

Development Control Committee
Meeting to be held on 16 June 2021

Electoral Division affected: Nelson East

Pendle Borough: application number. LCC/2020/0073
Planning application to vary condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site to 31/12/2028 at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Nelson

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Executive Summary

Application - To vary condition 1 of planning permission 13/12/0585 to extend the period of time to process the stone and restore the site to 31/12/2028 at Catlow East Quarry, Catlow Fold Farm, Southfield Lane, Nelson.

Recommendation – Summary

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

Applicant's Proposal

Planning permission is sought for a change to condition 1 of planning permission 13/12/0585 to allow the period of time to process stone and restore the site to be extended from 31 December 2020 to 31 December 2028.

Description and Location of Site

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

To the west is Catlow West, an adjoining quarry area that covers an area of approximately 1.2 hectares. The active quarries are also surrounded by historical quarrying and landfill areas. The site is located off Crawshaw Lane in Catlow approximately 3km east of Nelson. Crawshaw Lane is also a Byway Open to All Traffic (BOAT) No. 16. The nearest residential properties are located approximately 300m west of the quarry on Crawshaw Lane. The quarry is located within the 'Southfield' Conservation Area, which also includes properties in Catlow. The

surrounding land is characterised by undulating features of previously worked quarrying hollows, overburden mounds, tipping areas, and access tracks that have become naturally recolonised by grasses, shrubs and immature trees.

Background

Planning history

There is a long history of stone extraction and working at Catlow Quarries. Most recently planning permission was granted for an extension of stone working into the historically worked area of Catlow West followed by restoration through the deposit of quarry waste and imported soils and subsoils until 2028 (ref. LCC/2015/0055). Prior to that, planning permission had been granted for a change to an existing permission at Catlow East to allow working and restoration to continue until the end of 2020 along with the importation of up to 100 tonnes of stone per week from a neighbouring quarry for stone cutting purposes (ref 13/12/0585).

Planning Policy

National Planning Policy Framework

Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD

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

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

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

Pendle Local Plan Core Strategy

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

Consultations

Pendle Borough Council – No comments received.

Nelson Town Council – No comments received.

Environment Agency - No objection but advise the applicant that in relation to the proposed importation of fill material for the restoration of the site, the works will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies.

Lancashire County Council Highways Development Control – No objection.

Representations – The application has been advertised in the local newspaper and neighbouring residents have been informed by individual letter. Three representations have been received, which object to the proposed development on the grounds of increasing HGV traffic and speeding on narrow local roads and non-compliance with existing planning conditions. The latter includes working on Saturday afternoon and Sundays, exceeding daily HGV number limits, using crushing plant in Catlow West, allowing mud and dust to be tracked onto the public highway, and suggestions that unsuitable restoration material may be being imported to the site.

Advice

This application is for an extension of time to allow for continued stone processing and restoration operations at Catlow East Quarry to 31 December 2028. This would match the planning permission that is already in place for Catlow West quarry.

The applicant states that there is Catlow stone to process from Catlow West until January 2026 and it is impractical to relocate all the stone processing equipment into the west side quarry when the saws, cropper, lagoon and electric supply and water storage are all established in Catlow East. There is still a large stockpile of Catlow stone and a resource of stone to be quarried in the west side that can be used for dry stone walling, crazy paving and landscaping. The blocks are cut into slabs for monumental stone such as sawn pavors, lintels, jambs, cills and steps.

The stone reserve in Catlow East has now been worked out and the stone is being brought over from Catlow West to be processed and dressed in Catlow East. This would continue until all the wider site is restored through the importation of soils and subsoils.

The principle of mineral and restoration operations at Catlow East and West has already been established. It is therefore necessary to assess the acceptability of extending the timescale of the permission at Catlow East to reflect that at Catlow West. Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

When determining planning applications Paragraph 205 of the National Planning Policy Framework is clear that local planning authorities should give great weight to the benefits of mineral extraction including to the economy. Commentary to Policy M1 of the Joint Lancashire Minerals and Waste Local Plan advises that proposals for the extraction of locally sourced building stone will be supported.

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

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

Catlow East is now primarily used as a stone processing facility utilising stone from the western quarry site and locally imported stone to create bespoke architectural heritage products. Stone with different characteristics and waste stone cuttings are used for other building products including walling stone. The proposed time extension would allow for the efficient management of the wider site and also continue to provide good separation between quarry operations and local residents. Objections/complaints have been raised in relation to recent alleged breaches of planning control including working on Saturday afternoon and Sundays, exceeding daily HGV number limits, using crushing plant in Catlow West, allowing mud and dust to be tracked onto the public highway, and suggestions of unsuitable restoration material being imported to the site. The operator has been made aware of these issues and has advised that the matters will be resolved.

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

The importation of waste to the site is subject to Environment Agency controls and discussions are currently taking place in relation to Environmental Permitting requirements and restoration works. The Environmental Permit would control the specific waste types suitable for restoration works and measures to prevent pollution. Nevertheless, the planning permission currently only permits soils, subsoils and overburden to be used in restoration works. The majority of soil importation activity would be restricted to Catlow West as there is limited scope for further soil importation at Catlow East due to the ground profiling that has already been achieved.

