

Development Control Committee
Meeting to be held on 4 November 2020

Electoral Division affected: Whitworth and Bacup

Rossendale Borough: Application number LCC/2020/0018

Extension and restoration of quarry by means of infill with inert construction, demolition and excavation waste together with ancillary activities, and the consolidation of existing planning permissions at Tong Quarry, Tong Lane, Bacup

Contact for further information:
Robert Hope, 01772 534159
DevCon@lancashire.gov.uk

Executive Summary

Application – Extension and restoration of quarry by means of infill with inert construction, demolition and excavation waste together with ancillary activities, and the consolidation of existing planning permissions at Tong Quarry, Tong Lane, Bacup.

The application is accompanied by an Environmental Statement and Non-Technical Summary under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Recommendation – Summary

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be **granted** subject to conditions controlling commencement, working programme, site operations, highway matters, restoration and aftercare.

Applicant's Proposal

Planning permission is sought for an extension to Tong Quarry and restoration by means of infill with inert construction, demolition and excavation waste, along with the consolidation of existing permissions and the revision of approved working and restoration schemes.

The northward extension of the quarry would allow for the extraction of just over 1 million tonnes of sandstone/shale (based on 2 tonnes per m³) and approximately

270,000 tonnes of fireclay. Following mineral extraction a void space of approximately 580,000m³ would be created to allow for the landfilling of inert construction, demolition and excavation waste to restore the land back to pre-development levels.

The applicant has advised that mineral extraction for aggregate is currently around 100,000 tonnes per annum, with the addition of 5,000 tonnes of shale in 2019. At this rate, the proposed extension would have a life of around 10 years for mineral excavation. The existing landfill has seen imports of between 25,000 to 30,000 tonnes per annum (17,000 to 20,000 m³) in recent years. However, the applicant anticipates this rising to 50,000 tonnes per annum (33,000m³), which would equate to a duration of 18 years to complete the landfill works in the extension area.

The existing void space remaining within the current permitted area is around 350,000m³, which at 33,000m³ per annum would last for another 11 years. In total, it is anticipated that the whole site could be restored in approximately 29 years but with some uncertainty depending on availability of waste over time.

The applicant proposes to operate the site in the same way as the existing site and within the conditional restrictions set out in the extant planning permission. The existing site operates between 0730 – 18.30 hours Monday to Friday and 0730 – 1300 hours on Saturdays. No work is allowed to be carried out on Sundays or Public Holidays. No more than 7 HGVs would leave the site in any one hour. Access would continue to be from Tong Lane at its junction with Pennine Road, which leads to a haul road to the site, an informal car park lay-by, office accommodation and wheel wash facilities. Permission would also be carried forward for construction, demolition and excavation waste recycling operations.

An Environmental Statement accompanies the application, which addresses the potential significant effects of noise and dust, hydrogeology, vehicle movements, landscape and ecology.

Description and Location of Site

The proposed extension area covers approximately 6 hectares of agricultural grazing land within an overall planning permission consolidation area of approximately 18 hectares including the existing quarry and landfill. Tong Farm Quarry is an active fireclay and shale quarry located at an elevated location approximately 600m south east of Tong Farm (owned by the applicant) and approximately 2km south east of the centre of Bacup. The site is situated on a catchment divide between two tributaries of the River Irwell. The southern part of the site drains in a southerly direction towards the southern branch of the River Irwell. The northern part of the site drains in north westerly direction towards the northern branch of the River Irwell. The proposed extension area forms part of the northern catchment.

The site is accessed off Tong Lane via residential streets including Tong Lane itself, South Street and Pennine Road. The depth of the quarry has varied relative to adjoining land levels typically between approximately 18m in the south west and 25m in the north east. However, more recently the existing site has been progressively filled with restoration materials.

Although the site is surrounded on all sides by agricultural land, the quarry is located within a semi-rural setting. To the north and east, a multitude of small hill farms and properties are located along the valley sides with open moorland dominating the hilltops. To the south and west of the quarry lies the urban fringe. The nearest residential property to the existing quarry is Hey Head Farm some 68m to the south east; Dry Corner Farm is located some 90m to the east. The proposed extension takes operations some 200m away from the nearest properties.

There is an extensive network of public rights of way in the immediate locality and the proposed development would necessitate the diversion of footpath number 463.

Background

Planning permissions for the extraction of minerals at Tong Farm date from the early 1960's. In 1961 planning permission was granted for the working of a larger area with much of the material being excavated (ref 13/1/1606). The Environment Act 1995 introduced new requirements for the review of conditions attached to old permissions. This culminated in the determination of modern working conditions for Tong Farm Quarry under planning permission 14/96/0085 (subsequently varied by 14/98/0383).

