

Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Burnley Rural

Burnley Borough: application number LCC/2022/0025

Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger

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Executive Summary

Application - Variation of conditions 1, 3, 10, 27, 28 and 29 of planning permission 12/06/0959 to allow landfilling to continue to 31 December 2032 and site to be restored by 31 December 2033 at Deerplay Landfill Site, Bacup Road, Cliviger.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling the duration of development by allowing landfilling until 31 December 2029 and final restoration by 31 December 2030, working programme, site operations, ecology, restoration and aftercare.

Applicant's Proposal

This application is to request a change of conditions on the existing planning permission to allow landfilling to continue to 31 December 2032 and the site to be restored by 31 December 2033.

The current planning permission for mineral extraction and landfilling was granted on 17 April 2008 (ref. 12/06/0959). Condition 1 to that permission requires that mining and landfilling operations shall cease no later than 31 December 2022, and that the site shall be progressively restored by 31 December 2023, or within 12 months from the date of the site being restored to approved levels, whichever is the sooner.

As part of the proposal for a time extension there is also a request to update conditions 3, 10, 27, 28 and 29 to account for updates and changes to the working programme, to remove reference to stockpiling of minerals, to remove the unnecessary reference to securing an Environmental Permit, and in relation to details of final restoration and aftercare. All other controls relating to site operations and tipping levels would continue as existing including hours of working, which is currently restricted to 0700 to

1900 hours, Mondays to Fridays (except Public Holidays) and 0700 to 1300 hours on Saturdays.

Description and Location of Site

Deerplay landfill site is located within a shale/stone quarry and covers an area of approximately 14 hectares within an open moorland setting. The quarry is being restored by landfilling with non-hazardous waste to create a final landform of grassland and woodland. The site is accessed from the A671 Bacup Road via a dedicated entrance and access road. The site also includes a site infrastructure area including a netted waste tipping bay, portacabins, a landfill gas flare, wheel washer and leachate treatment plant.

The nearest residential properties are Long Shay Farm House and Cottage, a garden of which is located adjoining the western site boundary, and the houses themselves some 70m from the lined tipping area. There are no other residential properties in close proximity to the site.

Background

Mineral extraction was established at the site in 1947 when the site was operated as a quarry with an associated brickworks. The brick works closed, and the buildings were demolished in the late 1970's. Planning permission was subsequently granted on 7 September 1981 to reopen the quarry and to deposit household, industrial and commercial non-hazardous waste until 31 December 1996. Further time extensions allowed mining and landfilling operations to continue to the present day. The landfill site was mothballed to waste imports in 2006 and landfilling operations have only recently recommenced. Quarry operations have now ceased.

More recently, in June 2021 planning permission was granted for a netted tipping bay for the temporary containment of waste and the installation of two portacabins for the duration of landfilling and associated activities. (ref. LCC/2021/0016). This permission expires on 31 December 2023.

Planning Policy

National Planning Policy Framework

Waste Management Plan for England (December 2013)

National Planning Policy for Waste (October 2014)

Our Waste, Our Resources: A Strategy for England (December 2018)

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

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

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

Policy NPPF1	Presumption in Favour of Sustainable Development
Policy DM1	Management of Waste and Extraction of Minerals
Policy DM2	Development Management
Policy LF1	Sites for Non-Hazardous Waste

Burnley Local Plan

Policy SP1	Achieving Sustainable Development
Policy SP5	Development Quality and Sustainability
Policy NE5	Environmental Protection

Consultations

Burnley Borough Council – No objection.

Cliviger Parish Council – Concern over the cleaning of the net on the litter fencing, height of landfill and potential problems of waste materials contaminating local water supplies.

Lancashire County Council (LCC) Highways Development Control – No objection.

Coal Authority – No comments to make.

Lancashire County Council Ecology Service – Note that the applicant has submitted an ecological assessment report, which includes recommended ecological protection measures. A condition is recommended to comply with the protection measures. The revised restoration proposals include seeding the restored area with a more species diverse grassland mix, instead of the currently approved restoration to agricultural grassland, which is welcomed.

Environment Agency – No objection. The landfill operations are regulated by the Environment Agency under the Environmental Permitting Regulations. The operator holds a modern environmental permit and has the relevant management systems to enable them to comply with their permit.

