

Lancashire County Council

Development Control Committee

Wednesday, 8th June, 2022 at 10.30 am in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

1. **Apologies for absence**
2. **Appointment of Chair and Deputy Chair**
To note the appointment by the County Council on the 27 May 2022 of County Councillors Maxwell-Scott and P Rigby as Chair and Deputy Chair of the Committee, respectively, for 2022/23.
3. **Disclosure of Pecuniary and Non-Pecuniary Interests**
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.
4. **Constitution, Membership and Terms of Reference of the Committee** (Pages 1 - 6)
5. **Minutes of the last meeting held on 27 April 2022** (Pages 7 - 12)
The Committee are asked to agree that the Minutes of the last meeting held on 27 April 2022 be confirmed and signed by the Chair.
6. **Update Sheet**
The Update Sheet will be considered as part of each related agenda report.
7. **West Lancashire Borough: application number LCC/2022/0013 Variation of conditions 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick** (Pages 13 - 34)

8. **Pendle Borough: application number LCC/2022/0011** (Pages 35 - 50)
Removal of condition 6 (to allow crushing and screening of mineral) and variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working and site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire

9. **Pendle Borough: application number LCC/2022/0012** (Pages 51 - 64)
Removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire

10. **Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation** (Pages 65 - 66)

11. **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.

12. **Date of Next Meeting**

The next meeting of the Development Control Committee will be held on Wednesday, 20 July 2022 at 10.30 am in Committee Room B - the Diamond Jubilee Room, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Agenda Item 4

Development Control Committee

Meeting to be held on 8 June 2022

Electoral Division affected: N/A

Constitution, Membership and Terms of Reference of the Committee

(Appendix A refers)

Contact for further information:

Sam Gorton, 01772 532471, Legal and Democratic Services

Sam.gorton@lancashire.gov.uk

Brief Summary

The Constitution, Membership and Terms of Reference of the Development Control Committee.

Recommendation – Summary

That the Constitution, Membership and Terms of Reference of the Development Control Committee be noted.

Background

The County Council at its meeting on the 26 May 2022 approved the constitution of the Development Control Committee as being 12 members on the basis of seven from the Conservative Group, five from the Labour Group. The following members were appointed by their respective groups:

County Councillors

T Aldridge	M Maxwell-Scott
L Cox	M Pattison
A Cullens	E Pope
M Dad	P Rigby
S Holgate	S Rigby
A Kay	B Yates

The Committee's Terms of Reference are set out at Appendix 'A'.

Consultations

N/A

Advice

N/A

Implications: e.g. Financial, Legal, Personnel, Human Rights, Crime and Disorder or Other

This item has the following implications: Nil

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

None

Development Control Committee

Composition and role

The Committee comprises twelve County Councillors who are not in the Cabinet and deals with applications for planning permission for waste disposal and mineral extraction developments, and for development proposed by the Council.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix ‘H’ to this Constitution.

Terms of Reference

The Committee shall carry out the following functions:

1. To determine applications for planning permission, under Part III Section 62 and Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 where one or more of the following apply:
 - (i) An objection to the application has been received;
 - (ii) The application is supported by an Environmental Statement;
 - (iii) A refusal is recommended by officers;
 - (iv) There is a conflict of interest with the functions of the Head of Service;
 - (v) The application has been submitted by, or benefits, a councillor or officer of the County Council.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development).
3. To exercise the functions relating to the making of determinations of planning applications under Section 92 (outline planning permission) of the Town and Country Planning Act 1990.
4. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
5. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.

6. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).
7. To exercise powers under Sections 198 and 199 of the Town and Country Planning Act 1990 (Tree Preservation Orders).
8. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.
9. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
10. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
11. To authorise by Order the stopping up or diversion of footpaths or bridleways under section 257 and 261 of the Town and Country Planning Act 1990.
12. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
13. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
14. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

Lancashire County Council

Development Control Committee

Minutes of the Meeting held on Wednesday, 27th April, 2022 at 10.30 am in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Present:

County Councillor Matthew Maxwell-Scott (Chair)

County Councillors

P Rigby	M Pattison
L Cox	J Potter
M Dad BEM JP	E Pope
A Kay	B Yates
G Mirfin	S Clarke

1. Apologies for absence

Apologies were received from County Councillor Khan.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

No pecuniary or non-pecuniary interests were disclosed.

3. Minutes of the last meeting held on 2 March 2022

It was noted that the minutes should read 'County Councillor Maxwell-Scott declared a pecuniary and non-pecuniary interest in Item 8 as he was a Director of Lancashire County Developments Ltd Board'.

Resolved: That the minutes of the last meeting held on Wednesday 27 April be confirmed, noting the amendment above and signed by the Chair.

4. Update Sheet

The Update Sheet was circulated prior to the meeting (copy attached).

**5. West Lancashire Borough: application number LCC/2022/0003
Demolition of existing building and erection of purpose built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste. Land at Tower House, Simonswood Industrial Estate, Stopgate Lane, Kirkby**

A report was presented on an application for the demolition of the existing building, and erection of a purpose built building (and ancillary structures) to house a high temperature treatment facility for the management of medical waste on land at Tower House, Simonswood Industrial Estate, Stopgate Lane, Kirkby.

This was an application for a thermal treatment facility accepting hazardous and non-hazardous wastes from medical and health care establishments. The application was accompanied by an Environmental Statement as it fell within schedule 1 of the Environmental Impact Assessment Regulations 2017.

The Development Management Officer presented a Powerpoint presentation showing a map of the application site and nearest residential properties and a plan of the access road through the industrial estate, the proposed building and combustion plant.

The application had been subject to publicity by way of site and press notice, and local residents on Stopgate and Sidings Lane had been notified by letter. To date, over 1100 representations had been received, objecting to the application on grounds of health and air pollution and traffic. West Lancashire Borough Council and Knowsley Council had also raised objections to the application.

Although this development was relatively small in scale, it was for the management of hazardous wastes and, in view of the level of public representation, it was considered that members of the Committee should visit the site before considering the application. It was noted that the full report would possibly be considered at Committee's meeting in July, with the site visit potentially being scheduled for Monday 18th July.

County Councillor Mirfin asked if a briefing could be provided to Committee Members on the process for burning medical waste and what constituted medical waste, prior to the site visit taking place. It was explained that, although external briefings outside the planning process could not be provided, all the information required in order for Committee to make an informed decision would be contained within the full report which would be available 1 week prior to the Committee meeting in July.

Due to the unavailability of some Committee Members on Monday 18th July, it was noted that an alternative date for the site visit may need to be considered.

County Councillor Mirfin asked whether the report would contain examples of how medical waste was burned on other sites in Lancashire, for contextual purposes. Committee were informed that officers would ensure that all relevant information was provided in the full report, and that any contextual information would be included as required. It was important to note that each application needed to be considered on its individual merits.

Resolved: That the Committee visit the site before considering the proposal.

- 6. Preston City: application number LCC/2021/0059 Variation of condition 2 of permission LCC/2017/0019 to allow the continuation of mineral, landfill and waste transfer activities until 31 December 2029 with restoration by 31 December 2031. Bradleys Sand Pit, Lightfoot Green Lane, Fulwood, Preston**

A report was presented on an application for the variation of condition 2 of permission LCC/2017/0019, to allow the continuation of mineral, landfill and waste transfer activities until 31 December 2029 with restoration by 31 December 2031 at Bradleys Sand Pit, Lightfoot Green Lane, Fulwood, Preston.

Bradleys Sand Pit was a long standing sand and gravel quarry, landfill site and waste transfer station, the quarrying operations having commenced over 30 years ago. The operations at the site included mineral extraction, inert landfill and waste transfer and recycling.

The applicant had stated that the time extension was necessary, as the current permitted scheme had not been completed. In the western part of the site there remained in-situ sand to be worked and a significant area to infill and restore. The estimated quantity of sand to be quarried was c.30,000 tonnes with c.211,000 cubic metres of void space remaining to fill, which was anticipated would require a further eight years. In addition, the applicant continued to operate a waste transfer facility and to recycle inert waste materials into aggregates, which would continue to provide an important contribution to the aggregates market.

The report included the views of Preston City Council, Woodplumpton Parish Council, LCC Ecology Service, the Environment Agency and LCC Highways. Representations comprising of three letters of objection had been received, the details of which were provided in the report.

The Development Management Officer presented a Powerpoint presentation showing the site location plan, the present aerial view of the site showing the quarry, the nearest residential properties and areas used for waste processing and restored landfill, with a comparison to an aerial view of the site in 2017. A layout plan of the 125 dwelling residential development along Lightfoot Green Lane was also provided, together with photographs of the quarry access on Lightfoot Green Lane, areas of working within the site, the aggregate recycling facility, area of restored land on the eastern part of the site, the view along Lightfoot Green Lane towards the site entrance and the site entrance.