Planning permission for the extension of existing quarry working and the importation of soil/subsoil for the purposes of restoration was granted in 24 October 2011 (ref.14/10/0325) subject to a Section 106 Agreement restricting depth of working in the existing site. This permission related to a small extension and it was accepted that there would be a local economic stimulus provided by the continued activity at the quarry.

On 15 October 2014 planning permission was granted for a further extension to the quarry and restoration by means of infill with inert construction, demolition and excavation waste along with the sorting, screening and export of recyclable material, the consolidation of existing permissions and the revision of approved working and restoration schemes (ref. LCC/2014/0055). This application was presented to the meeting of the Development Control Committee on 9 July 2014, 3 September 2014, and 15 October 2014 with a recommendation for refusal on the grounds of lack of need for the aggregate and the likely detrimental impact on residential amenity as a result of the movement of HGVs through a residential area for an extended period of time. Committee members resolved to approve the application against the recommendation of officers.

Planning Policy

National Planning Policy Framework

Planning Practice Guidance to accompany the National Planning Policy Framework

Waste Management Plan for England

National Planning Policy for Waste

*Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD
Managing our Waste and Natural Resources*

Policy CS1	Safeguarding Lancashire's Mineral Resources
Policy CS3	Meeting the demands for New Minerals
Policy CS4	Identifying Sites and Areas for Mineral Extraction
Policy CS5	Achieving Sustainable Mineral Production

*Joint Lancashire Minerals and Waste Local Plan - Site Allocations and Development
Management Policies (Part 1)*

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy LF2	Sites for Inert Waste
Policy M1	Managing mineral production

Rossendale Core Strategy

Policy 10	Provision for Employment
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 24	Planning Application Requirements

Consultations

Rossendale Borough Council – No comments received.

Environment Agency – No objection subject to conditions relating to the establishment of groundwater monitoring and a water management plan.

Lancashire County Council Highways Development Control - No objection. There would be no increase in the daily traffic to and from the site over and above that already experienced on the local highway network. There is no indication that the current traffic levels have resulted in any highway safety related issues. The proposed works would require the temporary diversion of a public right of way.

National Planning Case Work Unit – No comments received.

Natural England – No objection.

Lead Local Flood Authority – No comments received.

Ramblers Association – No comments received.

Coal Authority – No objection.

Health and Safety Executive – No comments to make.

Lancashire County Council Ecology Service - The proposals to extend the quarrying and then restore the site would be unlikely to result in any significant ecological

impacts provided that planning conditions can be implemented in order avoid any impacts on nesting birds, reptiles and badgers and to demonstrate no net loss of biodiversity.

Representations – The application has been advertised in a local newspaper and neighbouring residents informed by individual letter. No representations have been received.

Advice

Planning permission is sought for a quarry extension followed by restoration through the importation of inert soil making materials and utilisation of quarry waste.

Planning permission for an extension for the extraction of aggregates at Tong Quarry was granted in 2011. The application was supported given the small volume of mineral involved, the local economic stimulus that would be provided, an agreed reduction in the final approved depth of the existing workings, and a more desirable restored site profile in relation to the existing permission. Planning permission was also granted in 2014 for a further extension, which is now largely worked out and has been partially restored along with the old quarry area. The applicant wishes to secure an additional reserve to enable quarrying to continue.

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 need to be assessed alongside socio-economic and environmental factors.

The policies of the Development Plan seek to ensure that Lancashire makes an appropriate contribution to meeting local, regional and national supplies of minerals. It is therefore necessary to assess the need for the aggregate to be extracted, and the restoration materials that would be brought to the site against the potential impact of the proposal on the local environment including impacts on the public highway, the amenity of the residents who live nearby and the impact on local landscape. 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 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which concern the economy, social matters and the environment, which are interdependent and need to be pursued in mutually supportive ways.

Need for Mineral

The site is currently worked for a variety of sandstone and shale like materials (mudstones), some of which are crushed and sized for construction uses (aggregate).

The site also has small reserves of fireclay (brickshale) which can be used as an industrial mineral for brick manufacturing.

Paragraph 203 of 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. 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, using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply; 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; and ensuring that large landbanks bound up in very few sites do not stifle competition.

In addition to the National Planning Policy Framework, the government has also published accompanying practice guidance. Paragraph 84 of the Planning Practice Guidance advises that there is no maximum landbank level and each application for minerals extraction must be considered on its own merits regardless of the length of the landbank.