Lancashire County Council Landscape Service – It is disappointing that the site has not been restored in accordance with the requirements of the planning permission. The area has had to endure significant visual and landscape impacts for a very long time. Nevertheless, an updated landscape and visual assessment is required to account for any changes to the local environment and the time extension should be limited to 5 years to provide an earlier end date to site activities. Additionally, the restoration scheme should be revised to include more species rich grassland and appropriately planted native trees and shrubs.

Lead Local Flood Authority – No objection following the submission of a flood risk assessment and surface water management report.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. 3 representations have been received including from the adjacent properties raising the following summarised comments:

- Cliviger has a natural beauty which will be blighted by the landfill site being opened.
- Concern over contamination of drinking water, which is supplied locally by boreholes, springs and run-off water.
- Landfill smells and traffic generated litter and air pollution.
- Agreement in principle that comprehensive restoration is beneficial and that using a strategically important non-hazardous landfill void is better than creating new landfills but that the time extension should be reduced to 5 years.
- A neighbouring garden borders the site, which is closer than the 50m quoted for the nearest 'property'.
- It is unclear why the site has been mothballed for so long when the applicant makes the case for future tipping.
- Past and current tipping rates and void space appear to be unreliable.
- Given the applicant's predicted increased demands for tipping at this site based on availability elsewhere the time extension should be limited to 5 years.
- 12 months ago, the applicant said at a local meeting that they hope to fill the site within 6 years.
- There have already been time extensions in 1997 and 2006 and this time more consideration should be given to the wellbeing of local residents.
- The site could actually be restored to an acceptable state without the need to achieve full capacity especially given the undulating nature of the local landscape.
- Over tipped mineral stockpiles should be regraded as proposed.
- There should be no working on bank holidays.
- Noise and odour do cause disturbance.
- To ensure transparency, annual update reports should be given to local residents explaining where the site is up and a brief overview as to volumes received and where the site is in relation to the timescales.
- No further time extension applications should be allowed.

Advice

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework sets out the Government's planning policies and is a material consideration in planning decisions.

National Planning Policy for Waste sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. A key part of this is to drive waste management up the waste hierarchy, this principle being derived from the Waste Framework Directive, which is the European Union legislation that governs waste management. The waste hierarchy sets out the following order of preference in waste prevention and management legislation and policy: a) prevention; b) preparing for re-use; c) recycling; d) other recovery, (for example energy recovery); and e) disposal as the least preferable option. This

includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

Policy LF1 of the Joint Lancashire Minerals and Waste Local Plan refers to sites for non-hazardous landfill and states that long term landfilling of non-hazardous waste will only be supported at Whinney Hill Landfill Site in Accrington. Elsewhere, landfilling of non-hazardous waste will be supported at existing permitted sites.

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 landfill site covers a total area of approximately 14 hectares and the remaining landfill void is approximately 1 million tonnes of capacity when considering previously approved tipping levels. The applicant states that given previous historic and proposed maximum input levels, the site could reasonably be expected to operate for a further 10 years with an additional 12 months to complete restoration. National waste management policy seeks to reduce the production of waste and to re-use and recycling waste where possible. However, it is acknowledged that facilities for waste disposal are still required for waste materials that have no further use or it is not currently feasible to reuse or recycle. With this in mind it is considered that the principle of continued landfilling at this site can be supported in compliance with national policy and Policy LF1 of the Joint Lancashire Minerals and Waste Local Plan.

The main issue relates to the acceptability of the proposed ten-year time extension. However, concern is raised about the continuing impact of landfilling operations on the landscape and neighbouring residents, and the length of time it is taking to restore the site. Lancashire County Council's Landscape Advisor and several local residents have suggested that a five-year time extension would provide sufficient time for the site operator to complete the site to a satisfactory standard while also giving some comfort that landfilling operations will be completed within a short time frame.

The site is largely enclosed from surrounding areas and operations are only likely to become visible from distant viewpoints as waste tipping levels reach higher flanks of the site. The site is not located within or close to an area that is covered by any higher tier landscape designations and the approved development scheme includes returning the land to its previous pre-development use. The application includes a landscape and visual appraisal following the recommendations of Lancashire County Council's Landscape advisor, which reasonably concludes that the landscape and visual effects of the proposal would not be significant.

