

**Development Control Committee**  
Meeting to be held on 19<sup>th</sup> June 2019

Electoral Division affected: Lancaster Rural East
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**Lancaster City: Application number LCC/2018/0044**

**Variation of condition 1 of planning permission 1/88/955 to extend the period for the manufacture of bricks to 31 December 2036 with the final restoration of the site by 31 December 2037. Claughton Manor Brickworks, Hornby Road, Claughton, Lancaster.**

Contact for further information:  
Rob Jones, 01772 534128  
[DevCon@lancashire.gov.uk](mailto:DevCon@lancashire.gov.uk)

**Executive Summary**

Application - Variation of condition 1 of planning permission 1/88/955 to extend the period for the manufacture of bricks to 31 December 2036 with the final restoration of the site by 31 December 2037. Claughton Manor Brickworks, Hornby Road, Claughton, Lancaster.

**Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be **granted** subject to conditions controlling time limits, working programme, site operations, hours of vehicle movements, noise, dust, highway matters, landscaping, safeguarding of watercourses and drainage, floodlighting, restoration and aftercare.

**Applicant's Proposal**

The application is for the variation of condition 1 of planning permission 1/88/955 relating to the end date for brick manufacturing operations and the subsequent restoration of Claughton Manor Brickworks.

Condition 1 requires the manufacture of bricks to cease not later than 31 December 2018 or upon cessation of mining operations at Claughton Moor Quarry, whichever is the sooner. The condition also requires the removal of all buildings, plant and machinery in accordance with an approved scheme within twelve months of the cessation of brickmaking operations. The cessation of mining operations is deemed to have occurred when the extraction of shale has not taken place to any substantial extent for a period of 2 years.

The application seeks to vary condition 1 to extend the period for the manufacture of bricks by a further 18 years so as to continue until 31 December 2036, with the restoration of the site by 31 December 2037.

It is anticipated that the brickworks would continue in its present manner and scale of operation. The works can produce a maximum of 50 million bricks per year and employs around 58 staff (brickworks and quarry combined). The works would continue to receive raw materials from Claughton Moor Quarry via the existing ropeway system together with around 70,000 tonnes of material per year imported by road from other sites for blending purposes. The maximum average daily two way movements of HGVs would be approximately 86 associated with export of bricks and import of shale materials.

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

### **Description and Location of Site**

Claughton Manor Brickworks is located on the north side of the A683 in the Lune Valley approximately 3km east of Caton, and covers an area of 5 hectares. The brickworks are located within the Forest of Bowland Area of Outstanding Natural Beauty.

To the north-west of the site are open fields leading to the River Lune, adjoining the north-eastern boundary is a small industrial area of 2.8 hectares with a number of different uses within various buildings, to the south-east and on the opposite side of the A683 are open fields on steeply rising land on which are wooded areas, and adjoining the south-west boundary is Lune Valley Junior Football Club that separates the site from a farm complex by a distance of 120m.

The River Lune, and Black Wood and Keer Wood Biological Heritage Sites are located 350m and 130m to the east and south, of the site, respectively. Burton Wood Site of Special Scientific Interest is 1.4km due west of the site and beyond the River Lune.

There are a number of dwellings located on the south side of the A683 near to the site: a row of 12 terraced houses at Claughton Terrace opposite the southern corner of the brickworks site, Barncroft Barn set back 60m from the A683 and opposite the site entrance, four houses 120m to the south of the site, and The Lodge 65m to the east of the site.

The site itself comprises of a number of large industrial buildings and a chimney stack; the actual brick manufacturing plant, offices and other ancillary buildings covering around 1.3 hectares. The remainder of the site comprises surfaced hardstanding used for clay and brick storage, internal site roads and manoeuvring

areas, and peripheral landscaping. Access is gained from the A683 by two entrances; one for ingress and the other for egress.

Approximately a quarter of the site near to the western boundary of the site is located within Flood Zone 2, while the western boundary corner of the site is located within Flood Zone 3.

