment, residential amenity and impacts upon gas and electricity supplies.

Planning Policy issues including the requirement for the minerals and inert landfill capacity

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. The National Planning Policy Framework is a material consideration.

The Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management, the Lancaster

City Council Core Strategy (2003-2021), and the Lancaster City Council Local Plan 2011 – 2031.

Paragraphs 203 – 211 of the National Planning Policy Framework deal with the sustainable use of minerals. The National Planning Policy Framework seeks to facilitate the sustainable use of minerals. It states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Paragraph 205 of the NPPF states that when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

The proposed development would allow the working of gritstone materials which could be processed into a range of aggregate materials which are important products in many construction uses. In relation to aggregates, Paragraph 207 of the National Planning Policy Framework states that minerals planning authorities should plan for a steady and adequate supply of aggregates by

- Preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- Using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- Maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised; ensuring that large landbanks bound up in very few sites do not stifle competition;

In terms of other minerals including brick clay / shale, Paragraph 208 of the National Planning Policy Framework states that minerals planning authorities should plan for a steady and adequate supply of industrial minerals and taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

The policies of the development plan in relation to minerals supply are found in the Lancashire Minerals and Waste Core Strategy (2009) and the Lancashire Minerals and Waste Local Plan (Development Management and Site Allocations Document)

Policy CS1 of the Core Strategy refers to the safeguarding of Lancashire's mineral resources. The policy recognises that minerals are a finite resource and that care needs to be taken to ensure that deposits are used in the best way by the sustainable and prudent use of them. It states that minerals will be extracted only where they meet a proven need for materials with those particular specifications.

Policy CS3 of the Core Strategy refers to meeting the demand for new minerals. The policy has targets for the amount of aggregates that need to be provided in the plan period of 2001 – 2021 so as to be sustainable in their use and provide long term

certainty for the minerals industry. In relation to this application, the relevant requirements of the policy are:

- The extraction provision for gritstone in the plan period is 38.1 million tonnes.
- No additional land will be made available for the extraction of gritstone for aggregate use before 2021 unless it is of a special quality not available elsewhere.
- Additional land will be made available during the Plan period for the extraction of minerals for brick manufacturing, where it can be demonstrated that the landbank supplying the manufacturing plant will fall short of 25 years during the Plan period.
- The mineral planning authorities will endeavour to maintain a landbank of at least ten years for crushed rock (limestone and gritstone).

The supporting text to Policy CS3 states that there is a considerable over provision of gritstone reserves. However, a significant proportion of the reserve is at a single site in Rossendale

In relation to brick shale the supporting text also states that there is a need to maintain a continuing supply of permitted reserves of brick clay for each of Lancashire's three brick manufacturing plants at Accrington, Ravenhead near Skelmersdale, and Claughton sufficient for 25 years of production. The supporting text states that *'it is possible that during the Plan period established sources of supply to one or more of these plants may fall short of this requirement. In addition, there remains the possibility that brickworks outside Lancashire may require materials from Lancashire, given the nature of the raw material. Additional land will be made available during the Plan period for the extraction of minerals for brick manufacturing, where it can be demonstrated that the landbank supplying the manufacturing plant will fall short of 25 years. Consideration will be given to the reasonable availability of supplies of an appropriate quality from elsewhere.'*

The Lancashire Minerals and Waste Local Plan (Site Allocation and Development Management Policies) is a further development of the Core Strategy.

Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan supports the extraction of sufficient minerals to meet Lancashire's subregional apportionment providing that the development would be in accordance with the site specific policies.

Policy M1 of the Joint Lancashire Minerals and Waste Local Plan refers to managing mineral production and states that development will not be supported for any new extraction of sand and gravel, limestone, gritstone or brickshale. The supporting text to the policy reiterates that for gritstone or brickshale the requirements of the safeguarding policy within the Core Strategy are relied upon, are adequate, and that there is sufficient flexibility in the landbank. Consequently, when the plan was adopted, there was no need to provide further site allocations or policies for them. Policy M1 should also be read within the context of Policy CS3 of the Core Strategy.

Therefore, in relation to the provision of additional gritstone aggregates and shale materials, the Development Plan position is clear in that there is little or no support within the policies of the Core Strategy or the Local Plan for the release of further such minerals in the period up until 2021. However, it is necessary to examine any other material considerations including the policies of the National Planning Policy Framework that should be weighed against the local plan policy. A key point of

national policy is that great weight should be given to the benefits of mineral extraction and that landbanks should be seen principally as an indicator of additional provision that needs to be made for new aggregate extraction and alternative supplies. In other words, they should not be used as a tool for preventing further releases just because the landbank exceeds the minimum levels.

To ensure a steady and adequate supply of aggregates, paragraph 207 of the NPPF requires mineral planning authorities to prepare an annual Local Aggregate Assessment. This is essentially a review to forecast local demand based on sales data and supply options and to inform the local plan review process.

The County Council published its most recent Local Aggregates Assessment in November 2019 based on 2018 data. For gritstone aggregates, the 2019 Local Aggregate Assessment estimates that permitted gritstone reserves are approximately 75.38 million tonnes which is equivalent to a landbank of 49 years based upon average sales data over the last 3 years. This landbank is well above the minimum level of provision indicated in the NPPF. However, the Local Aggregate Assessment (LAA) also notes the permitted reserves of gritstone are unevenly distributed across Lancashire with the vast bulk of the permitted gritstone reserves being in quarry sites in East Lancashire (70% at one site) with the only exception being those at Brinscall Quarry near Chorley. The LAA notes the supply position and that any review of the Lancashire Minerals and Waste Local Plan could include a more flexible criteria based policy to address the specific issue around the large land bank contained in a single site and the potential issues that therefore arise around continuation of local supply.

Taking these issues into account, whilst there is no immediate need to release further gritstone reserves in order to meet Lancashire's contribution as a whole, the reserve position shows considerable imbalance across the County. There is no current supplier of gritstone aggregates in north Lancashire and the NPPF advises that MPAs should ensure that large landbanks bound up in very few sites do not stifle competition. The two operational limestone quarry sites at Carnforth do produce general aggregate materials that supply into the same markets that would be supplied by crushed rock aggregates from Ellel Quarry. However, it is likely that the aggregate materials from Ellel would be utilised for applications such as bulk fill where quality specifications are lower which would safeguard better quality limestone aggregates for purposes for which they are better suited.

The applicant has provided information which maintains that the gritstone materials can be processed into a sand grade material which can be used in the manufacture of concrete. The applicant estimates that around 60% (approximately 500,000 tonnes) of the gritstone reserve could be processed to a fine sand type aggregate. Historically, such materials are derived from sand and gravel deposits rather than the processing of hard rock reserves. Because of the importance of sand and gravel in the production of mortar and concrete, separate landbank requirements exist for sand and gravel materials.

The hard rock reserves at Ellel Quarry are not sand and gravel reserves for the purposes of mineral planning policy and therefore cannot be counted as such materials for landbank purposes. However, Government policy is that there should be a sufficient supply of all minerals to provide the infrastructure and buildings that the country needs. Therefore, if the reserves at Ellel can be processed to meet the

needs for particular products, including for concreting aggregates, then this should carry some weight in the planning process.

In terms of sand and gravel supply in Lancashire, the 2019 Local Aggregate Assessment again provides the current supply and demand pattern. The current permitted reserves of sand and gravel in Lancashire are estimated to be around 5.9 Mt which gives a landbank of around 12 years at the current sales levels over the last three years. However, the bulk of those reserves (4.1 Mt) are held in one site which has never commenced production since it was granted permission in 2008.

It is also useful to look at the current supply position as a key component of Government policy is that supply should be steady and adequate. The following points are relevant to the supply situation in Lancashire for sand and gravel materials:-

- During the last year, the sand extraction site from the beach at St Annes has closed resulting in the loss of that material to the market. Whilst this site may resume there are considerable obstacles to this due to the location of the working area in the Ribble Estuary.
- The reserves at the sand and gravel quarry at Tarnacre near Garstang are now exhausted and the site is now being restored.
- The reserves held in the existing active quarries at Sandons Farm (Chorley), Clayton Hall (Chorley), Lydiate Lane (Leyland) and Bradleys (Preston) are limited and in the case of Sandons, is dependent upon a time extension being approved.

Taking the above issues into account, unless further supplies are brought to the market by the opening of dormant quarries or the granting of new permissions, it is likely that there will be a future deficit in the supply of sand and gravel materials in Lancashire. This would have to be met by importing materials from elsewhere or by using other materials such as crushed rock fines in the production of materials such as concrete.

In terms of aggregates policy, it is therefore concluded that the proposed extension area would only add marginally (by approximately 1 million tonnes) to the landbank of gritstone aggregate materials. There is no current supplier of such materials in the north of Lancashire and the ability to process the materials into a sand product for use in concreting applications would provide a useful additional supply to replace sources that have recently been lost to the market. It would also provide a more local source of supply, helping to reduce the distance over which such materials are transported. For these reasons, it is considered that the contribution that could be made to the supply of such materials from Ellel Quarry should carry some weight in the planning process as it would contribute to the steady and adequate supply of construction materials which is the key issue within national minerals planning policy.

In relation to the shale materials, the applicant advises that boreholes indicate that shales of significant thickness occurs within the strata to be worked. They acknowledge it has been difficult to correlate the shales at the site with other similar rocks in the district. However, there is a nearby brickworks at Claughton Manor which extracts brick making clay from Claughton Quarry some 12.5km to the north-east of Ellel Quarry. The Claughton quarry extracts the Claughton Moor Siltstone

which is of a similar age and character to the shale strata found at Ellel Quarry although there is no firm correlation.

The applicant states that the mudstone and siltstone are suitable for brickmaking and, furthermore, that material from Ellel Quarry has been used previously by brickworks at both Claughton Manor and Skelmersdale. The applicant also states that recent trials have been carried out using the brick shale that would be quarried at the site: the samples of brick shale were fired at the Furness Brick and Tile Company in Cumbria in October 2019 and produced a good quality pale coloured brick suitable for commercial brick making uses.

In relation to the supply of brick shale materials, the NPPF states that a stock of reserves of at least 25 years should be maintained for each brick making factory but that account should also be taken of the need to obtain materials for a variety of different sources to enable appropriate blends. Whilst there does not appear to be any immediate need to release further reserves to supplement the landbank at any of Lancashire's brickworks, the shale materials at Ellel Quarry would provide a further source of supply and would find a market to allow a wide range of brick materials to be produced and would therefore meet the objectives of national policy. Information contained in a 2018 planning application for Claughton Manor Brickworks suggested that 50% of the raw material requirements for that site originated from other quarry sites in order to allow appropriate blends of materials. It is therefore considered that the shale materials in the Ellel Quarry extension would provide a useful source of additional supply located close to an existing brick manufacturing site.

Landfilling with inert waste

The applicant proposes to restore the extension area by backfilling with imported inert waste.

Policy CS7 of the Joint Lancashire Minerals and Waste Core Strategy seeks to ensure that provision will be made for the minimal amount of new landfill capacity for the disposal of residues from the treatment of all wastes where no further value can be recovered.

Policy CS8 of the Joint Lancashire Minerals and Waste Core Strategy refers to identifying capacity for managing our waste. The policy states that provision will be made, as necessary, for the predicted total landfill capacity requirements for non-hazardous waste during the Plan period. The capacity and distribution of existing and planned provision for the use and disposal of inert waste in landfill and quarry voids will be assessed as part of the site selection process so as to ensure an adequate, available and accessible capacity of sites to handle inert waste.

Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan has similar criteria to Policy CS8 of the Core Strategy in that it seeks to ensure an adequate provision of suitable waste facilities, including landfill and waste recycling activities, across the county to ensure that waste can be managed as a resource. The policy seeks to ensure the management of a limited and declining number of existing landfill facilities.

Policy LF2 of the Joint Lancashire Minerals and Waste Local Plan supports landfilling of inert waste that cannot be recycled or recovered at two named sites: Scout Moor Quarry; and land to south of Jameson Road Landfill, formerly used for deposit lagoons. The policy is intended for the assessment of new inert landfill sites whilst allowing for the suitable restoration of quarries and landfills through the tipping of inert materials that may otherwise be recyclable. The policy seeks to drive an increase in inert waste recycling and reuse by restricting the tipping of recyclable inert waste.

The NPPF does not contain any policies in relation to the supply of waste management facilities. General national planning policy for waste is contained in 'National Planning Policy for Waste published in 2014 paragraph 7 of which deals with determining planning applications. It states that provision should be made for the final disposal of waste and that applicants should only be expected to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up to date local plan and in such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need.

The site is not allocated for waste management uses in the current minerals and waste local plan. However, as in the case of the minerals issues discussed above, the landfill capacity at this site would not become available until well into the next plan period due to the need to be work the minerals first and this site would therefore provide for inert waste disposal capacity requirements in the next plan period. The types of waste that the applicant would propose to use to fill the void would include site strip and excavation materials from development sites including subsoils and clays for which there is no reuse or recycling option. Provision of a landfill facility for these materials would therefore not compromise recycling targets for inert wastes and in any event the site has planning permission for an inert waste recycling plant which can be used if waste is delivered to the site which includes appreciable quantities of brick or concrete which have reuse potential as recycled aggregates.

In relation to the current availability of inert landfill facilities in the central and north Lancashire areas, the only existing sites are the applicant's facilities at Bradley's sandpit, and Lower Brockholes Quarry near Preston. However, these either have limited remaining capacity or are small scale sites. There are inert landfill facilities with longer term capacity at Westby Landfill site near Blackpool and Jameson Road lagoons site but there are no significant current facilities for inert waste landfilling in Lancaster City area and only one site near junction 38 on the M6 in Cumbria. There may be other small scale facilities that are permitted but it is unlikely that these would be long term sits with significant capacity. Therefore inert waste arisings in North Lancashire and South Cumbria would have to travel significant distances. It is therefore considered that there would be some merit in providing an additional inert waste landfill facility as well as enabling the restoration of the quarry excavation to a beneficial afteruse.

To conclude on the minerals and waste policy issues, whilst there is no immediate need to release further gritstone aggregate and shale reserves to meet Lancashire's overall requirements, it is considered that there is some merit in the proposal in terms of providing a more local source of supply and providing a new source of sand grade and shale materials to address particular requirements for these grades and types of mineral. In relation to the inert landfill capacity, if a need is demonstrated for

the minerals, then the landfilling of the site with inert wastes is justified to achieve an appropriate restoration scheme and to ensure that Ellel Quarry can continue to provide a local disposal facility for these waste types where no others currently exist.

Geology and Geotechnical Stability

The National Planning Policy Framework seeks to prevent new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability. Adequate site investigation information, prepared by a competent person, should be available to inform these assessments. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Progressive working and restoration across the proposed quarry extension is intended to address the problems of earlier operations in the existing quarry that were affected by areas of instability caused by the local geological structure and inappropriate working methods. The previous issues have been addressed using suitable wastes to construct buttresses.

The Geology and Geotechnical Assessment informs that the predominant geotechnical features of the proposed extension will be the bedding and faulting of the strata to be quarried. The proposed design includes phased extraction to incorporate a shallow quarry face slope of 25 degrees to ensure that the majority of the bedding in the rocks will be at an angle greater than the face angle which should prevent slope failures and ensure the stability of the quarry. However, the temporary faces created during the extraction will be subject to design and review as excavations progress because the area is faulted and dipping is known to vary within the quarry.

Although ultimate responsibility for securing a safe development, including land stability issues, rests with the developer, the working scheme includes sufficient safeguards which satisfy the relevant requirement of the NPPF and policy DM2 of the Lancashire Minerals and Waste Local Plan.

Transport and Access

The traffic and access issues are the main local environmental impact of this site.

The National Planning Policy Framework seeks to promote sustainable transport. Transport issues should be considered from the earliest stages of development proposals, so that, amongst other listed issues: the potential impacts of development on transport networks can be addressed; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy DM2 of the Lancashire Minerals and Waste Local Plan states that minerals or waste development will only be acceptable if all material impacts including traffic can

be controlled to acceptable levels or made so through the imposition of conditions or other controls

Policy DM23 of the Lancaster City Council Local Plan refers to transport efficiency and travel plans. The policy requires that a transport statement be submitted for larger developments so that the transport impacts of development proposals are identified and addressed.

A Transport Assessment was submitted as part of the Environmental Statement which examined the highway impact of the proposal.

The site would use the existing quarry access from the east side of Bay Horse Road. The current planning permission includes a restriction limiting HGVs to 60 loads per day Mondays to Fridays and 30 HGV load on Saturday. The existing planning permission is also subject to a section 106 agreement which amongst other things controls the routing of HGVs to and from the quarry. As part of this application the applicant sought to replace the existing daily HGV limit with an annual limit of 16,500 HGV departures. In their view this would not have increased the overall number of HGVs per year but would allow greater day to day flexibility for the operator to respond to the fluctuations of the market.

LCC Highways Development Control expressed concern that such a proposal would be likely to increase conflicts on the surrounding rural road network. There were also concerns that additional wagons will leave together during the peak traffic periods which would add to the congestion on the A6 junction with Hampson Lane. The cumulative impact of this may be severe as congestion causes frustration in drivers and this may lead drivers to take risks. There have been a number of collisions in the previous 5 years on the A6 in the vicinity of Hampson Lane. While Highways had no objection to raising the daily weekday limit from 60 to 75 departures, any increase over 75 would require a full assessment of the A6 / Hampson Green /roundabout / M6 links where there is a known congestion issue beyond the traditional peaks.

In response, the applicant submitted a Technical Note which included some junction analysis and suggested maximum numbers of 100 HGVs per week day and 10 HGVs for the peak hours to restrict the movements during the congested traffic periods.

In relation to highway matters, the site is accessed from the east side of Bay Horse Road. The HGV routing control through the section 106 agreement requires all HGVs to travel to the A6 via Bayhorse Road, Stoney Lane and Hampson Lane, a total distance of 2.7 km. Bayhorse Road emerges onto the A6 a short way south of the A6/ M6 roundabout at junction 33 of the M6.

The applicant has stated that the existing planning condition on HGV numbers is sometimes difficult to comply with as it does not allow sufficient flexibility to accommodate some contracts where inert waste is being moved into the site. There have been some instances where the existing limitation of 60 HGVs per day has been breached. The applicants need for some flexibility is acknowledged. However, it is considered that the applicant's proposed annual limit could mean a significant level of HGV movements on any one day and it is the peak level that is important in terms of assessing impacts on highway safety and capacity and the amenity of residents living along the affected routes.

As an alternative, to accommodate periods when larger numbers of HGVs are required, the applicant proposes to retain the existing limit of 60 HGVs per day but to include provision to allow an increase of up to 100 HGVs per day on up to 40 occasions in any one year. The highways and amenity impacts of this increase has been discussed at length with the applicant and the applicant has agreed to a condition that would not allow any HGV movements out of the site on Saturdays (with the exception of those associated with maintenance or plant movement which is likely to be a very low number). The removal of the Saturday working and the limitation of the incidence of the 100 HGVs per day to 40 days in any one year would mean that the overall number of HGVs would be very similar to that which could be undertaken under the existing permission. It would also allow some day to day cap on the level of movements which would not be provided by an annual limitation.

LCC Highways Development Control do not object to a proposed increase in departures from the site from 60 to 100 HGVs per week day, restricted to 10 departures in the am peak (07:00 - 08:30) and 10 departures in the pm peak (16:30 – 18:00), as they consider it would not result in a severe impact to highway safety and/or capacity.

As well as the highway capacity and safety issues, it is also important to consider the amenity issues arising from any changes in the pattern or number of HGV movements. The roads affected by the traffic from this site are all C class roads. Bay Horse Road is also part of the National Cycle Route network.

