

Development Control Committee

Meeting to be held on 21st October 2020

Electoral Division affected: Lancaster Rural East
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Lancaster City: Application number LCC/2019/0041

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

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Executive Summary

Application – Variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038, or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period. Ellel Crag Quarry, Bay Horse Road, Ellel, Lancaster.

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

Recommendation – Summary

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and subject first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period, planning permission be granted for the variation of condition 1 of planning permission LCC/2016/0001 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant subject to conditions controlling: time limits, working programme; hours of working; site operations; control of noise; dust; highway matters; landscaping; floodlighting, and safeguarding of ground and surface water.

Applicant's Proposal

The application is for the variation of condition 1 of planning permission LCC/2016/0001 relating to the permitted end date of inert waste transfer and

recycling operations, and wood shredding/chipping operations with associated drying plant at Ellel Crag Quarry.

Condition 1 requires the waste recycling operations and the wood shredding/chipping operation authorised by permission LCC/2016/0001 to cease not later than 30 June 2023 or within 6 months of completion of the landfilling activities at Ellel Crag Quarry, whichever is the earlier with the site restored within a further one year period.

The application seeks to vary condition 1 to extend the time period for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, from 30 June 2023 to 30 June 2038 or within 6 months of the completion of the landfilling activities, whichever is the sooner, with full restoration of the site within a further one year period.

The application is accompanied by an Environmental Statement that has been prepared to report the findings of an Environmental Impact Assessment for both this planning application and those that are reported elsewhere on this agenda for an extension in time for the existing landfill operations at the existing Ellel Crag Quarry (ref. LCC/2019/0040) and for an easterly extension to the quarry (ref. LCC/2019/0030),

Description and Location of Site

Ellel Crag Quarry is a former sandstone and shale quarry that has permission to be restored by landfilling with inert and non-hazardous waste, although it is only inert waste that is now being landfilled. The site is located in open countryside on the east side of Bay Horse Road approximately 7km to the south of Lancaster City Centre. Access to the quarry is from Bay Horse Road via a priority junction for vehicles accessing and egressing the site. The access comprises a 160m long by 6m wide concrete road that leads to the quarry weighbridge with the associated quarry office and administration building and car park set back slightly to the south. The majority of the internal site access road from Bay Horse Road is also a Public Right of Way (ref. 1/13/FP36).

The inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant, are located in the northern area of the quarry on an area that has previously been infilled with inert waste and which is now at finished restoration levels. The waste transfer/recycling operations are located on the west and open side of the site. The wood shredding/chipping operation, drying plant and existing building housing the biomass boilers are located on the east sides of the site where there are a number of storage and drying bays. A wheel wash is to the south of this area. The application area occupies approximately 20% of the total quarry area. The application area is screened by mature trees to the north of the quarry with farmland beyond to all sides of the site. The nearest residential property is 350 metres to the south west at Borbles Hall off Bay Horse Road.

The development would not affect any area of statutory landscape or ecological importance but the Brunstow Wood Biological Heritage site is located some 100 metres to the north-west of the application site.

Background

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

Planning permission was originally granted for the inert waste recycling activities at the site in 2009 (ref 01/07/1233). The planning permission was subject to a section 106 agreement relating to HGV routing and highway / footway improvements

Planning permission was refused in 2008 for a variation to condition 26 of permissions 1/97/286 and 287 to allow 80 HGVs to leave the site in any working day and 40 HGVs on Saturday mornings (ref 01/08/0125)

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

There are also two other current applications reported elsewhere on this agenda for an extension in time for the existing landfill operations at the existing Ellel Crag Quarry (ref. LCC/2019/0040) and for an easterly extension to the quarry (ref. LCC/2019/0030),

Planning Policy

National Planning Policy Framework

Paragraphs 1 – 4, 7 - 12, 38, 47, 54 - 55, 80, 82 - 84, 102 – 103, 108 - 111, 117 - 118, 122, 124, 127 - 128, 131, 170, 180, 183, and 212 - 213 are relevant with regard to the following: Introduction; Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications, and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport – considering development proposals; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – ground conditions and pollution; and Annex 1: Implementation.