Committee's attention was drawn to the Update Sheet providing details of an amended recommendation and additional condition, following the applicant now proposing an agricultural and amenity after use for the site, and not the golf course after use that had originally been proposed. It was therefore no longer necessary to deal with the aftercare of the site through a Section 106 Agreement, which could be achieved through a planning condition.

The Chair asked what would happen if a further extension was requested and stated that local residents may be unhappy with this. It was reported that any extension would need to be considered at the time and that it was often unpredictable how long site operations would take. However, officers considered that residents' amenities had been protected adequately through the conditions proposed and it was noted that the applicant had put additional measures in place to ensure that mud and dust were not carried onto the highway network.

Resolved: That planning permission be **granted**, subject to:

(i) conditions controlling time limits, working programme, site operations, soils and overburden, safeguarding of watercourses and drainage, highway matters, hours of working, control of noise, dust, soil stripping in the proposed western extension area, ecological mitigation measures, restoration and monitoring, as set out in the Committee report.

(ii) The addition of Condition 37 to deal with the aftercare of the site, the details of which were provided on the Update Sheet.

**7. Ribble Valley Borough: application number LCC/2021/0004
Construction of a new wastewater treatment works, access track,
bridge, 3 no. culverts, outfall, partial demolition of existing works
and landscaping. Chipping Wastewater Treatment Works, Longridge
Road, Chipping, Preston**

A report was presented on an application for the construction of a new wastewater treatment works, access track, bridge, 3 culverts, outfall, partial demolition of existing works and landscaping at Chipping Wastewater Treatment Works, Longridge Road, Chipping, Preston.

A report in relation to a planning application ref: LCC/2021/0004, to construct a new wastewater treatment works at Chipping had been reported to the Development Control Committee at its meeting on 16 June 2021. This report had been provided at Appendix 'A'.

At the time of the June 2021 meeting, there had been an outstanding objection from the Environment Agency. The Environment Agency had had no objections to the principle of the development, but still had concerns about the modelling of the flood risks and the design of various parts of the development in terms of flooding issues. The Development Control Committee had therefore resolved to approve the application, subject to the Environment Agency confirming their satisfaction with flooding matters and associated design issues.

It was reported that, since the June 2021 meeting, the applicant had had continued discussions with the Environment Agency, in order to resolve their concerns about the assessment of flood risk. The flood risk model had now been updated and the Environment Agency now considered it was fit for purpose. However, the Environment Agency had stated that the development would only be acceptable if a planning condition was attached to any permission, requiring the development to be carried out in accordance with the Flood Risk Assessment and that compensatory flood storage be provided. Details of the condition requested were provided in the report.

The Development Management Officer presented a Powerpoint presentation showing a map of the application site, nearest residential properties, existing treatment works, location for new works, details of the applicants proposals and a diagram of the flood mitigation area.

Resolved: That planning permission be **granted**, subject to conditions controlling time limits, working programme, highway matters, site preparation and construction works, flood mitigation and landscaping and management, as set out in the Committee report.

**8. West Lancashire Borough: application number LCC/2021/0062
Change of use of site to storage of reclaimed material mounds as an extension to the existing waste transfer station. Tower House, Stopgate Lane, Simonswood**

It was noted that this item had been withdrawn.

9. Planning decisions taken by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

It was reported that, since the last meeting of the Development Control Committee on 2 March 2022, eight planning applications had been granted planning permission by the Head of Planning and Environment, in accordance with the county council's Scheme of Delegation.

Resolved: That the report be noted.

10. Urgent Business

There were no items of Urgent Business.

11. Date of Next Meeting

Resolved: That the next meeting of the Committee be held on Wednesday 8 June 2022 at 10.30am in Committee Room B, County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Agenda Item 7

Development Control Committee

Meeting to be held on 8 June 2022

Electoral Division affected: West Lancashire West
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West Lancashire Borough: application number LCC/2022/0013
Variation of conditions 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick.

Contact for further information:

Robert Hope, 01772 534159

DevCon@lancashire.gov.uk

Executive Summary

Application - Variation of condition 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling working programme, site operations, highway matters and drainage.

Applicant's Proposal

Planning permission is sought to amend condition 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the existing waste recycling yard.

Condition 2 is currently worded as follows:

No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place outside the hours of:

0830 to 1730 hours, Mondays to Fridays (except Public Holidays)

No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place at any time on Saturdays, Sundays or Public Holidays.

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.

Condition 5 is currently worded as follows:

No more than 10 skip/container carrying vehicles shall enter, or leave the site per day, Monday to Friday.

Reason: To reduce the potential conflict within the site between the different uses and to maintain optimum operational conditions for the various uses and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The applicant wishes to amend condition 2 so waste management activity can formally continue to take place on Saturdays between the hours of 0800 and 1600. Condition 5 would be amended to allow waste to be imported to the site on Saturdays.

Description and Location of Site

The application site covers an area of approximately 0.15 hectares and sits within an established storage site and haulage yard located in Scarisbrick, West Lancashire. The site is currently being used for small scale waste management activities and includes skip and container storage areas. The wider site is still used for vehicle storage and includes a large building, which is not included in the application area. The surrounding area includes a mix of agricultural land and housing. An isolated property is located to the northwest of the site and a row of houses is located to the east of the site along Southport Road, from where the site is accessed. The site is bounded by shrubs, bushes and perimeter fencing at the north, west and south and a security gate and garages/sheds to the rear of Southport Road at the east. The nearest residential properties are located some 40m to the east of the site and approximately 70m to the northwest. Although a previously developed site, it is located within the Green Belt.

Background

The site has historically been used as a storage area, haulage yard and car parking area. On 2 March 2022 planning permission was granted for a retrospective change of use of part of the haulage yard to use for waste recycling (ref. LCC/2021/0045).

Planning Policy

National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

Waste Management Plan for England (December 2013)

National Planning Policy for Waste (October 2014)

Our Waste, Our Resources: A Strategy for England (December 2018)

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

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

West Lancashire Local Plan

Policy SP1 A Sustainable Development Framework for West Lancashire
Policy GN3 Criteria for Sustainable Development

Consultations

West Lancashire Borough Council – No objection subject to a planning condition limiting the operations on Saturdays between the hours of 08:00 and 13:00 only.

Scarisbrick Parish Council – Object. The retrospective planning permission already granted for this yard was granted despite objections from West Lancashire Borough Council's Environmental Health Department regarding noise levels. However, a condition of the permission granted was that the yard would not be operated on Saturdays/Sundays or Bank Holidays to protect residential amenities. There have been resident complaints that the yard is affecting their amenities. However, the applicant has now applied for permission for Saturday working at the yard which will increase the impact on the amenities of residents.

Environment Agency – No objection to the proposed variation of Conditions 2 and 5 but note that the development requires an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

LCC Highways Development Control – No comments received.

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

- Noise for machinery on site and the tipping of waste on the yard floor, and from traffic.
- Smells and litter from waste activity.
- Close to residential properties.
- Vehicles blocking the road and residential areas.
- The skip business should be on an industrial estate.
- Application does not conform to the Joint Lancashire Minerals and Waste local plan.
- Site is already working 7 days a week. Approval would condone retrospective applications.

- Increase in vermin.

One representation highlighted that the application site address as set out on the application form should not be 410 Southport Road as this is incorrect. This matter has now been resolved and the reference to 410 Southport Road has been removed.

Advice

The general acceptability of waste management activities at the site was established through the determination of planning application LCC/2021/0045 subject to conditions. The site operator's agent had advised that restricting hours of working to Monday to Friday was acceptable to the applicant and this was seen as a means of minimising potential impacts on neighbouring residents. However, the site operator has advised that this was not the case and they have always worked on Saturdays. They now wish to regularise this situation.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

The National Planning Policy for Waste refers to the Waste Management Plan for England in which the Government supports efficient energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities. The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Paragraph 185 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Policy 188 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. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities. The Environment Agency has raised no objection to the proposed development but has stated that the

development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. The applicant and Environment Agency have been reviewing the permitting requirements as part of ongoing activities at the site.

Policy SP1 of the West Lancashire Local Plan refers to a sustainable development framework for West Lancashire. It advises that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards.

The applicant previously submitted a noise assessment to support planning application LCC/2021/0045 to seek to demonstrate that noise levels are and can be controlled to acceptable levels at the nearest sensitive receptors and therefore it was considered unreasonable to refuse permission on this basis. The original assessment included noise calculations during the week and on Saturdays given the assessor's assumption that there would be Saturday morning working.