The applicant asserts that the principal benefits of the continuation of landfilling are to achieve a sustainable final landform, to provide a strategically important non-hazardous landfill void and to deliver a comprehensive restoration. The approved indicative restoration scheme includes predominantly 'agricultural' grassland, with native shrub and tree planting within a sloping landform. The site and adjacent area are not subject to any European or national level ecological designations and currently has limited ecological features. To enhance the potential biodiversity value of the site, the applicant proposes to use a more diverse seed mix within the restoration scheme, which would provide ecological benefits compared to the existing restoration scheme.

Notwithstanding the benefits of allowing a continuation of landfilling at the site, a balance needs to be struck so that the site is restored at the earliest opportunity while also appreciating that neighbouring residents have had to endure long periods of general disruption along with uncertainties around prolonged temporary closure. Paragraph 211 of the National Planning Policy Framework (NPPF) states that mineral planning authorities should ensure that restoration and aftercare is provided for at the earliest opportunity.

The applicant has indicated that there have been historic inputs of, and future maximum input levels of around 150,000 tonnes per annum. Taking into account these figures, ongoing landfilling operations, surplus spoil restoration material (some 33,000m³), and the estimated void capacity of around 1 million tonnes it is considered that the remaining void space could be infilled by 2029 rather than the applicant's request to 2032 and restoration within the following 12 months. Whilst the local residents and Lancashire County Council Landscape advisor have proposed that any time extension should be limited to five years, it is considered that such a short timescale would not allow sufficient waste to be imported to achieve a landform that would be satisfactory in pollution control terms. A time extension until 2029 would give sufficient time for the site operator to focus on achieving the approved levels based on realistic inputs. Should the approved levels not be fully achieved by this time they should still be sufficient to achieve a satisfactory landform. Furthermore, a condition is recommended to require details of a lower-level restoration scheme should approved levels not be reached, and for the re-imposition of a condition relating to submission of reports for the annual monitoring of landfilling and restoration activity at the site.

It should be borne in mind that the applicant could appeal any decision that would curtail the landfill operations prematurely and also to submit further applications for time extensions to the duration of operations should they wish. Any application would have to be considered on its merits at the time.

Regarding pollution control and local amenity, landfilling activities have the potential to generate noise, air pollution and littering impacts through the operation of plant and machinery within the site and the disposal of waste. However, these issues are well understood at this site and are controlled through the Environmental Permit. There are two houses that are very close to the boundary of the landfill and the proposal has the potential to impact on the amenities of these properties by way of odour, noise, dust and litter by extending the duration of the landfill activities. Granting permission for the continuation of landfill activities until 2029 would allow a satisfactory final landform

to be achieved whilst seeking to limit the amenity impacts of the operations to be controlled to acceptable levels as required by Policy DM2 of the Lancashire Minerals and Waste Local Plan.

As part of improved waste management controls at the site, the site operator has installed a new temporary high level litter fence, which is subject to a separate retrospective planning application (see ref. LCC/2022/0026 which is the subject of a report elsewhere on this agenda). This supplements a recently installed netted tipping bay within the site compound area (see ref. LCC/2021/0016).

Netting systems are not a new concept at Deerplay Landfill Site. Given the exposed location, a similar proposal was previously permitted and installed in October 2000 and 2003. Those large structures were dismantled following the temporary cessation of tipping activities. The netted tipping bay is an alternative smaller scale solution to managing litter from imported waste before the waste is transferred to the permanent tipping area and it allows the site to continue to accept waste during windy conditions where normal tipping activities may have to be suspended to avoid litter problems. The Environmental Permit may dictate that further netting systems are required in future within the wider site along with other environmental controls.

Paragraph 188 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 Environment Agency has raised no objection and has stated that the site operator employs the relevant management systems to enable them to comply with their permit.

The application is accompanied by a flood risk assessment and a surface water management report. The site is not within a flood risk zone. However, as it is over one hectare there is a requirement to submit a flood risk assessment to demonstrate that the proposed development would not be affected by flooding and would not increase flooding elsewhere. The report concludes that there is low probability of flooding from fluvial sources, there is a low susceptibility to groundwater and surface water flooding, and the proposed development is unlikely to lead to significant increase in flooding elsewhere. Likewise, there is sufficient capacity and containment on site to ensure there would be no surface water management issues. Proposed restoration conditions require the submission of details of surface water management in relation to the final landform. The Lead Local Flood Authority has raised no objection.