Access to the site is via Crawshaw Lane, an unmade farm track and definitive right of way. The access is not suitable for large numbers of HGV movements and consequently the existing quarry site operates with a restriction of eight HGV movements per day Monday – Friday with four HGVs leaving the site on Saturday and also a restriction of stone imported to the site at 100 tonnes per week. It is considered that a continuation of this condition would be appropriate and should control HGV numbers to acceptable levels. Lancashire County Council Highways has raised no objection.

Human Rights

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

Conclusion

The proposed time extension for Catlow East quarry would allow for the continuation of stone working and give time for the completion of restoration works in tandem with the planning permission that is already in place at Catlow West quarry.

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

Recommendation

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

Time Limits

1. The mining operations/processing of stone authorised by this permission shall cease not later than 31 December 2026 and the site shall thereafter be finally restored within a further period of 2 years in accordance with the scheme of restoration referred to in condition 22.

Reason: To ensure the working and restoration of the site within a reasonable timescale in the interests of visual amenity and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy ENV1 of the Pendle Local Plan.

Working Programme

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

Submitted plans:

Drawing No.

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

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

Hours of Working

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

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

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

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

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

Site Operations

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

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

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

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

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

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

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

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

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

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

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

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

Highway Matters

10. No more than eight heavy goods vehicles, as defined in this permission, shall leave the site (including the site covered by permission LCC/2015/0055) in any one day during Mondays to Fridays, inclusive, and no more than four heavy goods vehicles shall leave the site on Saturday. No such vehicles shall leave the site on Sundays or Public Holidays.

This condition shall apply to the importation and export of stone from the site (including the site covered by permission LCC/2015/0055) and the importation of restoration materials.

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

11. A written record shall be maintained at the site office of all movements out of the site (including the site covered by permission LCC/2015/0055) by heavy goods vehicles, as defined in this permission; such records shall contain the vehicle's weight, registration number and the time and date of the movement and shall be made available for inspection by the County Planning Authority during the permitted working hours.

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

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

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

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

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

Control of Noise & Dust

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

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

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

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

16. No explosives shall be used on the site.

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

Safeguarding of Watercourses and Drainage

17. 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.

18. All foul drainage shall be discharged to a public sewer or else to a sealed watertight tank fitted with a level warning device to indicate when the tank needs emptying. Upon emptying the contents of the tank shall be removed from the site completely and disposed of at a purpose designed waste water management facility.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land and to conform with Policy 23 of the Joint Lancashire Minerals and Waste Local Plan.

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

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

Soils and Overburden

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

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

21. The movement and respreading of topsoils and subsoils shall be restricted to occasions when the soil is dry and friable and the ground is sufficiently dry to allow the passage of heavy vehicles, plant and machinery over it without damage to the soils.

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

Restoration

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

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

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

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

24. If by 31 December 2028, the site has not been restored in accordance with the details referred to under condition 22, alternative details for the final restoration of the site shall be submitted to the County Planning Authority within 1 month of 31 December 2028 for approval in writing. The scheme and programme shall include details of:
- a) a contour plan showing the final levels and landform of the site at not less than one metre intervals
 - b) the replacement of soils or soil making materials including details of the materials to be used, depths of replacement and their treatment;
 - c) the landscaping of restored areas including seeding or tree and shrub planting including details of location and layout of planting areas, numbers, species, types and sizes of species to be used, planting techniques, protection measures and seed mixes to be used and rates of application.
 - d) the measures to be taken to secure normal plant growth;
 - e) details of surface water drainage to ensure that the site will be free draining including identification of discharge points and measures to control run off and prevent erosion;
 - f) details for the treatment of any water areas including depths of water, creation of shorelines and appropriate planting and landscaping of water features;
 - g) the removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads and hardstanding areas;
 - h) details for the phasing of the restoration or progressive restoration;
 - i) details for the creation of any wildlife habitat areas.

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

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

Aftercare

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

The details shall include the following:

- a) the management of the site to promote its intended afteruse use including details of seeding, grazing, cultivation or cropping;
- b) details for soil sampling in each year of the aftercare period to determine requirements for fertilizer and lime application and provision for the submission of annual soil sampling results and proposed fertilizer/lime application to the County Planning Authority for approval in writing;
- c) details of any drainage installation including measures for replacement of any field drainage system damaged during the development;
- d) details of any further works to relieve compaction or regrading to alleviate surface ponding;
- e) details of any measures required to control noxious weeds.
- f) details for the maintenance of any tree or hedge planting including replacement of failures, weed control, maintenance of protection measures, thinning works and cutting or laying regimes to be followed.
- g) management of any surface water run off including maintenance of surface water ditches and repair of any damage caused by surface water run off.

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

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

Definitions

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

Completion of Restoration: The date the County Planning Authority certifies in writing that the works of restoration in accordance with condition 22 or 24 have been completed satisfactorily.

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

Paper	Date	Contact/Ext
LCC/2020/0073	May 2021	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A