It is common for business uses to wish to work over the weekend and on large industrial estates there are often no controls on hours of working. However, on more restricted sites it is more often accepted that weekend working be restricted to Saturday mornings to seek to ensure that local amenity is not unduly compromised by intermittent disturbance. On this basis it is recommended that condition 2 be amended to allow Saturday morning working from 0830 to 1300 hours as opposed to the applicant's request from 0800 to 1600 hours. A similar view is shared by West Lancashire Borough Council. It is also recommended that condition 5 be amended to allow up to 6 vehicles to enter or leave the site on Saturday mornings. It is considered that these relaxed controls compared to those attached to permission LCC/2021/0045 would still provide sufficient protection for neighbouring residents while also appreciating business aspirations at a site that has a history of employment use.

Human Rights

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

This application was it to be approved would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights. However, it is considered that any potential impacts could be controlled by conditions or through an Environmental Permit should one be granted.

Further scrutiny would be required through an application for an Environmental Permit and should a permit be refused waste management activities as currently undertaken would have to cease. The proposal is considered to be acceptable in terms of the policies of the National Planning Policy Framework and the policies of the Development Plan.

Recommendation

That planning permission be Granted subject to the following conditions:

Working Programme

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

Submitted Plans:

Location plan dated 21/12/2021

Drawing no ML/DB/6121 dated 21/12/2021

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Site Operations

2. No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place outside the hours of:

0830 to 1730 hours, Mondays to Fridays (except Public Holidays)

0830 to 1300 hours on Saturdays (except Public Holidays)

No delivery of waste, waste management operations, bulking up of waste or recycled materials or the removal of waste materials or recycled materials off the site shall take place at any time on Sundays or Public Holidays.

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

3. Depositing, sorting, segregation, processing and loading of waste shall only be undertaken within skips or containers with the exception of inert soil, bricks and aggregates.

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

4. No soil, hardcore or aggregate stockpiles shall exceed 3 metres in height.

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

5. No more than 10 skip/container carrying vehicles shall enter, or leave the site per day, Monday to Friday. No more than 6 skip/container carrying vehicles shall enter or leave the site on Saturdays.

Reason: To reduce the potential conflict within the site between the different uses, to maintain optimum operational conditions for the various uses and to protect the amenity of local residents and to conform to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

6. All vehicles transporting waste materials or recycled waste products into the site or from the site shall be securely sheeted or contained.

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

7. Measures shall be taken during the duration of the development to minimise the deposit of mud, dust or other deleterious material on the public highway by vehicles 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 comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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

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

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

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

Notes

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

Recommendation

That planning permission be **granted** subject to conditions controlling working programme, site operations, highway matters and drainage.

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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0013	May 2022	R Hope Planning and Environment 01772 534159

Reason for Inclusion in Part II, if appropriate

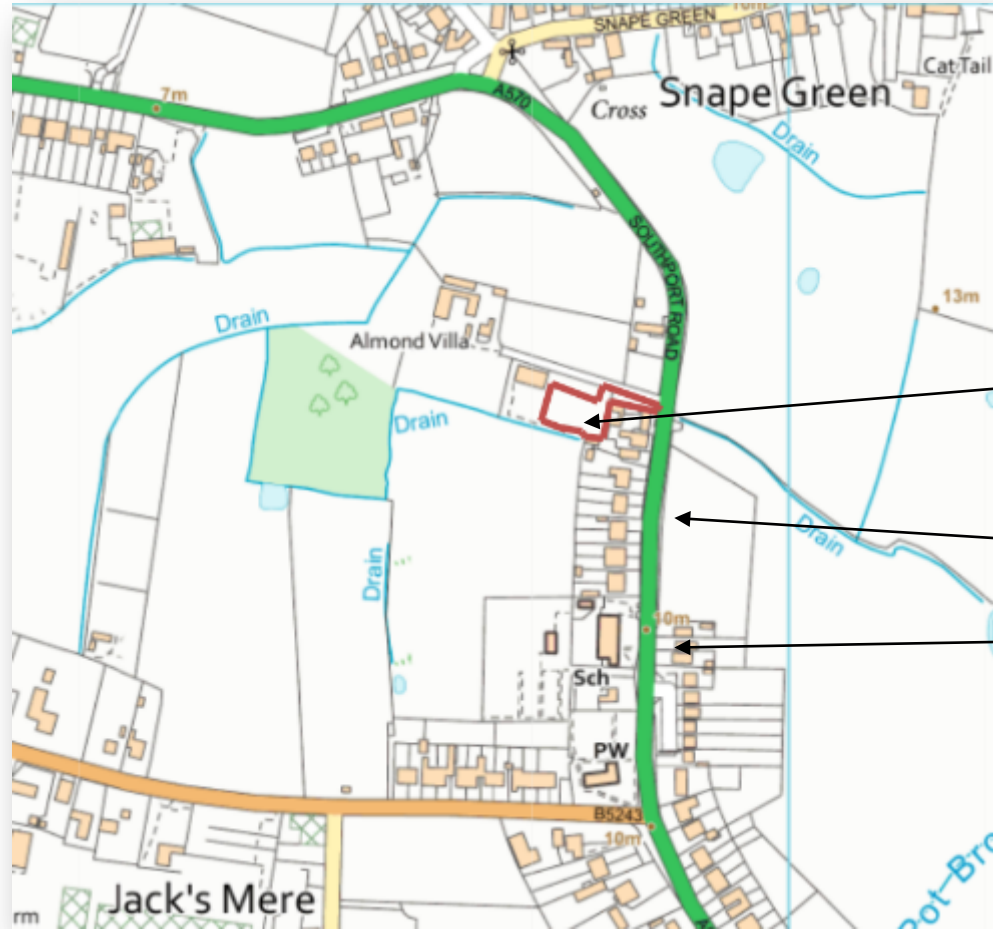
Not applicable.

Planning application LCC/2022/0013

Variation of conditions 2 and 5 of permission LCC/2021/0045 to allow Saturday working at the waste recycling yard on land off Southport Road, Scarisbrick.

Planning application LCC/2022/0013

Location plan (approximate areas edged red)



Application site

Southport Road

Scarisbrick

Planning application LCC/2022/0013

Aerial view (March 2020)

Resident

Wider site
retained
for storage
etc

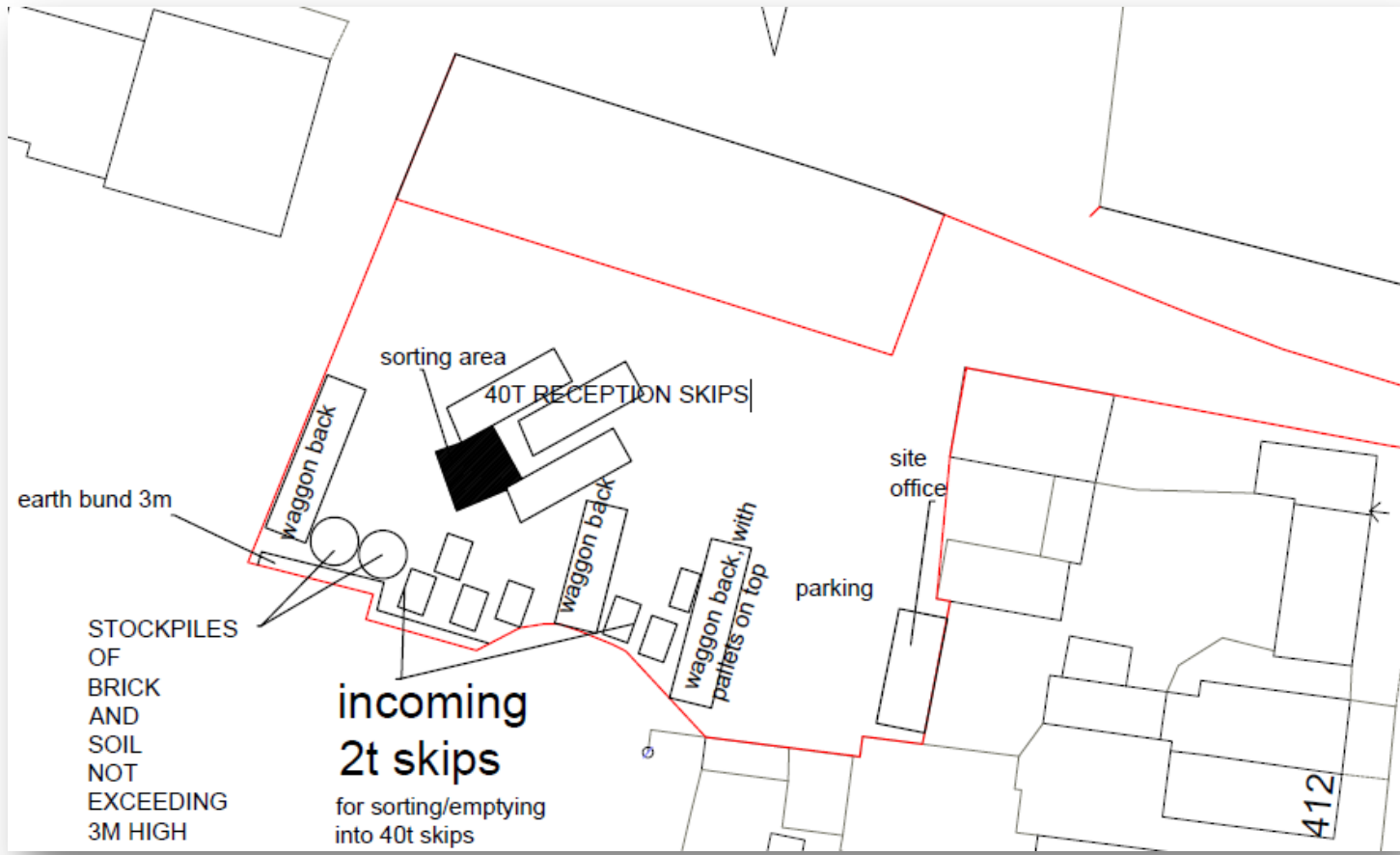


Resident

Southport
Road
residents

Planning application LCC/2022/0013

Site Layout (approximate)