In terms of the impact on residential properties along the roads used by quarry traffic, there are approximately 16 properties affected. These are comprised of 4 properties at Five Lane Ends, 8 properties accessed off Stoney Lane, four properties on Hampson Lane and two properties at the junction of Hampson Lane and the A6. Most of these properties are larger houses that are set well back from the carriageway. Any increase in the volume of HGVs has the potential to increase the impact on the amenity of these properties through noise and vibration. The proposed extension would also mean that the impacts of HGV traffic from the quarry / landfill activities would continue for a further period of approximately 15 years. However, the increase above the existing permitted level would be restricted to 40 days in any one year and the additional impacts would be balanced by the removal of HGVs on Saturday morning when residents are more likely to be occupying their homes. The applicant is also agreeable to a restriction on the number of HGVs that can leave the site in the period between 07.00 and 08.30 hours. Given that the overall numbers of HGVs would be similar to those currently permitted, it is not considered that the proposed changes to the condition controlling HGV movements would have an unacceptable impact on local amenity. There would however be some impacts on residential amenity arising from the continuation of the HGV movements over a longer period than is currently permitted which will have to be balanced against any benefits of the proposal.

In 2008, the County Council refused an application (ref 1/08/125) at this site to increase the daily movement of HGVs out of the site to 80 per day on Monday to Fridays and 40 on a Saturday. The proposal was considered to be detrimental to the amenity of local residents and the safety and amenity of other highway users including pedestrians, cyclists and horse riders. This decision was not subject to an appeal but it is nevertheless important to have regard to it during consideration of the

current proposal. However, it is important to note that this proposal would have permitted up to 80 HGVs each day and up to 40 HGVs on every Saturday. There are therefore important differences between this decision and the highway controls that are being proposed by the applicant as part of the current application. In particular, the removal of HGVs on Saturdays would offset some of the impact on local residents and also users of the National Cycle Route as this is most likely to be used at weekends.

Planning permission 01/08/0629 was subject to a Section 106 Agreement dated the 24 April 2013 which contained provisions relating to HGV routing. The route contained within the existing agreement continues to the most suitable route and with this in mind, the Section 106 Agreement provisions related to HGV routing should be re-applied to any new planning permission that is granted. With such controls, the continuation of the landfill activities over a longer timescale is considered to be acceptable in relation to highway safety and local amenity and complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

Hydrology and Hydrogeology

The National Planning Policy Framework seeks to prevent new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution.

Policy DM39 of the Lancaster City Council Local Plan refers to surface water run-off and sustainable drainage. The policy states that, in relation to surface water drainage, development proposals will be required to address flooding issues including demonstrating that appropriate techniques have been adopted for the management of surface run off to minimise or mitigate flooding impacts.

Policy DM40 of the Lancaster City Council Local Plan refers to protecting water resources and infrastructure. The policy states that new development must: not threaten surface water and groundwater quantity and quality caused by water run-off into nearby waterways; consider effective and efficient disposal of wastewater; and seek to increase water availability and protect and improve the quality of rivers or groundwater where possible. Policy DM2 of the Lancashire Minerals and Waste Local Plan contains a similar requirement.

In relation to hydrology, the application site is located on a section of hillside that is outside of any flood risk zone and hence flooding is unlikely to be an issue.

The application site is a number of fields that are crossed by a field ditch with a general south-east to north-west direction which exits the site via the existing Ellel Crag Quarry. Water then flows north to join another field drain and then west into the River Cocker. In the first phase of the development, it is proposed to divert the field ditch to the north and east of the extension area and incorporate three small waterbodies within the diversion route for settlement and attenuation purposes.

A number of representations, including from the National Farmers Union, have objected to the proposed diversion of the watercourse. The field to the north of the quarry and to where the beck drains provides drinking water for livestock grazing in those fields. There are concerns that the diversion would have an impact on the quality of the drinking water for livestock and that there would be increased sediment

run-off downstream to the River Cocker that already has silt and sediment issues that contribute to flooding problems for local communities. In addition, there are concerns that the landfilling of the quarry void with 'inert waste' may affect the current supply of good, clean drinking water for livestock in the adjoining fields.

The applicant has provided further information to address the points about the construction of the diverted ditch. The detail included a cross-section drawing indicating the profile of the proposed diversion route as it would pass through the site via the three ponds to be constructed. The Lead Local Flood Authority have no objection to the diversion of the field drain. However, should planning permission be granted for the proposed development, then the advice of the Lead Local Flood Authority is that the applicant will have to apply separately for land drainage consent from them. Such consent would have to be obtained prior to commencing development. It is commented that, from reviewing the beck diversion section profile drawing, the Lead Local Flood Authority see no fundamental reasons as to why land drainage consent would not be given for the diversion.

The National Planning Policy Framework seeks to ensure that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Paragraph 183 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

An advice note can be attached to any permission requiring that land drainage consent would have to be applied for and granted from the Lead Local Flood Authority prior to the commencement of development. However, there does not appear to be any reason to suggest that such a consent would not be forthcoming and the planning application should be determined on that basis. Similarly, the ditch diversion incorporates a number of ponds the purpose of which is to slow flows and provide appropriate levels of settlement and flow attenuation. The catchment of the stream would not be affected and therefore there is no reason to consider that there would be any flooding impacts, loss of flow or pollution of the water by sediment provided that the stream diversion is satisfactorily constructed.

In relation to hydrogeology, the applicant provided a Hydrogeological Assessment that informs that the existing quarry has worked the Ellel Crag Sandstone that lies within a fault bound block. The only water input to the site is from rain falling on the hill where the quarry is located. Groundwater and leachate measurements on the Ellel Quarry site show that the water table is some 10 metres below the water level in the quarry ponds and that the ground water flows generally to the west i.e. in a downhill direction. No dewatering takes place in the existing quarry and, consequently, it has been concluded that the groundwater is discharging from the Ellel Crag Sandstone. The most likely flow path of the groundwater is towards the River Cocker with the discharge point being along a small outcrop area in the river that is in line with a minor fault.

The proposed extension to the quarry is in a sequence of rocks that is mainly mudstone and siltstone with some sandstone in the western part. The assessment shows that these rocks contain little groundwater and that the proposal would have

no significant impact on the local water environment. The increase to the quarry area may mean that captured surface water might have to be discharged from the quarry although the conditions of the existing discharge consent that are the responsibility of the Environment Agency, would adequately control this water flow.

A number of representations have been received raising concerns that a number of local properties, including farms and businesses, are supplied only by spring or borehole water. A natural spring is situated approximately 400 metres from the proposed extension area and within 500 metres of the proposed extension, there are 2 natural springs and 2 boreholes supplying water to properties and farms in the locality. A concern is that if the development goes ahead and the water supply fails, then the quarry should ensure that there would be a supply of mains water at no expense to affected properties. It is mentioned that the expense of connecting mains water to a small family farm would make the business unviable.

The Environment Agency originally objected to the application because the Hydrogeological Assessment did not include adequate information to demonstrate that the risks to groundwater resources including local boreholes and springs can be safely managed. Without a risk assessment showing the contrary, the risks to groundwater from this development were considered unacceptable and hence the Environment Agency recommended that planning permission should be refused. The assessment states that a survey of water supplies has been conducted around the quarry for a 500 metre radius and no sources were found. However, the Environment Agency noted that the 500 metres radius area of search was measured from the centre of the existing quarry and not 500 metres from the edge of the proposed extension. There are a number of properties east of the quarry and within 500 metres from the edge of the extension area that are served by private water supplies (springs and boreholes). The water feature survey did not identify any such private water supplies and hence any potential impact arising from the proposals to these supplies had not been considered.

In response, the applicant submitted a revised Hydrogeological Assessment. The Environment Agency subsequently withdrew their objection. The EA comment that the revised information includes an assessment of areas that were missing from the original report. The revised information confirms a number of private water supplies located on the eastern side of the quarry are within the 500 metre radius from the boundary of the proposed extension. The revision highlights that water supplies are fed by water arising from the outcrop of Accerhill Sandstone Formation (therefore different from that which is excavated in the quarry). Geologically these two sandstone formations (Ellel Crag Sandstone being the other nearer the surface of the ground) are separated by the Dolphinholme Mudstone of much lower permeability so that there is no hydrogeological link between the two sandstone horizons. There is agreement with the applicant's conclusion that excavation of Ellel Crag Sandstone in the quarry down to proposed levels of 78 m AOD will not have an impact on the water supplies that are fed by ground water within the Accerhill Sandstone Formation. Four advice points are also made relating to the need for the following: an Environmental Permit for waste management activities - there may be a need to apply for a variation to their existing Deposit for Recovery permit and will need a new Waste Recovery Plan to support any such application; an abstraction licence for any dewatering activity; a consent to discharge water from the site; and pollution prevention measures to prevent pollution of the unnamed watercourse which is to be diverted along the east and north of the site.

Advice notes could be imposed in relation to the first three points. A planning condition could be imposed in relation to the last point about pollution prevention measures and to control the depth of excavation.

Subject to the recommended advice notes and planning conditions, the hydrology and hydrogeology impacts of the development are considered to be acceptable in terms of the National Planning Policy Framework, Policies CS5 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies DM35, DM39 and DM40 of the Lancaster City Council Local Plan.

Ecology

The National Planning Policy Framework seeks to minimise impacts on biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gain. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy DM27 of the Lancaster City Council Local Plan refers to the protection and enhancement of biodiversity. The policy seeks to minimise impacts on and provide net gains in biodiversity, where possible. The policy states that development proposals will not be permitted where there is an adverse effect on priority species, unless the benefits of the proposal outweigh the potential adverse effects. Where adverse effects are unavoidable, a development proposal will be required to demonstrate that: adverse effects are minimised; provision is made for mitigation and compensation measures, such as on-site landscape works, off-site habitat creation, species relocation and ongoing management as appropriate, such that there is a clear net gain for biodiversity; and the biodiversity value of the site is not compromised, both on its own and as part of the wider network of sites. Development proposals should retain and enhance existing landscaping and natural features (e.g. trees, hedges, river banks and watercourses) to enhance biodiversity and create wildlife and recreational corridors. Proposals should not result in habitat fragmentation. Opportunities should be taken where appropriate to achieve beneficial measures within the design and layout of development.

Policy DM29 of the Lancaster City Council Local Plan refers to the protection of trees, hedgerows and woodland. The policy seeks the protection of trees / hedges that positively contribute, either as individual specimens or as part of a wider group, to the visual amenity and/or environmental value of the location. Development should positively incorporate existing trees and hedgerows within new development. Where this cannot be achieved, the onus is on the applicant to justify the loss of trees as part of their Arboricultural Implications Assessment. Where the loss is adequately justified, the council will seek replacement tree planting at the ratios adopted in the Council's Tree Policy.

The extension area is comprised of a number of agricultural fields divided by hedgerows with an area of rough scrub on the western boundary where the site is occupied by screen mounds to the existing quarry.

An Ecological Assessment and an amended version to address consultee comments has been submitted with the planning application to consider the potential effects and proposed mitigation. The assessment includes the following key issues:-

- Breeding birds, including a pair of peregrine falcons that nest in the existing quarry and where the working scheme retains the quarry faces suitable for peregrine to nest, and also a barn owl that roosts in the derelict Ellel Crag Farmhouse and where a barn owl box is proposed to be included in the renovation
- Bats that roost within the walls of the derelict Ellel Crag Farmhouse and that, as a European Protected Species, a licence is required prior to work commencing on the farmhouse, and where at least four compensatory bat boxes are proposed to be included in the renovation
- Separate Badger and Otter Surveys
- Provision of compensatory scrub, hedgerow and woodland planting including to mitigate for the loss of brown hare habitat that would be lost during works but that would be returned as part of restoration
- Tree, scrub and hedgerow clearance that would be restricted to the period August – February so as to prevent offences under the Wildlife and Countryside Act 1981.

The site is not affected by any ecological designations of European or national importance, and the nearby Brunstow Wood Biological Heritage site would not be affected.

Natural England have not objected. However, the Wildlife Trust for Lancashire do not believe that the application in its current form allows for the adequate determination of measurable biodiversity net gain and that more detailed information is required from the applicant. The Trust consider that there is no explanation of how biodiversity net gain would be delivered, measured or monitored over the 15 year life of the scheme and that key species would be displaced, for example 8.7 hectares of grassland lost possibly representing one quarter of the brown hares' home range. The Trust also comment that there is a timing issue with the habitat loss and phasing of restoration, in that alternative suitable habitat is not available when needed and existing ecological networks will be disrupted.

Jacobs UK Ltd have provided comments on the submitted ecology information and the various amendments that consider protected sites, species and habitats. However, there are a number of concerns, as follows:

Statutory designated sites – this relates to no detailed assessment of the application on Bowland Fells Special Protected Area (SPA) and Site of Special Scientific Interest (SSSI), Morecambe Bay and Lune Estuary Site of SSSI, SPA and Ramsar or Calf Hill and Cragg Wood SSSI and Special Areas of Conservation (SAC), all of which fall within 10km of the proposed development site. In response, given the distances of these European sites and the ecological interests that are found on the application site, Jacob's view is not supported and there is no requirement to assess the impacts on European sites.

Protected / notable species - this relates to breeding birds and bats.

For birds, Jacobs consider that the Ecological Assessment should be updated to include August within the active breeding bird season. Methodology for a pre-construction check if works are to be undertaken within the breeding bird season needs to be detailed.

For bats, works relating to the conversion of the farmhouse were covered in a separate scheme that has been submitted under a condition of the existing permission. The bat report and related surveys submitted as part of the planning application for the extension shows some bat activity over the extension area. There is some evidence that bats might use the derelict farmhouse building. However, mitigation in the form of bat boxes is proposed as part of the conversion and can be subject of a planning condition.

Potential cumulative effects - The application needs to consider the potential cumulative effects of the proposed development in combination with other proposals in accordance with good practice guidance.

In response, there are no other major development proposals in the local area which would have a cumulative effect together with the proposed extension.

Biodiversity enhancements and biodiversity net gain – Jacobs notes that mitigation measures have been provided where necessary and details of how the site will be restored after completion of works, but there are no further biodiversity or ecological enhancement details provided. No specific enhancements have been detailed in regard to protected / notable species such as breeding birds and bats. Jacobs consider that this is a missed opportunity to provide net gains for biodiversity in line with guidance set out in the National Planning Policy Framework. New planning policies require developments to look to achieve biodiversity net gain, where possible, and the application has not shown that this has been considered. The provision of a suitable number and type of bird and bat boxes across the site should be detailed on an annotated plan of the proposed site layout.

In response, negotiations with the applicant have provided further areas of wildlife habitat. The applicant has provided a table showing the gain and losses of different habitats that would occur:-

Habitat Type	Extent of habitat on completion of Final Restoration compared to existing, figures including progressive restoration
Agricultural grassland	12.5ha (loss 1.64ha)
Native Woodland	2.32ha gain
Field Boundary hedgerows	1,900m gain
Rough Grassland	4.13ha gain
Marginal Aquatic vegetation and waterbodies	0.6ha gain
Native scrub vegetation	0.31ha gain
Former working faces	0.16ha gain

It is important to note that paragraph 175 of the National Planning Policy Framework states *'that opportunities to incorporate biodiversity should be supported while opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity'*. At present there is no statutory requirement for net gain although it is considered that the revised landscaping and restoration scheme would satisfy the aspirations set out in paragraph 175 of the National Planning Policy Framework.

There would be losses to habitat in the short term as the extension area would be developed prior to the existing landfill site being fully restored. However, some areas of new habitat would be created early in the development including the area around the ditch diversion including the new ponds and the new hedge and tree planting on the boundaries of the site to reinforce the existing boundary hedges. In the long term, provided the site is restored in accordance with the submitted outline plans and the details made the subject of conditions, it is considered that there would be a biodiversity net gain compared to the existing situation.

Monitoring – In accordance with good practice guidance, there should be a section on monitoring. Ecological monitoring may not be required depending on the nature of potential impacts and proposed mitigation. If this is the case this should be stated and justified. However, as a minimum it is recommended that the application should make reference to the monitoring of new planting in accordance with a landscape strategy (or similar).

In response, details of ecological monitoring can be addressed through any aftercare condition.

In relation to invasive non-native species, the method statement of the control / mitigation measures for Himalayan balsam prior to and during the construction work could be secured by a planning condition.

Subject to conditions dealing with ecological mitigation, landscaping and restoration, the proposal is considered to be acceptable in relation to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies DM27, DM29 and DM35 of the Lancaster City Council Local Plan.

Landscape and Visual Impact

The National Planning Policy Framework seeks to protect and enhance valued landscapes. Planning decisions should seek to provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

Policy DM28 of the Lancaster City Council Local Plan refers to development and landscape impact. The policy seeks to support development which is in scale and keeping with the landscape character and which are appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping. Consideration will be given to both the individual and cumulative impacts of a proposal. Development proposals which are considered, due to their scale or location, to have potential adverse impacts on the local landscape and local

character will be expected to be accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA should systematically assess the effects of change on the landscape, both landscape and visual effects, as a consequence of a development proposal. Through such an assessment, development proposals should be designed to avoid negative landscape effects and, where this is not possible, negative landscape effects should be reduced or offset through appropriate mitigation/compensatory measures.

A Landscape and Visual Impact Assessment was submitted with the planning application to consider the potential effects on landscape fabric, landscape character and visual amenity for residents and those passing through the area. The potential landscape and visual effects were identified and assessed in different locations up to a 3km radius from the site and took into account the site before any development, the temporary effects during the operational phase of the development, and the residual effects after restoration. The assessment determined there would be limited significant and large scale operational effects when viewed within close range to the north, east and south, and that would include the public rights of way in and around the site, the cluster of houses around Middle Crag Farm to the east, and Starbank Lane to the south. There would be little or no cumulative effects with other developments during the operational phase, and negligible impact after restoration.

The existing quarry is very well screened by the existing woodland and tree plantations that surround the southern, western and northern sides of the site. The proposed extension area would not result in any of this screening being removed. There are some low hedgerows with a small section of overgrown hedge with some large trees that would be removed as part of the extension works but otherwise the extension area does not have any particular landscape features.

The extension area itself occupies a shallow valley area dipping to the north on land above the existing quarry. This area is mainly viewed from Starbank Lane particularly as the road climbs to the east of the site although directly adjacent to the extension area, the site is screened by the existing roadside hedgerow. Views of the extension area also gained from the footpath along the eastern boundary of the extension area are also from the properties to the east are located at a slightly higher elevation than the extension area. However, these properties are edged by numerous trees and other vegetation which filters the views.

The first phase of the development would include the construction of a landscaped screening and bund feature along the full lengths of the eastern and southern, and approximately a third of the northern, perimeters of the extension area. The screen bunds would be formed from the soils and boulder clay overburden stripped from the development area, although there are also existing soil materials already on site which could be utilised. The screen bunds would be retained for the duration of working and progressively removed for restoration purposes. The applicant has stated that the shape (elongated outer face with 1 in 4 / 5 gradient) and height of the bunds are a deliberate effort to create visually acceptable screening of the activity on site.

The screen bunds would vary in height between approximately 3 – 6 metres high along the southern and eastern perimeters, and 5 metres high along the eastern perimeter. The original proposal was that the site would be landfilled with inert waste and progressively restored up to the top of the bunds so that the finished land levels

would be up to 7.4 metres higher than the existing landform. The design of the landfill scheme has now been amended such that filling will now only be carried out to the toe of the screening bunds which would then be progressively removed for restoration purposes. The maximum final levels of filling would still be up to 5 metres higher than the existing land levels in the extension area but it is considered that the final landform would now be more acceptable than that set out in the original proposal.

