

## Development Control Committee

Meeting to be held on 20 July 2022

Electoral Division affected: Skelmersdale East
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**West Lancashire Borough: application number LCC/2022/0016**

**Variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008 to allow extension of the approved mineral working area. Ravenhead Quarry, Chequer Lane, Upholland**

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### Executive Summary

Application – Variation of conditions 2, 3, 4, 5, 7, 21 and 25 of planning permission LCC/2014/0008 to allow extension of the approved mineral working area. Ravenhead Quarry, Chequer Lane, Upholland.

### Recommendation – Summary

That planning permission be **granted** subject to conditions controlling relating to time limits, working programme, completion dates for restoration, noise and dust, highway matters, ground and surface water, restoration and aftercare.

### Applicant's Proposal

The application seeks to vary a number of planning conditions attached to planning permission LCC/2014/0008 to allow an extension of the existing quarry. This would extend the duration of quarrying activities by approximately a further two years and would permit quarrying operations in an area to the south of the existing quarrying activities.

The extension would allow the extraction of a further 130,025m<sup>3</sup> of material, comprising of:

- Shale: 36,193m<sup>3</sup>
- Bullion rock: 29,595m<sup>3</sup>
- Inter-bedded sandstone/siltstone/shale: 64,237m<sup>3</sup>

The proposed extraction area, to be referred to as 'Phase 3', is located within the existing planning application boundary but outside of the existing approved working area which is delineated in pink on the approved plans attached to permission LCC/2014/008. The methods of extraction would remain the same as existing. The applicant has indicated that they anticipate that extraction activities would cease at the

site well in advance of the date stipulated in planning condition 1 attached to permission LCC/2014/008 which sets out that all winning and working of minerals shall cease by 22 February 2042.

The conditions that are proposed to be varied to achieve the extension of the quarry are:

Condition 2: Defines the approved drawings including the area of mineral working

Condition 4: Restricts the working of minerals within Phases 1 and 2 to the area edged pink on Drawing 6671.SS.008. It is proposed to amend this condition to also refer to the new Phase 3 area as shown on planning drawing 3151-01-04.

Condition 7: Restricts working in the area shown as Area B South on drawing 66721.SS.003 until details have been submitted to and approved by the local Planning Authority. The proposal would result in a slight encroachment into Area B South. It is proposed to amend the drawing referenced in condition 7 to reflect an updated Area B South boundary (shown on new drawing 3151-01-04), which excludes the proposed Phase 3 area.

It is also proposed to make consequential amendments to conditions 3, 5, 21 and 25 so that they now reflect the present circumstances, as since permission LCC/2014/008 was granted, various matters have been agreed or the conditions now require updating. The details of these conditions are as follows:

Condition 3: Requires that a scheme and programme for the landscaping of the Initial Restoration Area as shown on drawing ref 66721.SS.007 Rev be submitted within six months of the date of the decision. The area was to be restored with a 3-year period. The requirements of the condition have been met and thus the applicant proposes that it be deleted.

Condition 5: A scheme and programme of water monitoring has been submitted to and approved by the local Planning Authority in 2019 (reference LCC/2014/0008/2). The applicant proposes that condition 5 be amended to refer to this.

Condition 21: Required a scheme and programme detailing the specification of reversing alarms to be submitted. The scheme was approved in 2016 (LCC/2014/0008/1) and therefore the applicant proposes that the condition be amended to reflect this.

Condition 25: Requires a scheme of restoration and aftercare to be submitted within 10 years of the date of permission LCC/2014/008. Therefore, a scheme is required by 9 September 2025. The condition refers to the scheme and programme being based upon drawing 66721.SS.009. It is proposed to replace this drawing with Drawing 3151-01-03.

The application is accompanied by a preliminary ecological appraisal and additional Great Crested Newt Reports and a Reptile Report have also been provided during the course of the application. An arboricultural assessment has also been provided.