Planning application LCC/2022/0013



Site entrance

Planning application LCC/2022/0013



Typical skip sorting

Planning application LCC/2022/0013



Aggregate/soil storage area

Planning application LCC/2022/0013



Containers for sorted/separated waste

Planning application LCC/2022/0013



Storage area and building outside application site

Planning application LCC/2022/0013



Land to the west of the site

Planning application LCC/2022/0013



View from the west looking towards the site

Planning application LCC/2022/0013



Looking north along Southport
Road from the site access

Planning application LCC/2022/0013



Looking south along Southport
Road from the site access

Agenda Item 8

Development Control Committee

Meeting to be held on 8 June 2022

Electoral Division affected: Nelson East

Pendle Borough: application number LCC/2022/0011

Removal of condition 6 (to allow crushing and screening of mineral) and variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working and site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire

Contact for further information:

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Executive Summary

Application - Removal of condition 6 (to allow crushing and screening of mineral) and variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working and site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling conditions controlling working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, restoration and aftercare.

Applicant's Proposal

This application is for the removal of condition 6 (to allow crushing and screening of mineral) and variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working and site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire.

Condition 6 currently reads as:

No minerals shall be processed as crushed aggregates and no stone other than building stone or dressed stone for building and architectural purposes shall be removed off the site.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Condition 23 currently reads as:

The materials imported to the site for the purposes of restoration shall be confined to clean subsoils, topsoils and overburden only.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The proposed changes would allow for the screening and size reduction of minerals and the importation of a wider range of inert waste materials for restoration to include inert naturally occurring excavation material, subsoil, topsoil, concrete, ceramics and brick.

Description and Location of Site

Catlow East Quarry covers an area of approximately 1.8 hectares. The site is currently used for stone processing activities and includes a number of buildings, plant and machinery. Mineral working no longer takes place in Catlow East and areas of the site have been partially restored through the importation of soil materials and are colonised by vegetation.

To the west is Catlow West, an adjoining quarry area that covers an area of approximately 1.2 hectares. The active quarries are also surrounded by historical quarrying and landfill areas. The site is located off Crawshaw Lane in Catlow approximately 3km east of Nelson. Crawshaw Lane is also a Byway Open to All Traffic (BOAT) No. 16. The nearest residential properties are located approximately 300m west of the quarry on Crawshaw Lane. The quarry is located within the 'Southfield' Conservation Area, which also includes properties in Catlow. The surrounding land is characterised by undulating features of previously quarried land including hollows, overburden mounds, tipping areas, and access tracks that have become naturally recolonised by grasses, shrubs and immature trees.

Background

There is a long history of stone extraction and working at Catlow Quarries. Most recently planning permission was granted for an extension of stone working into the historically worked area of Catlow West followed by restoration through the deposit of quarry waste and imported soils and subsoils until 2028 (ref. LCC/2015/0055).

Planning permission was granted on 16 June 2021 to amend condition 1 of planning permission 13/12/0585 to extend the period of time for the processing of stone and restoration of Catlow East Quarry to 31 December 2028 (ref. LCC/2020/0073).

Planning Policy

National Planning Policy Framework

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

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

Joint Lancashire Minerals and Waste Local Plan

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy M1	Managing Mineral Production

Policy SDP1	Presumption in Favour of Sustainable Development
Policy ENV1	Protecting and Enhancing Our Natural and Historic Environments

Consultations

Pendle Borough Council – No comment to make.

Nelson Town Council – No comments received.

Environment Agency – No objection to the removal of condition 6 of planning permission LCC/2020/0073 for Catlow East Quarry. Under the Environmental Permitting (England and Wales) Regulations an environmental permit will be required for any waste treatment operations. This must be obtained prior to any waste operation commencing.

The Environment Agency do not agree with the proposed variation of condition 23 (inert materials) of planning permission LCC/2020/0073. Alternatively, it is recommended that condition 23 could be changed to:

'Remediation works should be completed and validated in accordance with the approved remediation strategy. At the same time, waste and/or material used in the quarry remediation should be chemically suitable, and deposited in such a way to:

- (a) prevent the input of any hazardous substance to groundwater, and
- (b) to limit the input of non-hazardous pollutants to groundwater so as to ensure that such inputs do not cause pollution of groundwater.

The remediation work should be carried out under a bespoke environmental permit, most likely for a landfill waste operation.'

LCC Highways Development Control – No comments received.

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

- The quarry has increased in size and duration.
- The quarry operator is not complying with the current conditions in that quarry operations and vehicle movements take place outside permitted hours, there is a disregard of restriction of number of lorries entering and leaving site, there is indiscriminate dumping of unrecorded infill by lorry and tractor/trailer of unknown composition, and contempt for basic good practice in noise and dust mitigation.
- Vehicle movements cause damage to roads and properties within a conservation area and have an adverse impact on horse riders and cyclists and road safety.
- Crawshaw Lane is an unsuitable unsurfaced road.
- A transport assessment should be provided.
- Dust issues and lack of dust control management.
- There should be appropriate noise mitigation and controls at the site.
- Operations at the site should be time limited.

Advice

The principle of mineral and restoration operations using imported soil materials at Catlow East and West Quarries has already been established. Both sites have previously operated as quarries primarily for the production of block and general building stone. However, the mineral deposit at the site is very variable with areas of in situ stone mixed in with areas of old backfill and poorer quality rock. In order to better utilise the materials that are produced by the quarrying activities, the applicant proposes to increase the range of processing that is undertaken. This would reduce the volume of quarried materials that have to be backfilled into void areas as waste materials. It is therefore necessary to assess the acceptability of allowing screening and size reduction of minerals. It should be noted that screening operations are already permitted at Catlow East but this proposal is to allow screening and size reduction (crushing).

In relation to the backfilling, the current permission currently allows the importation of soils and subsoils for restoration purposes. However, it is often impracticable to ensure that potential infill materials are entirely free from contaminants such as concrete, ceramics and brick. The applicant therefore proposes to modify the condition to allow the site to accept a wider range of infill materials which would make it easier to attract restoration materials therefore reducing delay to restoration works. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

When determining planning applications Paragraph 211 of the National Planning Policy Framework is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. Commentary to Policy M1 of the Joint Lancashire Minerals and Waste Local Plan advises that proposals for the extraction of locally sourced building stone will be supported.

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

Catlow East is now primarily used as a stone processing facility utilising stone from the western quarry site and locally imported stone to create bespoke architectural heritage products. Stone with different characteristics and waste stone cuttings are used for other building products including walling stone. Employment of size reduction machinery along with the existing screening equipment would enable the operator to process stone into a wider range of products. The main issue would be to ensure that the size reduction machinery does not generate unacceptable noise and dust issue for neighbouring residents.

In relation to noise, the Government's Planning Practice Guidance states that applicants should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood. The Planning Practice Guidance recommends appropriate noise standards and advises that mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).

For particularly noisy short term events such as soil stripping and road construction the Planning Practice Guidance advises that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Given the distance from site operations to residents and the nature of operations at the site it is considered that this allowance would not be required.

The applicant has provided a noise assessment in relation to crushing and screening operations and heavy goods vehicle (HGV) movements in the context of neighbouring properties. The assessment concludes that quarry operations would be below the background +10 LA90,1h criterion and upper limit of 55 LAeq,1h. Consequently, it is considered that unacceptable noise would be unlikely and a condition could be imposed to set an achievable noise limit of 40dB LAeq (1hour) (free field), when

measured at Catlow Fold Farm, Catlow House, Southfield Lane, and Mount Pleasant, Southfield Lane at a point closest to the noise source. A new condition is also recommended that refers to designated areas for crushing and screening to ensure that these operations do not take place at the closest locations to houses and a further new condition is recommended to ensure that only broadband sound vehicle/plant reversing alarms be employed on site to prevent the potential for unnecessary disturbance.