National Planning Policy Framework Planning Practice Guidance

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

National Planning Practice Guidance

Waste Management Plan for England

National Planning Policy for Waste

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

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

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy WM1	Capacity of Waste Management Facilities
Policy WM4	Inert Waste Recycling

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM7	Economic Development in Rural Areas
Policy DM21	Walking and Cycling
Policy DM23	Transport Efficiency and Travel Plans
Policy DM25	Green Infrastructure
Policy DM27	Protection & Enhancement of Biodiversity
Policy DM29	Protection of Trees, Hedgerows and Woodland
Policy DM35	Key Design Principles
Policy DM39	Surface Water Run-Off and Sustainable Drainage
Policy DM40	Protecting Water Resources and Infrastructure

Consultations

The following text is a summary of the consultation responses and representations that have been received. However, it should be noted that some of these comments relate to all three current applications at Ellel Quarry and are not necessarily particular to this planning application.

Lancaster City Council – Object. The site is not a sustainable location for a development of this activity. The City Council does not support the proposed time extension associated with the continuing of recycling activities, although support waste recycling. It is recommended to the County Council that the applicant shares additional information to show at current forecasts of fill rate how long the site will take to restore and then a further response can be provided.

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

Lancashire County Council Highways Development Control – No objection.

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

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

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

Lead Local Flood Authority – No objection.

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

United Utilities – No objection.

Public Rights of Way – No observations received.

National Grid Gas and Electricity – No observations received.

Electricity North West – No observations received.

Cadent Gas – No observations received.

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

Objections summary

A total of 18 representations have been received raising objection to the application on the following summarised grounds:

Traffic

- The quarry extension would increase the number of large commercial vehicles on the small country lanes that have to be used to access the quarry. These roads are already used by at least six businesses with articulated lorries and large farm vehicles moving in and out of the area on a daily basis. The levels of traffic are and will be unsustainable on the small country lanes in the area that were not intended to be used by large commercial vehicles.
- The state of the roads and particularly the junctions has deteriorated drastically as a result of the additional traffic that has increased significantly over the past few years. Further rapid deterioration will occur if more quarry traffic is added to these roads.
- Grass verges and their associated benefit for small wildlife and insects are damaged as the country lanes are not wide enough to accommodate lorries, and especially when they meet each other travelling in opposite directions. The churning up of the grass/mud in the verges causes muddy water to run down the side of the road when it rains. This has resulted in the grids getting blocked and roads flooding.
- The mud and mess on Bay Horse Road through the wetter months is unbelievable. The road becomes a mud track at times and often there are boulders in the road that have fallen from trucks.

- Two of the three junctions from the A6 (adjacent to junction 33 roundabout) will need widening to cope with the wagons. In particular, two wagons cannot pass each other adjacent to the A6 junction, traffic backs up and wagons pull onto A car park (on Hampson Lane) to avoid each other.
- All lorries will exit Hampson Lane onto the A6, the majority of which will turn right. This junction is located only 50 yards from the A6 roundabout that helps to serve the M6 junction 33 roundabout. Vehicles exit this roundabout at speed and it is only a matter of time before a serious accident occurs as vehicles turn onto the A6 from Hampson Lane. This risk will increase if the operation extends to 2038 and traffic volumes increase.
- The number of trucks transferring inert waste to the quarry is often more than is permitted.
- There are issues of noise and speed associated with trucks as they travel along the narrow lanes between the A6 and the quarry. This is especially the case on Hampson Lane and Stoney Lane where trucks are unable to pass each other and other vehicles safely. There have been times that, as a car user, I have had to pull over by means of an emergency manoeuvre on the embankment on Stoney Lane to avoid a head on collision with oncoming earth moving HGVs at speed. Furthermore, there are no pavements on these lanes making it especially dangerous for pedestrians. The speed of these trucks, especially when empty when returning from the quarry, is quite frightening and dangerous for residents driving out from their homes. This is the case along Stoney Lane in the hamlet of Bay Horse. The hamlet is situated between two sharp bends that drivers find difficult to negotiate especially when trucks are travelling in opposite directions.
- In addition to the quarry traffic, there are also large container lorries travelling to and from the cold storage units located at Whams Lane. All of this traffic movement has severely damaged the road causing multiple potholes and a poor surface area that detrimentally affects private vehicle travel. Stoney Lane must be regularly maintained with signage, e.g. (SLOW), road markings and a noticeable speed limit sign, all of which do not exist. Widening of the road should be a definite consideration.
- A combination of narrow lanes, bends and no pavements, is a serious accident waiting to happen.
- Serious thought must be given to put measures in place to mitigate the current traffic issues, including, the extension of pavements on Hampson Lane and Stoney Lane, traffic calming measures and speed restrictions.
- The old Ellet Farmhouse is located adjacent to and is accessed on a 90 degree bend from Starbank Road which is an unsafe place to join a minor road. Any increase in the amount of traffic will have an impact on the daily life in the area with increased noise and air pollution to name a couple. This lane is also used by children and families to walk and cycle to school, so any extra heavy vehicles on this piece of road could put lives in danger. This will also be the case at the junction at Five Lane Ends, where there would be an increase in heavy traffic and where children have to cross an already busy junction to get on and off the school bus. The danger from lorries refers to the use of all the country lanes by pedestrians. Even the section on Hampson Lane where the road is wider on the bridge over the motorway, and where there are pavements on both sides of the road, lorries have mounted the pavements and caused them to crack in several places.
- There have been two serious accidents on Bay Horse Road in the last 12 months, one of which resulted in the death of a child, so additional commercial traffic of this nature can only have a detrimental effect on road safety. The junction of Five