## **Description and Location of Site**

Ravenhead Quarry and Brickworks is located in Up Holland to the east of Skelmersdale. The site is accessed off the A577 via Chequer Lane.

The site has an area of approximately 36 hectares, the northern part of which is comprised of the existing brickmaking factory and brick storage area. The remainder of the site is comprised of the existing quarry which has been worked to a maximum depth of 105-110 m above ordnance datum (AOD). Large areas of the existing quarry are used for the stockpiling of imported clay and shale materials that are used as feed stock for the brickworks.

To the north and east of the brick making factory and part of the quarry are residential areas accessed off Ormskirk Road (the A577): Fieldview, Highmeadow and Broadacre. There have also been a number of new residential developments within the area in recent years, with new developments to the west of the site, off Chequer Lane (Miners Way) and more recently to the south (Mason Drive). To the south east of the site are agricultural fields, which are within the Green Belt.

Much of the existing quarry is designated as a Site of Special Scientific Interest (SSSI) for its geological interest as it displays several important sections through the Lower Carboniferous Coal Measures.

The proposed extension area is a wedge-shaped area of land measuring 210 metres by 50 metres (maximum dimensions) immediately to the south of the existing quarry

## **Background**

Planning permission ref 9/10/26 for the working of shale minerals on this site was first granted in 1949.

The Environment Act 1995 provides an ability to review the working and restoration conditions to old minerals permissions every 15 years. This ensures that the conditions attached to such permissions reflect modern environmental standards. A first review of the working and restoration conditions to the 1949 permission under the Environment Act 1995 was completed in 1998 (ref 8/98/0008).

A further periodic review of the permission was undertaken in 2014 ref LCC/2014/0008. This was subject to conditions relating to working programme, completion dates for restoration, noise and dust, highway matters, ground and surface water, archaeology, restoration and aftercare.

A number of other permissions have been granted on this site for brick making plant and equipment. Planning permission ref LCC/2014/0148 was granted in 2015 for the redevelopment of part of the brickmaking plant as a concrete products factory. This permission has not been implemented.

## **Planning Policy**

### *National Planning Policy Framework (NPPF)*

Paragraphs 7 - 12, 51 - 53, 55 - 57, 81 - 85, 174, 179 - 182, 183 – 189, 209 - 214 are relevant with regards to achieving sustainable development, tailoring planning controls to local circumstances, planning conditions and obligations, building a strong and competitive economy, conserving and enhancing the natural environment, habitats and biodiversity, ground conditions/pollution impacts and facilitating the sustainable use of minerals.

### *Joint Lancashire Mineral and Waste Development Framework Core Strategy DPD - Managing our Waste and Natural Resources (LMWDF)*

Policy CS1 Safeguarding Lancashire's Mineral Resources  
Policy CS2 Minimising the need for Mineral Extraction  
Policy CS3 Meeting the demand for new Minerals  
Policy CS5 Achieving Sustainable Minerals Production  
Policy CS7 Managing our Waste as a Resource

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

Policy NPPF1 Presumption in Favour of Sustainable Development  
Policy DM1 Management of Waste and Extraction of Minerals  
Policy DM2 Development Management

### *West Lancashire Local Plan 2012-2027 (adopted October 2013)*

Policy EN2 Preserving and Enhancing West Lancashire's Natural Environment  
Policy GN3 Criteria for Sustainable Development Consultations

## **Consultations**

West Lancashire Borough Council: No objections received.

Upholland Parish Council: The Parish Council supports local business and is content at necessary expansion for mineral extraction. However, the Parish Council seeks assurance s that the applicant has complied with the requirements of land restoration and reinstatement of the current planning permission. The business does create noise and dust disturbance for neighbours, so it is important that consideration for adjacent properties is now duly given.

Coal Authority: Confirm that they have no comments to make on the proposals.