In terms of dust, the existing permission at the site has a condition requiring that measures shall be taken to ensure that no dust or windblown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions. The quarry operations have historically generated few dust complaints and residential properties are located at sufficient distance from the defined areas for crushing and screening activities such that dust is unlikely to be a significant issue.

The current application would not increase the overall footprint of the existing working area and would have no negative impact on the local landscape or conservation area. Operations at the quarry would continue to be relatively small scale and would largely be well screened by the surrounding land levels. The current working and restoration scheme would be carried forward to a new permission, should permission be granted.

An objection/complaint has been raised in relation to recent alleged breaches of planning control including early starts, exceeding daily heavy goods vehicle (HGV) number limits, traffic impacts, dust issues, and suggestions of unsuitable restoration material being imported to the site. The operator has been reminded of the need to comply with the planning conditions. The representation also requests that should permission be granted; suitable noise controls should be imposed. New noise conditions have been recommended as set out above primarily to control the potential impact associated with crushing activities.

The site had not previously been a regular source of complaint and it should be noted that a breach of planning control by a site operator is not a material consideration when determining a planning application. Planning permissions generally apply to the land rather than an individual or company carrying out the development. Should enforcement action be considered necessary for failure to comply with the requirements of a planning permission, then separate steps can be taken if expedient to do so in the public interest.

The importation of waste to the site is subject to Environment Agency controls and discussions are currently taking place in relation to Environmental Permitting requirements and restoration works. The Environmental Permit would control the specific waste types suitable for restoration works and measures to prevent pollution. Nevertheless, the existing planning permission only permits soils, subsoils and overburden to be used in restoration works. The majority of importation activity would be in relation to Catlow West as there is limited scope for further soil importation at Catlow East due to the ground profiling that has already been achieved. However, the applicant wishes to broaden the scope of permitted inert waste types to generate more opportunities to finally restore the site in a timely fashion. This approach is common in many quarries with permission to backfill with waste for restoration and is

considered acceptable with the knowledge that further scrutiny of waste types and waste management practices would be required as part of any Environmental Permit. On this basis, the proposed Environment Agency's amendment summarised above is considered unnecessary. Such concerns can be dealt with through an Environmental Permit and this remains applicable even if void space is increased as a result of increased exportation volumes if crushing activities are permitted.

Access to the site is via Crawshaw Lane, an unmade farm track and definitive right of way. The access is not suitable for large numbers of heavy goods vehicle (HGV) movements and consequently the existing quarry site operates with a restriction of eight heavy goods vehicle (HGV) movements per day Monday – Friday with four heavy good vehicles (HGVs) leaving the site on Saturdays and also a restriction of stone imported to the site at 100 tonnes per week. It is considered that a continuation of this condition would be appropriate and should control heavy goods vehicle (HGV) numbers to acceptable levels.

Human Rights

In view of the location, scale and nature of the proposed development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Conclusion

The change to the conditions would be unlikely to generate any unacceptable impacts on neighbouring land uses, local residents, the highway network, the character of the Conservation Area or the environment in general subject to compliance with previously accepted conditions and the addition of conditions relating to noise control. It is considered that the development accords with the policies of the National Planning Policy Framework and the Development Plan.

Recommendation

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

Time Limits

1. The mining operations/processing of stone authorised by this permission shall cease not later than 31 December 2026 and the site shall thereafter be finally restored within a further period of 2 years in accordance with the scheme of restoration referred to in condition 24.

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 ENV1 of the Pendle Local Plan Core Strategy.

Working Programme

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

Submitted plans:

Drawing No.

GNSP/PQ/S73/2012-LP	Location Plan
GST/C/345/2	Restoration Proposals
GST/C/345/3, rev A	Cross Sections

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy ENV1 of the Pendle Local Plan Core Strategy.

Hours of Working

3. No mining operations, importation, processing or dressing of stone, exportation of stone or building products or restoration works shall take place outside the hours of:

0800 to 1730 hours, Mondays to Fridays (except Public Holidays)
0800 to 1200 hours on Saturdays

No mining operations, importation, processing or dressing of stone, exportation of stone or building products or restoration works shall take place at any time 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 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.

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 operational life of the site.

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 DM2 of the Joint Lancashire Minerals and Waste Local Plan.

5. The provisions of Part 17, Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement, or enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the 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.

6. Screening and size reduction of mineral shall be confined to the quarry area as shown on drawing number GNSP/CQ/EAST/SCR22-02 - Area for crushing and screening stone on East Quarry Stockyard. There shall be no screening or size reduction of waste.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. No more than 100 tonnes of block stone or paving shall be imported to the site per week for the purposes of further processing. A weekly record of the tonnage of stone imported to the site shall be retained for a period of 12 months and made available for inspection by the County Council on request during the permitted working hours for the operational life of the site.

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

8. No minerals or building stone shall be sold direct to the general public from the site.

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

9. All waste materials arising from the winning and working and processing of minerals at the site shall be used in the approved restoration and landscaping works for the site and shall not be removed off the site at any time.

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

Highway Matters

10. No more than 8 heavy goods vehicles (HGVs), as defined in this permission, shall leave the site (including the site area shown on drawing no. GNSP/CQ/WEAPP-10 - Western Extension) in any one day during Mondays to Fridays, inclusive, and no more than 4 heavy goods vehicles shall leave the site on Saturday. No such vehicles shall leave the site on Sundays or Public Holidays.

This condition shall apply to the importation and export of stone from the site (including the site area shown on drawing no. GNSP/CQ/WEAPP-10 - Western Extension) and the importation of restoration materials.

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.

11. A written record shall be maintained at the site office of all movements out of the site (including the site area shown on drawing no. GNSP/CQ/WEAPP-10 - Western Extension) 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 during the permitted working hours.

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

12. The sole vehicular access to and egress from the site shall be to and from Southfield Lane via Crawshaw Lane as shown on Drawing GST/C/345/1

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.

13. Measures shall be taken at all times to prevent the deposit of mud, dust or other debris from the site being deposited by vehicles on the public highway.

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

Control of Noise & Dust

14. 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 operational life of the site.

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

15. Noise emitted from mineral extraction, processing and restoration operations hereby permitted shall not exceed 40dB LAeq (1hour) (free field), as defined in this permission, when measured at Catlow Fold Farm, Catlow House, Southfield Lane, and Mount Pleasant, Southfield Lane at a point closest to the noise source.

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

16. Where reversing alarms are employed on site only broadband multi-frequency sound alarms (broadband sound) shall be used.

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

17. Measures shall be taken to minimise the incidence of dust or windblown material being carried from the site onto adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps as necessary during dry weather conditions.

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

18. 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.

Safeguarding of Watercourses and Drainage

19. 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.

20. 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 and disposed of at a purpose designed wastewater management facility.

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

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

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

Soils and Overburden

22. No topsoil, subsoil or overburden shall be sold or otherwise removed from the site.

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

23. The movement and respreading of top soils 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 storage and replacement of soils to ensure satisfactory restoration and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Restoration

24. Restoration shall be carried out in accordance with drawing nos. 'GST/C/345/2' and 'GST/C/345/3, rev A' and the details contained in Section 5.0 of the submitted supporting statement dated October 2012 relating to permission LCC/2012/0585.

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

25. The materials imported to the site for the purposes of restoration shall be confined to inert naturally occurring excavation material, subsoil, topsoil, concrete, ceramics and brick only.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

26. If by 31 December 2028, the site has not been restored in accordance with the details referred to under condition 22, alternative details for the final restoration of the site shall be submitted to the County Planning Authority within one month of 31 December 2028 for approval in writing. The scheme and programme shall include details of:

- a) a contour plan showing the final levels and landform of the site at not less than one metre intervals
- b) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment
- c) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application
- d) the measures to be taken to secure normal plant growth
- e) 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
- f) details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features
- g) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas
- h) details for the phasing of the restoration or progressive restoration
- i) details for the creation of any wildlife habitat areas

Thereafter, the site shall be restored within six months of the approval in writing of the alternative details of restoration.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Aftercare

27. Details for the aftercare of the site shall be submitted to the County Planning Authority for approval in writing by 31 December 2027.

The details shall include the following:

- a) the management of the site to promote its intended after-use, use including details of seeding, grazing, cultivation or cropping
- b) details of any further works to relieve compaction or regrading to alleviate surface ponding
- c) details of any measures required to control noxious weeds
- d) details for the maintenance of any tree or hedge planting including replacement of failures, weed control, maintenance of protection measures, thinning works and cutting or laying regimes to be followed
- e) management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water run off

Thereafter, aftercare works shall be undertaken in accordance with the approved details for a period of five years from the date that the County Planning Authority certifies in writing that the works of restoration are complete.

Reason: To secure the proper aftercare of the site in the interests of visual amenity and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle designed to carry a payload of 1500 kg or more.

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 24 or 26 have been completed satisfactorily.