Jacobs UK Ltd comment that the application is acceptable in relation to the assessment of landscape and visual impact issues arising from the proposed works. However, they comment that further clarification should be sought to understand the proposed earthworks and final restoration details, and these need to be submitted to the Local Planning Authority prior to determination or where appropriate agreed as pre-commencement conditions.

In conclusion, the proposed extension area is only readily visible from Starbank Lane and from the footpath that follows the eastern edge of the extension area. There would be some particular impacts from the footpath due to its proximity to the site and also the removal of a section of overgrown hedge that contains some larger trees. There would be some views of the extension from further to the east along Starbank Lane as it is more elevated at this point and overlooks the site where the screen mounds would not be so effective. However, in summary, it is considered that the proposal with the amended landform design is acceptable and hence the landscape and visual impacts of the development could be acceptable in terms of the National Planning Policy Framework, Policies CS5 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies DM28 and DM35 of the Lancaster City Council Local Plan.

Cultural Heritage and Archaeology

The National Planning Policy Framework seeks to conserve and enhance the historic environment. Heritage assets are recognised as an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The NPPF sets out the requirement that applicants should follow when preparing applications and how planning authorities should assess heritage impacts

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of the past should not be a factor in deciding whether such loss should be permitted.

Policy DM33 of the Lancaster City Council Local Plan refers to development affecting non-designated heritage assets or their settings. The policy states that where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention. Any loss of the whole or part of such an asset will require clear and convincing justification. No loss will be permitted without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Any special features which contribute to an asset's significance should be retained and reinstated.

The applicant initially provided an Archaeological Desk-based Assessment to meet the policy requirements. The assessment referred to two elements: below-ground archaeological remains, and standing buildings.

With regard to below-ground archaeological remains, the assessment referred to two dumps of kiln waste thought to date to the 13th-14th centuries that were encountered on the eastern edge of the proposed quarry extension, as part of a watching brief during construction of the Carnforth to Treales Gas Pipeline in 1992. The assessment considered that further such remains are unlikely to be encountered by the proposed development, and of a low significance. However, the LCC Specialist Advisor (Archaeology) did not support this position due to the potential for other kilns to be found in the vicinity, of possibly high significance, that could produce significant quantities of finds that require analysis, illustration and reporting. Consequently, it was advised that, prior to determination, an archaeological evaluation of the site be undertaken in order to determine the full nature, extent and significance of any surviving archaeological deposits.

The applicant subsequently provided a Geophysical Survey that the LCC Specialist Advisor (Archaeology) considers to have demonstrated the application site to have a low archaeological potential. It should, however, be noted that on similar sites for which geophysical surveys have been undertaken, it was later found that there was archaeological importance that was only found during later intrusive investigation of the site. Therefore, the potential for artefacts within the subsoil cannot be entirely discounted on the basis of the geophysical survey.

Consequently, it is considered reasonable to undertake a further stage of 'ground truthing' the results of the Geophysical Survey, by means of an 'archaeological watching brief' initially on the Phase 1/1A topsoil stripping of areas that lie within 100m of the recorded site of the pottery finds. Should this result in the recovery of either structural evidence for kilns (kiln debris, wasters, saggars etc.) or pottery, then the watching brief would need to be extended to cover the next phase of works. The absence of any such material in the initial phase will be taken as evidence that the area has no archaeological interest and no further archaeological investigation of the proposed extension to the quarry would be considered necessary.

With regard to standing buildings, the assessment referred to the undesignated heritage asset of the ruins of Ellel Crag Farmhouse that dates to the 17th-18th centuries. The assessment does not consider the potential impact of the proposed refurbishment on it. The LCC Specialist Advisor (Archaeology) feels that while part of the farmstead has already been lost to quarry workings, and although in a state of some dereliction, the building is still considered to be worthy of a record prior to its proposed conversion to office accommodation.

Should planning permission be granted for the proposal then the advice of the LCC Specialist Advisor (Archaeology) is that an archaeological watching brief and recording of the farm house be secured by means of a planning condition. Subject to such a condition, the cultural heritage and archaeology impacts of the development are considered to be acceptable in terms of the National Planning Policy Framework, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies DM33 of the Lancaster City Council Local Plan.

Noise, Air Quality and Dust, and Light Pollution

The National Planning Policy Framework seeks to prevent new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air or noise pollution. In considering proposals for new development, minerals planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Planning decisions should seek to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy DM2 of the Lancashire Minerals and Waste Local Plan states that minerals and waste development will be approved provided that it can be demonstrated that all material impacts including those on local amenity can be controlled to acceptable levels or made so through the application of conditions or other controls.

The site would also be subject to a permit from the Environment Agency which would regulate many aspects of the landfill activity. However it would not cover the mineral extraction phases of the operation for which the planning controls would be the main form of regulation.

In relation to noise, a Noise Assessment was submitted with the planning application to assess the impact of noise from the development on the closest sensitive receptors at Middle Crag Farm and Borbles Hall. In nearly all cases of working, it has been demonstrated that noise emitted from the site would not exceed 55dBLAeq (1 hour) (free field) at these properties. It is accepted that some short term activities such as soils and overburden removal are subject to higher noise levels of 70dBLAeq (1 hour) (free field). The noise impacts are considered acceptable but to ensure that the amenities of the area and residential properties are not affected, conditions should be imposed to restrict noise levels to appropriate levels (10 dB(A) above the background level) at the closest sensitive receptors during normal working but up to 70dBLAeq for short term activities such as soil stripping or restoration for a period of up to eight weeks a year; hours of working; and the use of white noise vehicle reversing alarms.

In relation to air quality and dust, a Dust Management Plan was submitted with the planning application to assess the impacts from the development. The plan concluded that any unacceptable air quality and dust impacts could be controlled by the use of conditions to require a restriction on the waste types brought onto the site; the implementation of dust control measures by restricting the heights of stockpiles to 6 metres; and to employ methods for the suppression of dust on the internal haul road, hardstandings and stockpiles. With such conditions the dust impacts are

considered acceptable given the distance of the site to the nearest sensitive dwellings.

In relation to the impact of light pollution, a planning condition could require that any floodlighting used is designed to minimise light spill.

Subject to such conditions, the noise, air quality, dust, and light impacts of the development are considered to be acceptable in terms of the National Planning Policy Framework, and Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Existing Electricity and Gas Supplies

An electricity transmission lines crosses part of the proposed extension area and provides power to a number of local farms and dwellings. The application proposes to retain the electricity line on its current alignment including a 5 metre wide stand off on both sides. The land on either side of the line would not be worked but would be incorporated into the area used for the ditch diversion.

The extraction/ quarrying of the proposed quarry extension would be undertaken by excavators. There would be no blasting. This being the case, there are minimum distances that would be required between the routes of the electricity power lines that run across the site, and the edge of the application and working areas and for maintenance access of the electricity assets. Electricity North West have not objected to the application but have advised of a number of matters regarding working close to the line and the need to maintain access. All of these matters could be the subject of an advice note on the granting of any planning permission.

Subject to such an advice note, there would be no detrimental impacts on existing electricity supplies and hence the development is considered to be acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The eastern edge of the proposed extension area is skirted by a 1050mm diameter national high pressure gas main that follows a north to south direction. There is therefore an issue of potential damage to the gas main, and the associated issues of the impact of gas provision to homes, business and industry, plus health and safety issues. The gas main is the responsibility of National Grid Gas.

National Grid Gas initially objected as location plans appeared to show the proposed quarry extension to be extremely close to the pipeline easement. National Grid's specification for safe working in the vicinity of the pipeline states an assessment should be carried out on the effect of mineral extraction or landfill activities take place within 100 metres of a pipeline. Given these concerns, more detail was required so that the impact of the proposed development on the pipeline could be assessed further.

Following the request of National Grid Gas, the applicant provided the following: a drawing showing a cross section through the proposed excavation at the nearest point to the high-pressure gas pipeline to enable National Grid Gas to determine if the existing easement would have a sufficient stand-off when the quarry is excavated; and also a phasing plan so that National Grid Gas are informed when the works may be approaching the gas pipeline. The information shows the location of

the gas pipeline which is approximately 1.1 metres below ground level. The closest distance to the pipeline from the mineral extraction void would be 44.3 metres.

Based on the submitted details, National Grid Gas withdrew their objection. They advise that a condition should require that the route of the gas pipeline be marked out prior to the commencement of the development and be maintained throughout the lifespan of the development including any landscaping/restoration works. A condition should also stipulate that the extraction of the proposed quarry extension would be undertaken only by excavators with no blasting. Subject to such conditions, there would be no detrimental impacts on existing gas supplies and hence the development is considered to be acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Rebuilding and extension of the derelict farmhouse for use as site office accommodation

The original 1986 planning permission that permitted the use of the existing quarry as a landfill site included provision for the conversion of the former farm buildings at the farm house to an office and laboratory in association with the quarry. No details of the conversion works were provided and a condition was therefore attached to the 1986 permission requiring details of these works to be submitted for approval. This condition has been attached to all subsequent time extension permissions for the filling of the existing quarry. However, the building has never been converted. Details for the conversion of the existing building have been provided under the relevant condition of the existing permission.

However, the existing permission can only relate to the building as currently on site and cannot permit any new building works. The current application includes a small extension to the rear of the building and an infill between the main house and a smaller stone outbuilding, so that a single larger building is created. The current proposal also includes provision for a small car parking area and a grassed area enclosed by hedgerows on the immediate front (south) side of the building, and an outdoor amenity hard surfaced area on its north) side so that the building is suitable for its proposed use as an office ancillary to the quarry / landfill activity.

As explained in the Cultural Heritage and Archaeology section of this report, the derelict Ellel Crag Farmhouse is a non-designated heritage asset. The National Planning Policy Framework requires local planning authorities to take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. The farm house is now in a very poor state of repair having lost its roof several years ago. The proposed conversion works would secure its future and safeguard its heritage interest.

The principle of the conversion of this building to an office use in association with the quarry has been already been established by virtue of the current permission. Therefore the only matters at debate as part of the current application include the visual impact of the additional development (the two extensions and car park) that is proposed under this application.

The two extension areas are relatively small and would not add appreciably to the visual impact of the building. They would be faced in stone to match the existing farmhouse building. The car parking area at the front of the building would be relatively small in scale and would ensure that employees would be able to park off Starbank Lane which is not wide enough to allow for parking.

Subject to conditions controlling the design and materials to be used for the extension works, the design of the car parking and controls on the use of the building, this aspect of the development is considered to be acceptable in relation to Policies DM7 and DM8 of the Lancaster City Council Local Plan.

Human Rights Issues

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. Article 1 of the first protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary in accordance with the law and as is proportionate.

If the application were to be approved with the recommended conditions the development would be unlikely to generate such an impact which would breach those rights.

Conclusions

This proposal is for major extension to an existing quarry and inert landfill site. The development raises a number of planning issues in relation to policy and local environmental impact and therefore the proposal has to be considered carefully.

Planning law requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. The policies in the National Planning Policy Framework (NPPF) are material considerations which should be taken into account. Although the existing Lancashire Minerals and Waste Local Plan is now nearing the end of its plan period, the NPPF states that existing policies should not be considered out of date simply because they were made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework.

The current policies for minerals supply and the provision of inert landfill capacity are set out in the Lancashire Minerals and Waste Local Plan. These policies provide a constrained approach to the release of further gritstone aggregate and brickmaking materials in Lancashire due to the adequate landbanks for these minerals that existed at the time the policy was prepared. Although this policy stance is rooted in the Core Strategy, adopted in 2009, the landbanks of gritstone aggregate and shale are still sufficient to meet the minimum landbank requirements. However, this should be considered against the more permissive and positive approach in the NPPF which sets out the great weight to be given to the benefits of mineral extraction.

Whilst there is no immediate need to release further reserves of gritstone in Lancashire to achieve adequate landbanks, the NPPF states that landbanks should

be used principally as an indicator of the security of aggregate minerals supply and to indicate when additional provision needs to be made. They are not intended to be used as a cap on permitted reserves. The reserves at this site would help to address an issue in the geographical distribution of the gritstone landbank and would also assist in the supply of sand materials where it is expected there may be future shortfalls of such materials from their traditional sources of supply. The shale materials would also help to ensure that brickworks have access to materials from a variety of sources. It is therefore considered that some need for the aggregate and shale minerals from this site can be demonstrated.

Similarly, with the provision of new inert landfill capacity, there is currently no significant site for the management of such materials in the north Lancashire area and the current facilities in the central Lancashire area have a limited life. The proposal would provide a longer term facility for the management of such wastes and would minimise the distance that such materials need to travel for disposal.

The proposed development would have a number of environmental impacts most particularly in relation to landscape and ecology and particularly local amenity from HGV movements. However, mineral reserves can only be worked where they are found and therefore any mineral extraction proposal will inevitably give rise to such impacts given that they take place in rural areas. It is considered that the landscape and ecological impacts have been addressed through the amendments that have been made to the working and restoration proposals. Whilst the proposal would result in an increase in HGV traffic above existing levels on a limited number of weekdays per year, the impacts of this in terms of highway safety and particularly amenity are offset by the reduction in traffic on Saturdays compared to the levels currently permitted. The other impacts of the development in terms of local amenity (noise and dust), water resources and archaeology can be satisfactorily controlled through appropriate conditions.

This is a finely balanced decision but taking into account these issues, it is considered that planning permission should be granted as the adverse impacts of doing so are outweighed by the benefits of the proposal when considered against the policies in the National Planning Policy Framework.

Recommendation

That subject first to the applicant signing a section 106 agreement relating to HGV routing and the extension of the aftercare period to a total of 15 years, planning permission be **Granted** subject to the following conditions:-

TIME LIMITS

1. The development shall commence not later than 3years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The mining operations and subsequent landfilling operations authorised by this permission shall cease not later than 30th June 2038 and the site shall

thereafter be finally restored within a further period of one year in accordance with the scheme and programme of restoration approved under the requirements of condition 35.

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DM46 of the Lancaster City Development Management DPD.

3. Written notification of the date of commencement of soil stripping in the extension area shall be sent to the County Planning Authority within 7 days of such commencement.

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

WORKING PROGRAMME

4. 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 7th June 2019

- b) Submitted Plans and documents:

Figure 1 – Location Plan

Figure 2 – Indicative Quarry Development Plan: Existing Site

Figure 3 rev A – Indicative Quarry Development Plan: Proposed Working Scheme

Figure 4 Rev B – Indicative Quarry Development Plan: End of phase 1A

Figure 5 Rev B – Indicative Quarry Development Plan: End of phase 2

Figure 6 Rev B – Indicative Quarry Development Plan: End of phase 4

Figure 7 Rev B – Indicative Quarry Development Plan: End of Phase 6

Figure 8 Rev B – Indicative Quarry Development Plan: End of Phase 8

Figure 9 Rev B – Indicative Quarry Development Plan: End of Phase 10

Figure 10 Rev B – Indicative Quarry Development Plan: Final Restoration

Figure 11 Rev A – Indicative Quarry Development Plan: Sections A-C

Drawing 6183-LO4 Ellel Crag Farmhouse – Proposed Ground floor plan

Drawing 6183-LO5 Ellel Crag Farmhouse – Proposed First Floor Plan

Drawing 6183- LO6 Ellel Crag Farmhouse – Proposed Elevations

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies DM30, DM31, DM34, DM36, DM41, DM42, DM44, DM45 and DM46 of the Lancaster City Local Plan Development Management DPD.

5. No mineral extraction shall take place in Phase 1 until the perimeter soil mounds on the southern and eastern boundaries of the extension area have been fully constructed in accordance with Figure 4 Rev B – Indicative Quarry Development Plan: End of phase 1A. The mounds shall be dressed with topsoil to a minimum depth of 250mm and seeded within three months of their completion.

Thereafter, the perimeter mounds shall be retained in a weed free, fully grassed condition throughout the duration of the development until such time as the soil materials are required in connection with the restoration of the site.

Reason: To ensure the proper screening and landscaping of the extension area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. Topsoil and subsoil materials arising from the stripping of soils within the extension area shall be stored separately. A plan shall be maintained showing the locations within the perimeter bunds where topsoil and subsoil materials have been separately stored.

Reason : To ensure the proper storage of soil materials in the interests of safeguarding of soil materials and to ensure the proper restoration of the site and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. No soil stripping shall take place in Phase 1 until a scheme of landscaping and for the creation of the no. 3 attenuation ponds and stream diversion, as shown on Figure 4 Rev B – Indicative Quarry Development Plan: End of phase 1A has been submitted to and approved in writing by the County Planning Authority.

The scheme shall provide details of:

- a) The planting on the boundaries of the extension area including locations of planting, numbers, types and species of trees or plants, planting techniques and protection measures;
- b) The formation of the attenuation ponds and stream diversion including route and cross sections of the diversion route and means of construction including outfall levels of the ponds and their landscaping;
- c) The management of the existing boundary hedgerows; and,
- d) Cross-section and long-section drawings indicating the pond outfall levels.

- e) The landscaping to be undertaken around the car park adjacent to the Ellel Crag Farmhouse including details of location of planting, species, planting techniques and protection measures.
- f) A timetable for the implementation of the above works

The landscaping and drainage works contained in the approved scheme shall be undertaken in accordance with the timetable approved under the requirements of part e) of the condition.

The landscaping works shall thereafter be maintained for a period of five years including replacement of failed plants, weed control and maintenance of protection measures.

Reason: In order to ensure the proper landscaping of the site in the interests of the amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

- 8. No working of minerals shall take place below a depth of 78m AOD.

Reason: To ensure the protection of local water abstraction points and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan

- 9. This permission shall provide for the extraction of sandstone and shale materials only.

Reason: in the interests of local amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

- 10. No removal of hedgerow, trees or soil stripping operations shall be carried out between the period between 1st March and 31st July in any one year until the areas to be disturbed have been checked by a qualified ecologist and found to be clear of nesting birds.

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

- 11. Prior to any soil stripping taking place at the site, the alignment of the gas pipeline shall be identified on the ground using tape, posts or other form of delineation. No soils shall be stripped or stored or any excavation take place within 5 metres of the centreline of the pipeline.

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

12. No soil stripping or storage of soil materials shall take place within 5 metres of the alignment of the overhead electricity line crossing the northern part of the site.

Reason: To protect the integrity of the electricity line and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan

13. All trees and hedgerows on the boundaries of the site shall be protected from damage and retained during the duration of the development.

Reason: In the interests of visual amenity of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

14. No stockpile of minerals or processed materials shall exceed 4 metres in height.

Reason: In the interest of the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan

15. The mineral extraction operations shall proceed in accordance with the scheme of phasing and direction of working set out on Figures Figure 4 Rev B, Figure 5 Rev A ,Figure 6 Rev A, Figure 7 Rev A , Figure 8 Rev A and Figure 9 Rev A .

Reason: In the interests of visual and local amenity and to ensure the stability of the quarry faces and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

16. The backfilling of the excavation with imported inert material shall take place in accordance with the approved scheme detailed in condition 4 to this permission. The final restoration levels including the placement of topsoil or subsoil as appropriate over the imported materials shall not exceed the levels shown on Figure 10 Rev B Indicative Quarry Development Plan: Final Restoration and Figure 11 Rev B Indicative Quarry Development Plan: Sections A – C.

Reason: In the interests of the visual amenities of the area and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

17. No processing plant shall be sited within the extension area until a plan has been submitted to an approved by the County Planning Authority detailing and type of plant to be used, its location and measures to be employed to mitigate noise impacts.

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

HOURS OR WORKING

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

07.00 to 19.00 hours, Mondays to Fridays (except Public Holidays)

07.00 to 13.00 hours on Saturdays

No soil stripping, mineral extraction, landfill or restoration operations shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DM30 of the Lancaster City Local Plan Development Management DPD .