The policies of the development plan in relation to minerals supply are found in the Joint Lancashire Minerals and Waste Core Strategy (2009) and the Joint 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.

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 one site in Rossendale.

The Lancashire Minerals and Waste Local Plan (Site Allocation and Development Management Policies) (published in 2011) 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 sub-regional 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. Therefore, in relation to the provision of additional gritstone aggregates and shale materials, the Development Plan position is that there is little or no support within the policies of the Core Strategy or the Local Plan for the release of further minerals within the plan period up until 2021.

A large proportion of Lancashire's gritstone reserves are located in east Lancashire primarily within one quarry, Whitworth Quarry in Rossendale. Similarly, significant reserves are shared between Scout Moor Quarry near Edenfield and Fletcher Bank Quarry near Shuttleworth, Ramsbottom. No new gritstone aggregate sites have been established for many years.

In November 2019 a Joint Lancashire Local Aggregate Assessment report was published by Lancashire County Council to inform the monitoring and review of the Minerals and Waste Local Plan. The report contains information on the past 10 years data for aggregate production and sales and it seeks to identify objectively assessed need, a requirement of the NPPF's presumption in favour of sustainable development. The report concludes that an assessment of the balance between supply and demand, together with a consideration of the economic and local circumstances, indicates that there is no shortfall of reserves. However, notwithstanding this, there is the possibility of a shortfall in local markets if some quarries are worked out or cease to operate. The report goes on add that at this stage it would be prudent to address the issue of local supply and the threat to this through the large proportion of the permitted reserves held in a single quarry, through the ongoing review of the Minerals and Waste Local Plan. This could include a more flexible criteria based policy to address the specific issue around the large landbank and its potential conflict with the continuation of local supply.

In conclusion on the need for minerals, the NPPF states that great weight should be given to the benefits of mineral extraction, including benefits to economy. While the landbank of permitted reserves for gritstone aggregate is more than sufficient for the plan period and beyond, it is considered essential to ensure that reserves are not

limited to a small number of sites and that the limited number of existing sites are supported from an economic perspective to ensure longer term protection of supply and reduction of haulage miles associated with minerals and waste transport. On this basis it is considered that there is sound justification to override the 'no need' position set out in Policy M1 of the JLMWLP.

Landfilling with construction, demolition and excavation waste

The applicant proposes to restore the extension area by backfilling with imported construction, demolition and excavation 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 the south of Jameson Road Landfill, formerly used for deposit lagoons. The policy seeks to drive an increase in inert waste recycling and reuse by restricting the tipping of recyclable inert waste.

The extension of Tong Farm Quarry would leave a void and it would be unrealistic to seek to achieve a viable restoration scheme without infilling the void with suitable waste that cannot reasonably be recycled. The existing permission provides for restoration back to previous levels and a return to agricultural land and this proposal would continue this theme. Although not a named site within Policy LF2, restoration with waste that cannot be economically or physically recycled is considered to be an appropriate scheme for this site and would ensure that the quarried area would be restored to a condition in keeping with the local landscape character.

Impact on Highway Network

Paragraph 108 of the National Planning Policy Framework states that planning applications should be assessed to ensure that appropriate opportunities have been

taken to promote sustainable transport; safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 makes it clear 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.

The policies of the Development Plan in particular DM2 of the Joint Lancashire Minerals and Waste Local Plan seek to ensure that proposals for minerals and waste development do not give rise to unacceptable traffic and road safety problems or unacceptable effects on amenity along the routes used.

The applicant has undertaken a transport assessment to evaluate the impact of the proposed development on the performance of the local highway network. All HGV traffic entering and leaving the quarry does so using the quarry access road, which joins the public highway at the junction between Tong Lane and Pennine Road. The site has a concreted access road and all vehicles leaving the site pass through a wheel bath.

The applicant advises that approximately 90% of quarry traffic travels along Tong Lane and South Street to gain access to the A671 Rochdale Road. The remaining 10% travel south along Pennine Road to gain access to the A671 Rochdale Road. A small number of vehicles may occasionally use Tong Lane to reach the A681 Todmorden Road.

The primary quarry product is an aggregate and the assumption has been made in the Assessment that sales would average 150,000 tonnes per annum, including recycled aggregate. Aggregate is likely to be removed off-site in 19 tonne loads in tipper wagons. 150,000 tonnes per annum of aggregate sales would on average generate 152 loads per week or 2.8 loads per hour over a 10 hour day.