Lancashire County Council (LCC) Ecology Service: Recommended that Natural England be consulted and that additional survey work to establish the presence/absence of Great Crested Newts and likely impacts on them is required and that further information to demonstrate that impacts on reptiles would be avoided. Following the submission of the requested information Lancashire County Council

(LCC) Ecology have confirmed that they have no objections to the proposals and recommend a number of conditions.

Environment Agency: Initially requested additional information pertaining to groundwater monitoring and groundwater/surface water management. The applicant has since provided information on the ground water monitoring that has been carried out to date and a copy of the Hydrogeological Impact Assessment that was carried out as part of the application for the abstraction licence. The Environment Agency has since confirmed that they no longer have any objections to the proposals.

LCC Highways Development Control: Confirm that they have no objection as there would be no increase in vehicle movements from the current operation and no proposed new vehicular access.

Natural England: Final comments awaited.

Lancashire County Council (LCC) Public Rights of Way: No comments received.

United Utilities: No comments received.

Ramblers Association: No comments received.

Health and Safety Executive (HSE): The site lies within the consultation distance of at least one major hazard site. The consultation request to Health and Safety Executive has been forwarded to the National Quarries Inspection Team.

Representations: The application has been advertised by site and press notice and neighbouring residents informed by individual letter. Eight representations have been received making the following comments:

- The submitted plans encompass land that is not owned by Ibstock.
- Cars are constantly covered in brick dust and dirt from numerous trucks travelling to and from the site.
- Increasing the amount of work at the site will create extra vehicles and traffic.
- The site does not take resident's concerns seriously.
- Object to further erosion of the area and effects on wildlife habitats, change in appearance of the landscape and devaluing property in the area.
- Possible contamination.
- Concern regarding noise, increased heavy traffic and possible subsidence.
- Object due to impact on environment, wildlife and road safety.
- Access to the quarry is already dangerous due to the volumes of lorries, the muddy surface created (despite sweeper lorries), the entrance from the mini roundabout is not wide enough for two vehicles side by side and this has caused multiple incidents over the years.
- The noise from the quarry is unbearable most of the time.
- Dust is an issue.
- The brickworks are already an eyesore, and it will destroy even more greenery.

One letter of support has been received stating that the proposed area of extension would not have any further impact than the current mining operation in terms of key issues which may affect residents. It will provide home grown local materials required for the construction sector and provides local employment. This outweighs the temporary loss of habitats which will be addressed as part of the restoration plan.

## **Advice**

The application seeks to vary a number of conditions of the extant planning permission LCC/2014/0008 to permit a minor extension to the extraction area of the quarry, to form phase 3 of the quarry development.

The original 1949 permission for mineral working at Ravenhead covered a large area and includes several areas outside of the existing quarry some of which are still in agricultural use and others which have subsequently been developed for residential use. As part of the Environment Act reviews of the original 1949 permission, working of minerals was only permitted within the existing quarry (named phases 1 and 2) with the extension of the site into unworked land prohibited by condition until schemes of working for those areas (named area B south and area B east) had been approved. The applicant has indicated that reserves have been almost entirely exhausted from phase 1 and 2 areas. In order to permit the continued working of the site, the applicant is therefore proposing to extend the quarry outside phases 1 and 2. The proposed extension area still lies within the boundary of the 1949 permission and therefore the principle of working minerals within this area cannot be questioned. However, it is appropriate to examine the environmental impacts of working this extension area and to ensure that it is subject to appropriate controls.

### *Policy context*

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 Development Plan for the site is made up of the Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document, the Joint Lancashire Minerals and Waste Local Plan – Site Allocation and Development Management Policies – Part One, the Central Lancashire Core Strategy and West Lancashire Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) states that proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant policies or where the policies which are most important for determining the application are out of date, planning permission should be granted:

- Unless the policies in the National Planning Policy Framework (NPPF) that protect areas or assets of particular importance provide a clear reason for refusal.
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the National Planning Policy Framework (NPPF) as a whole.