## **Background**

Planning permission for the brickworks for the erection of a new building to house brick making machinery, a 30 metre high steel chimney, new internal road, brick stockyard area, clay stores and associated landscaping works, was granted on 15 May 1990 (ref. 1/88/955).

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

## **Planning Policy**

### *National Planning Policy Framework*

Paragraphs 7 – 11, 38, 47, 54 – 55, 80, 83 – 84, 108 - 109, 155 – 163, 170, 172, 175, 180, 183 and 205 are relevant with regard to the following: Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport – considering development proposals; Meeting the challenge of climate change, flooding and coastal change – planning and flood risk; Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution; and facilitating the sustainable use of minerals.

### *National Planning Practice Guidance*

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

Policy NPPF 1	Presumption in favour of sustainable development
Policy DM2	Development Management

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM7	Economic Development in Rural Areas
Policy DM25	Green Infrastructure
Policy DM27	Protection & Enhancement of Biodiversity
Policy DM28	Development and Landscape Impact
Policy DM29	Protection of Trees, Hedgerows and Woodland
Policy DM35	Key Design Principles
Policy DM38	Development and Flood Risk

**Consultations**

Lancaster City Council – No objection. The brickworks are regulated by an Environmental Permit from Lancaster City Council's Environmental Health Department that covers matters including noise, emissions, waste and water. The permit does not cover any part of the existing aerial ropeway system.

Claughton Parish Council – No objection but comment that the smoke emissions from the brickworks chimney are sometimes dense and hang in the local area in calm conditions to the detriment of local health. It is suggested that conditions require that smoke and flue gases be regulated in accordance with current and any future regulations and, if necessary, equipment to clean the emissions should be updated and enhanced.

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

LCC Highways Development Control – No objection but comment that the bridge associated with the aerial ropeway that transports clay from Claughton Moor Quarry to the brick works currently has a height restriction of 4.7m/15'6" over Hornby Road A683. The clearance under the bridge should be increased to at least 5.03m/16'6 to futureproof the local road network because the extra height would allow all vehicles to pass beneath unrestricted.

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

LCC Specialist Advisor (Ecology) – No objection.

Natural England - No objection.

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

Forest of Bowland AONB - No observations received.

Health and Safety Executive – No objection.

LCC Lead Local Flood Authority - No observations received.

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

## **Advice**

Claughton Manor Brickworks produces bricks for construction purposes. The brick shale is supplied to the brickworks from Claughton Moor Quarry via an aerial ropeway and is supplemented using clays and shales imported from other sites. The applicant has advised that there are substantial remaining reserves of brick shale in the quarry that are sufficient to sustain production at the brickworks until approximately 2036.

The brickworks operations benefit from a number of planning permissions but the main permission for the site is permission 1/88/955 granted in 1990. Condition 1 of that permission requires the brickworks operations to cease by 31st December 2018, or upon the cessation of mineral extraction at Claughton Moor Quarry whichever is the sooner. The cessation of mineral extraction is deemed to have occurred when the extraction of shale has not taken place to any substantial extent for a period of 2 years. The condition also requires the removal of all buildings, plant and machinery within twelve months of the cessation of operations.

The application seeks to vary condition 1 of permission 1/88/955 to extend the period for the manufacture of bricks by a further 18 years until 31 December 2036 or such earlier date when the mineral reserves at the quarry are exhausted, with the restoration of the site by 31 December 2037 or within two years from the cessation of mining operations

A separate planning application has been submitted to allow the mining operations at Claughton Moor Quarry to continue until 31st December 2036.

The proposal raises a number of planning policy issues regarding the acceptability of the site to continue to be used for this purpose, and the environmental impacts arising from the continuation of the development over a longer period than was originally permitted in relation to landscape and visual impact and the associated restoration and after-use of the site, traffic, air quality, ecology and habitats, noise, dust, ground and surface water pollution and flood risk.