For the purposes of assessment, an assumption has been made that imports of construction and demolition waste would average 63,000 tonnes per annum, which would allow approximately 50,000 tonnes of backfill per annum. The waste materials would be brought on site as an average 15 tonne load in tipper wagons and this would generate an average of 16 loads per day or 1.6 loads per hour over a 10 hour day. The applicant accepts that due to access via residential streets, the existing conditional restriction of no more than 7 HGV deliveries per hour would be carried forward to seek to ensure the protection of residential amenity and the local primary school. On this basis, Lancashire County Council Highways Development Control raise no objection and given that there have been no substantial complaints in relation to residential amenity it is considered that it would be unreasonable to refuse planning permission on this basis. However, given the prospect of a long extension of time at the quarry it is considered reasonable to impose a condition requiring the submission of details to further improve the hardstanding arrangements around the office and weighbridge and for the upgrade of the wheel cleaning facilities.

The proposed extension to the quarry would require a two-stage diversion of footpath no 463. The footpath currently follows a gravel track, which allows a right of vehicular

access to Dry Corner Farm. As part of phase 1 of the quarry extension, the footpath and track would need to be diverted around the edge of the extraction area. Prior to extraction in Phase 2, the footpath and track would be re-routed back to a similar line on an area of restored land across the quarry at original ground levels. This would remain as an elevated causeway feature until the remainder of the site has been restored. The latter would appear as an unusual feature across the quarry during early restoration but would be acceptable as a long term solution. Nevertheless, further details of the alignment, construction and fencing protection are recommended within a proposed restoration condition and opportunity to further examine the acceptability of the footpath diversion would be afforded through separate legislation concerning footpath diversions.

Landscape, visual impact and restoration

In determining planning applications paragraph 127 of the National Planning Policy Framework requires the decision maker to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting while not preventing appropriate innovation or change. Developments should function well and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The application site is located in open countryside and is a landscape that includes scattered farmsteads and isolated properties. Quarrying has a long history in the Rossendale Valley and at Tong Quarry. The applicant has provided an assessment of the likely significant landscape and visual effects of the proposed development.

The Assessment observed that the site did not contain any designations or landscape features that would be damaged by the works. The existing dry stone walls to the northern field site boundaries would be retained. However, a drystone wall along the northern boundary of the southern field would be removed in order to facilitate the works.

The northern and southern fields would be combined after the works have been completed. The site would be restored to existing levels and re-seeded as semi-improved grassland, once the quarrying works have been completed.

The assessment notes that there are two residential properties to the north of the site, Pasture Bottom Farm and Lower Reaps. Due to the angle of the house at Pasture Bottom Farm the residential receptor would not have a direct view towards the site, but may get glimpses of part of the site and the proposed soil mounds. There is an area of existing trees and shrubs between Pasture Bottom Farm and the site, which would potentially screen all views from the downstairs windows. The sensitivity of the receptor at Pasture Bottom Farm is judged to be 'High' and the change to the view is judged to be 'Minor Adverse'. The house at Lower Reaps has a direct view towards the site and is on the same elevation as the high point of the site. The residential receptors would have clear view towards the site. However, the views from the property are not of a pristine landscape as pylons, wind turbines, barns and other buildings are all visible. The sensitivity of the receptors is judged to be high and the change to the view is judged to be moderate adverse.

In terms of character, the surrounding landscape is dotted with quarries or former quarried areas and quarries are listed as a feature of the Rossendale Moorland Fringe Character area. The immediate landscape around the site is littered with prominent features such as wind turbines, pylons and farm complexes. The farm complexes typically have a number of barns, sheds, vehicle storage areas, and other makeshift structures. The landscape quality of the site has been assessed as good to medium, with a medium sensitivity. The impact of the proposed quarry extension is judged to be mainly slight to minor adverse, with only a few receptors experiencing higher impacts. On this basis it is considered that there would be no unacceptable adverse impact on landscape and planning improvements have been recommended in the nature conservation section below in terms of enhanced planting and dry stone wall replacement, which would also contribute towards landscape character improvements.

Impact upon local amenity

The National Planning Policy Framework and the Joint Lancashire Minerals and Waste Local Plan recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. Paragraph 180 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

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. The existing waste operations at this site are already subject to an Environmental Permit, which specifies acceptable waste types and seeks to control noise, water and air emissions. An Environmental Permit would also be required for the restoration works associated with this proposal. However, the quarrying operations are not subject to the Environmental Permitting regulations so this aspect of the development requires further consideration and control through planning conditions where reasonable and necessary.

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

In relation to noise, the Government's Planning Practice Guidance states that applicants should carry out a noise impact assessment, which should identify all sources of noise and, for each source, take account of the noise emission, its characteristics, the proposed operating locations, procedures, schedules and duration of work for the life of the operation, and its likely impact on the surrounding neighbourhood. The PPG recommends appropriate noise standards and advises that Mineral planning authorities should aim to establish a noise limit, through a planning condition, at noise-sensitive property that does not exceed the background noise level ($LA_{90,1h}$) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) $LA_{eq, 1h}$ (free field).