The plan period for the Lancashire Minerals and Waste Core Strategy and Minerals and Waste Local Plan (LMWWLP) is from 2001 until 2021. Policies CS4 and M1 provide for a quantum of mineral extraction to be provided over the plan period and therefore in accordance with paragraph 11 of the National Planning Policy Framework (NPPF) it is now considered that less weight can now be attached to those policies. However, given that this proposal is for an extension of an existing operation within an existing permitted area rather than for new mineral resources, these policies are less relevant to this proposal.

It is considered that the policy of the Minerals and Waste Local Plan (LMWWLP) to which greatest weight should be attached when determining this application is Policy DM2 relating to the assessment of local environmental impacts. Whilst this policy is contained in a Plan which has now time expired, it is considered to accord with the current edition of the National Planning Policy Framework (NPPF) and therefore can still be relied upon for decision making purposes.

#### *Need for minerals*

Paragraph 211 of the National Planning Policy Framework (NPPF) states that great weight should be given to the benefits of mineral extraction, including to the economy and that a steady and adequate supply should be maintained.

The principle of mineral extraction at Ravenhead Quarry has been established for many years. The site is a supplier of a range of crushed aggregate materials that are used for a variety of basic construction purposes. The extension of the quarry within the existing permitted area would allow this site to continue for a further two-year period therefore allowing the supply of construction materials from this site to be maintained.

The main issues associated with the application are considered to be the impact upon the amenity of existing and future residents of the surrounding area from noise, vibration, dust and disturbance associated with the quarrying activities and vehicle movements, impacts on highway safety, ecological impacts, impact on the SSSI and landscape and restoration matters.

#### *Neighbour Amenities*

The National Planning Policy Framework (NPPF) seeks to ensure that the planning system supports and secures sustainable economic growth in order to create jobs and prosperity.

Policy CS5 of the Lancashire Minerals and Waste Development Framework (LMWDF) seeks to achieve sustainable minerals production by protecting the amenity and health of the population by the introduction of sensitive working practices that minimise harm and nuisance to the environment and local communities throughout the life of the development. Policy DM2 of the Lancashire Minerals and Waste Local Plan (LMWLP) requires that development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral or waste planning authority that all material social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. Policy GN3 of the West Lancashire Local Plan also seeks to protect the amenities of neighbouring properties from development proposals.

A number of conditions are attached to planning consent LCC/2014/0008 that seek to control noise levels and dust mitigation at the site.

The proposed extension to the quarry would be over 140m away from the closest residential properties to the south on Tower Hill Road, approximately 150m from properties to the west on Slater Crescent (currently under construction) and over 200m from the closest residential properties to the north. This would result in the quarrying operations being approximately 50m closer to properties on Tower Hill Road compared to the existing situation (although the full extent of existing approved phase B operations could extend considerably closer to Tower Hill Road); and approximately 30m closer to properties on Slater Crescent to the west than at present.

It is considered that given the distance of the proposed extension from neighbouring residential properties, and the extant permission for the site (which allows mineral extraction until 2042), that it would be unreasonable to refuse the application on the grounds of impact upon neighbour amenity. The existing conditions relating to hours of working and noise and dust controls should be reimposed on any new permission in order to protect the amenity of local residents.

#### *Highway Safety*

The comments of the neighbouring residents regarding highway safety are noted. However, Lancashire County Council (LCC) Highways have confirmed that they have no objections to the proposals. The proposed extraction would take place over approximately two years. It is anticipated that work would commence in the extension area in late 2022 and no change to vehicle movements is anticipated.

The National Planning Policy Framework (NPPF) is 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. As no objections have been raised by Lancashire County Council Highways it is considered that a refusal on highway safety grounds could not be sustained.