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

Recommendation

That planning permission be **granted** subject to conditions controlling conditions controlling working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, restoration and aftercare.

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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0011	May 2022	R Hope Planning and Environment 01772 534159

Reason for Inclusion in Part II, if appropriate

Not applicable

Planning application LCC/2022/0011 & 0012

**Pendle Borough: application number LCC/2022/0011
Removal of condition 6 (to allow crushing & screening of mineral) & variation of condition 23 (inert materials) of planning permission LCC/2020/0073 in relation to mineral working & site restoration at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Southfield, Lancashire**

**Pendle Borough: application number LCC/2022/0012
Removal of condition 18 (to allow crushing & screening of mineral) & variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working & site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Lancashire**

Planning application LCC/2022/0011 & 0012

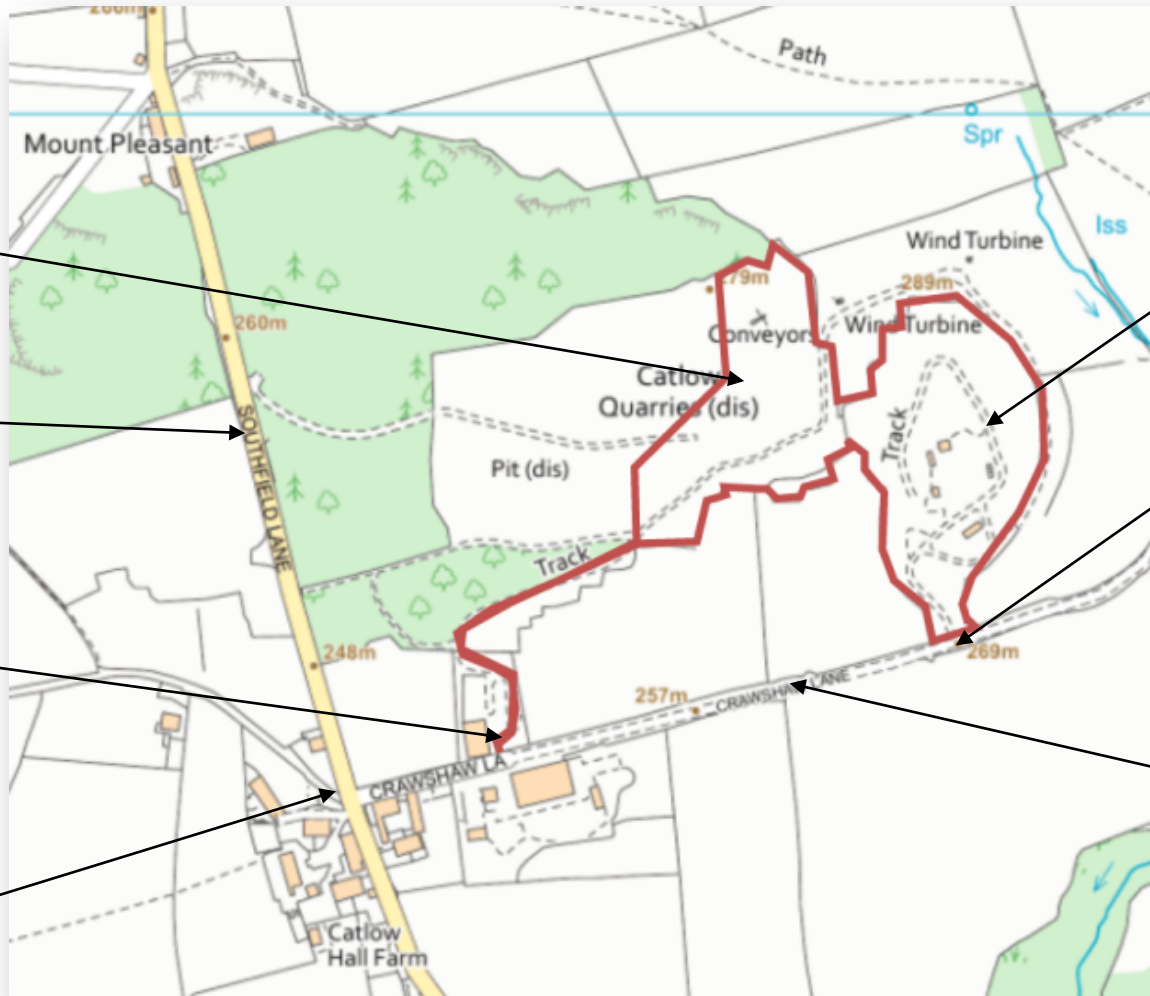
Location plan

Catlow West Quarry

Southfield Lane

Access to Catlow West

Catlow



Catlow East Quarry

Site access

Crawshaw Lane

Page 52

Planning application LCC/2022/0011 & 0012

Aerial view (taken in 2020)

Catlow
West
Quarry

Catlow
East
Quarry



Planning application LCC/2022/0011 & 0012

Catlow West

Catlow East

Stone processing buildings/
equipment
and offices



Planning application LCC/2022/0011 & 0012



Catlow West crushing and screening activity (green area)

Planning application LCC/2022/0011 & 0012

Page 56



Catlow East
Crushing
and
screening
activity
(green area)

Planning application LCC/2022/0011 & 0012



Block stone working in Catlow West

Planning application LCC/2022/0011 & 0012



Walling stone



Flagstones

Planning application LCC/2022/0011 & 0012



Catlow East

Planning application LCC/2022/0011 & 0012



Catlow East

Planning application LCC/2022/0011 & 0012



Catlow East (eastern slope)

Planning application LCC/2022/0011 & 0012



Catlow East (cutting shed)

Planning application LCC/2022/0011 & 0012



Catlow East crushing plant

Planning application LCC/2022/0011 & 0012



Catlow East (looking east from western side)

Planning application LCC/2022/0011 & 0012



Catlow West

Planning application LCC/2022/0011 & 0012



Catlow West powerscreen

Planning application LCC/2022/0011 & 0012



Crawshaw Lane access

Planning application LCC/2022/0011 & 0012



Catlow East quarry entrance

Planning application LCC/2022/0011 & 0012



Crawshaw Lane at the junction with Southfield Lane

Planning application LCC/2022/0011 & 0012



Southfield Lane

Agenda Item 9

Development Control Committee

Meeting to be held on 8 June 2022

Electoral Division affected: Nelson East

Pendle Borough: application number LCC/2022/0012

Removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire

Contact for further information:

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Executive Summary

Application - Removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, nature conservation, restoration and aftercare.

Applicant's Proposal

This application is for the removal of condition 18 (to allow crushing and screening of mineral) and variation of condition 26 (inert materials) of planning permission LCC/2015/0055 in relation to mineral working and site restoration at Catlow West Quarry at Catlow Fold Farm, Southfield Lane, Southfield, Nelson, Lancashire.

Condition 18 currently reads as:

No crushing or screening of minerals or waste shall take place at the site.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Condition 26

The materials imported to the site for the purposes of restoration shall be confined to uncontaminated subsoils and topsoils only.

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

The proposed changes would allow for the screening and size reduction of minerals and the importation of a wider range of inert waste materials for restoration to include inert naturally occurring excavation material, subsoil, topsoil, concrete, ceramics and brick.

Description and Location of Site

Catlow West Quarry is an active stone quarry and covers an area of approximately 1.2 hectares located off Crawshaw Lane in Catlow approximately 3km east of Nelson. Crawshaw Lane is also a Byway Open to All Traffic (BOAT) No. 16. The nearest residential properties are located on Crawshaw Lane approximately 300m southwest of the active quarry area. The quarry is located within the 'Southfield' Conservation Area, which also includes properties in Catlow. The surrounding land is characterised by undulating features of previously quarried land including hollows, overburden mounds, tipping areas, and access tracks that have become naturally recolonised by grasses, shrubs and immature trees.

Catlow East Quarry adjoins to the east and covers an area of approximately 1.8 hectares. The site is currently used for stone processing activities and includes a number of buildings, plant and machinery. Mineral working no longer takes place in Catlow East and areas of the site have been partially restored through the importation of soil materials and are colonised by vegetation.

Background

There is a long history of stone extraction and working at Catlow Quarries. Most recently planning permission was granted for an extension of stone working into the historically worked area of Catlow West followed by restoration through the deposit of quarry waste and imported soils and subsoils. The planning permission runs until 2028 (ref. LCC/2015/0055).

Planning permission was granted on 16 June 2021 to change condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site at Catlow East Quarry to 31 December 2028 (ref. LCC/2020/0073).

Planning Policy

National Planning Policy Framework

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

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

Joint Lancashire Minerals and Waste Local Plan

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy M1	Managing Mineral Production

Pendle Local Plan Core Strategy

Policy SDP1	Presumption in Favour of Sustainable Development
Policy ENV1	Protecting and Enhancing Our Natural and Historic Environments

Consultations

Pendle Borough Council – No comment to make.