For particularly noisy short term events such as soil stripping and road construction the PPG advises that increased temporary daytime noise limits of up to 70dB(A) $LA_{eq, 1h}$ (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

A noise impact assessment forms part of the Environmental Statement. The assessment concludes that the target of not exceeding background by more than 10 dBA is likely to be met at all of the nearby dwellings for the vast majority of the time. The exception is when workings are at their closest to individual dwellings, where predictions are up to 12 - 13 dBA above background noise levels on a Saturday morning, but remain well within the upper limit of 55 dB LA_{eq} at all times and all locations. The predictions during initial soil stripping activities near the quarry rim would generally be around the 55 dB LA_{eq} limit unless close to individual dwellings, and well within the temporary 70 dB LA_{eq} limit allowable for up to 8 weeks per year for this type of activity.

In terms of dust, the existing permission at the site has a condition requiring that measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions. The site has historically generated no dust complaints and residential properties are located at sufficient distance from the extension area for dust not to be an issue from the proposal. Nevertheless, the dust condition would be recommended as a precautionary approach and the operator could employ typical measures to minimise dust including coarse graded road surfaces, provision of a water bowser for haul roads, crusher and screen dust suppression, conveyor shrouds and upward pointing vehicle exhaust.

Quarrying activities have taken place in this general location for many years and have not given rise to complaints about noise or dust. Subject to conditions that have been applied to previous permissions at the site in relation to noise, dust and hours of working, the proposed development would be acceptable.

Protected Species and Habitats

Paragraph 175 of the National Planning Policy Framework advises that when determining planning applications, local planning authorities should apply a number of principles. Of relevance, it states that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The application is accompanied by a habitat and protected species survey, which identifies that the majority of the extension area is agriculturally improved rye-grass dominated pasture which is cropped for hay and grazed. The survey acknowledges that badgers are present and active around the quarry site but there are no setts within the proposed extension. The assessment concludes that there are no significant ecology features within the site itself and therefore no predicted impacts related to site development.

Lancashire County Council's ecological advisor agrees that the proposals to extend the quarry and then restore the site would be unlikely to result in any significant ecological impacts. However, the proposal would result in a loss of dry stone wall and that is likely to have some potential to be used by nesting birds and reptiles including the common lizard. Furthermore, it is clear that badgers are active in the area and precautions should be put in place to avoid impacts. Conditions are recommended to seek to ensure that the development avoids detrimental impacts on nesting birds, reptiles and badgers and to demonstrate no net loss of biodiversity. It should also be remembered that separate legislation is in place for wildlife protection in relation to listed species.

Water Management

The application is accompanied by a Water Features Survey, and a hydrological and Hydrogeological Impact Assessment and subsequent update and addendum respectively. The Water Features Survey identifies all water features such as ponds, springs and private water supplies within 1km of the site. The hydrological and Hydrogeological Impact Assessment focuses on groundwater levels and water flows in relation to quarry excavations and internal site drainage.

The Assessment concludes that the hydrogeology of Tong Quarry is well-defined and existing knowledge of local groundwater levels and flows provides a reliable basis for assessment of potential impacts associated with quarry extension. It states that in common with the existing excavation, the proposed extension area would remain well above the groundwater level in the local aquifer with no requirement for dewatering or continuous discharge of water off-site. Intermittent, short duration, discharge of settled surface water is made via a drain running along the quarry access road, past Tong Farm and onward to a downstream culvert. The applicant stresses that the nature of the proposed development, as a large fully-contained open excavation, provides the capacity for containment and management of any residual risk arising from any unforeseen inflow of water from abandoned mine workings.

Conversely, the Environment Agency maintain the view that they remain concerned about the absence of evidence-based information regarding groundwater levels and disposal of water off-site but ultimately raise no objection subject to conditions relating

to the establishment of groundwater monitoring boreholes and a water management plan. The Environment Agency has also advised that any point discharge of drainage effluent from a working quarry will require a discharge consent, and any over-pumping of water from the void to a point of discharge is likely to attract requirement for a Water Act Water Transfer Permit.

Analysis and interpretation of the likely impacts and any required mitigation associated with the proposed development requires specialist expertise and there is some disagreement between the applicant and the Environment Agency regarding the level of information required to address this matter. However, it is recommended that the advice of the Environment Agency should be accepted as a precautionary approach and their suggested conditions are recommended accordingly. Furthermore, the applicant's proposal would be subject to further scrutiny through the assessment of the Environmental Permit process associated with the importation of waste.