As part of pre application discussions, the operator submitted an Environmental Impact Assessment screening opinion request in respect of the proposed planning applications relating to the quarry and the brickworks. The County Council concluded that neither application needed to be accompanied by an Environmental Statement. However, the applicant has taken the decision to voluntarily submit an Environmental Statement to cover both planning applications. The applicant's Environmental Statement covers the topics of ecology, landscape and visual impact, transport, noise, flood risk, air quality, community and cumulative impacts.

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

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

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

The applicant has advised that the brickworks remains a strategic supplier of bricks to the construction industry and, specifically, the house building industry, with the brickworks being one of only three operating in Lancashire. Bricks are supplied to the north west of England and the south of Scotland. After a temporary closure during the 2009-12 economic recession, the brickworks is now working at near full capacity and has been subject to extensive investment in recent years. The brickworks and quarry employ a total of 58 staff: 48 at the brickworks and 10 at the quarry. As well as the direct employment at the works, the operations also provide significant employment to others in associated activities such as road haulage and a wide variety of suppliers and local contractors.

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

The proposal would not result in any change to the size and design of the existing brickworks. In principle, the extension of time for the manufacture of bricks by a further 18 years until 31 December 2036, is considered to conform with Policy DM7 of the Lancaster City Council Local Plan as it will maintain an existing significant employer and therefore contributes to the rural economy.

The existing condition limits the life of the permission to 31<sup>st</sup> December 2036 or the cessation of mineral extraction at Claughton Moor Quarry whichever is the sooner, the cessation of mineral extraction being defined as the date when no substantial mineral extraction has taken place at the site for two years. A number of legal cases since the original planning permission was granted have concluded that such a condition is not enforceable and that a restoration date cannot be imposed before the absolute end date of a permission. Therefore it is considered that any permission granting an extended life to the site should only make reference to an end date of December 2036 and should not refer to an earlier date linked to cessation of mineral extraction. There are measures available through other legislation that can be used to require site restoration in the unlikely event that the brickworks or quarry cease operating prior to 2036.

An extension to the lifespan of the brickworks would generate impacts over a longer period and that should be assessed.

## Landscape and Visual Impact

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

The brickworks is a major industrial complex within the AONB covering an area of 5 hectares with the buildings covering around 1.3 hectares. The buildings and other ancillary facilities such as roadways and hardstandings at the works have been in existence for many years. The proposal would not result in any change in the extent of these features at the works, and as such there would be no material change to the character of the works from that previously approved. The proposals would not lead to an increase in the area of built development or change its appearance but would result in its retention for a further 18 years. Views of the works are mainly from the A683, but the site frontage does benefit from substantial landscape planting which was carried out as part of the original planning permission for the plant. This landscaping has now matured and helps to soften views of the works from close views. There are also views of the brickworks from elevated land on the northern side of the Lune valley in the Aughton area, but these views are distant. The Landscape and Visual Appraisal submitted with the Environmental Statement has been undertaken to assess the significance of the views of the brickworks from the surrounding area, in relation to landscape character and visual amenity. The Environmental Statement concludes that the predicted landscape effects are negligible to minor and not significant, while the effects on the visual amenity of receptors in the vicinity of the brickworks are negligible. It is therefore considered that the retention of the works over a longer period would not have unacceptable visual impacts on the immediate and surrounding areas.

Despite the visual impacts being acceptable, given the location of the site within the Forest of Bowland Area of Outstanding Natural Beauty, and the fact that permitted development rights were relaxed in 2015 for industrial premises and processes with the potential consequence of greater visual impacts, it is recommended that the applicant's permitted development rights should be withdrawn by condition to allow some control over any further development which might not otherwise require planning permission.

To assist with the restoration of the site, and to maintain and enhance rural character, a condition should require that all buildings, plant and machinery shall be removed and the land restored in accordance with a scheme that is required to be submitted and approved. Subject to such a condition, the development is considered to conform with Policies DM28 and DM35 of the Lancaster City Council Local Plan.