Nelson Town Council – No comments received.

Environment Agency – No objection to the removal of condition 18 of planning permission LCC/2020/0055 for Catlow West Quarry. Under the Environmental Permitting (England and Wales) Regulations an environmental permit will be required for any waste treatment operations. This must be obtained prior to any waste operation commencing.

The Environment Agency do not agree with the proposed variation of condition 26 (inert materials) of planning permission LCC/2020/0055. Alternatively, it is recommended that condition 26 could be changed to:

‘Remediation works should be completed and validated in accordance with the approved remediation strategy. At the same time, waste and/or material used in the quarry remediation should be chemically suitable, and deposited in such a way to;

- (a) prevent the input of any hazardous substance to groundwater, and*
- (b) to limit the input of non-hazardous pollutants to groundwater so as to ensure that such inputs do not cause pollution of groundwater.*

The remediation work should be carried out under a bespoke environmental permit, most likely for a landfill waste operation.’

LCC Highways Development Control – No comments received.

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

- The quarry has increased in size and duration.
- The quarry operator is not complying with the current conditions in that quarry operations and vehicle movements take place outside permitted hours, there is a disregard of restriction of number of lorries entering and leaving site, there is indiscriminate dumping of unrecorded infill by lorry and tractor/trailer of unknown composition, and contempt for basic good practice in noise and dust mitigation.
- Vehicle movements cause damage to roads and properties within a conservation area and have an adverse impact on horse riders and cyclists and road safety.
- Crawshaw Lane is an unsuitable unsurfaced road.
- A transport assessment should be provided.
- Dust issues and lack of dust control management.
- There should be appropriate noise mitigation and controls at the site.
- Operations at the site should be time limited.

Advice

The principle of mineral and restoration operations at Catlow East and West Quarries has already been established. Both sites have previously operated as quarries primarily for the production of block and general building stone. However, the mineral deposit at the site is very variable with areas of in-situ stone mixed in with areas of old backfill and poorer quality rock. In order to better utilise the materials that are produced by the quarrying activities, the applicant proposes to increase the range of processing that is undertaken.

It should be noted that as part of the original application ref LCC/2015/0055 for Catlow West, crushing, screening and size reduction operations were proposed to be utilised. However, in the absence of a noise assessment to assess the impact of these activities, a condition was imposed to remove this element of the proposal in agreement with the applicant. The applicant has since trialled crushing and screening activities to determine the benefits for the business and a noise assessment has been carried out.

Approximately 200,000 tonnes of stone are available in Catlow West. This is contained within block beds, which are approximately 11 metres thick and are being worked in three phases from the south side of the disturbed land towards the north. Phase 1 is now largely exhausted and has been partially backfilled. The whole Catlow West site will ultimately be subject to the deposition of approximately 30,000 tonnes of available soil and overburden from within the site and up to 100,000 tonnes of imported inert waste material to create a landform suitable for restored pasture including areas of woodland planting, an area for a seasonal waterbody, dry dwarf scrub heath, and upland acid grassland with reptile refugia.

In relation to the backfilling, the current permission allows the importation of soils and subsoils for restoration purposes. However, it is often impracticable to ensure that potential infill materials are entirely free from contaminants such as concrete, ceramics and brick. The applicant therefore proposes to modify the condition to allow the site

to accept a wider range of infill materials which would make it easier to attract restoration materials therefore reducing delay to restoration works.

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. When determining planning applications Paragraph 211 of the National Planning Policy Framework is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. Commentary to Policy M1 of the Joint Lancashire Minerals and Waste Local Plan advises that proposals for the extraction of locally sourced building stone will be supported. Whilst this proposal is not specifically to enable production of building stone, it would allow the operator to better utilise materials that are a by-product of the building stone quarrying process and would contribute to the supply of construction materials that are required for traditionally designed buildings.

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. More specifically, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan supports development for minerals or waste management operations where it can be demonstrated that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals, account should be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts could be controlled in accordance with current best practice and recognised standards. The main issue would be to ensure that screening and size reduction machinery does not generate unacceptable noise and dust issue for neighbouring residents.

In relation to noise, the Government's Planning Practice Guidance states that applicants should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood. The Planning Practice Guidance recommends appropriate noise standards and advises that mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).

For particularly noisy short term events such as soil stripping and road construction the Planning Practice Guidance (PPG) advises that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Given the distance from site operations to residents and the nature of operations at the site it is considered that this allowance would not be required.

The applicant has provided a noise assessment in relation to crushing and screening operations and heavy goods vehicle (HGV) movements in the context of neighbouring properties. The assessment concludes that quarry operations would be below the background +10 LA90,1h criterion and upper limit of 55 LAeq,1h. Consequently, it is considered that unacceptable noise would be unlikely, and a condition could be imposed to set an achievable noise limit of 40dB LAeq (1hour) (free field), when measured at Catlow Fold Farm, Catlow House, Southfield Lane, and Mount Pleasant, Southfield Lane at a point closest to the noise source. A new condition is also recommended that refers to designated areas for crushing and screening to ensure that these operations do not take place at the closest locations to houses and a further new condition is recommended to ensure that only broadband sound vehicle/plant reversing alarms be employed on site to prevent the potential for unnecessary disturbance.

In terms of dust, the existing permission at the site has a condition requiring that measures shall be taken to ensure that no dust or windblown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions. The quarry operations have historically generated few dust complaints and residential properties are located at sufficient distance from the defined areas for crushing and screening activities such that dust is unlikely to be a significant issue.

The current application would not increase the overall footprint of the existing working area and would have no negative impact on the local landscape or conservation area. Operations at the quarry would continue to be relatively small scale and would largely be well screened by the surrounding land levels. The current working and restoration scheme would be carried forward to a new permission, should permission be granted and there would be no increase in the likely volumes of mineral extraction or imported waste materials compared to that which was originally proposed in 2015.

An objection/complaint has been raised in relation to recent alleged breaches of planning control including early starts, exceeding daily heavy goods vehicle (HGV) number limits, traffic impacts, dust issues, and suggestions of unsuitable restoration material being imported to the site. The operator has been reminded of the need to comply with the planning conditions. The representation also requests that should permission be granted; suitable noise controls should be imposed. New noise conditions have been recommended as set out above primarily to control the potential impact associated with crushing activities.

The site had not previously been a regular source of complaint and it should be noted that a breach of planning control by a site operator is not a material consideration when determining a planning application. Planning permissions generally apply to the land rather than an individual or company carrying out the development. Should enforcement action be considered necessary for failure to comply with the requirements of a planning permission, then separate steps can be taken if expedient to do so in the public interest.

The importation of waste to the site is subject to Environment Agency controls and discussions are currently taking place in relation to Environmental Permitting requirements and restoration works. The Environmental Permit would control the specific waste types suitable for restoration works and measures to prevent pollution. Nevertheless, the existing planning permission only permits soils, subsoils and overburden to be used in restoration works. The majority of importation activity would be in relation to Catlow West as there is limited scope for further soil importation at Catlow East due to the ground profiling that has already been achieved. However, the applicant wishes to broaden the scope of permitted inert waste types to generate more opportunities to finally restore the site in a timely fashion. This approach is common in many quarries with permission to backfill with waste for restoration and is considered acceptable with the knowledge that further scrutiny of waste types and waste management practices would be required as part of any Environmental Permit. On this basis, the Environment Agency's recommendation summarised above is considered unnecessary as these matters can be dealt with through the permitting process.

Access to the site is via Crawshaw Lane, an unmade farm track and definitive right of way. The access is not suitable for large numbers of heavy goods vehicle (HGV) movements and consequently the existing wider quarry site operates with a restriction of eight heavy goods vehicle (HGV) movements per day Monday – Friday with four heavy goods vehicles (HGVs) leaving the site on Saturdays and also a restriction of stone imported to the site at 100 tonnes per week. It is considered that a continuation of this condition would be appropriate and should control heavy goods vehicle (HGV) numbers to acceptable levels.

Human Rights

In view of the location, scale and nature of the proposed development it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Conclusion

The change to the conditions would be unlikely to generate any unacceptable impacts on neighbouring land uses, local residents, the highway network, the character of the Conservation Area or the environment in general subject to compliance with previously accepted conditions and the addition of conditions relating to noise control. It is considered that the development accords with the policies of the National Planning Policy Framework and the Development Plan.

Recommendation

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

Time Limits

1. The mining operations authorised by this permission shall cease not later than 31 January 2026. The site shall be progressively restored in accordance with the conditions of this permission and be finally restored by 31 January 2028.

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 ENV1 of the Pendle Local Plan Core Strategy.