19. Notwithstanding the provisions of condition 18 above no heavy goods vehicles, as defined in this permission, shall leave the site outside the hours of:

07.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

No heavy goods vehicles shall enter or leave the site on Saturdays, Sundays or Public Holidays.

The provisions of this condition shall not apply to HGVs associated with the movement of plant on or off the site or those associated with maintenance works at the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DM30 of the Lancaster City Local Plan Development Management DPD.

HIGHWAY MATTERS

20. The sole access to and egress from the site shall be from Bay Horse Road as shown on Figure 2.

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 and policy DM30 of the Lancaster City Local Plan Development Management DPD.

21. All vehicles transporting minerals (recycled aggregates) 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 and policy DM30 of the Lancaster City Local Plan Development Management DPD.

22. All HGVs leaving the site shall pass through the wheel cleaning facilities provided at the site in order to ensure that no mud, dust or other deleterious materials are deposited on the surface of the public highway by HGV's leaving the site.

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 and policy DM30 of the Lancaster City Local Plan Development Management DPD.

23. No more than 60 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive associated with the export of minerals or importation of restoration materials.

Notwithstanding the provisions of the above condition, up to 100 HGVs shall leave the site on any one day provided that the number of days when HGVs exceed 60 in any one day is not greater than 40 days in any one year.

In the period between 07.00 to 08.30 Mondays to Fridays no more than five HGV's shall leave the site in any 30 minute period.

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 and policy DM30 of the Lancaster City Local Plan Development Management DPD.

24. A record of all HGVs leaving the site shall be maintained and made available to the County Planning Authority on request at all times. The record shall contain details of the date and time of the movement, vehicle weight and registration number.

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 and policy DM30 of the Lancaster City Local Plan Development Management DPD.

SOIL MANAGEMENT

25. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, or before plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored in separate mounds within the site for use in the restoration of the site except for soils that are used in capping and restoration works within the land edged orange on Figure 2.

Reason: To ensure the proper removal and storage of soils to ensure satisfactory restoration and to conform with policy DM2 of the Joint

Lancashire Minerals and Waste Local Plan and Policy DM30 of the Lancaster City Local Plan Development Management DPD.

26. No movement of topsoil or subsoil shall occur during the period from the 1st of October to the 30th April (inclusive) without the prior written consent of the County Planning Authority. At other times the stripping, movement and respreading of top and subsoils 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 DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DM30 of the Lancaster City Local Plan Development Management DPD.

ARCHAEOLOGY

27. No development shall take place until a scheme of archaeological researching for the site has been submitted to and approved in writing by the County Planning Authority. The scheme shall provide for the following:

a) Details of an archaeological watching brief to be undertaken during soil stripping within Phase 1A

b) Submission of a report detailing any archaeological interests uncovered during the stripping of Phase 1A. The report shall identify the need for, and extent of any further archaeological work required during soil stripping on subsequent phases of the site.

The archaeology researching methods during soil stripping shall be undertaken as identified in the approved scheme.

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

NOISE, DUST AND VIBRATION

28. Noise emitted from the site shall not exceed the background level LA90 (1 hour) (free field) by more than 10 Db (A) when measured from any of the following properties at a point closest to the noise source:

a) Borbles Hall NGR 501 548

b) Middle Crag Farm NGR 512 549

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 DM30 of the Lancaster City Local Plan Development Management DPD.

29. The noise limits in condition 28 above shall not apply during the stripping of soils, the construction of storage mounds for these materials and their deconstruction and respreading during the restoration of the site. During such activities noise levels shall not exceed 70 dB(A)(1 hour) (free field) as defined in this permission when measured at either of the properties listed in condition

28 at a point closest to the noise source. For these activities the noise limits in condition 28 shall not be exceeded on more than 51 days in any one year. A record of when the activities listed in this condition are taking place shall be maintained and made available to the County Planning Authority on request.

Reason: To permit higher noise levels during periods of soil stripping and restoration and to ensure the protection of the amenity of local residents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

30. All mobile plant used on the site shall be fitted with and use white noise reversing alarms at all times. No reversing beepers shall be used on plant at the site.

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

31. Measures shall be taken at all times during the duration of the development to minimise the generation of dust. Such measures shall include the watering of all haul roads, the fitting of dust suppression equipment to crushing and screening plant and the suspension of dust generating activities during dry weather conditions when other dust suppression measures are not effective.

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.

32. No explosives shall be used on the site.

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

WATER RESOURCES

33. 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 and policy DM34 of the Lancaster City Local Plan Development Management DPD.

34. There shall be no dewatering operations at the site except for the removal of surface water that has accumulated in the base of the excavation.

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 Lancashire Minerals and Waste Local Plan and policy DM34 of the Joint Lancaster City Local Plan Development Management DPD.

RESTORATION AND AFTERCARE

35. No importation of waste materials shall take place until a scheme and programme for the final restoration of the site has been submitted to the County Planning Authority and approved in writing. The scheme and programme shall be based upon Figure 10 Rev B and shall include details of the following:

- a) The phasing of restoration.
- b) The uses and habitat types for each area of the site.
- c) Details for the replacement of soils including the depths of topsoils and subsoils to be replaced in each area of the site.
- d) Details for the treatment of soils including cultivation and measures to relieve compaction.
- e) Seeding of restored areas of the site including seed mixes to be used.
- f) Details for the planting of hedgerows and woodland areas in the positions shown on Figure 10 Rev B including the numbers, sizes and types of species of plants, planting techniques and protection measures.
- g) Details of surface water drainage to ensure that the site will be free draining including identification of discharge points and measures to control run off and prevent erosion;

The site shall be restored in accordance with the details, measures and timetable set out in the approved scheme and programme.

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 policy DM DM46 of the Lancaster City Local Plan Development Management DPD.

36. Upon certification in writing by the County Planning Authority of the completion of restoration within any phase of the site as identified in the scheme approved under the requirements of condition 35, as defined in this permission, aftercare of that phase of the site to promote the agricultural afteruse shall be carried out for a period of five years. Such aftercare works shall include the following:-

- a) Any measures necessary to promote the agricultural use of the land including works to relieve compaction or installation of drainage.
- b) Details for the management of tree and hedge planting including weed control, replacement of failures and maintenance of protection measures.
- c) Any measures required to promote ecological habitats at the site.

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

ELLEL CRAG FARMHOUSE

37. The extensions to the Ellel Crag Farmhouse shall only be used as office and administration facilities ancillary to the adjacent quarry and landfill operations and such use shall cease by not later than 30th June 2039.

Reason : To ensure that the use of the building is tied to the duration of the operations at the adjacent quarry and landfill operation and to conform to Policies DM48 and DM49 of the Lancaster City Local Plan Development Management DPD.

38. The stone and slate materials to be used for the external elevations and roofs of the extensions to the farmhouse building as shown on drawings 6183-LO4, 6183-LO5 shall match the materials used on the external elevations of the existing building.

Reason: To ensure the materials for the proposed extensions are acceptable and match the existing building in the interests of visual amenity and to conform with Policy of the Lancaster City Local Plan.

39. Prior to the farmhouse being brought into use as an office, the car parking provision shown on drawing 6183 shall be provided and made available for use at all times. The car parking provision shall include disabled parking provision as shown on drawing 6183, the location of which shall be marked out on the surface of the car park.

Reason: In the interests of highway safety and to conform with Policy of the Lancaster City Local Plan.

Definitions

HGV; A vehicle over 7.5 in gross weight.

Completion of Restoration: the date when the County Planning Authority certifies in writing that the restoration of any phase of the site has been completed in accordance with the scheme approved under the requirements of condition 35

Planting Season: the period between 1st October in one year and 31st March in the following year

Free Field: 3 metres from the façade of any building

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency and the Lancashire Local Flood Authority.

The applicant's attention is drawn to the observations of Electricity North West and National Grid 5th March 2020 and 7th February 2020 respectively.

Local Government (Access to Information) Act 1985

List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

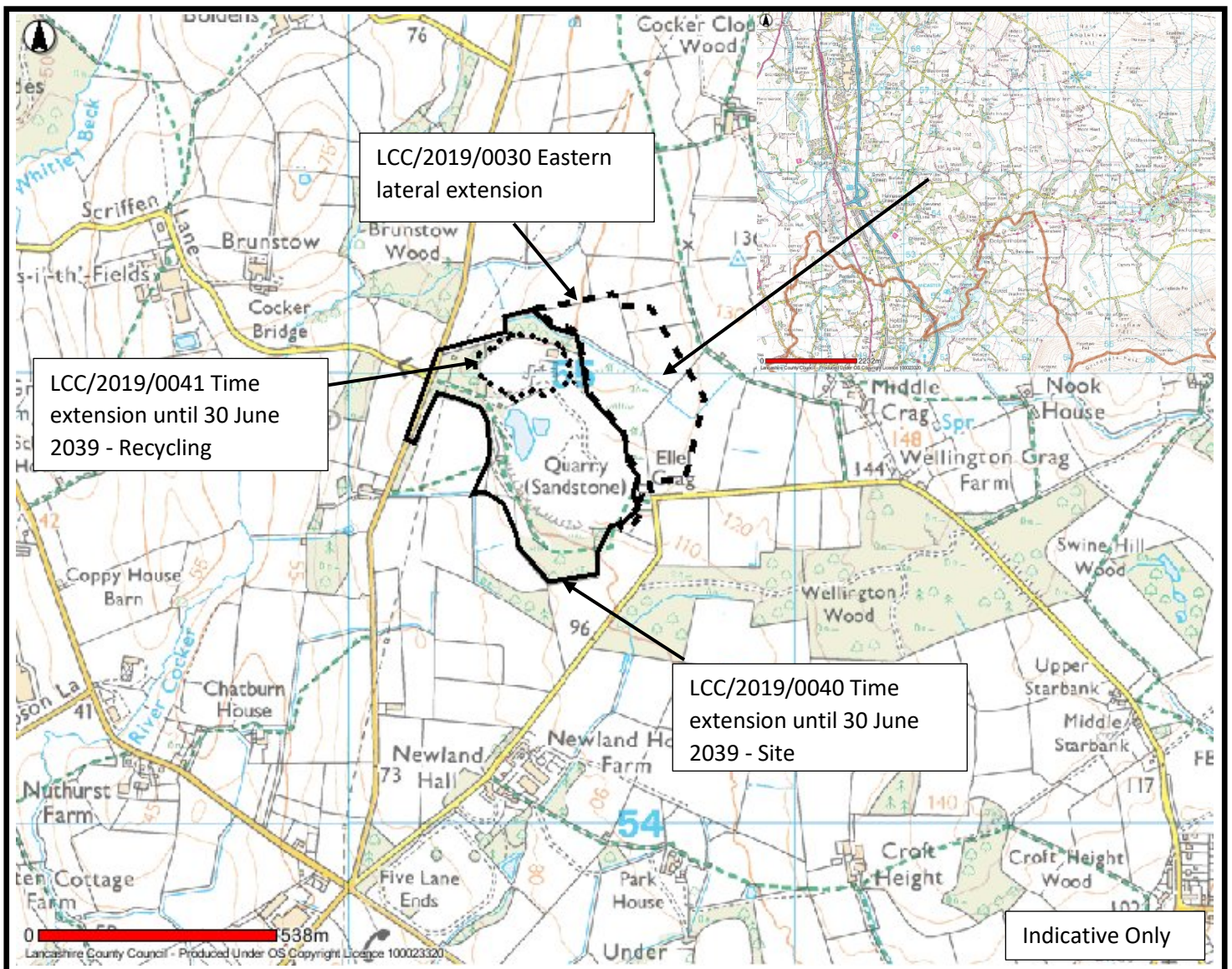
N/A

APPLICATION LCC/2019/0030 PROPOSED EASTERN LATERAL EXTENSION.

APPLICATION LCC/2019/0040 TIME EXTENSION FOR SITE UNTIL 30 JUNE 2039.

APPLICATION LCC/2019/0041 TIME EXTENSION FOR INERT TRANSFER STATION AND RECYCLING, WOOD SHREDDING/CHIPPING OPERATIONS UNTIL 30 JUNE 2039

ELLEL CRAG QUARRY, BAY HORSE ROAD, ELLEL, LANCASTER



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Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

Application LCC/2019/0030 - Proposed easterly lateral extension to the existing quarry.

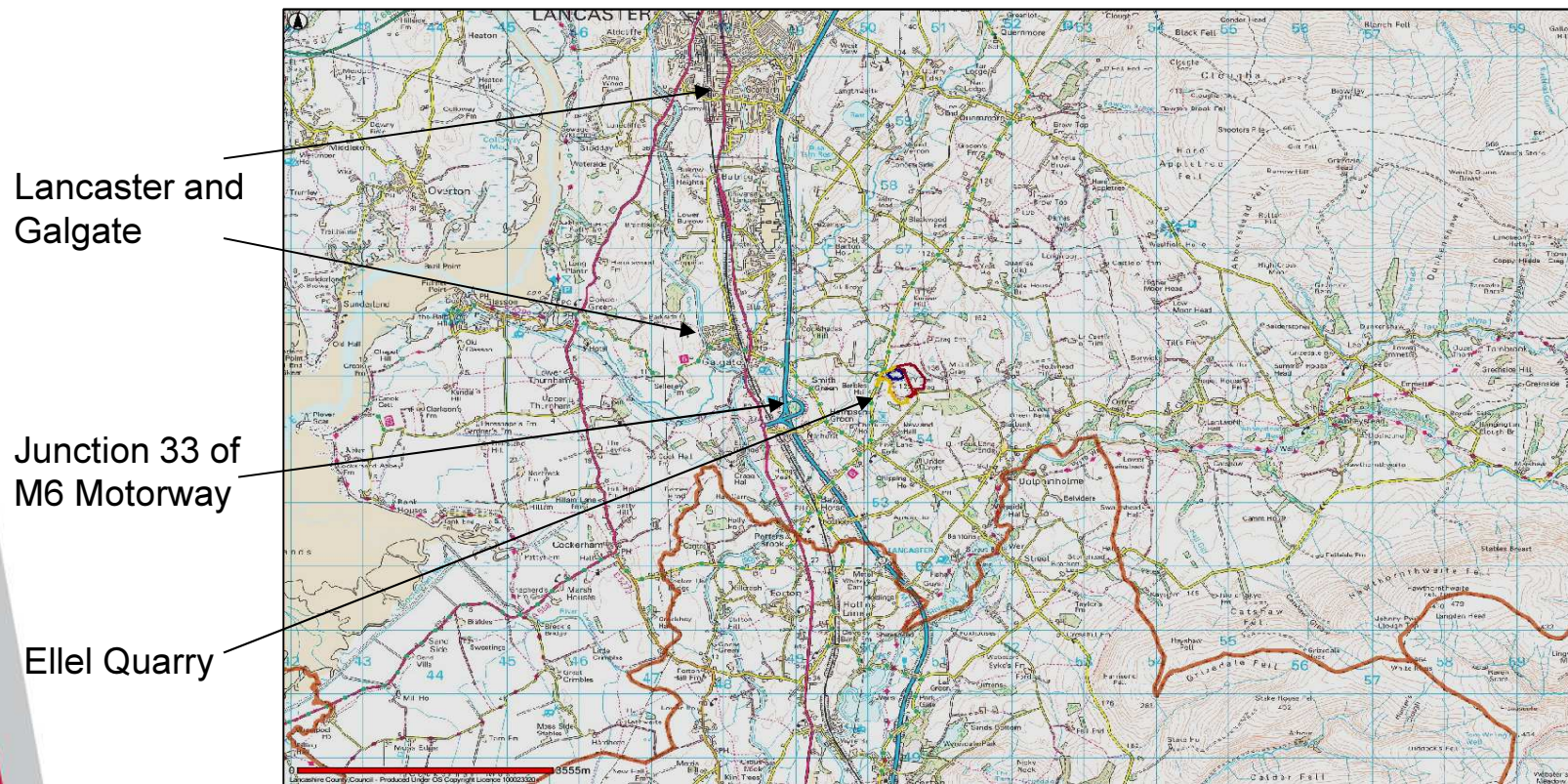
Application LCC/2019/0040 - Time extension until 30 June 2038 for the continuation of landfill operations at the existing quarry.

Application LCC/2019/0041 - Time extension until 30 June 2038 for the continuation of waste transfer and wood shredding operations at the existing quarry.

Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

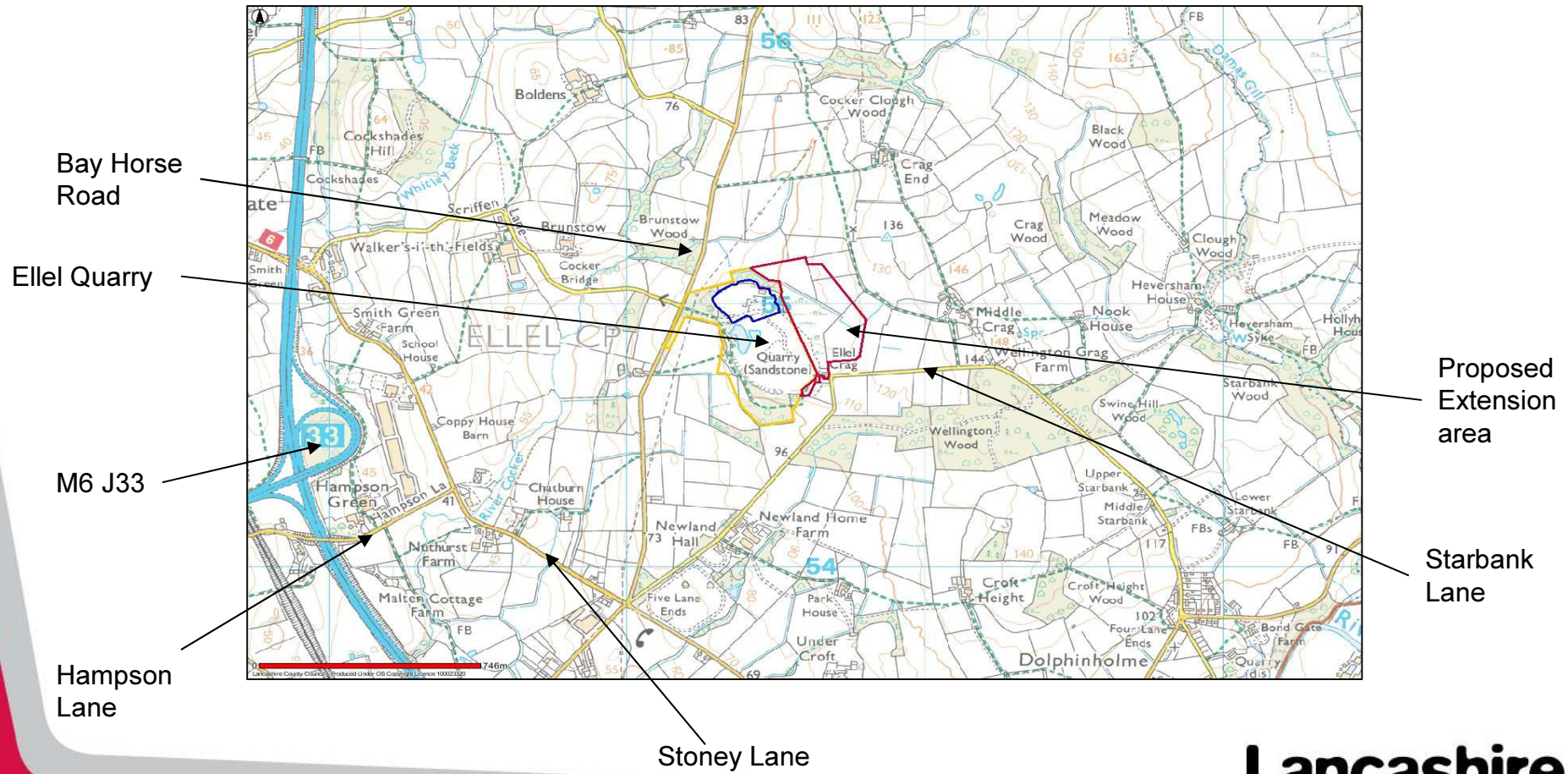
Site Location Plan



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

Site Location Plan

Page 125



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041- Aerial view of site

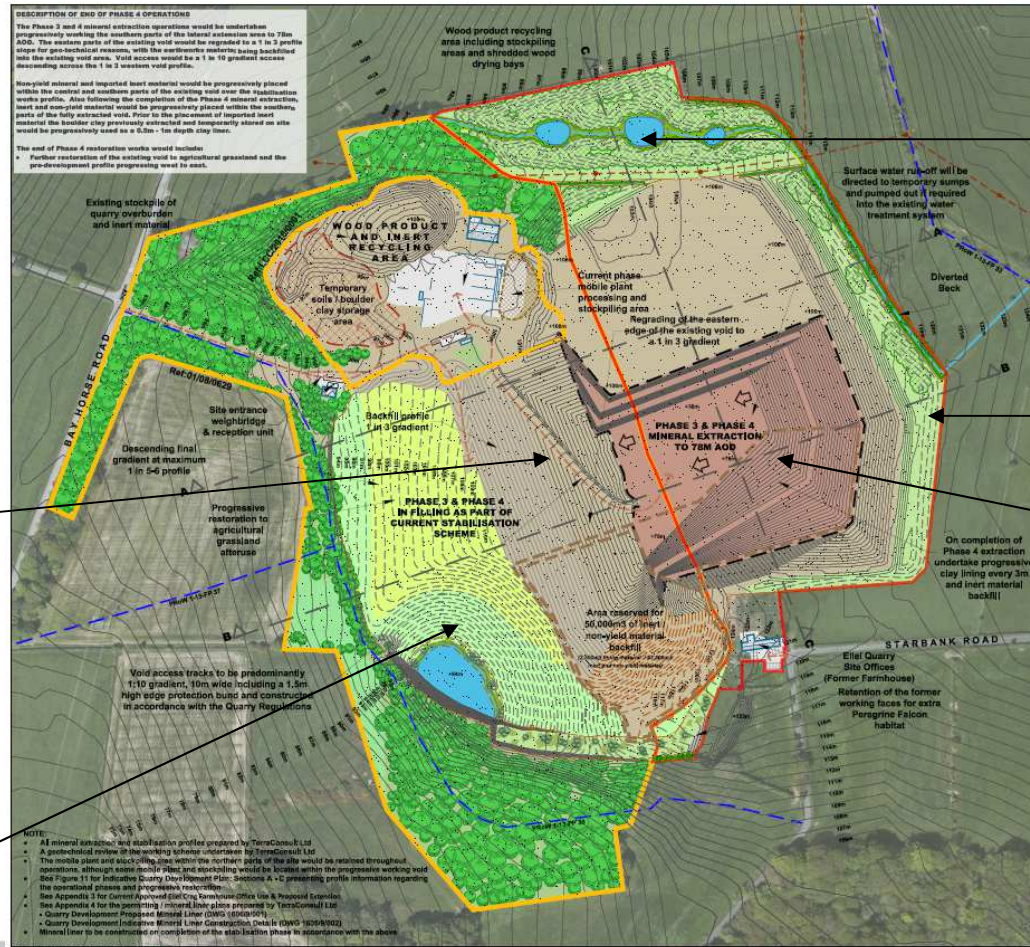
Recycling Area
LCC/2020/0041-
(Blue line)
Site
access

Existing
Landfill
LCC/2020
0040 (Yellow
Line)

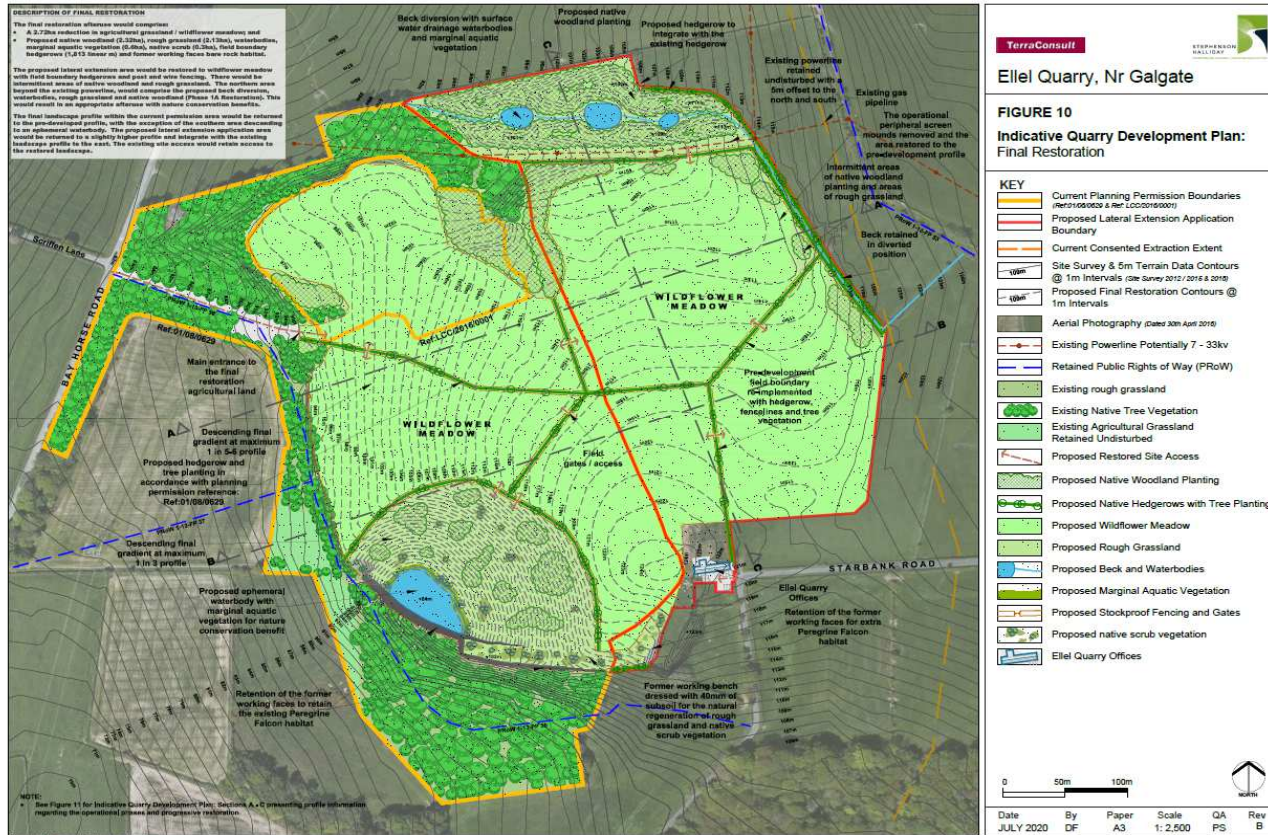


Proposed
Extension
Area LCC/2020
0030 (Red line)

Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041 – Working scheme



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041 - Proposed Final Restoration



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041 - View north along Bay Horse Road from quarry entrance



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View from Bay Horse Road of quarry entrance road



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View from site office of quarry entrance road



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View from wheel wash of waste transfer area



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View from wheel wash of wood shredding area



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View of water body in west side of active tipping area



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View of south/ south-east sides of active tipping area



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View of east side of active tipping area



Planning applications LCC/2019/0030, LCC/2019/0040 and LCC/2019/0041

View of derelict Ellel Farmhouse from Starbank Lane



Planning application LCC/2019/0030 – View of extension area from existing quarry



Nearest houses
(Middle Crag)

Proposed
Extension
area

Planning applications LCC/2019/0030 - View of proposed quarry extension area from Starbank Lane



Nearest properties
(Middle Crag)

Starbank
Lane

Proposed
extension
area

Planning applications LCC/2019/0030 - View of proposed quarry extension area from Starbank Lane

Proposed extension area



Mounds on edge of existing quarry

Planning Application LCC/2020/0030 – Access issues. Five Lane Ends at junction of Bay Horse Road and Stoney Lane



Planning application LCC/2020/0030 Access issues. View along Stoney Lane



Planning application LCC/2020/0030 Access issues – View along Stoney Lane



Planning application LCC/2019/0030 Access issues. View along Hampson Green Lane



Development Control Committee

Meeting to be held on 21st October 2020

Electoral Division affected: Lancaster Rural East
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Lancaster City: Application number LCC/2019/0040

Variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling from 30 June 2023 to 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

Contact for further information:

Jonathan Haine, 01772 534130

DevCon@lancashire.gov.uk

Executive Summary

Application – Variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling from 30 June 2023 to 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

The proposed development is subject to Environmental Impact Assessment (EIA) and the application is accompanied by an Environmental Statement and Non-Technical Summary.

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that subject to the applicant entering into a Section 106 Agreement regarding HGV routing and an extension of the aftercare period to a total of 15 years, that planning permission for the variation of condition 1 of planning permission 01/08/0629 to extend the time period for the completion of landfilling, be **granted** subject to conditions controlling: time limits, hours of working; site operations; phasing of interim and final restoration; proposed final tipping levels; soils and overburden; noise and dust; highways; landscaping; floodlighting; control of water pollution prevention measures; drainage; restoration; aftercare and monitoring.

Applicant's Proposal

The application is for the variation of condition 1 of planning permission 01/08/0629 relating to the landfilling and the subsequent final restoration of Ellel Crag Quarry.

Condition 1 requires the mining and landfilling operations authorised by this permission to cease not later than 30 June 2023 with the site being progressively restored in accordance with the conditions of the permission by 30 June 2024, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

The application seeks to vary condition 1 to extend the time period for the completion of landfilling until 30 June 2038, with full restoration of the site by 30 June 2039, or within one year of the completion of the landfilling activities, whichever is the sooner.

The application is accompanied by an Environmental Statement that has been prepared to report the findings of an Environmental Impact Assessment for both this planning application together with applications for an extension in time for the inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant (ref LCC/2019/0041) and another proposal for an easterly extension of the quarry (ref. LCC/2019/0030)

Description and Location of Site

Ellel Crag Quarry is a former sandstone and shale quarry that has planning permission for landfilling with inert and non-hazardous waste, although it is only inert waste that is now being landfilled. The site is located in open countryside on the east side of Bay Horse Road approximately 7km to the south of Lancaster City Centre. Access to the quarry is from Bay Horse Road via a simple priority junction. The access comprises a 160m long concrete road that leads to the quarry weighbridge with the associated quarry office, car park and administration building set back slightly to the south.

The landfill area occupies approximately 80% of the total quarry area, with the remaining 20% being an inert waste transfer and recycling facility to produce aggregates, and wood shredding/chipping operation with associated drying plant for the production of biomass, that takes place on the partially restored north side of the landfill site. A wheel wash is to the south of this area.

The surrounding landscape is mainly comprised of agricultural fields with individual farmsteads, dwellings and small villages. The eastern boundary is raised along the active landfill site due to overgrown stockpiles of stored soils removed for the creation of the quarry, while the remaining boundaries consist of belts of mature and semi-mature trees that help to screen the site.

The derelict Ellel Crag Farmhouse is located just outside the south-east corner of the site. The nearest residential properties are located 500 metres to the east at Middle Crag Farm, 500 metres to the south at Newland Home Farm and 300 metres to the west at Borbles Hall along Bay Horse Road.

The development would not directly affect any area subject to statutory landscape or ecological designations although the site is around 2km from the boundary of the Forest of Bowland Area of Outstanding Natural Beauty. Brunstow Wood Biological Heritage site is located some 230 metres to the north-west of the application site.

The majority of the internal site access road from Bay Horse Road is also a Public Right of Way (ref. 1/13/FP36) until a point between the vehicle parking area and the quarry office when it diverts south along the eastern site boundary and through the belt of mature trees along the southern boundary at which point it has been diverted away from the derelict farmhouse to join Starbank Lane.

Background

Ellel Crag Quarry has a long history of quarrying and waste management activities. Planning permission was originally granted in 1948 for the quarrying of sandstone and tipping of inert waste at the site.

Planning permission was granted in 1986 (ref 1/85/413) for the continuation of sandstone and shale extraction and restoration of the site by tipping of inert fill materials. This permission was modified in 1992 to allow the southern area of the quarry to be infilled with non inert (household and commercial waste).

Further permissions were granted in 2001 (refs 1/97/286 and 287) to amend the timescales for landfilling contained in the 1992 permission and for a minor easterly extension of the quarry.

Planning permission (ref. 01/08/0629) was granted in 2013 for the variation of condition 1 of permission 01/97/0286 and 01/97/0287 to amend the duration of the landfill operation from 30 June 2013 to 30 June 2023. This permission was subject to a Section 106 Agreement relating to HGV routing, the payment of £11,600 towards the construction of a new footway, and an extension of the aftercare period to a total of 15 years.

In 2008 planning permission was refused to vary condition 26 of permission 1/97/286 to allow up to 80 HGVs to leave the site in any one day.

Planning permission (ref. LCC/2016/0001) was granted in 2016 for the change of use from restored landfill site to inert recycling facility to include the recycling of wood products including installation of two bioenergy 1MW boilers in existing building with associated wood recycling and drying for fuel.

There are two other current planning applications relating to this quarry which are reported elsewhere on this agenda. One is for a time extension of LCC/2016/0001 and the other (ref LCC/2019/0030) is for an easterly extension of the quarry.

Planning Policy

National Planning Policy Framework

Paragraphs 1 – 4, 7 - 12, 38, 47, 54 - 55, 80, 82 - 84, 102 - 103, 108 - 111, 117 - 118, 122, 124, 127 - 128, 131, 170, 180, 183, and 212 - 213 are relevant with regard to the following: Introduction; 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; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – ground conditions and pollution; Conserving and enhancing the historic environment – proposals affecting heritage assets, and considering potential impacts; and Annex 1: Implementation.

National Planning Policy Framework Planning Practice Guidance

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Waste Management Plan for England

National Planning Policy for Waste

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

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

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities
Policy LF2	Sites for Inert Landfill

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM7	Economic Development in Rural Areas
Policy DM21	Walking and Cycling
Policy DM23	Transport Efficiency and Travel Plans
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 DM35	Key Design Principles
Policy DM39	Surface Water Run-Off and Sustainable Drainage
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

Lancaster City Council – Object. The site is in the open countryside with Public Rights of Way running adjacent to the quarry. The applicant should share additional information to show at current forecasts of fill rate how long the site will take to restore.

Ellel Parish Council – Object. The time extension to the quarry is not needed and the inert waste filling will not be able to be assessed or monitored daily. There could be waste materials that could be detrimental to the land if it leaches out on to farmland.

Lancashire County Council Highways Development Control – No objection. Having considered the applicant's additional highways and traffic information, Highways consider that the applicants proposed increase in HGV movements would not result in a severe impact on highway safety or capacity.

Environment Agency – No objection. Advice points were made relating to Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

Jacobs UK Ltd (Landscape advice) – No objection. The application is acceptable in relation to the assessment of landscape and visual impact issues arising from the proposed works. However, further clarification should be sought to understand the proposed earthworks and final restoration details, and these need to be submitted to the Local Planning Authority prior to determination or where appropriate agreed as pre-commencement conditions.

Jacobs UK Ltd (Ecology advice) – No observations received.

Natural England – No objection.

Lead Local Flood Authority – No objection.

Lancashire County Council Specialist Advisor (Archaeology) – No objection.

Historic England – No objection.

United Utilities – No objection.

Public Rights of Way – No observations received.

National Grid Gas and Electricity – No observations received.

Electricity North West – No observations received.

Cadent Gas – No observations received.

Representations - The application has been advertised by press and site notice, and 84 nearby addresses informed by individual letter.

A total of 19 representations objecting to the application have been received. The following text is a summary of the representations that have been received. It should be noted that many of these comments relate to all three current applications at Ellel Quarry and are not necessarily particular to this planning application.

Traffic

- The quarry extension would increase the number of large commercial vehicles on the small country lanes that have to be used to access the quarry. These roads are already used by at least six businesses with articulated lorries and large farm vehicles moving in and out of the area on a daily basis. The levels of traffic are and will be unsustainable on the small country lanes in the area that were not intended to be used by large commercial vehicles.
- The state of the roads and particularly the junctions has deteriorated drastically as a result of the additional traffic that has increased significantly over the past few years. Further rapid deterioration will occur if more quarry traffic is added to these roads.
- Grass verges and their associated benefit for small wildlife and insects are damaged as the country lanes are not wide enough to accommodate lorries, and especially when they meet each other travelling in opposite directions. The churning up of the grass/mud in the verges causes muddy water to run down the side of the road when it rains. This has resulted in the grids getting blocked and roads flooding.
- The mud and mess on Bay Horse Road through the wetter months is unbelievable. The road becomes a mud track at times and often there are boulders in the road that have fallen from trucks.
- Two of the three junctions from the A6 (adjacent to junction 33 roundabout) will need widening to cope with the wagons. In particular, two wagons cannot pass each other adjacent to the A6 junction, traffic backs up and wagons pull onto our car park (on Hampson Lane) to avoid each other.
- All lorries will exit Hampson Lane onto the A6, the majority of which will turn right. This junction is located only 50 yards from the A6 roundabout that helps to serve the M6 junction 33 roundabout. Vehicles exit this roundabout at speed and it is only a matter of time before a serious accident occurs as vehicles turn onto the A6 from Hampson Lane. This risk will increase if the operation time extends to 2038 and traffic volumes increase.
- The number of trucks transferring inert waste to the quarry is often more than is permitted.
- There are issues of noise and speed associated with trucks as they travel along the narrow lanes between the A6 and the quarry. This is especially the case on Hampson Lane and Stoney Lane where trucks are unable to pass each other and other vehicles safely. There have been times that, as a car user, I have had to pull over by means of an emergency manoeuvre on the embankment on Stoney Lane to avoid a head on collision with oncoming earth moving HGVs at speed. Furthermore, there are no pavements on these lanes making it especially dangerous for pedestrians. The speed of these trucks, especially when empty when returning from the quarry, is quite frightening and dangerous for residents

driving out from their homes. This is the case along Stoney Lane in the hamlet of Bay Horse. The hamlet is situated between two sharp bends that drivers find difficult to negotiate especially when trucks are travelling in opposite directions.