### Traffic

The site is served by the A683. The ropeway is used for transporting the majority of the raw material requirements to the works. The Transport Statement submitted with the Environmental Statement states that the operation of the brickworks generates a maximum of 36 HGV movements from the export of bricks and 50 HGV movements from the import of shale per day. However, the import of shale takes place on an occasional campaign basis. There would be no change to the routing of traffic to the site, or an increase in traffic volumes on the surrounding road network associated with the export of bricks from the site or import of minerals when compared to the historic levels of HGV movements.

LCC Highways Development Control have no objection to the continuation of traffic from the site but have commented that the bridge over the A683 associated with the aerial ropeway used to transport clay from Claughton Moor Quarry to the brick works, has a height restriction of 4.7m/15'6". Highways consider that any permission should be subject to a condition requiring the bridge clearance to be increased to at least 5.03m/16'6" to futureproof the local road network. Highways state that this route forms one of only a few strategic diversion routes in Lancaster when the M6 is closed and the extra height would allow all vehicles to pass beneath unrestricted. The alternative diversion route would be via the A65-A59 which is an excessive distance for a diversion route and the aerial ropeway presents a restriction which has a severe impact upon the wider population. LCC Highways do not consider it is reasonable to have this low bridge in situ for the next 18 years due to the increasing demand and pressure on the highway network and that the responsibility for the repair and maintenance of the ropeway lies with the brickworks. LCC as the Highway Authority have a duty to ensure that it causes no risk to passing highway users because the structure crosses the public highway. LCC Highways consider that there is no official licence for the structure which means there are no details or agreed terms going forward and that a structure such as this should have a licence under S177/178 of the Highways Act 1980 between the Highway Authority and the brickworks.

In response, it is considered that the request to increase the height of the aerial ropeway bridge is a matter for the Highways Authority and not a matter that should be resolved through the planning application process. Whilst it may be the case that no licence exists for the structure under S177/178 of the Highways Act 1980, the structure has been in place since 1924. The impact to the applicant of raising the bridge would be significant on two fronts: firstly, the costs of increasing the height of the bridge, and secondly there may be a knock-on effect upon the whole aerial ropeway system, in terms of the tension of the cables and the need to make other major modifications to the ropeway and its supporting stanchions.



Due to the points outlined in the previous two paragraphs, it is considered that it would not be reasonable to require by condition or other means that the height of the aerial ropeway bridge over the A683 be raised.

Highway impacts can be controlled through the use of planning conditions to require the maintenance of the hard surface of internal haul roads, visibility requirements and the times that vehicles can access and egress the site. Subject to such conditions, the proposed time extension is considered acceptable in terms of the capacity and safety of the local highway network and accords with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy DM35 of the Lancaster City Council Local Plan.

#### Air quality, Noise and Dust

The brick manufacturing process involves the use of a kiln that produces emissions which are vented via a chimney stack. The stack incorporates a scrubber which removes fluorides and some sulphides from the exhaust gases which arise from the firing of the raw materials. The brick works also operates on a 24 / 7 basis and therefore night time noise impacts are also a potential issue.

Claughton Parish Council have commented that smoke from the brickworks chimney sometimes hangs around in the local area in calm conditions to the detriment of local health.

In response, the brickworks are regulated by a permit from Lancaster City Council's Environmental Health Department that covers matters including noise, emissions, waste and water. The permit has to reflect emissions standards that are stipulated in EU and national legislation and permits can be updated should the regulations on emissions standards be amended. Previous changes to emissions standards resulted in the necessity to install the scrubber in 1998. The height of the exhaust stack was also raised in 1997 to improve the dispersal of emissions. Paragraph 183 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. 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.

Dust is not a significant issue as most of the manufacturing processes are undertaken within the buildings on site which restrict the likelihood of dust emissions. Some activities such as stockpiling of raw materials and bricks do take place externally but it is considered that dust control can be achieved by ensuring that all hardstandings are maintained and that dust control measures are applied where necessary. The Noise Statement submitted with the Environmental Statement states that there are no significant adverse noise impacts to the nearby and surrounding receptors from the brickworks that operates on a 24 hour, 7 days per week basis. There are no records of persistent noise complaints at the site. The activities undertaken at night are restricted to the pre kiln driers and the kilns themselves

which do not generate significant levels of noise that would be disruptive to local residents.