Socio-economic matters

The quarry operations provide direct employment for 8 people, with additional indirect employment in maintenance, supplies and contractor work. The majority of employees live locally in the Bacup area. Should permission not be granted the applicant has stated that employment in the Quarry is likely to fall to 2 people from mid 2020 as the Quarry begins to close down. The applicant has also stressed that the local construction industry would face higher costs resulting from reduced competition in the supply of aggregates and waste disposal capacity.

Policy 10 of the Rossendale Core Strategy emphasises that the Council will continue to encourage the retention and growth of its indigenous companies.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights. 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 it is considered that the development would be unlikely to generate such an impact which would breach those rights.

Conclusion

This proposal is for an extension to an existing quarry followed by restoration with the deposit of inert construction, demolition and excavation waste. 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 are material considerations, which should be taken into account.

The current policies for minerals supply and the provision of inert landfill capacity are set out in the Joint 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 existing 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 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 and promotes the maintenance of a wide range of minerals and competition between mineral suppliers.

While there is no immediate need to release further reserves of aggregate 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 maintain diversity of supply and reduce haulage miles. It is therefore considered that the need for the mineral extraction can be supported despite being contrary to local plan policy.

With the provision of new inert landfill capacity, the proposal would provide a longer term facility beyond the end of the 2021 plan period for the management of construction, demolition and excavation wastes that cannot be viably recycled and would minimise the distance that such materials need to be transported for disposal.

The proposed development would have a number of environmental impacts most particularly in relation to 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 some localised impacts.

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 of the National Planning Policy framework, the development plan and any other material planning considerations, subject to the recommended conditions set out below.

Recommendation

That, after first taking into consideration the environmental information, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, planning permission be granted subject to the following conditions:

Time Limits

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

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

2. The mining operations authorised by this permission shall cease by 31 December 2031. The recycling activities shall cease by 31 December 2048 and the site shall be progressively restored in accordance with the conditions of this permission by 31 December 2050.

Reason: To provide for the completion and progressive restoration of the site within the approved timescale in the interests of local amenities, the visual amenities and to secure proper restoration of the site in accordance with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Working Programme

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

a) Submitted Plans

Drawing no. 9865A/01 - Location Plan

Drawing no. 9865A/03 - Topographical Survey

Drawing no. 9865A/04A, rev B - Scheme of Working Phase 1

Drawing no. 9865A/04B, rev B - Scheme of Working Phase 2

Drawing no. 9865A/05A - Restoration Landform and Phasing

Drawing no. 9865A/06 - Cross-sections

b) All details 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 DM1 and DM2 of the Joint Lancashire Minerals and Waste Local Plan.

4. A copy of this permission and all the documentation referred to in condition 3 shall be available for inspection at the site office at all times throughout the development.

Reason: For the avoidance of doubt and to ensure that site operatives are aware of the planning conditions and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Site Operations

5. Prior to the commencement of soil stripping or mineral extraction in the extension area forming the subject of this permission, details of a groundwater level monitoring scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall include the following details:-

- i) A fully enclosing envelope of groundwater level monitoring boreholes at horizontal spacing of not more than 200 metres around the boundary in each aquifer likely to be affected by the development.
- ii) A copy of the Scheme of Monitoring incorporating a topographic plan of the monitoring points, borehole logs and construction details for each monitoring point and details of how the sump water level measurement will be established.
- iii) Groundwater levels in each of the monitoring points shall be measured and recorded monthly throughout the term of the development, along with the water level in, and position of the sump (deepest part) of the progressive excavation.
- iv) All monitoring point measuring datum levels, observed water levels, and locations shall be recorded in relation to Ordnance Datum and the Ordnance Survey National Grid.
- v) The total amount of water (if any) that has been pumped out of the excavation per month and where it has been discharged to.
- vi) All monitoring points should be located where they are unlikely to be lost or damaged as the excavation progresses and they shall be maintained throughout the development, being repaired, restored or replaced, like for like, within 2 months of any loss of functionality.

The scheme shall be fully implemented and subsequently maintained in accordance with the approved details. Groundwater level monitoring boreholes shall be installed and operational prior to commencement of mineral excavation.