- In addition to the quarry traffic, there are also large container lorries travelling to and from the cold storage units located at Whams Lane. All of this traffic movement has severely damaged the road causing multiple potholes and a poor surface area that detrimentally affects private vehicle travel. Stoney Lane must be regularly maintained with signage, e.g. (SLOW), road markings and a noticeable speed limit sign, all of which do not exist. Widening of the road should be a definite consideration.
- A combination of narrow lanes, bends and no pavements is a serious accident waiting to happen.
- As a resident of Hampson Lane, I have had to put up with heavy lorries coming up and down the lane right past my home for over 40 years. Earlier on, stone was being extracted from the quarry and carted away. Residents were led to believe that when the extraction finished there would only be minimal quarry traffic coming up and down, but residents have had to continue to put up with these heavy lorries associated with the filling of the quarry.
- The lorries and the extra traffic damage the country lanes. Hampson Lane is becoming void of its grass verges and the lane is getting wider as the drivers continually make matters worse by driving on the grass verge and the footpath: this is particularly the case at the junction of Hampson Lane and Stoney Lane.
- Serious thought must be given to put measures in place to mitigate the current traffic issues, including, the extension of pavements on Hampson Lane and Stoney Lane, traffic calming measures and speed restrictions.
- The old Ellel Farmhouse is located adjacent to and is accessed on a 90 degree bend from Starbank Road which is an unsafe place to join a minor road. Any increase in the amount of traffic will have an impact on the daily life in the area with increased noise and air pollution to name a couple. This lane is also used by children and families to walk and cycle to school, so any extra heavy vehicles on this piece of road could put lives in danger. This will also be the case at the junction at Five Lane Ends, where there would be an increase in heavy traffic and where children have to cross an already busy junction to get on and off the school bus. The danger from lorries refers to the use of all the country lanes by pedestrians. Even the section on Hampson Lane where the road is wider on the bridge over the motorway, and where there are pavements on both sides of the road, lorries have mounted the pavements and caused them to crack in several places.
- There have been two serious accidents on Bay Horse Road in the last 12 months, one of which resulted in the death of a child, so additional commercial traffic of this nature can only have a detrimental effect on road safety. The junction of Five Lane Ends is already an accident black spot and any increase in traffic will increase this risk.
- The roads in the area are used by horse riders. The roads are part of the National Cycle Network and are regularly used by individual and groups of cyclists not just at weekends but all through the week. It will be extremely dangerous for these road users when they meet quarry traffic.

Ecology

- The development will have a detrimental impact on the natural environment and the wildlife currently residing in and around the quarry. The habitats of corvids will be lost. The peregrine falcon has now gone due to disturbance from work that has been carried out during the nesting season.

Water provision

- There is no policing of what actual 'inert waste' goes into the current quarry that may have an effect on groundwater.

Dust, air quality

- In the summer the lorries cause large amounts of dust as they drive in the hedge bottom, particularly when passing each other and, in the winter, we have to put up with the muddy potholes. Air pollution will also increase.

Planning policy

- The planning authority should take into account the criteria of Policies E4 and E20 of the Lancaster Local Plan, and Policies SC3, SC5 and E1 of the Lancaster Core Strategy, that seek to ensure that any development in the countryside makes a positive contribution to the rural landscape.

General comments

- The landfill has been in place for years and to date only a small fraction of the quarry has been infilled.
- Any extension that is granted should be for no more than 5 years and only for use of the existing quarry without the need for expansion or changes to the lorry volumes and patterns. The time extension being applied for is excessive.
- The finite time available for using the quarry has been known for years and so it is not reasonable to keep extending the date further into the future.

Dolphinholme Neighbourhood Planning Group (a sub-committee of Ellel Parish Council) object to the application for the following reason:

- The current two planning approvals (permissions 01/08/0629 and LCC/2016/0001) for the site require that the edge of the quarry would be landscaped to woodland by 2023. On this basis, restoration and landscaping activities should be commencing shortly, and the ruined building of Ellel Farmhouse would be developed at the same time. The proposed physical extension of the quarry under application LCC/2019/0030, and the proposed extension in the lifespan of the existing developments under applications LCC/2019/0040 and LCC/2019/0041, contain major changes from this position and, hence, will have an impact on the lives of those living closest to the quarry at Starbank Lane, Dolphinholme.

The Lancaster Group of the Ramblers Association refer to three very long-standing and serious public right of way problems on this site, as follows:

- The maps for Footpath Ellel 36 as shown in the planning applications is not the legal route, which is obstructed. The exit to the road of this route is dangerous, as is the walk up the road to the corner.
- Footpaths Ellel 36 and Ellel 37 to the west of the quarry have had problems in safe and easy passage. Consequently, new routes were introduced as permitted routes and an Application for Public Path Modification Orders made in 2008. These Orders have not yet been made after many years.
- Footpath Ellel 36 has its east end at the road corner by the ruined building of Ellel Farmhouse. At one time there was active quarrying and a danger in the area of the former farm buildings but, more recently, the buildings have been used by the quarry so there appears to be no reason not to open up the legal line of this section of the footpath that is safe with good visibility in both directions where the traffic is slow. The legal route is therefore far more preferable.

Advice

Ellel Crag Quarry is a former sandstone and shale quarry that has planning permission for landfilling with inert and non-hazardous waste. However, to date the site has only be used for the landfilling of inert wastes and it is the applicant's intention that this would continue throughout the remainder of the development.

Landfill operations are currently undertaken under planning permission 01/08/0629, condition 1 of which requires the mining and landfilling operations to cease not later than 30 June 2023, with the site being restored by 30 June 2024, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

Although planning permission to landfill the quarry has been in place for many years and has been renewed several times, the landfill activities have only commenced at the site in recent years. This was mainly due to the site changing ownership a number of times and a landslip affecting the eastern side of the site which had to be addressed prior to an Environment Agency permit being obtained. Although a significant volume of inert waste has been landfilled in the quarry, there is now insufficient time within the existing permission to complete the landfilling of the existing quarry. A time extension is therefore required to allow the operations within the existing quarry to be completed and the site restored.

The applicant has also submitted a planning application for the easterly extension of the quarry (application ref LCC/2019/0030). A report in relation to this application is included elsewhere on this agenda. If the extension application is approved, it would require the use of several parts of the existing quarry including the access road and areas of the existing landfill to be retained until the completion of restoration in the extension area which is proposed to be by 30th June 2038.

This application raises a number of planning policy issues regarding the ongoing need for landfill capacity, the environmental impacts arising from the continuation of the development over a longer period than was originally permitted, and the restoration and afteruse of the site.

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 Local Plan.

The National Planning Policy Framework seeks to build a strong, competitive economy by ensuring planning decisions help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges for the future. Planning decisions should recognise and address the specific locational requirements of different sectors so as to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It should also be recognised that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. The use of previously developed land should be encouraged where suitable opportunities exist.

Paragraph 170 of the National Planning Policy Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside.

Paragraph 205 states that, in terms of minerals and waste planning, this means that worked land should be reclaimed at the earliest opportunity to high environmental standards through the application of appropriate conditions.

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. This includes economic development which is appropriate in scale and nature. This includes essential operations for allocated waste management facilities where there is a proven and justified need.

The general thrust of these policies is therefore that development in the countryside should be strictly controlled. Where minerals developments are necessary, they should be restored as early as possible so that the land is reinstated to a beneficial use that is appropriate to a rural area.

Ellel Crag Quarry has had a long history of quarrying and waste management activities and has an existing planning permission for the landfill of inert waste. There

is still a demand for inert waste tipping space and therefore this proposal would ensure that the landfill space at the site continues to be available for the management of such wastes and also to enable the proper restoration of the former quarry.

Policy CS7 of the Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource and to ensure that provision will be made for the minimal amount of new landfill capacity for the disposal of residues from the treatment of all wastes where no further value can be recovered. Policy CS8 of the Lancashire Minerals and Waste Core Strategy and Policy DM1 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure an adequate provision of suitable waste facilities, including landfill and waste recycling activities, across the county to ensure that waste can be managed as a resource.

Policy LF2 of the Joint Lancashire Minerals and Waste Local Plan supports landfilling of inert waste that cannot be recycled or recovered at two named sites: Scout Moor Quarry; and land to south of Jameson Road Landfill, formerly used for deposit lagoons. The policy is intended for the assessment of new inert landfill sites whilst allowing for the suitable restoration of quarries and landfills through the tipping of inert materials that may otherwise be recyclable. The policy seeks to drive an increase in inert waste recycling and reuse by restricting the tipping of recyclable inert waste. However, the important point is that Ellel Crag Quarry already has permission to operate as a landfill site. Policy LF2 is intended for the assessment of new inert landfill sites and therefore is not directly relevant to the current application.

The permitted void space at this site is already factored into the calculation of available landfill space in Lancashire. There will be an ongoing demand for inert waste disposal in this area of Lancashire which this site would satisfy. In principle, the proposal to continue the landfilling of active and inert waste types at Ellel Crag Quarry is supported by the above policies. It would be possible to achieve adequate restoration of the unfilled areas of the site at a lower level through importation of a much reduced volume of inert waste but the site would then make a reduced contribution towards the local need for landfill space in this area of Lancashire. For these reasons, it is considered that there is a policy justification to allow the continuation of the landfill activities at this site.

The Environment Agency have provided information to advise that, at current infill rates, the landfill operations within the existing quarry would be complete in 5 years. As the existing permission requires landfilling to cease by 2023, a time extension is required regardless of the outcome of the extension application and with this in mind, it is considered reasonable to extend the current permitted dates for the landfilling. If permission is not granted for the extension, conditions can be attached to any permission which provide for the longer period required to complete landfilling operations within the existing site and for the site to be restored.

Highway Issues

In relation to highway matters, the site is accessed from the east side of Bay Horse Road. A condition currently restricts HGV movements from the site to a daily limit of 60 HGV departures on weekdays and 30 HGV departures on Saturdays. There is a

HGV routing control through a section 106 agreement which requires all HGVs to travel to the A6 via Bayhorse Road, Stoney lane and Hampson Lane, a total distance of 2.7 km. Bayhorse Road emerges onto the A6 a short way south of the A6/ M6 roundabout at junction 33 of the M6.

The applicant has stated that the existing planning condition on HGV numbers is sometimes difficult to comply with as it does not allow sufficient flexibility to accommodate some contracts where inert waste is being moved into the site. There have been some instances where the existing condition of 60 HGVs per day has been breached. To accommodate periods when larger numbers of HGVs are required, the applicant proposes to retain the existing limit of 60 HGVs per day but to include provision to allow an increase of up to 100 HGVs per day on up to 40 occasions in any one year. The highways and amenity impacts of this increase has been discussed at length with the applicant and the applicant has agreed to a condition that would not allow any HGV movements out of the site on Saturdays (with the exception of those associated with maintenance or plant movement which is likely to be a very low number). The removal of the Saturday working and the limitation of the incidence of the 100 HGVs per day would mean that the overall number of HGVs in any one year would be very similar to that which could be undertaken under the existing permission. The applicant has also proposed an additional control to limit the numbers of HGVs in the early morning period.

The applicant has submitted a Technical Note to address the initial concerns from LCC Highways regarding the proposed HGV numbers. The Technical Note includes some junction analysis and suggested maximum numbers of 100 HGVs per week day and 10 HGVs for the peak hours to restrict the movements during the congested traffic periods.

LCC Highways Development Control do not object to a proposed increase in departures from the site from 60 to 100 HGVs per week day, restricted to 10 departures in the am peak (07:00 - 08:30) and 10 departures in the pm peak (16:30 – 18:00), as they consider it would not result in a severe impact to highway safety and/or capacity.

As well as the highway capacity and safety issues, it is also important to consider the amenity issues arising from any changes in the pattern or number of HGV movements. The roads affected by the traffic from this site are all C class roads. Bay Horse Road is also part of the National Cycle Route network.

In terms of the impact on residential properties along the roads used by quarry traffic, there are approximately 16 properties affected. These are comprised of 4 properties at Five Lane Ends, 8 properties accessed off Stoney lane, four properties on Hampson Lane and two properties at the junction of Hampson Lane and the A6. Most of these properties are larger houses that are set back from the carriageway. Any increase in the volume of HGVs has the potential to increase the impact on the amenity of these properties through noise and vibration. However, the increase above the existing permitted level would be restricted to 40 days in any one year and the additional impacts would be balanced by the removal of HGVs on Saturday morning when residents are more likely to be occupying their homes. Given that the overall numbers of HGVs would be similar to those currently permitted, it is not

considered that the proposed changes to the condition controlling HGV movements would have an unacceptable impact on local amenity.

In 2008, the County Council refused an application (ref 1/08/125) at this site to increase the daily movement of HGVs out of the site to 80 per day on Monday to Fridays and 40 on a Saturday. The proposal was considered to be detrimental to the amenity of local residents and the safety and amenity of other highway users including pedestrians, cyclists and horse riders. This decision was not subject to an appeal but it is nevertheless important to have regard to it during consideration of the current proposal. However, it is important to note that this proposal would have permitted up to 80 HGVs on every day and up to 40 HGVs on every Saturday. There are therefore important differences between that decision and the highway controls that are being proposed by the applicant as part of the current application. In particular, the removal of HGVs on Saturdays will offset some of the impact on local residents and also users of the National Cycle Route as this is most likely to be used at weekends.

Planning permission 01/08/0629 was subject to a Section 106 Agreement dated the 24 April 2013 which contained provisions relating to HGV routing. The route contained within the existing agreement continues to the most suitable route and with this in mind, the Section 106 Agreement provisions related to HGV routing should be re-applied to any new planning permission that is granted. With such controls, the continuation of the landfill activities over a longer timescale is considered to be acceptable in relation to highway safety and local amenity and complies with Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The existing landfill site is very well screened by the contours of the surrounding land and the extensive woodlands and tree planting belts that surround the existing site. Undertaking the landfill activities over a longer timescale than currently approved would therefore not have any unacceptable visual impacts provided that the site is adequately restored and landscaped following completion of landfilling. This can be the subject of suitable planning conditions. The existing site is also sufficiently distant and screened from the nearest properties that there would be no adverse amenity impacts from noise or dust from the landfill activities being undertaken over a longer period than currently permitted. The proposal is therefore considered to be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

A derelict former farm house is located on land directly to the east of the existing quarry. The existing planning permission contains a condition which requires details to be submitted for the future of this building in order to address proposals contained in a previous permission providing for this building to be used as an office / laboratory in conjunction with the landfill operations. The applicant has submitted details of the building works that would be undertaken to convert this building to this use under the conditions to the existing permission. It is not possible to attach any conditions to the approval of details but there are various matters relating to the conversion and use of this building that require further control including a limitation on the duration of its use and mitigation measures for bats and barn owls which have been identified during the ecological surveys that have been undertaken as part of the quarry extension application. Conditions are proposed to control this aspect of the development.

Planning conditions are attached to the existing permission to control the hours of working, site operations, phasing of interim and final restoration, proposed final tipping levels, soils and overburden, noise and dust, highways, landscaping; floodlighting, control of water pollution prevention measures, drainage, restoration, aftercare and monitoring. Conditions covering these matters should be attached to any further permission, updated as necessary to reflect the fact that the site is now only being infilled with inert wastes.

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 CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and the policies and the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

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. Article 1 of the first protocol states that an individual's peaceful enjoyment of their property shall not be interfered with except as is necessary in accordance with the law and as is proportionate.

If the application were to be approved with the recommended conditions the development would be unlikely to generate such an impact which would breach those rights.

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 first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period to a total of 15 years, planning permission be **Granted** subject to the following conditions:

Time Limits

1. The landfilling operations authorised by this permission shall cease not later than 30 June 2038. The site shall be progressively restored in accordance with the conditions of this permission and shall be finally restored by 30 June 2039, or within 12 months from the cessation of landfilling operations, whichever is the sooner.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies DM2 and LF2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, and Policies DM7 and DM35 of the Lancaster City Local Plan 2011 – 2031.

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) Planning Permission 01/08/0629, as amended by Planning Application LCC/2019/0040 received on 10 June 2019.

b) Submitted Plans and documents validated by the County Planning Authority on 10 June 2019 to accompany planning application LCC/2019/0040:

Figure 1 – Location Plan

Figure 2 – Indicative Quarry Development Plan: Existing Site

Figure 3 rev A – Indicative Quarry Development Plan: Proposed Working Scheme

Figure 4 Rev B – Indicative Quarry Development Plan: End of phase 1A

Figure 5 Rev B – Indicative Quarry Development Plan: End of phase 2

Figure 6 Rev B – Indicative Quarry Development Plan: End of phase 4

Figure 7 Rev B – Indicative Quarry Development Plan: End of Phase 6

Figure 8 Rev B – Indicative Quarry Development Plan: End of Phase 8

Figure 9 Rev B – Indicative Quarry Development Plan: End of Phase 10

Figure 10 Rev B – Indicative Quarry Development Plan: Final Restoration

Figure 11 Rev A – Indicative Quarry Development Plan: Sections A-C

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 CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM1, DM2, WM1 and LF2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies NPPF1, DM7, DM21, DM23, DM25, DM27, DM28, DM29, DM35, DM39 and DM40 of the Lancaster City Local Plan 2011 – 2031.

Hours of Working

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

07.00 to 19.00 hours, Mondays to Fridays (except Public Holidays)

07.00 to 13.00 hours on Saturdays

No soil stripping, mineral extraction, landfill or restoration operations shall take place at any time on Sundays or Public Holidays.

This condition shall not, however, operate so as to prevent 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 the local area, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 for 2011 – 2031.

4. Notwithstanding the provisions of condition 3 above no heavy goods vehicles, as defined in this permission, shall leave the site outside the hours of:

07.00 to 18.00 hours, Mondays to Fridays (except Public Holidays)

No heavy goods vehicles shall leave the site on Saturdays, Sundays or Public Holidays.

The provisions of this condition shall not apply to HGVs associated with the movement of plant on or off the site or those associated with maintenance works at the site.

Reason: To safeguard the amenity of the local area, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Site Operations

5. A copy of this permission and all the documents referred to in condition 2 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

6. No waste other than inert construction, demolition and excavation waste shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

7. A topographical survey shall be submitted to the County Planning Authority within one month of the anniversary of the date of his permission and at annual intervals thereafter until the completion of landfill operations as defined in this permission. The survey shall have been carried out within 2 months preceding the date of the submission and shall consist of a plan drawn to a scale not less than 1:1250 which identifies all surface features within the site and is contoured at 1 metre intervals, relating to ordnance datum, over all the land where waste has been deposited and where mineral extraction has occurred.

Reason: To enable the Waste Planning Authority to monitor the site to ensure compliance with the planning permission and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and prevent the pollution of adjacent land and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

9. No waste or other material shall be deposited either temporarily or permanently on any part of the site at a level higher than the final levels of the site shown on Figure 8 rev B Indicative Quarry Development Plan: End of phase 8

Reason: To safeguard the visual amenity, the amenity of local residents and adjacent properties/landowners and land users and to secure satisfactory restoration and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

10. Within six months of the date of this planning permission, a scheme and programme for the phasing of the remainder of the landfill operations shall be submitted to the County Planning Authority for approval in writing.

Thereafter, the landfill operations shall be phased and restored in accordance with the approved scheme and programme.

Reason: To safeguard the visual amenity, the amenity of local residents and adjacent properties/landowners and land users and to secure satisfactory restoration and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Control of Noise

11. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

12. Noise emitted from the site shall not exceed a level of 10 dB(A) LAeq (1 hour) (free field) above the background level when measured from any of the following properties at a point closest to the noise source:

- a) Middle Crag Farm NGR 511 550
- b) Borbles Hall NGR 550 548

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

13. Where reversing alarms are employed on mobile plant used on the site only broadband multi-frequency sound alarms (white sound) shall be used.

Reason : In the interests of local amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local

Dust

14. Measures shall be taken at all times during the development to ensure that no dust or wind-blown material from the site is carried on to adjacent property and which 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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

Highway Matters

15. Within one year of the date of this permission, a scheme and programme for the upgrading of the existing wheel cleaning measures at the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of replacement wheel cleaning measures to be installed or the upgrading of the existing measures in order to improve the effectiveness of wheel cleaning at the site.

The measures contained in the approved scheme shall be installed within six months of the date of approval of the scheme.

All HGVs leaving the site shall use the wheel cleaning measures installed at the site to ensure that no mud, dust or other deleterious material is deposited on the public highway by HGVs leaving the site.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan 2011 – 2031.

16. Any internal haul road or private way between the wheel cleaning facilities and the public highway shall, throughout the development, be hard surfaced and drained and kept clear of debris along its entire length at all times.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

17. All vehicles transporting materials 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SC5 and E2 of the Lancaster City Council Core Strategy (2003-2021), and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

18. No more than 60 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive associated with the export of minerals or importation of restoration materials.