In terms of highway matters, waste materials are imported to the site via the A671 Bacup Road. A time extension for landfilling operations would extend the duration of time during which vehicle movements would take place. However, impacts are unlikely to be environmentally significant and the road network has the capacity to accommodate heavy goods vehicle (HGV) movements, which are currently unrestricted. Lancashire County Council's Highways Development Control have raised no objection.

Human Rights

The Human Rights Act 1998 requires the County Council to take into account the rights of the public under the European Convention on Human Rights and not to act in a manner incompatible with those rights. Article 1 of Protocol 1 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.

Activity at the landfill site would be unlikely to generate a degree of impact on neighbouring properties, which would breach these rights. However, it is considered that any potential impacts could be minimised through the recommended planning conditions and also through the controls within the Environmental Permit for the site.

Conclusion

The proposed time extension for the existing landfill site would allow for the continued landfilling of waste that cannot currently be managed further up the waste management hierarchy and allow for the appropriate restoration of the site as previously approved. However, it is considered that the applicant's proposed time scales would be likely to prolong landfill activity beyond a reasonable timeframe leading to loss of amenity for local residents. On this basis it is recommended that permission be granted for landfilling until 2029 rather than the applicant's request to 2032 with final restoration thereafter. Additionally, subject to the re-imposition of previously approved conditions, removal of superfluous conditions relating to the environmental permit and a scheme for mineral stockpiling, and new conditions relating to improvements to the restoration plan to include enhanced nature conservation features, it is considered that there should be no unacceptable adverse impact on the environment, local highways or the amenity of local residents. The proposal is then considered to be acceptable in terms of the policies of the National Planning Policy Framework and the development plan and other material considerations.

Recommendation

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

Time Limits

1. The mining operations and landfilling authorised by this permission shall cease not later than 31 December 2029. The site shall be progressively restored in accordance with the conditions to this permission and shall be finally restored by 31 December 2030, or within 12 months from the date the approved tipping levels are achieved if sooner.

Reason: To provide for the completion and progressive restoration of the site within a reasonable timescale in the interest of local amenity and the local landscape and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste 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:

a) Submitted Plans:

Figure 1 - Site location

Drawing no. 3112-01-02 - General Arrangement

Drawing no. 3112-01-03 - Consented pre-settlement contours

Drawing no. 3112-01-04 - Cross Sections

Drawing no. 3112-01-05 - Proposed Phasing (excluding date references)

Drawing no. 3112-01-06, rev A - Indicative Restoration Proposals

- b) All details reserved by condition 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 Policy DM2 of the of the Joint Lancashire Minerals and Waste Local Plan and Policy NE5 of the Burnley Local Plan.

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

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

4. A topographical survey shall be submitted to the County Planning Authority annually by the 31 December every year until the end of the aftercare period referred to in this permission. The survey shall have been carried out within the two months preceding this date and shall consist of a plan drawn to a scale of not less than 1:1250 which identifies all surface features within the site and is contoured at one metre intervals, relating to ordnance datum, over all the land where wastes have been deposited and contoured at two metre intervals over the remaining area of mineral extraction.

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

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

planning permission granted under Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

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

6. Waste materials arising from the winning, working and processing of minerals under this permission shall only be deposited within approved restoration, landscaping or engineering works.

Reason: To safeguard the visual amenity and 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.

7. The site shall be the final place of deposit for all waste and no waste shall be removed from the site once it has been deposited within the landfill area.

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

8. No mining operations, landfilling or restoration shall take place except between the hours of:

0700 to 1900 hours, Mondays to Fridays (except Public Holidays)
0700 to 1300 hours on Saturdays

No such development or restoration shall take place at any time on Sundays or Public Holidays.

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

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

9. Wheel cleaning facilities shall be available for use at all times during the operational life and restoration of the site, to ensure that no debris from the site is deposited by vehicle wheels on the public highway. The wheel cleaning facilities shall be maintained in full working order at all times throughout the operational life and restoration of the site.

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

10. The wheel cleaning facilities provided under condition 9 shall be used by all heavy goods vehicles leaving the site.

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

11. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall be metalled and drained and kept clear of debris along its entire length at all times throughout the operational life and restoration of the site.