#### *Ecology*

The West Lancashire Local Plan allocates the whole site (excluding the brickworks) as a Nature Conservation Site. This is due to the designation of the Ravenhead Brickworks Geological Site of Special Scientific Interest (SSSI). The SSSI designation relates to a series of quarry faces that show sections through marine bands within the Carboniferous Coal Measures.

A preliminary ecological appraisal has been submitted with the application, and at the request of Lancashire County Council (LCC) Ecology the applicant has also provided additional information with regard to newts and reptiles. No great crested newts were found in any ponds within 250m of the quarry and no reptiles were present following additional survey work. The Preliminary Ecological Appraisal finds that no statutory or non-statutory sites designated for nature conservation should be directly or indirectly affected by proposals; habitats on site were considered not be of no more than local



importance and some non-native invasive species were noted on site. The appraisal recommends the production of a Biological Enhancement and Management Plan to outline restoration proposals for the site, in order to seek a net gain of biodiversity, and that a 10m woodland buffer strip is retained along the south boundary.

A number of groups of trees would need to be removed to enable the extension to the quarry. The arboricultural survey found that this tree cover all comprises naturally colonised groups which have established around the existing quarry and were considered of low quality from an arboricultural perspective.

The proposed scheme of restoration would result in additional tree and shrub planting that would mitigate against any loss as a result of the proposed quarry extension.

#### *Impact on the Site of Special Scientific Interest (SSSI)*

The proposed extension of the quarry would give rise to a number of new quarry faces on the southern side of the quarry. The restoration works would provide for their retention which would ensure that geological exposures of Site of Special Scientific Interest (SSSI) standard are retained. None of the existing SSSI faces would be affected by the proposed extension. Further comments from Natural England are awaited and will be reported on the update sheet.

#### *Landscape and Restoration.*

Ravenhead Quarry is split into Areas A and B on approved review of old minerals permissions (ROMP) drawing 66721.SS.003. Area B is restricted by a planning condition (condition 7), which does not allow mineral working to take place within Areas B East and Area B South until details have been submitted to and approved by the local Planning Authority.

Phase 3 slightly encroaches into Area B South, and therefore the current proposals include a slight revision to the existing Area B South boundary to exclude Phase 3 from this area therefore avoiding the need to submit all the details required by condition 7.

The applicant has indicated that completion of extraction in the proposed Phase 3 area is likely to be followed by restoration of the whole site in accordance with Restoration Masterplan 66721.SS.009, which is updated by planning drawing 3151-01-03 as part of this planning application.

Policy CS5 of the Lancashire Minerals and Waste Development Framework states that future restoration minerals sites are of critical importance. Planning Practice Guidance also states that mineral planning authorities should secure the restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through planning obligations.

The applicant has provided an updated restoration plan to include the additional excavation area and revised extraction and restoration contours. It is considered that these details are acceptable and would represent only minor changes overall from the approved scheme in the context of the quarry as a whole.

### *Other matters*

The position of the red edge on the submitted location plan has been queried by objectors to the proposals. The current application seeks to vary conditions attached to the planning approval for mineral working at the site (application reference LCC/2014/0008) rather than it being a completely new, separate planning application. Hence the red edge of the application boundary must reflect the permission it seeks to vary. The site location (or 'red edge') submitted encompasses areas now occupied by residential housing as that boundary is that of the original quarrying consent. Since the original planning permission was granted, the owners of the brickworks have sold off parts of their landholding for housing including areas benefiting from planning permission for mineral working. The red line area of the application is therefore considered to be correct.

### *Conclusion*

In conclusion this application proposes a minor extension of a quarry within an area that already benefits from a permission for mineral working. The proposal would enable a continuation of supply from an existing minerals site and subject to suitable conditions would not have any unacceptable environmental impacts. The proposal would therefore comply with the National Planning Policy Framework (NPPF) and the policies of the development plan.