Notwithstanding the provisions of the above condition, up to 100 HGVs shall leave the site on any one day provided that the number of days when HGVs exceed 60 in any one day is not greater than 40 days in any one calendar year.

The numbers of HGVs leaving the site between 07.00 to 08.30 hours Monday to Friday shall not exceed five in any 30 minute period.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

19. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative at all reasonable times. The records shall be retained at the site for a period of 12 months.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development

Landscaping

20. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected. This condition shall not apply to trees that are removed as part of any landscape management works.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SC1 and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.

21. All areas of the site left undisturbed, and all topsoil, subsoil, soil making material and overburden mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare periods.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.

22. All hedges and trees forming part of the site boundaries shall be protected from any damage and be 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.

Floodlighting

23. Any flood lighting used during the operational life of the site shall be angled into the site, downwards, shaded to minimise light spill and only illuminated during the working hours specified in condition 3 unless required to illuminate essential repair activities.

Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Safeguarding of Watercourses and Drainage

24. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

25. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

26. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Restoration

27. By not later than 31 December 2023, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approved in writing. The scheme and programme shall include details of:
- a) The nature of the intended afteruses for the site.
 - b) Details of the materials to be used in the restoration of the site, including types and depths of soil materials to be used as the restoration layer.
 - c) Details for the ripping of soils to relieve compaction.
 - d) Details of cultivation works and other measures to be carried out in order to produce a free draining surface suitable for seeding.
 - e) Drainage of the reclaimed land including the installation of drainage and the formation of suitably graded contours to promote natural drainage measures.
 - f) Details of seeding, including mixes to be used, rates of application and timing of the seeding works.
 - g) Details for the application of fertiliser if appropriate and other methods necessary to promote normal plant growth.
 - h) Details for the planting of trees and hedgerows, including layout of planting areas, numbers of species, sizes and spacings to be used, protection measures and other works to ensure establishment.
 - j) Details for the formation of the lake including the gradients and landscaping of the lake edge
 - j) Details for the routing and construction of a new public right of way across the site.
 - k) Details for the removal of all site infrastructure and buildings, including the site compound, building and offices, leachate and landfill gas facilities, hardstandings, access roads, weighbridges and wheel washes and the restoration of the land occupied by these facilities.
 - l) A timescale for the above works.

The restoration of the site shall be carried out in accordance with the phasing set out in the approved scheme and programme approved under the requirements of condition 10.

Reason: To secure the proper restoration of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management

Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.

28. No stockpiling or storage of imported soils to be used for the purposes of restoration shall take place until a scheme and programme detailing the location, area and height of such stockpiles has been submitted to and approved in writing by the County Planning Authority.

Reason: In the interests of visual amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Aftercare

29. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the agricultural afteruse of the site shall be carried out for a period of five years. The aftercare works shall be carried out in accordance with a scheme and programme of aftercare works to be submitted by not later than 31st December 2025. The scheme and programme of aftercare works shall contain the following information:-

a) Details for the management of the site to promote its agricultural use including details of seeding, grazing, cultivation or cropping

b) Details of fertiliser, lime and other nutrient requirements necessary to promote normal plant growth based upon the results of the soil sampling required by a) above.

c) Details of any other measures necessary to promote the agricultural use of the land including works to relieve compaction, installation of drainage or regrading to alleviate surface ponding, along with the management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water run-off.

d) Details of cropping or grazing regimes to be undertaken on the restored areas of the site.

e) Details for the management of tree and hedge planting including weed control, replacement of failures and maintenance of protection measures.

f) Details of the management of the site to promote the establishment and value of habitat features.

Thereafter, aftercare of the site shall be undertaken in accordance with the approved scheme and programme of aftercare works.

Reason: To secure the proper aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.

31. On the first anniversary of the certification of completion of restoration and at annual intervals thereafter an inspection of restored areas of the site involving representatives of the operator and County Planning Authority shall be undertaken. Within one month of each inspection, a schedule of aftercare works to be undertaken in the following year shall be submitted to the County Planning Authority for approval in writing.

Reason: To secure the proper aftercare of the site and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM28, DM29 and DM35 of the Lancaster City Local Plan 2011 – 2031.

Rebuilding of Ellel Crag Farmhouse

32. No rebuilding works to the Ellel Crag Farmhouse shall commence until details of bat and barn owl mitigation measures have been submitted to and approved in writing by the County Planning Authority. The details shall include information on the type, location and design of the mitigation measures.

The approved measures shall be installed prior to the Ellel Crag Farmhouse being brought into use.

Reason: In the interests of ecology and to conform with Policy DM27 of the Lancaster City Local Plan 2011 – 2031.

33. The Ellel Crag Farmhouse shall only be used as office and administration facilities ancillary to the adjacent quarry and landfill operations and such use shall cease by not later than 30th June 2039.

Reason : To ensure that the use of the building is tied to the duration of the operations at the adjacent quarry and landfill operation and to conform to Policy of the Lancaster City Local Plan 2011 - 2031.

34. Prior to any rebuilding works commencing to the Ellel Crag Farmhouse, a scheme of archaeological recording shall be submitted to and approved in writing by the County Planning Authority. The scheme shall describe the methods that will be employed to allow a record to be made of the historical significance of the building prior to any rebuilding taking place.

Reason: In the interests of recording the heritage interest of the building and to conform with Policy DM42 of the Lancaster City Local Plan 2011 -2031.

Definitions

Inert Waste: Waste that will not physically or chemically react or undergo biodegradation.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

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

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration required by condition 27 have been completed satisfactorily.

Notes

The grant of permission does not entitle a developer to obstruct, stop-up or divert the right of way (ref. 1/13/FP36) that is located along the internal site access road from Bay Horse Road, and along and around the perimeter of the site.

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency relating to an Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

Prior to any conversion works taking place to the Ellel Crag Farmhouse, the applicant should contact Natural England in relation to the need for a protected species licence.

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

None

Reason for Inclusion in Part II, if appropriate

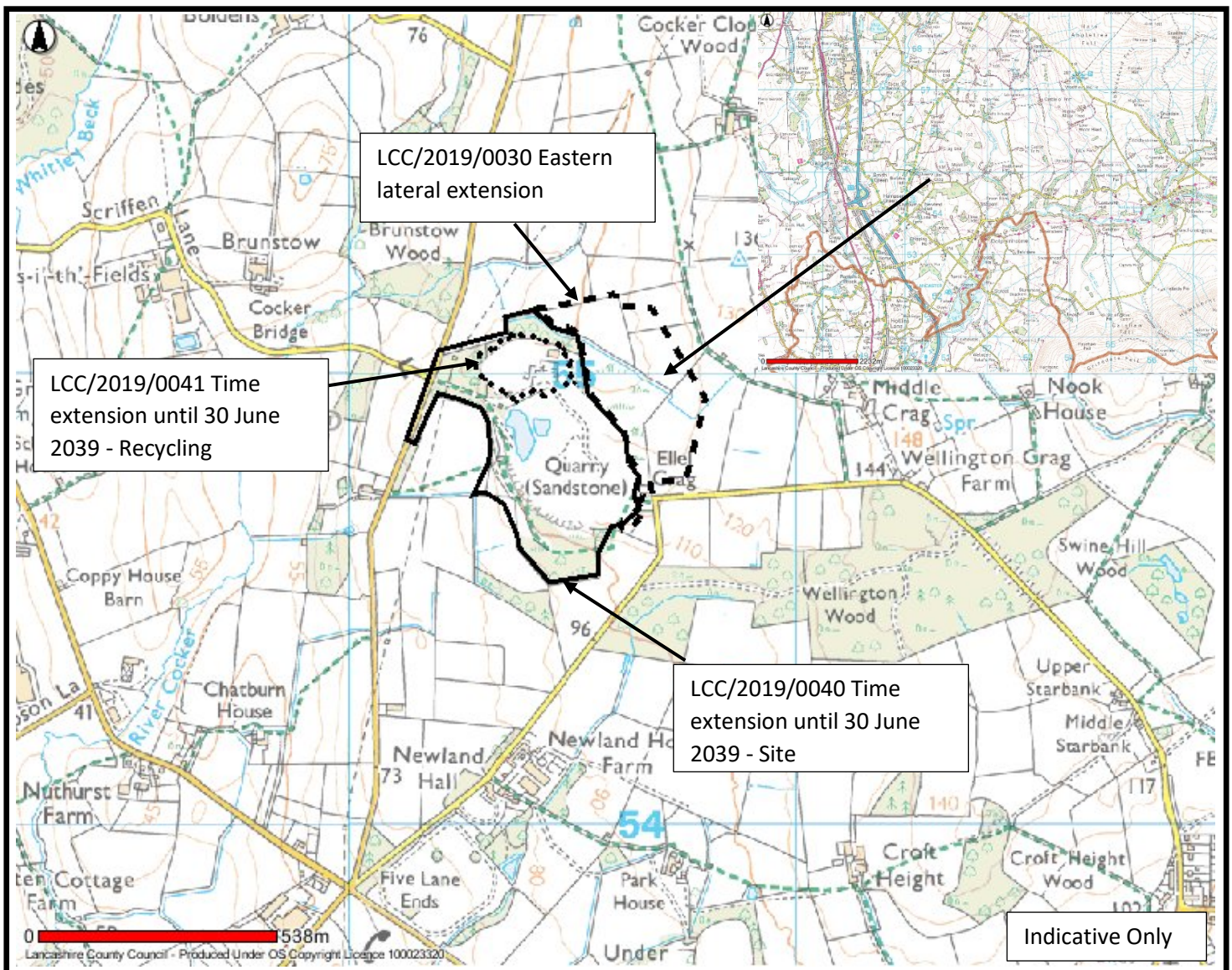
N/A

APPLICATION LCC/2019/0030 PROPOSED EASTERN LATERAL EXTENSION.

APPLICATION LCC/2019/0040 TIME EXTENSION FOR SITE UNTIL 30 JUNE 2039.

APPLICATION LCC/2019/0041 TIME EXTENSION FOR INERT TRANSFER STATION AND RECYCLING, WOOD SHREDDING/CHIPPING OPERATIONS UNTIL 30 JUNE 2039

ELLEL CRAG QUARRY, BAY HORSE ROAD, ELLEL, LANCASTER



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Development Control Committee

Meeting to be held on 21st October 2020

Electoral Division affected: Lancaster Rural East
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Lancaster City: Application number LCC/2019/0041

Variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038, or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

Contact for further information:

Rob Jones, 01772 534128

DevCon@lancashire.gov.uk

Executive Summary

Application – Variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038, or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

The proposed development is subject to Environmental Impact Assessment (EIA) and the application is accompanied by an Environmental Statement and Non-Technical Summary.

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 first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period, planning permission be granted for the variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant subject to conditions controlling: time limits, working programme; hours of working; site operations; control of noise; dust; highway matters; landscaping; floodlighting, and safeguarding of ground and surface water.

Applicant's Proposal

The application is for the variation of condition 1 of planning permission LCC/2016/0001 relating to the permitted end date of inert waste transfer and

recycling operations, and wood shredding/chipping operations with associated drying plant at Ellel Crag Quarry.

Condition 1 requires the waste recycling operations and the wood shredding/chipping operation authorised by permission LCC/2016/0001 to cease not later than 30 June 2023 or within 6 months of completion of the landfilling activities at Ellel Crag Quarry, whichever is the earlier with the site restored within a further one year period.

The application seeks to vary condition 1 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038 or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period.

The application is accompanied by an Environmental Statement that has been prepared to report the findings of an Environmental Impact Assessment for both this planning application and those that are reported elsewhere on this agenda for an extension in time for the existing landfill operations at the existing Ellel Crag Quarry (ref. LCC/2019/0040) and for an easterly extension to the quarry (ref. LCC/2019/0030),

Description and Location of Site

Ellel Crag Quarry is a former sandstone and shale quarry that has permission to be restored by landfilling with inert and non-hazardous waste, although it is only inert waste that is now being landfilled. The site is located in open countryside on the east side of Bay Horse Road approximately 7km to the south of Lancaster City Centre. Access to the quarry is from Bay Horse Road via a priority junction for vehicles accessing and egressing the site. The access comprises a 160m long by 6m wide concrete road that leads to the quarry weighbridge with the associated quarry office and administration building and car park set back slightly to the south. The majority of the internal site access road from Bay Horse Road is also a Public Right of Way (ref. 1/13/FP36).

The inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, are located in the northern area of the quarry on an area that has previously been infilled with inert waste and which is now at finished restoration levels. The waste transfer/recycling operations are located on the west and open side of the site. The wood shredding/chipping operation, drying plant and existing building housing the biomass boilers are located on the east sides of the site where there are a number of storage and drying bays. A wheel wash is to the south of this area. The application area occupies approximately 20% of the total quarry area. The application area is screened by mature trees to the north of the quarry with farmland beyond to all sides of the site. The nearest residential property is 350 metres to the south west at Borbles Hall off Bay Horse Road.

The development would not affect any area of statutory landscape or ecological importance but the Brunstow Wood Biological Heritage site is located some 100 metres to the north-west of the application site.

Background

Ellel Crag Quarry has had a long history of quarrying and waste management activities. Planning permission was originally granted in 1948 for the quarrying of sandstone and tipping of inert waste at the site.

Planning permission was originally granted for the inert waste recycling activities at the site in 2009 (ref 01/07/1233). The planning permission was subject to a section 106 agreement relating to HGV routing and highway / footway improvements

Planning permission was refused in 2008 for a variation to condition 26 of permissions 1/97/286 and 287 to allow 80 HGVs to leave the site in any working day and 40 HGVs on Saturday mornings (ref 01/08/0125)

Planning permission (ref. LCC/2016/0001) for the retrospective change of use from restored landfill site to inert recycling facility to include the recycling of wood products including installation of two airmax bioenergy 1MW boilers in existing building with associated wood recycling and drying for fuel, was granted on 16 November 2016.

There are also two other current applications reported elsewhere on this agenda for an extension in time for the existing landfill operations at the existing Ellel Crag Quarry (ref. LCC/2019/0040) and for an easterly extension to the quarry (ref. LCC/2019/0030),

Planning Policy

National Planning Policy Framework

Paragraphs 1 – 4, 7 - 12, 38, 47, 54 - 55, 80, 82 - 84, 102 – 103, 108 - 111, 117 - 118, 122, 124, 127 - 128, 131, 170, 180, 183, and 212 - 213 are relevant with regard to the following: Introduction; 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; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – ground conditions and pollution; and Annex 1: Implementation.

National Planning Policy Framework Planning Practice Guidance

National Planning Policy for Waste - Section 7 is relevant in relation to the determination of planning applications.

National Planning Practice Guidance

Waste Management Plan for England

National Planning Policy for Waste

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

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

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities
Policy WM4	Inert Waste Recycling

Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM7	Economic Development in Rural Areas
Policy DM21	Walking and Cycling
Policy DM23	Transport Efficiency and Travel Plans
Policy DM25	Green Infrastructure
Policy DM27	Protection & Enhancement of Biodiversity
Policy DM29	Protection of Trees, Hedgerows and Woodland
Policy DM35	Key Design Principles
Policy DM39	Surface Water Run-Off and Sustainable Drainage
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

The following text is a summary of the consultation responses and representations that have been received. However, it should be noted that some of these comments relate to all three current applications at Ellel Quarry and are not necessarily particular to this planning application.

Lancaster City Council – Object. The site is not a sustainable location for a development of this activity. The City Council does not support the proposed time extension associated with the continuing of recycling activities, although support waste recycling. It is recommended to the County Council that the applicant shares additional information to show at current forecasts of fill rate how long the site will take to restore and then a further response can be provided.

Ellel Parish Council – Object. The extension to the quarry is not needed and the inert waste filling will not be able to be assessed or monitored daily. There could be waste materials that could be detrimental to the land if it leaches out on to farmland.

Lancashire County Council Highways Development Control – No objection.

Environment Agency – No objection. Advice points were made relating to Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

Jacobs UK Ltd (Landscape advice) – No objection. The application is acceptable in relation to the assessment of landscape and visual impact issues arising from the proposed works. However, further clarification should be sought to understand the proposed earthworks and final restoration details, and these need to be submitted to the Local Planning Authority prior to determination or where appropriate agreed as pre-commencement conditions.

Jacobs UK Ltd (Ecology advice) – No observations received.

Lead Local Flood Authority – No objection.

Lancashire County Council Specialist Advisor (Archaeology) – No objection.

United Utilities – No objection.

Public Rights of Way – No observations received.

National Grid Gas and Electricity – No observations received.

Electricity North West – No observations received.

Cadent Gas – No observations received.

Representations - The application has been advertised by press and site notice, and 84 nearby addresses informed by individual letter.

Objections summary

A total of 18 representations have been received raising objection to the application on the following summarised grounds:

Traffic

- The quarry extension would increase the number of large commercial vehicles on the small country lanes that have to be used to access the quarry. These roads are already used by at least six businesses with articulated lorries and large farm vehicles moving in and out of the area on a daily basis. The levels of traffic are and will be unsustainable on the small country lanes in the area that were not intended to be used by large commercial vehicles.
- The state of the roads and particularly the junctions has deteriorated drastically as a result of the additional traffic that has increased significantly over the past few years. Further rapid deterioration will occur if more quarry traffic is added to these roads.
- Grass verges and their associated benefit for small wildlife and insects are damaged as the country lanes are not wide enough to accommodate lorries, and especially when they meet each other travelling in opposite directions. The churning up of the grass/mud in the verges causes muddy water to run down the side of the road when it rains. This has resulted in the grids getting blocked and roads flooding.
- The mud and mess on Bay Horse Road through the wetter months is unbelievable. The road becomes a mud track at times and often there are boulders in the road that have fallen from trucks.

- Two of the three junctions from the A6 (adjacent to junction 33 roundabout) will need widening to cope with the wagons. In particular, two wagons cannot pass each other adjacent to the A6 junction, traffic backs up and wagons pull onto A car park (on Hampson Lane) to avoid each other.
- All lorries will exit Hampson Lane onto the A6, the majority of which will turn right. This junction is located only 50 yards from the A6 roundabout that helps to serve the M6 junction 33 roundabout. Vehicles exit this roundabout at speed and it is only a matter of time before a serious accident occurs as vehicles turn onto the A6 from Hampson Lane. This risk will increase if the operation extends to 2038 and traffic volumes increase.
- The number of trucks transferring inert waste to the quarry is often more than is permitted.
- There are issues of noise and speed associated with trucks as they travel along the narrow lanes between the A6 and the quarry. This is especially the case on Hampson Lane and Stoney Lane where trucks are unable to pass each other and other vehicles safely. There have been times that, as a car user, I have had to pull over by means of an emergency manoeuvre on the embankment on Stoney Lane to avoid a head on collision with oncoming earth moving HGVs at speed. Furthermore, there are no pavements on these lanes making it especially dangerous for pedestrians. The speed of these trucks, especially when empty when returning from the quarry, is quite frightening and dangerous for residents driving out from their homes. This is the case along Stoney Lane in the hamlet of Bay Horse. The hamlet is situated between two sharp bends that drivers find difficult to negotiate especially when trucks are travelling in opposite directions.
- In addition to the quarry traffic, there are also large container lorries travelling to and from the cold storage units located at Whams Lane. All of this traffic movement has severely damaged the road causing multiple potholes and a poor surface area that detrimentally affects private vehicle travel. Stoney Lane must be regularly maintained with signage, e.g. (SLOW), road markings and a noticeable speed limit sign, all of which do not exist. Widening of the road should be a definite consideration.
- A combination of narrow lanes, bends and no pavements, is a serious accident waiting to happen.
- Serious thought must be given to put measures in place to mitigate the current traffic issues, including, the extension of pavements on Hampson Lane and Stoney Lane, traffic calming measures and speed restrictions.
- The old Ellel Farmhouse is located adjacent to and is accessed on a 90 degree bend from Starbank Road which is an unsafe place to join a minor road. Any increase in the amount of traffic will have an impact on the daily life in the area with increased noise and air pollution to name a couple. This lane is also used by children and families to walk and cycle to school, so any extra heavy vehicles on this piece of road could put lives in danger. This will also be the case at the junction at Five Lane Ends, where there would be an increase in heavy traffic and where children have to cross an already busy junction to get on and off the school bus. The danger from lorries refers to the use of all the country lanes by pedestrians. Even the section on Hampson Lane where the road is wider on the bridge over the motorway, and where there are pavements on both sides of the road, lorries have mounted the pavements and caused them to crack in several places.
- There have been two serious accidents on Bay Horse Road in the last 12 months, one of which resulted in the death of a child, so additional commercial traffic of this nature can only have a detrimental effect on road safety. The junction of Five

Lane Ends is already an accident black spot and any increase in traffic will increase this risk.