Reason: To ensure that the proposed development does not harm the water environment and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

- 6. A Hydrometric (Groundwater) Monitoring Report shall be submitted to the County Planning Authority at intervals of not more than 12 months following implementation of the groundwater level monitoring scheme to provide a record of the changes that have been observed as the development progresses and to inform of any unexpected impacts or characteristics that may be relevant to the continuation of excavation or restoration works. The report shall include data tables for at least the full monitoring year and hydrographs covering the full site data record in each monitored aquifer. All data shall be related to Ordnance Datum and include a plan of the monitoring points and a summary of the working progress, and how it relates to the observed monitoring data, removal of water and any maintenance or alterations made or needed to maintain the monitoring network.

Reason: To ensure that the proposed development does not harm the water

environment and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

7. Prior to commencement of mineral extraction a Water Management Plan shall be submitted to and approved in writing by the County Planning Authority. For each mineral extraction phase of the development, the plan shall include the following:-
- i) The means, location and anticipated quantities of water that may need to be used, drained or discharged from the development, and how they would be obtained or disposed of.
 - ii) Contingency plans for what to do in the event of any pollution incidents on site or how best to treat or control any drainage or discharges from the site or neighbouring ground.
 - iii) Details of how to dispose of any significant accumulation of water in the void during any period of dormancy, or how to deal with any unexpected influx of water or encounter with polluted abandoned mine waters.
 - iv) Where there may be an occasional need to discharge an accumulated volume of water from the site, consideration should be given in the Water Management Plan as to the maximum rate of discharge at which this might be done without causing flooding or scour in the receiving waterbody. That should then be used to establish the maximum permitted rate of discharge if the receiving water may be vulnerable to surcharge.
 - v) In the case of discharging into old mine workings, consideration should also be given to the possibility of displacing polluted minewaters.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm the water environment and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

8. No vegetation clearance works (including grassland) or works effecting stone walls shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist are carried out immediately prior to commencement of work to assess nesting bird activity during this period and that those surveys show that nesting birds are not present and would not be affected.

Reason: For nature conservation interests and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

9. Prior to the commencement of any vegetation clearance and removal of stone walls, a method statement to demonstrate the avoidance of impacts on reptiles shall be submitted to and approved in writing by the County Planning Authority.

Thereafter, the approved method statement shall be implemented in full.

Reason: For nature conservation interests and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

10. A topographical survey shall be submitted annually to the County Planning Authority within one month of the anniversary of the date of this permission until the end of the restoration period referred in the conditions to this permission. The survey shall have been carried out within two months preceding the date of the anniversary of this permission and shall consist of a plan drawn to scale not less than 1:1250 which identifies all surface features within the site and a 10 metre grid survey identifying levels related to ordnance datum over all the land where mining operations have taken place/wastes have been deposited.

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

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

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

12. Noise emitted from the operations hereby permitted shall not exceed 55dB LAeq (1hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source:
 - a) Bent Head, NGR SD 877 227
 - b) Causeway House, NGR SD 879 223
 - c) Hey Head, NGR SD 883 222
 - d) Dry Corner, NGR SD 885 224

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.

13. Noise limits set out in condition 12 shall not apply during the stripping of soils and overburden at the site, the construction of storage mounds for materials and their regrading during the restoration of the site, or the construction of landscape or baffle mounds for up to 8 weeks in any one calendar year. Noise from any of the activities listed above shall not exceed 70dB LAeq (1 hour) (free field) as defined in this permission as measured from any of the properties identified in condition 12 at a point closest to the noise source.

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

14. Measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

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

15. No mining operations shall take place below a depth shown on Drawing no. 9865A/06 - Cross-sections

Reason: To secure satisfactory restoration and to safeguard local watercourse and drainages and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

16. No mining operations, recycling operations or restoration works shall take place outside the hours of:

0730 to 1700 hours, Mondays to Fridays (excluding Public Holidays)
0800 to 1330 hours on Saturdays

No mining operations, recycling operations or restoration works shall take place at any time on Sundays or Public Holidays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance 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.

17. No heavy goods vehicles shall enter or leave the site before 0730 hours, Mondays to Fridays and 0800 hours on Saturdays. No heavy goods vehicles shall enter or leave the site on Sundays or Public Holidays except for essential maintenance.

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

18. No soil stripping or mineral extraction shall take place until the mineral extraction boundary shown on Drawing no. 9865A/04B, rev B - Scheme of Working Phase 2 has been marked out using 1m high coloured timber posts at an interval of 10 metres. Thereafter, the marker posts shall be retained in position until mineral extraction has been completed.

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

19. Only soils, non hazardous construction, demolition and/or excavation waste shall be imported to the site.

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

20. Stockpiles shall not exceed 4 metres in height or a height of 2 metres above final approved levels, whichever is the lower.