Given that Lancaster City Council's permit would address emissions and noise, then any planning permission should not seek to control these except for the requirement for general noise and dust control methods. Subject to these conditions, the noise and dust impacts are acceptable in terms of Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policy DM35 of the Lancaster City Council Local Plan.

### Ecology and Habitats

The site is not affected by any ecological designations of European or national importance and it is unlikely that there would be any significant impacts on European protected species as there would be no change to the buildings or operations at the site. The nearest Biological Heritage Sites and Site of Special Scientific Interest would not be affected.

The site has no natural features of significant value but there is peripheral landscaping along all boundaries except to the north-west boundary. Subject to a condition that all hedges and trees forming part of the site boundaries are protected from any damage and maintained throughout the development, restoration and aftercare period, the development accords with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan, and Policies DM25, DM27 and DM29 of the Lancaster City Council Local Plan.

### Ground and Surface Water Pollution and Flood Risk

There are no watercourses within or adjacent to the site. Although some of the site is located within Flood Zones 2 and 3, no physical change is proposed to the works and hence there would be no material effect upon the flood risk associated with the site.

Conditions can be imposed in relation to general water quality issues and control of run off. Subject to such conditions, the development is considered acceptable in relation to water resources and complies with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policies DM38 and DM40 of the Lancaster City Council Local Plan.

### Other matters

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

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

of the Lancaster City Council Local Plan. Advice notes should be attached to address the comments made by the City Council and Environment Agency.

### Conclusion

The proposed development would allow a further 18 year period for the continued operation of Claughton Manor Brickworks until 31st December 2036. A time extension at this site would secure the opportunity to work the remaining permitted mineral reserves and would extend the duration of operations at this important site for the manufacture of construction materials. It would also secure the employment positions at the site.

The main issue is if the development would be likely to have significant effects on the Forest of Bowland AONB for the additional 18 year operational period. In relation to the scale and duration of the works, there would be no change to the area of the existing brickworks, and there would be no change to the appearance and form of the works as a result of this proposal. It is therefore considered that the landscape impact upon the Forest of Bowland Area of Outstanding Natural Beauty would be acceptable.

It is considered that the proposal is supported by national policy and the policies of the Development Plan that supports and secures sustainable economic growth in rural areas in order to create jobs and prosperity. Planning conditions are attached to the existing permission 1/88/955. Provided that these planning conditions are updated and attached to any new permission and supplemented by additional conditions, it is considered that the extension of time would be acceptable in relation to the amenities of the area and the Forest of Bowland AONB.

### Human Rights

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

This application were it to be approved has not in the past, and would be unlikely to generate such an impact on neighbouring properties which would breach those rights. Also the proposed conditions would protect the amenities of local residents.

### Recommendation

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

#### Time Limits

1. The manufacture of bricks authorised by this permission shall cease not later than 31 December 2036. Thereafter, all buildings, plant and machinery shall be removed from the site and the site restored in accordance with the scheme

approved under condition 16 to this permission by not later than 31st December 2037.

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

## **Working Programme**

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

a) The Planning Application received by the County Planning Authority on 07 September 2018.

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

Drawing Number 60560539.CMB.01 - Site Location

Drawing Number 60560539.CMB.02 - Planning Application Boundary and Land Within Control of the Applicant (Existing Site Layout)

Drawing Number 60560539.CMB.03 - Site Survey Data

Drawing Number HBk-57/02 - Site Plan

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

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies NPPF 1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies NPPF 1, DM7, DM25, DM27, DM28, DM29, DM35, DM38 and DM40 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.*

## **Withdrawal of permitted development rights**

3. The provisions of Part 7 Class H of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amendment, replacement or re-enactment thereof are excluded and shall not apply to this development. Any development referred to in that part shall only be carried out pursuant to a planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

*Reason: To maintain the County Planning Authority's control of the development and to safeguard the landscape value of the Forest of Bowland Area of Outstanding Natural Beauty and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.*

## **Site Operations**

4. A copy of this permission and all the documents referred to in condition 2 shall be available for inspection at the site office at all times throughout the development.

*Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.*

5. No stockpiling of finished brick or raw materials for brick manufacture shall take place outside the areas identified for such purposes on Drawing Number 60560539.CMB.02 - Planning Application Boundary and Land Within Control of the Applicant (Existing Site Layout).

*Reason: To safeguard the visual amenity and 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 Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.*

## **Control of Noise**

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

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

## Hours of Working

7. No heavy goods vehicles, as defined in this permission, shall leave the site outside the hours of:

07.00 to 18.30 hours, Mondays to Fridays (except Public Holidays)

08.00 to 12.00 hours on Saturdays

No heavy goods vehicles shall leave the site 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 Lancashire Minerals and Waste Local Plan.*

## Dust

8. Measures shall be taken at all times during the development to minimise the generation of dust from the site including the watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

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

## Highway Matters

9. Measures shall be taken throughout the operation of the site to ensure that no mud, dust and other deleterious materials are tracked onto 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 conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.*

10. The existing visibility splays shall be provided in either direction at all access points from the brickworks site onto the A683. The visibility splays shall be maintained free from obstruction above a height of one metre throughout the duration of the development.

*Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One,*

*and Policy DM35 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.*

11. Any internal haul road or private way on the site shall, throughout the development, be metalled and drained and kept clear of debris along its entire length at all times.

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

### **Landscaping**

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

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

### **Safeguarding of Watercourses and Drainage**

13. 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 – Site Allocation and Development Management Policies – Part One, and Policies DM35, DM38 and DM40 of the Lancaster City Local Plan 2011 – 2031 Development Management Development Plan Document.*

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

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

## **Floodlighting**

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

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

## **Restoration**

16. By not later than 30th June 2035, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:

a) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads, hardstanding areas and vehicle access points to the public highway;

b) 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;

c) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;

d) the landscaping of restored areas including seed mixes to be used and rates of application, 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 and protection measures;

e) details of the perimeter landscaping to be retained as part of the restoration of the site

f) the measures to be taken to secure normal plant growth;

g) details for the creation of any wildlife habitat areas;

h) a contour plan showing the final levels and landform of the site at not less than one metre intervals;



- i) a timescale for the implementation of the above restoration works;
- j) the afteruses to which the site is to be restored including the layout of any water areas, forestry areas or land to be restored to agriculture.

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

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

## **Aftercare**

- 17. Following the certification in writing by the County Planning Authority that the works of restoration have been completed, aftercare works shall be undertaken for a period of five years in accordance with the scheme and programme of aftercare approved under the requirements of condition 18 to this permission.

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

- 18. By not later than 30th June 2035 a scheme and programme for the aftercare of the site to promote the afteruse of the site shall be submitted to the County Planning Authority for approval in writing.

The scheme and programme shall contain details of the following:

- a) the management of the site to promote its afteruse including details of seeding, grazing, cultivation or cropping;
- b) details for soil sampling in each year of the aftercare period to determine requirements for fertilizer and lime application and provision for the submission of annual soil sampling results and proposed fertilizer/lime application to the County Planning Authority for approval in writing;
- c) details of any drainage installation including measures for replacement of any field drainage system damaged during the development;
- d) details of any further works to relieve compaction or regrading to alleviate surface ponding;
- e) details of any measures required to control noxious weeds.

f) 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.

g) management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water run off.

Aftercare works shall be undertaken in accordance with the approved scheme and programme 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 and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, and Policies DM28 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.*

## **Definitions**

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration have been completed in accordance with condition 16.

## **Notes**

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

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

Paper	Date	Contact/Directorate/Ext
LCC/2018/0044	07 September 2018	Rob Jones/34128

Reason for Inclusion in Part II, if appropriate

N/A