Lane Ends is already an accident black spot and any increase in traffic will increase this risk.

- The roads in the area are used by horse riders. The roads are part of the National Cycle Network and are regularly used by individual and groups of cyclists not just at weekends but all through the week. It will be extremely dangerous for these road users when they meet quarry traffic.

Planning policy

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

General comments

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

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

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

Other representations summary

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

- The maps for Footpath Ellel 36 as shown in the planning applications is not the legal route, which is obstructed. The exit to the road of this route is dangerous, as is the walk up the road to the corner.
- Footpaths Ellel 36 and Ellel 37 to the west of the quarry have had problems in safe and easy passage. Consequently, new routes were introduced as permitted routes and an Application for Public Path Modification Orders made in 2008. These Orders have not yet been made after many years.
- Footpath Ellel 36 has its east end at the road corner by the ruined building of Ellel Farmhouse. At one time there was active quarrying and a danger in the area of the former farm buildings but, more recently, the buildings have been used by the

quarry so there appears to be no reason not to open up the legal line of this section of the footpath that is safe with good visibility in both directions where the traffic is slow. The legal route is therefore far more preferable.

Advice

Ellel Crag Quarry is a former sandstone and shale quarry which has permission to be landfilled with inert and non-hazardous waste, although it is only inert waste that is now being landfilled.

The northern area of the quarry has been infilled with inert waste to finished restoration levels. Planning permission LCC/2016/0001 allows the area to be used as a waste management facility for inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant. The activities are tied to the lifespan of the landfilling of Ellel Crag Quarry that is required by planning permission 01/08/0629 to cease not later than 30 June 2023.

The quarry operator has submitted planning application LCC/2019/0040 to extend the time periods for landfill operations in the existing Ellel Quarry until 2038. Planning permission is therefore sought to vary condition 1 of planning permission LCC/2016/0001 in order to extend the permitted end date of inert waste transfer and recycling operations, and wood shredding/chipping operations with associated drying plant so that they can continue until the same end date as the landfill activities.

The operations subject to this time extension application include inert waste recycling and the treatment of virgin and waste wood materials. These materials are delivered separately to the site and managed via two separate processes:

Firstly, soils and construction wastes are screened and crushed to produce useable secondary aggregates and soils. Any waste that cannot be reused is disposed in the adjacent landfill site.

Secondly, wood products comprised mainly of virgin wood but also waste wood, are shredded and chipped, although some of the wood arrives on the site already shredded. Some of the shredded wood is used as fuel for two biomass boilers in the existing waste transfer building. The remaining shredded wood is placed in existing drying bays. The biomass boilers are fuelled by the shredded wood to heat water which is transferred via pipes to a drying plant. The transferred heat is blown by fans from the drying plant to the shredded wood drying bays. The shredded wood sits on a perforated metal drying floor through which the hot air circulates to drive off excess moisture. The dried wood product is sold as a fuel for biomass boilers. The water in the pipes is returned to the biomass boiler to be reheated and returned to the drying plant on a constant re-circulatory system.

The site handles approximately 25,000 tonnes of inert construction, demolition and excavation waste, and 5,000 tonnes of virgin and waste wood per year. This generates an average of 6 x 20 tonne HGV movements, per day, from the import of waste to the site. The export of reclaimed materials and dried biomass product generates slightly fewer or a similar number of traffic movements.

The principle issues concern the acceptability of the site to be used for this purpose, the lifespan of the use, the potential to cause nuisance or disturbance to local residents, and highway safety.

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

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

National Planning Policy encourages recycling and the re-use of waste to reduce reliance on land filling.

The site is located in a rural area and is within a Countryside area as designated in the Lancaster City Local Plan.

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

Paragraph 170 of the National Planning Policy Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside. Paragraph 205 states that, in terms of minerals and waste planning, this means that worked land should be reclaimed at the earliest opportunity to high environmental standards through the application of appropriate conditions.