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

### **Recommendation**

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

#### **Time Limits**

1. The winning and working of minerals authorised by this permission shall cease not later than 22 February 2042.

Area A (Phases 1,2 and 3) shall be restored in accordance with the scheme and programme approved under the requirements of condition 24 by not later than 22 February 2025.

The final restoration of all areas of the site outside of Area A shall be completed in accordance with the scheme and programme approved under the requirements of condition 24 by not later than 22 February 2043.

*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 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 documents:
  - a) The Application for review of conditions ref LCC/2014/0008 and supporting statement received by the County Planning Authority on 10 January 2014 as amended by application ref LCC/2022/0016 dated March 2022.
  - b) Submitted Plans and documents:
    - Drawing 66721.SS.002 - Site Area Plan
    - Drawing 3151-01-01 - Phase 3
    - Drawing 3151-010-02 - Sections
    - Drawing 3151-01-03 - Restoration Masterplan
    - Drawing 3131-01-04 - Development Areas
  - c) All schemes and programmes approved in accordance with this permission.

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

3. Working of minerals shall only take place within the areas shown as phases 1, 2 and 3 on drawing 3151-01-04.

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

4. The approved scheme of water monitoring (Reference LCC/2014/0008/2, approved on 5 March 2019) shall be implemented and maintained at all times during the duration of mineral extraction.

*Reason: In the interests of the protection of ground and surface water resources and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

5. The Ravenhead Quarry Geological Site of Special Scientific Interest (SSSI) shall be maintained during the duration of mineral extraction and restoration operations in accordance with the Ravenhead Quarry SSSI Management Scheme dated November 2013.

*Reason: To ensure that the interest features of the geological Site of Special Scientific Interest (SSSI) are maintained during the working and restoration of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

6. No soil stripping or winning and working of minerals shall take place within the areas shown as Area B (South) and Area B (East) on drawing 3151-01-04 until a scheme and programme of working and restoration has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:
- a) Details of standoffs from noise sensitive properties;
  - b) The locations, dimensions and means of construction of screening mounds around the perimeter of Area B;
  - c) Details for the working of minerals including limits of extraction, direction of working, phasing and configuration of faces;
  - d) Details of the areas to be used for the stockpiling of brick making materials including heights of stockpiling;
  - e) A revision and update of the restoration scheme approved under the requirements of condition 24 including details and positions of faces to be retained including those to preserve the Geological Site of Special Scientific Interest (SSSI), dimensions and depths of any water areas in the base of the excavation, removal of soil screening mounds and landscaping measures including details of tree and shrub planting.

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

7. Noise emitted from the site shall not exceed 55dBLAeq (1 hour) (free field), as defined in this permission, when measured from any of the following properties at a point closest to the noise source or at any other location subsequently approved in writing by the County Planning Authority:
- a) No 11 Vale Croft
  - b) No 158 Tower Hill Road
  - c) No 232 Tower Hill Road

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

8. The noise limits set out in condition 7 above shall not apply during the stripping of soils and overburden on the site, the construction of storage mounds for these materials and their deconstruction and respreading during restoration of the site. Noise from any of these activities shall not exceed 70 dBLAeq (1 hour) (free field), as defined in this permission, as measured from any of the properties identified in condition 7 at a point closest to the noise source. For these activities the background +10 dBLAeq (1 hour) (free field) limit shall not be exceeded for more than 51 days in any one calendar year unless otherwise agreed in writing by the County Planning Authority. A written record shall be made of the dates that these activities are taking place and shall be made available to the County Planning Authority on request.

*Reason: To permit higher noise limits for certain activities and to still safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

9. No winning and working of minerals, formation of stockpiles or restoration works shall take place outside the hours of:

07.30 to 18.30 hours, Mondays to Fridays (except Public Holidays)

07.30 to 13.00 hours on Saturdays

No winning and working of minerals, formation of stockpiles 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 use of pumping equipment and the carrying out, outside these hours, of essential repairs to plant and machinery used on site.