Working Programme

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

Submitted Plans (from application ref: LCC/2015/0055):

Drawing no. GNSP/CQ/WEAPP-01A - Location Plan

Drawing no. GNSP/CQ/WEAPP-03 - Phasing Plan

Drawing no. GNSP/CQ/WEAPP-05 - Phase 1 Extraction

Drawing no. GNSP/CQ/WEAPP-06 - Phase 2 Extraction and Backfilling of Phase 1

Drawing no. GNSP/CQ/WEAPP-07 - Phase 3 Extraction and Backfilling of Phase 2

Drawing no. GNSP/CQ/WEAPP-11 - Proposed Haul Road and Material Stockpiling Location

Drawing no. GNSP/C/395/2, Rev C - Restoration Plan

Drawing no. GNSP/C/395/3 - Restoration Plan Section A

Document - Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015'

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy ENV1 of the Pendle Local Plan Core Strategy.

Site Operations

3. 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 operational life of the site.

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents.

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

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

5. The extraction boundary shown on Drawing no. GNSP/CQ/WEAPP-07 - 'Phase 3 Extraction and Backfilling of Phase 2' shall be marked out with 1m high coloured timber posts at intervals of 30 metres. Thereafter, the marker posts shall be retained in position until the site has been restored. No extraction shall take place outside the extraction boundary.

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

6. No mining operations shall take place below a depth illustrated as 'base of block stone' on drawing numbers GNSP/CQ/WEAPP-05 to Drawing no. GNSP/CQ/WEAPP-07 inclusive.

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

7. Final restoration levels shall be no higher than the levels shown on Drawing no. GNSP/C/395/2, Rev C - Restoration Plan.

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

8. Mineral extraction and restoration works shall be undertaken in accordance with the phasing sequence illustrated on drawing numbers GNSP/CQ/WEAPP-05 to GNSP/CQ/WEAPP-07 inclusive.

Reason: To enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. A topographical survey shall be submitted to the County Planning Authority annually until the completion of restoration. The survey shall have been carried out within the two months preceding the submission of the topographical survey and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and a 10-metre grid survey identifying levels relating to ordnance datum over all the land where mining operations have taken place/restoration materials have been deposited.

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

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

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

11. No mining operations, exportation of stone or building products or restoration works shall take place outside the hours of:

0800 to 1730 hours, Mondays to Fridays (except Public Holidays)
0800 to 1200 hours on Saturdays

No mining operations, exportation of stone or building products or restoration works shall take place at any time on Sundays or Public Holidays.

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

12. No more than eight heavy goods vehicles (HGVs), as defined in this permission, shall leave the site (including all the site area shown on drawing no. GNSP/CQ/WEAPP-10 - Western Extension) in any one day during Mondays to Fridays, inclusive, and no more than 4 heavy goods vehicles shall leave the site (including the site area shown on drawing no. GNSP/CQ/WEAPP-10 - Western Extension) on Saturday. No such vehicles shall leave the site on Sundays or Public Holidays.

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.

13. A written record shall be maintained of all movements out of the site (including the site area shown on drawing no. GNSP/CQ/WEAPP-10 - Western Extension) 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 during the permitted working hours.

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

14. Measures shall be taken at all times to minimise the incidence of debris from the site being deposited by vehicles leaving the site on the public highway.

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

15. Vehicular access to and egress from the site shall be to and from Southfield Lane via Crawshaw Lane as shown on drawing no. GNSP/CQ/WEAPP-01A - Location Plan.

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.

16. Screening and size reduction of mineral shall be confined to the quarry area as shown on drawing number GNSP/CQ/WEST/SCR22-02 - Area for crushing & screening stone in West Quarry. There shall be no screening or size reduction of waste.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

17. The provisions of Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To maintain the County Planning Authority's control of the development and to safeguard the amenity of local residents and adjacent properties/landowners and land users, and the Conservation Area, and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

18. No blasting or use of explosives shall take place on the site.

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

19. Where reversing alarms are employed on site only broadband multi-frequency sound alarms (white sound) shall be used.

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

20. Noise emitted from mineral extraction, processing and restoration operations hereby permitted shall not exceed 40dB LAeq (1hour) (free field), as defined in this permission, when measured at Catlow Fold Farm, Catlow House, Southfield Lane, and Mount Pleasant, Southfield Lane at a point closest to the noise source.

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

21. Measures shall be taken to minimise the incidence of dust or windblown material being carried from the site onto adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps as necessary during dry weather conditions.

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.

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

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

23. Woodland planting entitled 'Phase 1' and 'Phase 2' on Drawing no. GNSP/C/395/2, Rev C - Restoration Plan shall be implemented as prescribed on the drawing as set out in the document entitled 'Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015.

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

24. Restoration shall be carried out in accordance with the details shown on Drawing no. GNSP/C/395/2, Rev C - 'Restoration Plan' and the details set out in the document entitled 'Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015.

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

25. The materials imported to the site for the purposes of restoration shall be confined to inert naturally occurring excavation material, subsoil, topsoil, concrete, ceramics and brick only.

Reason: In the interests of local amenity and the water environment and to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

26. If by 31 January 2028, the site has not been restored to approved levels in accordance with the details referred to under condition 24, alternative details for the final restoration of the site shall be submitted to the County Planning

Authority within one month of 31 January 2028 for approval in writing. The submitted details shall include:

- a) a contour plan showing the final levels and landform of the site at not less than one metre intervals
- b) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment
- c) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application
- d) the measures to be taken to secure normal plant growth
- e) 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
- f) details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features
- g) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas
- h) details for the creation of any wildlife habitat areas

Thereafter, the site shall be restored within 12 months of the approval in writing of the alternative details of restoration.

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

27. Aftercare works shall be undertaken in accordance with the details set out in the document entitled 'Restoration Proposals, Aftercare and Management Plan, revised 24 November 2015' for a period of five years from the date that the County Planning Authority certifies in writing that the works of restoration are complete.

Reason: To secure the proper aftercare of the site in the interests of visual amenity and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Definitions

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

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

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

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

Notes

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

Recommendation

That planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, noise, dust, hours of operation, highway matters, drainage and water resources, landscaping, nature conservation, restoration and aftercare.

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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0012	May 2022	R Hope Planning and Environment 01775 534159

Reason for Inclusion in Part II, if appropriate

Not applicable

Development Control Committee

Meeting to be held on 8 June 2022

Electoral Division affected: All

Decisions taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation

Contact for further information:

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Executive Summary

Decisions taken on development control matters 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 meeting of the Development Control Committee on 27 April 2022, the following decisions have been taken on development control matters by the Head of Planning and Environment in accordance with the County Council's Scheme of Delegation.

Fylde Borough

Application 5/10/779NM3

Non-Material Amendment To condition 8 of Planning Permission 5/10/799 to amend the hours of construction on Saturdays and Sundays between 1 June 2022 and 30 September 2022 to 07.30 – 18.30 with construction work on Sundays being limited to works associated with the Branch Drain and Moss Sluice. M55 to Heyhouses Link Road, Lytham Moss, Lytham St Annes, Lancashire (Lytham Moss).

Application LCC/2019/003/MN2

Non-Material Amendment to condition 7 of Planning Permission LCC/2019/003 to amend the hours of construction on Saturdays and Sundays between 1 June 2022 and 30 September 2022 to 07.30 – 18.30 with construction work on Sundays being limited to works associated with the Branch Drain and Moss Sluice. M55 to Heyhouses Link Road, Lytham Moss, Lytham St Annes, Lancashire (Lytham Moss).

Application LCC/2021/0054

Variation of conditions 3 and 19 of permission LCC/2017/0074 to extend the operational lifetime of the solar farm until 31 December 2055 and to regularise minor changes within the layout of the solar farm. Clifton Marsh Waste Water Treatment Works, Freckleton.

Preston City

Application LCC/2021/0050

Amendment to conditions 4 and 5 of planning permission LCC/2018/0024 to allow amended restoration contours and restoration concept. Lower Brockholes Quarry, Brockholes Brow, Preston.

Application LCC/2021/0050

Environmental Impact Assessment Screening Opinion in relation to proposal for amendment to conditions 4 and 5 of planning permission LCC/2018/0024 to allow amended restoration contours and restoration concept. Lower Brockholes Quarry, Brockholes Brow, Preston.

West Lancashire Borough

Application LCC/2022/0009

Erection of portacabin to provide welfare facilities. Viridor Waste Management Ltd, Gerrard Place, Skelmersdale.

Application LCC/2022/0010

Increase in height of existing I section walls to 4.6m. The erection of segregation walls up to a height of 4.6m and minor amendments to hardstanding and drainage system to provide fire water collection area. Viridor Waste Management Ltd, Gerrard Place, Skelmersdale.

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

Paper

Date

Contact

Applications 5/10/779NM3, LCC/2019/003/MN2, LCC/2021/0054, LCC/2021/0050, LCC/2021/0050, LCC/2022/0009, LCC/2022/0010

Reason for Inclusion in Part II, if appropriate

Not applicable