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

includes essential operations for allocated waste management facilities where there is a proven and justified need.

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

Policy CS7 of the Joint Lancashire Minerals and Waste Core Strategy seeks to manage our waste as a resource. Policy CS8 of the Joint Lancashire Minerals and Waste Core Strategy seeks to ensure an adequate provision of suitable waste facilities across the county to ensure that waste can be managed as a resource. The proposal would provide facilities for the recycling of inert waste materials and waste wood products and hence complies with National Planning Policy and with Policies CS7 and CS8 of the Joint Lancashire Minerals and Waste Core Strategy in terms of waste management strategy.

The site is located on the northern area of the quarry that has been infilled with inert waste. Policy WM4 of the Joint Lancashire Minerals and Waste Local Plan supports developments for aggregate recycling facilities at quarries and landfill sites where they do not compromise the long term restoration of the site to a beneficial afteruse within the original timescale of the parent permission. The proposed timescale for the inert waste transfer and recycling facility, and wood shredding/chipping operation, is intended to tie in with the proposed extended dates for the landfilling of the quarry until 30 June 2038. It is considered that there is merit, particularly in terms of inert waste recycling for these activities to continue alongside the landfill activities as there is a synergy between the two in terms of maximising recycling rates and providing for any residues that require disposal.

The inert waste transfer and recycling facility involves stockpiling imported inert materials in the form of soils and construction waste, and then screening and crushing them to produce useable recycled secondary aggregates and soils. The waste wood imported to the site is also shredded/chipped in the open. These operations produce some noise. However, no noise complaints have been received in relation to these operations and the nearest sensitive receptor is located 350 metres to the south west. The noise impacts are considered acceptable but to ensure that the amenities of the area and residential properties are not affected, conditions should be re-imposed requiring all plant, equipment and machinery to be fitted with effective silencing equipment, the restriction of noise levels, the hours of working and the use of vehicle reversing alarms.

To also ensure that the development would not have an unacceptable adverse impact on the amenities of the surrounding area and residents, conditions should also be re-imposed relating to the following: to restrict the waste types brought onto the site; the implementation of dust control measures by restricting the heights of stockpiles to 6 metres and to employ methods for the suppression of dust on the internal haul road, hardstandings and stockpiles; to protect ground and surface water by the correct type and siting of any chemical, oil or fuel storage containers; to protect from any damage all hedges and trees forming part of the site boundaries; and to require that any floodlighting used is designed to minimise light spill.

In relation to highway matters, the site is accessed from the east side of Bay Horse Road. The inert waste transfer and wood shredding/chipping operations generate an average of 6 x 20 tonne HGV movements, per day, from the import of waste to the site. Export of reclaimed materials and dried biomass fuel product would generate slightly fewer or similar levels of traffic.

The waste recycling operations are subject to a condition within the existing planning permission which restricts the overall level of vehicle movements leaving the site as a whole (including the landfill and recycling operations) to no more than 60 per day Mondays to Fridays and 30 on a Saturday morning. As part of the application for the extension of time for the landfill operations, the applicant proposes to amend the wording of the condition relating to HGV movements to provide greater flexibility in the maximum level of HGV movements to the site. The highways and amenities issues arising from this increase are discussed in the report for application LCC/2020/0040. If the amended vehicle movement controls are considered acceptable it is considered that a condition should be attached to any new permission for the recycling operations so that they are subject to the same controls along with the re-imposition of conditions to require the provision of wheel cleaning facilities, the maintenance of the hard surface of internal haul roads, the sheeting of vehicles transporting materials and a written record of vehicle movements. With such conditions the highway impacts of the development would be acceptable in terms of Policy DM2 of the Lancashire Minerals and Waste Local Plan.

The continuation of the use of the site access road from Bay Horse Road should not affect users of the Public Right of Way (ref. 1/13/FP36) any more than they are now.

With the imposition of all the conditions referred to above, it is considered that the environmental impacts of the proposal are acceptable and the development complies with Policy CS9 of the Lancashire Minerals and Waste Core Strategy, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and the policies of the Lancaster City Local Plan.