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

Highway Matters

21. No soil stripping or mineral extraction shall take place in the extension area until details of hard surfacing improvements (concrete or similar) adjacent to the weighbridge, site office and wheel cleaner, and an upgrade to wheel cleaning facilities have been submitted to and approved in writing by the County Planning Authority. The hard surfacing shall cover all areas traversed by vehicles between the wheel cleaner and site exit.

Thereafter, no soil stripping or mineral extraction shall take place in the extension area until the approved hard surfacing improvements and upgrade of wheel cleaning facilities have been carried out.

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

22. Wheel cleaning facilities shall remain available for use, be maintained in full working order at all times during the development and shall be used by all HGVs leaving the site so as to ensure that no debris is deposited by vehicle wheels on the public highway.

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

23. Notwithstanding the provisions of condition 17, no more than 7 heavy goods vehicles as defined in this permission shall leave the site in any one hour during Mondays to Fridays inclusive (except Public Holidays) and Saturday morning. No such vehicles shall leave the site on Saturdays after 1300 or at any time on

Sundays or Public Holidays. This condition shall relate to the combination of all other permissions consolidated under this permission.

Reason: In the interests of highway safety and to safeguard the amenities of local residents and adjacent properties and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

24. A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles. Such records shall contain the vehicles' weight and the time and date of the movement and shall be made available for inspection by the County Planning Authority or its representative on request. The records shall be retained at the site for a period of twelve months.

Reason: To allow the development to be monitored in the interest of highway safety and to safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

25. All vehicles transporting minerals or recycled aggregates from the site shall be securely sheeted.

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

26. The sole access and egress from the site shall be to and from Pennine Road as shown on Plan No 980716/1 dated the 16 of July 1998 of permission 14/98/0383.

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

27. Stock proof hedges, fences or walls including gates shall be provided and maintained around the perimeter of the site at all times until the restoration and aftercare period is completed.

Reason: In the interests of public safety and to safeguard the amenity of the local residents and land users and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

28. No explosives shall be used on the site.

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

Restoration

29. No development shall commence until details of the restoration of the whole site have been submitted to and approved in writing by the County Planning Authority.

The submitted details shall include:

- a) The removal of any plant, machinery, erections and their foundations, including the removal of all internal haul roads, subsidiary site roads and hardstanding areas as part of site restoration;
- b) Phasing of restoration.
- c) Full detail of proposed soil types and depths within surface horizons to demonstrate that the soils will be capable of supporting the proposed habitats and plant communities.
- d) Details of any surface water areas to be retained or created;
- e) Native tree/shrub planting, grass seed specification and planting densities;
- f) The methods to be employed to promote plant growth;
- g) Habitat establishment and management methods including details of replacement habitat (including sufficient lengths of replacement dry stone walls following removal of existing dry stone walls, and areas of more diverse grassland) in order to demonstrate there would be no net loss of biodiversity across the site as a whole.
- h) Badger avoidance measures
- i) Construction detail for diverted tracks and footpaths including fenceline/dry stone wall edge protection.

Thereafter the restoration of the site shall be carried out in accordance with the approved details.

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

30. Stripped topsoil and subsoil from the extension area shall be stored as shown on drawing no. 9865A/04A, rev B - Scheme of Working Phase 1

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

Aftercare

31. Upon certification in writing by the County Planning Authority of the completion of restoration, as defined in this permission, aftercare of the site to promote the agricultural and amenity afteruse of the site shall be carried out for a period of five years. Such aftercare works shall include drainage works and management of tree and hedge planting and grassland.

On the first anniversary of the certification of completion of restoration and at annual intervals thereafter an inspection of restored areas of the site involving

representatives of the operator and County Planning Authority shall be undertaken. Within one month of each inspection, a schedule of aftercare works to be undertaken in the following year shall be submitted to the County Planning Authority for approval in writing. The schedule of aftercare works shall contain the following information:-

- i) Details and results of soil sampling undertaken across restored areas of the site
- ii) Details of fertiliser, lime and other nutrient requirements necessary to promote normal plant growth based upon the results of the soil sampling required by a) above
- iii) Details of any other measures necessary to promote the agricultural and amenity use of the land including works to relieve compaction or installation of drainage.
- iv) Details of cropping or grazing regimes to be undertaken on the restored areas of the site.
- v) Details for the management of tree and hedge planting including weed control, replacement of failures and maintenance of protection measures.

Thereafter, aftercare works in the following year shall be undertaken in accordance with the approved schedule of aftercare works.

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

Definitions

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

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

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

Notes

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

Local Government (Access to Information) Act 1985

List of Background Papers

None

Reason for Inclusion in Part II, if appropriate

N/A