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

12. All vehicles transporting minerals from the site of a size less than 100 mm in any dimension 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.

13. Measures shall be taken to ensure that no dust or windblown 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 prevent the pollution of adjacent land and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

14. No explosives shall be used on the site.

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

15. 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.

16. All foul drainage shall be discharged into a public sewer or else to a sealed tank and the contents of the tank shall be removed from the site completely.

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.

17. 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.

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. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.

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

19. The measures detailed within Table 5.1 and Appendix 2 of the Ecological Assessment Report (Avian Ecology, 20th April 2022), to ensure the protection of habitats and species and to ensure compliance with relevant legislation, shall be implemented during the ongoing operations and during restoration of the site.

Reason: To seek to ensure protection of habitats and species and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

20. All available topsoil and subsoil shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles, plant or machinery, or roads, buildings, plant yards or stores are constructed on it. All stripped topsoil and subsoil shall be stored on the site for use in the restoration of the site.

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

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

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

22. Any trees within the site which are either removed or damaged, become diseased or which die at any time during the development, restoration and the aftercare period as provided for in this permission shall be replaced during the first available planting season, as defined in this permission, after which such condition is discovered with trees of a similar type, number and species so affected.

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

23. By 31 December 2023 details of the phased restoration of the whole site, in general accordance with drawing no. 3112-01-06, rev A - Indicative Restoration Proposals shall be submitted to the County Planning Authority for approval in writing.

The details shall provide for:

- a) The removal of all plant, machinery, buildings, structures, erections and their foundations including the removal of all internal haul roads, visibility splays, subsidiary site roads and hardstanding areas other than those required and permitted by b) below;
- b) All surface plant, machinery, buildings, structures and erections, roadways, pipelines or other similar apparatus which are either to be retained beyond the period required to complete the restoration of the site in accordance with this permission, or will be required for the future management of the site;
- c) The works necessary to make good any damage to the land brought about by the repair or provision of the apparatus referred to in b) above or through uneven settlement of the wastes;
- d) Drainage and surface water management information for the final landform;
- e) The re-spreading of soils or soil making materials and their cultivation;
- f) The restoration of the land concerned following the removal or cessation of the use of each item of the apparatus referred to in b) above;
- g) Location and layout of native tree/shrub 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
- h) The methods to be employed to promote normal plant growth;
- i) Monitoring of settlement and remedial measures to be adopted;
- j) A timescale for the implementation of the above restoration works.

The land shall be restored in accordance with the approved details and the timescales set out therein.

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

24. If by 31 December 2030, the levels of landfilling have not reached the approved levels, alternative details for the final restoration of the whole site, in general

accordance with the features shown on drawing no. 3112-01-06, rev A - Indicative Restoration Proposals, shall be submitted to the County Planning Authority within 1 month of 31 January 2030 for approval in writing. The submitted details shall include:

- 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 management 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 creation of any wildlife habitat areas.

Thereafter, the site shall be restored within 12 months of the approval in writing of the alternative details of restoration.

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

25. By 31 December 2028 details for the aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The details shall provide for the aftercare of the site for a period of five years to promote amenity/nature conservation after use of the site and shall contain details of the following:

- a) Maintenance and management of the restored site to promote its amenity/biodiversity interest;
- b) Scrub clearance where necessary;
- c) Maintenance of tree planting which shall include, where necessary, replacement of dead and dying species, thinning and weed control;
- d) An annual inspection to be undertaken in conjunction with representatives of the County Planning Authority to assess the aftercare works that are required in the following year.

The approved details shall be employed upon certification in writing by the County Planning Authority of the completion of restoration.

Reason: To ensure satisfactory restoration and aftercare of the site in accordance with an approved scheme and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

26. By 31 January every year until the end of the aftercare period referred to in this permission, a report shall be submitted to the County Planning Authority recording in detail the operations carried out on the land during the previous 12 months in respect of landfilling and measures taken to implement the restoration and aftercare provisions and setting out the intended operations for the next 12 months.

Reason: To enable the County Planning Authority to monitor the site to ensure compliance with the planning permission 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.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

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

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

Paper	Date	Contact/Ext
LCC/2022/0025	July 2022	R Hope Planning and Development (01772) 534159

Reason for Inclusion in Part II, if appropriate

Not applicable