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

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

Recommendation

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period, planning permission be granted subject to the following planning conditions:

Time Limits

1. The waste recycling operations and the wood shredding/chipping operation authorised by this permission shall cease not later than 30 June 2038 or within 6 months of completion of the landfilling activities at Ellet Crag Quarry, whichever is the earlier. Following cessation, the site shall thereafter be restored within a further one year period in accordance with the scheme and programme approved under the provisions of condition 27 of planning permission LCC/2019/0040.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies DM2 and WM4 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM7 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Working Programme

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

a) Planning Permission LCC/2016/0001 as amended by planning application ref LCC/2019/0041

b) Submitted Plans and documents to accompany planning application LCC/2016/0001:

Figure 1 - Location Plan

Figure 2 - Site Plan

Figure 3 - Change of Use of Land Within Planning Permission Boundary Ref: 01/08/0629 for Inert Recycling Facility Plus Wood Products Recycling and Drying Facility

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with Policies CS7, CS8 and CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policies NPPF 1, DM1, DM2, WM1 and WM4 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies NPPF1, DM7, DM21, DM23, DM25, DM27, DM29, DM35, DM39 and DM40 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Hours of Working

3. No waste transfer or sorting or wood processing operations shall take place at the site outside the hours of:-

0700 to 1800 hours, Mondays to Fridays
0800 to 1300 hours, Saturdays

No such operations shall take place on Sundays or Public Holidays.

This condition shall not however operate so as to prevent the carrying out outside these hours of essential repairs to plant and equipment used on the site.

Reason: To safeguard the amenity of the local area, and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Site Operations

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

Reason: For the avoidance of doubt and to ensure all site operatives are aware of the planning conditions and approved documents and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

5. No waste other than inert construction, demolition and excavation waste, and virgin and waste wood materials, shall be deposited at or brought onto the site.

Reason: Waste materials outside these categories raise environmental and amenity issues which would require consideration afresh and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

6. No materials shall be stockpiled outside the area shown for this purpose on Figure 3 submitted with planning application LCC/2016/0001 and such stockpiles shall not exceed 6 metres in height.

Reason: To safeguard the visual amenity and the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Control of Noise

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

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

8. Noise emitted from the site shall not exceed a level of more than 10dB(A) LAeq(1 hour) (free field), as defined in this permission, above the background level when measured from any of the following properties at a point closest to the noise source:

- a) Middle Crag Farm NGR 511 550
- b) Borbles Hall NGR 550 548

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One, Policies SC5 and E1 of the Lancaster City Council Core Strategy (2003-2021), and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

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

Reason: In the interests of local amenity and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and

Dust

10. Measures shall be taken at all times during the development to ensure that no dust or wind blown material from the site is carried on to adjacent property and which shall include the watering of dust generative stockpiles and vehicle circulation areas during dry weather conditions.

Reason: To safeguard the amenity of local residents and adjacent properties, landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Highway Matters

11. The wheel cleaning facilities at the site shall be maintained in working order and shall be used by all vehicles leaving the site during the development so as to ensure that no mud, dust or other debris from the site is deposited by vehicle wheels upon the public highway.

Reason: In the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

12. Any internal haul road or private way between the wheel cleaning facilities and the public highway shall, throughout the development, be hard surfaced and drained and kept clear of debris along its entire length at all times.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

13. All vehicles transporting materials from the site shall be securely sheeted.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

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

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

No HGVs shall leave the site on Saturdays and Sundays apart from those associated with essential maintenance operations and the movement of plant and equipment into and out of the site.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

15. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative at all reasonable times. The records shall be retained at the site for a period of 12 months.

Reason: In the interests of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Landscaping

16. All hedges and trees forming part of the site boundaries shall be protected from any damage and be maintained throughout the development and aftercare period.

Reason: In the interests of visual and local amenity and the local environment and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM25, DM27, DM29 and DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Floodlighting

17. Any flood lighting used during the operational life of the site shall be angled into the site, downwards, shaded to minimise light spill and only illuminated during the working hours specified in condition 3.

Reason: To minimise light spill beyond the boundaries of the compound and to safeguard the amenity of the area and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policy DM35 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Safeguarding of Watercourses and Drainage

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

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy CS9 of the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD, Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan - Site Allocation and Development Management Policies - Part One and Policies DM35 and DM40 of the Lancaster City Council - A Local Plan for Lancaster District 2011 – 2031 Development Management Development Plan Document.

Definitions

Inert Waste: Waste that will not physically or chemically react or undergo biodegradation.

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

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

Notes

The grant of permission does not entitle a developer to obstruct, stop-up or divert the right of way (ref. 1/13/FP36) that is located along the internal site access road from Bay Horse Road.

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency relating to an Environmental Permit for waste management activities, Dewatering activity and Consent to Discharge.

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

None

Reason for Inclusion in Part II, if appropriate:

N/A