- The roads in the area are used by horse riders. The roads are part of the National Cycle Network and are regularly used by individual and groups of cyclists not just at weekends but all through the week. It will be extremely dangerous for these road users when they meet quarry traffic.

Planning policy

- The planning authority should take into account the criteria of Policies E4 and E20 of the Lancaster Local Plan, and Policies SC3, SC5 and E1 of the Lancaster Core Strategy, that seek to ensure that any development in the countryside makes a positive contribution to the rural landscape.

General comments

- The landfill has been in place for years and to date only a small fraction of the quarry has been infilled.
- Any extension that is granted should be for no more than 5 years and only for use of the existing quarry without the need for expansion or changes to the lorry volumes and patterns. The time extension being applied for is excessive.
- The finite time available for using the quarry has been known for years and so it is not reasonable to keep extending the date further into the future.

Dolphinholme Neighbourhood Planning Group (a sub-committee of Ellel Parish Council) object to the application for the following reason:

- The current two planning approvals (permissions 01/08/0629 and LCC/2016/0001) for the site require that the edge of the quarry would be landscaped to woodland by 2023. On this basis, restoration and landscaping activities should be commencing shortly, and the ruined building of Ellel Farmhouse would be developed at the same time. The proposed physical extension of the quarry under application LCC/2019/0030, and the proposed extension in the lifespan of the existing developments under applications LCC/2019/0040 and LCC/2019/0041, contain major changes from this position and, hence, will have an impact on the lives of those living closest to the quarry at Starbank Lane, Dolphinholme.

Other representations summary

The Lancaster Group of the Ramblers Association refer to three very long-standing and serious public right of way problems on this site, as follows:

- The maps for Footpath Ellel 36 as shown in the planning applications is not the legal route, which is obstructed. The exit to the road of this route is dangerous, as is the walk up the road to the corner.
- Footpaths Ellel 36 and Ellel 37 to the west of the quarry have had problems in safe and easy passage. Consequently, new routes were introduced as permitted routes and an Application for Public Path Modification Orders made in 2008. These Orders have not yet been made after many years.
- Footpath Ellel 36 has its east end at the road corner by the ruined building of Ellel Farmhouse. At one time there was active quarrying and a danger in the area of the former farm buildings but, more recently, the buildings have been used by the

quarry so there appears to be no reason not to open up the legal line of this section of the footpath that is safe with good visibility in both directions where the traffic is slow. The legal route is therefore far more preferable.

Advice

Ellel Crag Quarry is a former sandstone and shale quarry which has permission to be landfilled with inert and non-hazardous waste, although it is only inert waste that is now being landfilled.

The northern area of the quarry has been infilled with inert waste to finished restoration levels. Planning permission LCC/2016/0001 allows the area to be used as a waste management facility for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant. The activities are tied to the lifespan of the landfilling of Ellel Crag Quarry that is required by planning permission 01/08/0629 to cease not later than 30 June 2023.

The quarry operator has submitted planning application LCC/2019/0040 to extend the time periods for landfill operations in the existing Ellel Quarry until 2038. Planning permission is therefore sought to vary condition 1 of planning permission LCC/2016/0001 in order to extend the permitted end date of inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant so that they can continue until the same end date as the landfill activities.

The operations subject to this time extension application include inert waste recycling and the treatment of virgin and waste wood materials. These materials are delivered separately to the site and managed via two separate processes:

Firstly, soils and construction wastes are screened and crushed to produce useable secondary aggregates and soils. Any waste that cannot be reused is disposed in the adjacent landfill site.

Secondly, wood products comprised mainly of virgin wood but also waste wood, are shredded and chipped, although some of the wood arrives on the site already shredded. Some of the shredded wood is used as fuel for two biomass boilers in the existing waste transfer building. The remaining shredded wood is placed in existing drying bays. The biomass boilers are fuelled by the shredded wood to heat water which is transferred via pipes to a drying plant. The transferred heat is blown by fans from the drying plant to the shredded wood drying bays. The shredded wood sits on a perforated metal drying floor through which the hot air circulates to drive off excess moisture. The dried wood product is sold as a fuel for biomass boilers. The water in the pipes is returned to the biomass boiler to be reheated and returned to the drying plant on a constant re-circulatory system.

The site handles approximately 25,000 tonnes of inert construction, demolition and excavation waste, and 5,000 tonnes of virgin and waste wood per year. This generates an average of 6 x 20 tonne HGV movements, per day, from the import of waste to the site. The export of reclaimed materials and dried biomass product generates slightly fewer or a similar number of traffic movements.

The principle issues concern the acceptability of the site to be used for this purpose, the lifespan of the use, the potential to cause nuisance or disturbance to local residents, and highway safety.

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 - A Local Plan for Lancaster District 2011 – 2031 Development Management DPD.

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The site is located in a rural area and is within a Countryside area as designated in the Lancaster City Local Plan.

The National Planning Policy Framework seeks to build a strong, competitive economy by ensuring that planning decisions help to create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges for the future. Planning decisions should recognise and address the specific locational requirements of different sectors so as to enable the sustainable growth and expansion of all types of business in rural areas. It should also be recognised that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads. The use of previously developed land should be encouraged where suitable opportunities exist.

Paragraph 170 of the National Planning Policy Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside. Paragraph 205 states that, in terms of minerals and waste planning, this means that worked land should be reclaimed at the earliest opportunity to high environmental standards through the application of appropriate conditions.

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. This includes economic development which is appropriate in scale and nature. This

includes essential operations for allocated waste management facilities where there is a proven and justified need.

The general thrust of these policies is therefore that development in the countryside should be strictly controlled. Where minerals developments are necessary, they should be restored as early as possible so that the land is reinstated to a beneficial use that is appropriate to a rural area.

Policy CS7 of the Joint Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource. Policy CS8 of the Joint Lancashire Minerals and Waste Core Strategy seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. The proposal would provide facilities for the recycling of inert waste materials and waste wood products and hence complies with National Planning Policy and with Policies CS7 and CS8 of the Joint Lancashire Minerals and Waste Core Strategy in terms of waste management strategy.

The site is located on the northern area of the quarry that has been infilled with inert waste. Policy WM4 of the Joint Lancashire Minerals and Waste Local Plan supports developments for aggregate recycling facilities at quarries and landfill sites where they do not compromise the long term restoration of the site to a beneficial afteruse within the original timescale of the parent permission. The proposed timescale for the inert waste transfer and recycling facility, and wood shredding/chipping operation, is intended to tie in with the proposed extended dates for the landfilling of the quarry until 30 June 2038. It is considered that there is merit, particularly in terms of inert waste recycling for these activities to continue alongside the landfill activities as there is a synergy between the two in terms of maximising recycling rates and providing for any residues that require disposal.

The inert waste transfer and recycling facility involves stockpiling imported inert materials in the form of soils and construction waste, and then screening and crushing them to produce useable recycled secondary aggregates and soils. The waste wood imported to the site is also shredded/chipped in the open. These operations produce some noise. However, no noise complaints have been received in relation to these operations and the nearest sensitive receptor is located 350 metres to the south west. The noise impacts are considered acceptable but to ensure that the amenities of the area and residential properties are not affected, conditions should be re-imposed requiring all plant, equipment and machinery to be fitted with effective silencing equipment, the restriction of noise levels, the hours of working and the use of vehicle reversing alarms.

To also ensure that the development would not have an unacceptable adverse impact on the amenities of the surrounding area and residents, conditions should also be re-imposed relating to the following: to restrict the waste types brought onto the site; the implementation of dust control measures by restricting the heights of stockpiles to 6 metres and to employ methods for the suppression of dust on the internal haul road, hardstandings and stockpiles; to protect ground and surface water by the correct type and siting of any chemical, oil or fuel storage containers; to protect from any damage all hedges and trees forming part of the site boundaries; and to require that any floodlighting used is designed to minimise light spill.

In relation to highway matters, the site is accessed from the east side of Bay Horse Road. The inert waste transfer and wood shredding/chipping operations generate an average of 6 x 20 tonne HGV movements, per day, from the import of waste to the site. Export of reclaimed materials and dried biomass fuel product would generate slightly fewer or similar levels of traffic.

The waste recycling operations are subject to a condition within the existing planning permission which restricts the overall level of vehicle movements leaving the site as a whole (including the landfill and recycling operations) to no more than 60 per day Mondays to Fridays and 30 on a Saturday morning. As part of the application for the extension of time for the landfill operations, the applicant proposes to amend the wording of the condition relating to HGV movements to provide greater flexibility in the maximum level of HGV movements to the site. The highways and amenities issues arising from this increase are discussed in the report for application LCC/2020/0040. If the amended vehicle movement controls are considered acceptable it is considered that a condition should be attached to any new permission for the recycling operations so that they are subject to the same controls along with the re-imposition of conditions to require the provision of wheel cleaning facilities, the maintenance of the hard surface of internal haul roads, the sheeting of vehicles transporting materials and a written record of vehicle movements. With such conditions the highway impacts of the development would be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The continuation of the use of the site access road from Bay Horse Road should not affect users of the Public Right of Way (ref. 1/13/FP36) any more than they are now.

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 CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and the policies of the Lancaster City Local Plan.

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

If the application were to be approved with the recommended conditions the development would be unlikely to generate such an impact which would breach those rights.

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 first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period, planning permission be granted subject to the following planning conditions:

Time Limits

1. The waste recycling operations and the wood shredding/chipping operation authorised by this permission shall cease not later than 30 June 2038 or within 6 months of completion of the landfilling activities at Ellet Crag Quarry, whichever is the earlier. Following cessation, the site shall thereafter be restored within a further one year period in accordance with the scheme and programme approved under the provisions of condition 27 of planning permission LCC/2019/0040.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies DM2 and WM4 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM7 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

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) Planning Permission LCC/2016/0001 as amended by planning application ref LCC/2019/0041

b) Submitted Plans and documents to accompany planning application LCC/2016/0001:

Figure 1 - Location Plan

Figure 2 - Site Plan

Figure 3 - Change of Use of Land Within Planning Permission Boundary Ref: 01/08/0629 for Inert Recycling Facility Plus Wood Products Recycling and Drying Facility

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 CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM1, DM2, WM1 and WM4 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies NPPF1, DM7, DM21, DM23, DM25, DM27, DM29, DM35, DM39 and DM40 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Hours of Working

3. No waste transfer or sorting or wood processing operations shall take place at the site outside the hours of:-

0700 to 1800 hours, Mondays to Fridays
0800 to 1300 hours, Saturdays

No such operations shall take place on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out outside these hours of essential repairs to plant and equipment used on the site.

Reason: To safeguard the amenity of the local area, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Site Operations

4. A copy of this permission and all the documents referred to in condition 2 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

5. No waste other than inert construction, demolition and excavation waste, and virgin and waste wood materials, shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

6. No materials shall be stockpiled outside the area shown for this purpose on Figure 3 submitted with planning application LCC/2016/0001 and such stockpiles shall not exceed 6 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Control of Noise

7. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

8. Noise emitted from the site shall not exceed a level of more than 10dB(A) LAeq(1 hour) (free field), as defined in this permission, above the background level when measured from any of the following properties at a point closest to the noise source:
- a) Middle Crag Farm NGR 511 550
 - b) Borbles Hall NGR 550 548

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SC5 and E1 of the Lancaster City Council Core Strategy (2003-2021), and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

9. Where reversing alarms are employed on the site only broadband multi-frequency sound alarms (white sound) shall be used.

Reason: In the interests of local amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and

Dust

10. Measures shall be taken at all times during the development to ensure that no dust or wind blown material from the site is carried on to adjacent property and which 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Highway Matters

11. The wheel cleaning facilities at the site shall be maintained in working order and shall be used by all vehicles leaving the site during the development so as to ensure that no mud, dust or other debris from the site is deposited by vehicle wheels 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

12. Any internal haul road or private way between the wheel cleaning facilities and the public highway shall, throughout the development, be hard surfaced and drained and kept clear of debris along its entire length at all times.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

13. All vehicles transporting materials 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

14. No more than 60 heavy goods vehicles, as defined in this permission, shall leave the site in any one day during Mondays to Fridays, inclusive associated with the export of minerals or importation of restoration materials.

Notwithstanding the provisions of the above condition, up to 100 HGVs shall leave the site on any one day on Mondays to Fridays provided that the number of days when HGVs exceed 60 in any one day is not greater than 40 days in any one year.

No HGVs shall leave the site on Saturdays and Sundays apart from those associated with essential maintenance operations and the movement of plant and equipment into and out of the site.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

15. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative at all reasonable times. The records shall be retained at the site for a period of 12 months.

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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Landscaping

16. All hedges and trees forming part of the site boundaries shall be protected from any damage and be 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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.

Floodlighting

17. Any flood lighting used during the operational life of the site shall be angled into the site, downwards, shaded to minimise light spill and only illuminated during the working hours specified in condition 3.

Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Safeguarding of Watercourses and Drainage

18. 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 CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, 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 Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Definitions

Inert Waste: Waste that will not physically or chemically react or undergo biodegradation.

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

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

Notes

The grant of permission does not entitle a developer to obstruct, stop-up or divert the right of way (ref. 1/13/FP36) that is located along the internal site access road from Bay Horse Road.

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency relating to an Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

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

None

Reason for Inclusion in Part II, if appropriate:

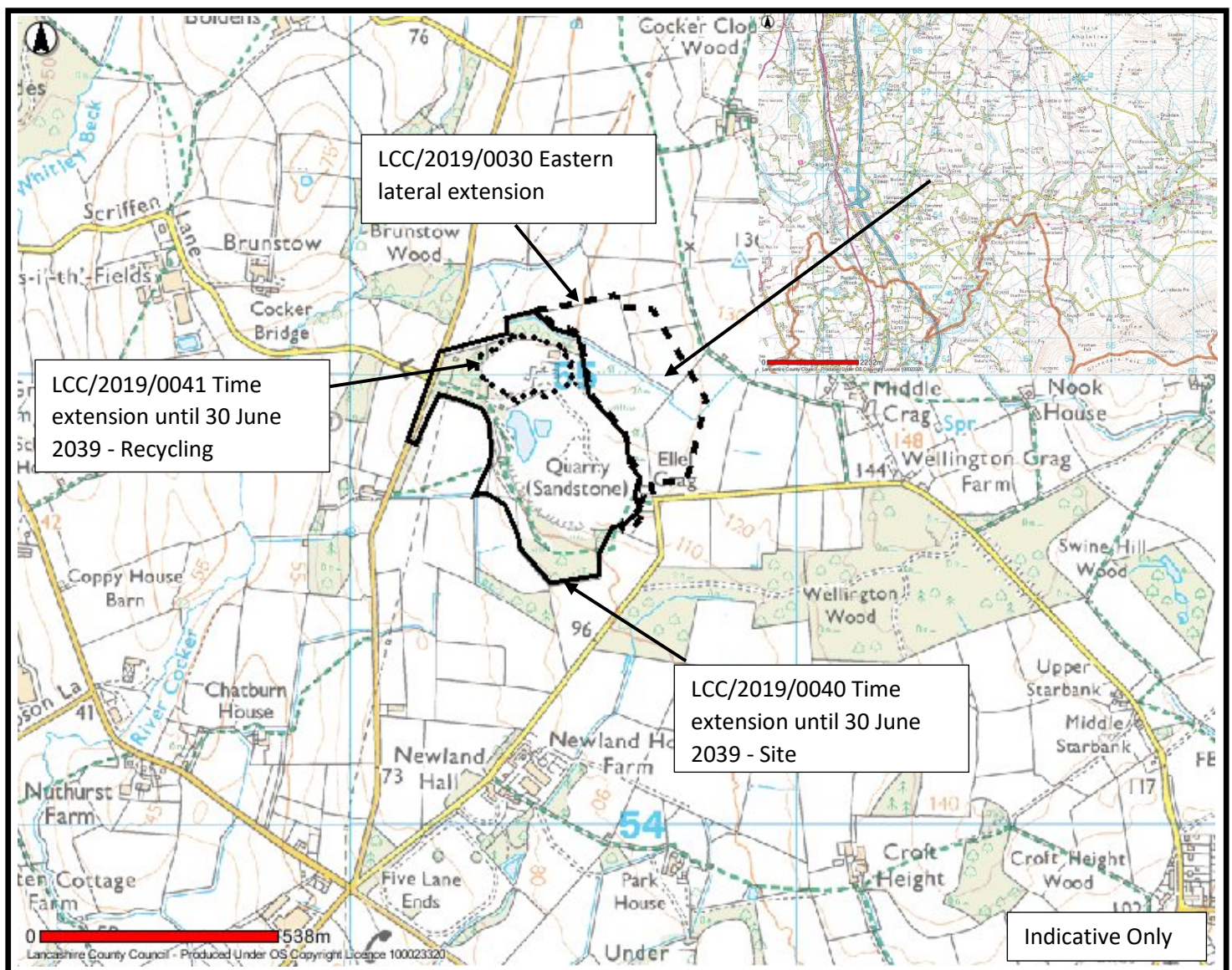
N/A

APPLICATION LCC/2019/0030 PROPOSED EASTERN LATERAL EXTENSION.

APPLICATION LCC/2019/0040 TIME EXTENSION FOR SITE UNTIL 30 JUNE 2039.

APPLICATION LCC/2019/0041 TIME EXTENSION FOR INERT TRANSFER STATION AND RECYCLING, WOOD SHREDDING/CHIPPING OPERATIONS UNTIL 30 JUNE 2039

ELLEL CRAG QUARRY, BAY HORSE ROAD, ELLEL, LANCASTER



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Development Control Committee

Meeting to be held on 21st October 2020

Electoral Division Affected: All

Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:
Susan Hurst 01772 534181
DevCon@lancashire.gov.uk

Executive Summary

Planning applications determined by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

Recommendation – Summary

That the report be noted.

Since the last ordinary meeting of the Development Control Committee on the 9 September 2020, the following decisions on planning matters have been taken in accordance with the County Council's Scheme of Delegation.

Ribble Valley

Application: No. LCC/2020/0028
Land off Old Langho Road, Langho, Blackburn
Installation of a below ground storm water detention tank, pressure relief column, below ground combined sewer overflow (cso) chamber, 10 no. bollards, ground reprofiling and associated works.

Fylde

Application: No. LCC/2020/0033
Elswick Waste Water Treatment Works, Land to South of B5269, Elswick
Construction of Two Chemical Dosing Kiosks

Application: No. LCC/2020/0035
Inskip Waste Water Treatment Works, Off Inskip Road, Inskip, Preston
Construction of Two Chemical Dosing Kiosks

Recommendation

That the report be noted.

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

Paper	Date	Contact/Directorate/Ext
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None

Reason for Inclusion in Part II, if appropriate

N/A