

## **Development Control Committee**

Meeting to be held on 21<sup>st</sup> October 2020

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| Electoral Division affected:<br>Lancaster Rural East |
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### **Lancaster City: Application number LCC/2019/0030**

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

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### **Executive Summary**

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

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

### **Recommendation – Summary**

That after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and subject first to the signing of a section 106 agreement relating to HGV routing and extension of the aftercare period, planning permission be granted subject to conditions relating to time limits, working programme, site operations, hours of working, noise and dust controls, landscaping, archaeology, restoration, aftercare and control of works at Ellel Crag Farmhouse.

### **Applicant's Proposal**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Description and Location of Site**

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

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

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

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

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

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

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

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

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

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

## **Background**

### **History**

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

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

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

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

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

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

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

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

## Planning Policy

### *National Planning Policy Framework*

Paragraphs 7 - 12, 38, 47, 54 - 56, 80, 82 - 84, 102 - 103, 108 - 111, 117 - 118, 122, 124, 127 - 128, 130, 170, 175, 178 - 180, 183, 184, 189 - 190, 192, 197 - 199, 203, 205, 207 - 208, and 212 - 213 are relevant with regard to the following: Achieving sustainable development - the presumption in favour of sustainable development; Decision making - determining applications, and planning conditions and obligations; Building a strong, competitive economy – supporting a prosperous rural economy; Promoting sustainable transport – considering development proposals; Making effective use of land; Achieving well-designed places; Conserving and enhancing the natural environment – habitats and biodiversity, and ground conditions and pollution; Conserving and enhancing the historic environment – proposals affecting heritage assets, and considering potential impacts; Facilitating the sustainable use of minerals – maintaining supply; and Annex 1: Implementation.

### *National Planning Policy Framework Planning Practice Guidance*

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

### *National Planning Practice Guidance*

### *Waste Management Plan for England* (December 2013)

### *National Planning Policy for Waste* (October 2014)

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

|            |   |
|------------|---|
| Policy CS1 | Safeguarding Lancashire's mineral resources |
| Policy CS3 | Meeting the demand for new minerals         |
| Policy CS5 | Achieving sustainable minerals production   |
| Policy CS7 | Managing our Waste as a Resource            |
| Policy CS8 | Identifying Capacity for Managing our Waste |
| Policy CS9 | Achieving Sustainable Waste Management      |

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

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

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

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

|              |  |
|--------------|--|
| Policy NPPF1 | Presumption in Favour of Sustainable Development                       |
| Policy DM7   | Economic Development in Rural Areas                                    |
| Policy DM8   | The Re-use & Conversion of Rural Buildings                             |
| Policy DM23  | Transport Efficiency and Travel Plans                                  |
| Policy DM25  | Green Infrastructure   |
| Policy DM27  | Protection & Enhancement of Biodiversity                               |
| Policy DM28  | Development and Landscape Impact                                       |
| Policy DM29  | Protection of Trees, Hedgerows and Woodland                            |
| Policy DM33  | Development affecting Non-Designated Heritage Assets or their Settings |
| Policy DM35  | Key Design Principles  |
| Policy DM39  | Surface Water Run-Off and Sustainable Drainage                         |
| Policy DM40  | Protecting Water Resources and Infrastructure                          |

## **Consultations**

Lancaster City Council – Object for two reasons:

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

Ellel Parish Council – Object for the following reasons:

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

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

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

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

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

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

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

Natural England – No objection.

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

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

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

Historic England – No objection.

Health and Safety Executive – No objection.

Public Rights of Way - No observations received.

AONB - No observations received.

United Utilities – No objection.

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



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

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

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

### Objections summary

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

#### *Traffic*

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

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

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

### *Visual*

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

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

### *Ecology*

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

### *Water, electricity and gas provision*

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

### *Water Run-off and associated pollution and flooding*

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

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

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

### *Geology*

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

### *Noise, vibration, dust, air quality*

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

### *Planning policy*

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

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

Article 13: Protection of Human Health and the Environment

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

*Delivery mechanism / Action:*

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

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

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

#### *General comments*

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

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

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

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

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

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

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

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

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

#### Other representations summary

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

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

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

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

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

## **Advice**

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

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

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

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

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

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Landfilling with inert waste

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

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

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

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

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

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

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

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

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

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

### Geology and Geotechnical Stability

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

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

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

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

### Transport and Access

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

### Hydrology and Hydrogeology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Ecology

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *Landscape and Visual Impact*

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

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



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

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

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

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

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

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

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

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

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

### Cultural Heritage and Archaeology

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

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

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

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

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

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

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

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

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

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

#### Noise, Air Quality and Dust, and Light Pollution

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

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

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

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

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

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

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

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

### Existing Electricity and Gas Supplies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Human Rights Issues

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

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

### Conclusions

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

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

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

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

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

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

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

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

## **Recommendation**

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

## **TIME LIMITS**

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

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

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



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

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

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

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

## **WORKING PROGRAMME**

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

- a) The Planning Application received by the County Planning Authority on 7<sup>th</sup> June 2019

- b) Submitted Plans and documents:

Figure 1 – Location Plan

Figure 2 – Indicative Quarry Development Plan: Existing Site

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

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

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

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

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

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

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

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

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

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

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

Drawing 6183- LO6 Ellel Crag Farmhouse – Proposed Elevations

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

*Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies DM2 of the Joint Lancashire Minerals and Waste Local Plan and policies DM30, DM31, DM34, DM36, DM41, DM42, DM44, DM45 and DM46 of the Lancaster City Local Plan Development Management DPD.*

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

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

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

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

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

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

The scheme shall provide details of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **HOURS OR WORKING**

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

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

07.00 to 13.00 hours on Saturdays

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

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

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

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

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

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

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

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

## **HIGHWAY MATTERS**

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

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

21. All vehicles transporting minerals (recycled aggregates) of a size less than 100 mm in any dimension from the site shall be securely sheeted.

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

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

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

*Reason: In the interests of highway safety (and to safeguard the amenity of local residents and adjacent properties/landowners and land users) and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policy DM30 of the Lancaster City Local Plan Development Management DPD.*

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

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

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

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

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

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

## **SOIL MANAGEMENT**

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

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

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

26. No movement of topsoil or subsoil shall occur during the period from the 1st of October to the 30th April (inclusive) without the prior written consent of the County Planning Authority. At other times the stripping, movement and respreading of top and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

*Reason: To ensure the proper removal, storage and replacement of soils to ensure satisfactory restoration and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DM30 of the Lancaster City Local Plan Development Management DPD.*

## **ARCHAEOLOGY**

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

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

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

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

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

## **NOISE, DUST AND VIBRATION**

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

a) Borbles Hall NGR 501 548

b) Middle Crag Farm NGR 512 549

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

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

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

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

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

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

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

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

32. No explosives shall be used on the site.

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

## **WATER RESOURCES**

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

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policy DM34 of the Lancaster City Local Plan Development Management DPD.*

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

*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan and policy DM34 of the Joint Lancaster City Local Plan Development Management DPD.*



## RESTORATION AND AFTERCARE

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

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

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

*Reason: To secure the proper restoration of the site and to conform with policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and policy DM DM46 of the Lancaster City Local Plan Development Management DPD.*

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

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

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

## **ELLEL CRAG FARMHOUSE**

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

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

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

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

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

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

### **Definitions**

HGV; A vehicle over 7.5 in gross weight.

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

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

Free Field: 3 metres from the façade of any building

### **Notes**

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

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

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

### **List of Background Papers**

None

Reason for Inclusion in Part II, if appropriate

N/A