The hours of operation stated by this condition shall not apply to the working of stockpiles in order to supply raw materials to the brickworks. Such operations shall not take place outside the hours of 06.00 - 18.00 Mondays to Sundays.

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

10. Stockpiles of brickmaking materials or aggregate including imported materials shall not be located other than within the areas shown for that purpose on drawing 66721.SS.007 Rev A. Such stockpiles shall not exceed a level of 138 m above ordnance datum (AOD).

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

11. A topographical survey shall be submitted to the County Planning Authority within five years of the date of this permission or on any other occasion requested by the County Planning Authority. The survey shall consist of a plan drawn to a scale of not less than 1:2500 which identifies all surface features within the site, a 10 metre grid survey identifying levels and contoured to one metre intervals relating to all land over where winning and working and minerals has taken place.

*Reason: In order to allow the proper monitoring of the site and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

12. The provisions of Part 17 Class B of the Town and Country Planning (General Permitted Development) Order 2015 or any amendment, replacement, re-enactment thereof is 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: In the interests of the visual amenity of the area and to conform with policy DM2 of the Lancashire Minerals and Waste Local Plan.*

13. The wheel cleaning measures installed at the site shall be used by all Heavy Goods Vehicles associated with the winning and working of minerals and the importation of shale materials into the site to ensure that no mud, dust or other deleterious materials are deposited on the public highway by Heavy Goods Vehicles leaving the site.

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

14. All vehicles transporting minerals of a size less than 100 mm in any dimension from the site shall be securely sheeted.

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

15. Any internal haul road or private way between the wheel cleaning facilities and the public highway that is used by heavy goods vehicles (HGVs) to egress the site shall throughout the development be metalled and drained and kept clear of debris along its entire length at all times

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

16. Access to and egress from the site shall only be via the existing entrances from Chequer Lane and Tower Hill Road as shown on drawing 66721.SS.003.

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

17. There shall be no use of the Tower Hill Access by heavy goods vehicles (HGVs) until a scheme and programme for the improvement of the access has been submitted to and approved in writing by the County Planning Authority. The scheme and programme shall contain details of the following:

- a) The improvement of the access including turning radii and surfacing.
- b) Details of wheel cleaning measures to be provided including design and location of measures.
- c) Details of the signage to be provided to advise drivers that they should only turn right out of the access.

The access shall be improved in accordance with the requirements of the approved scheme prior to any heavy goods vehicles (HGVs) using the Tower Hill Road access.

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

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

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

19. Noise monitoring shall be undertaken in accordance with the noise management and monitoring scheme dated November 2013 and contained in Appendix 2 of the Supporting Statement.

A copy of the monitoring results shall be retained for a period of 12 months and shall be made available to the County Planning Authority on request.

20. All mobile plant used on the site shall be fitted with and use the types of reversing alarms contained in the scheme and programme submitted under the provisions of condition 21 of permission LCC/2014/0008 and approved on 15 June 2016.

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

21. Measures to minimise the generation of dust shall be taken at all times in accordance with the Dust Management and Monitoring Scheme included at Appendix 3 of the supporting statement to application ref LCC/2014/0008.

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

22. No blasting shall be utilised in the winning and working of minerals at the site.

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

### **Safeguarding Watercourses/Drainage**

23. 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.

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

24. Within 18 months of the date of this permission, a scheme and programme for the final restoration of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall be based upon drawing 3151-01-03 and shall provide for the following:
- a) The treatment of the lake margins and how these areas would be landscaped.
  - b) Details for the spreading of soils including depths of placement and types of materials to be respread or details for the treatment of remaining shale material to provide a soil making material suitable for the planting of trees and establishment of grassland.
  - c) Details for seeding of the restored surface including seed mixes to be used and rates of application.
  - d) Details for tree and shrub planting including areas to be planted, details of numbers, types and species of plants, planting techniques and protection measures.
  - e) Details for the measures to control the water level in the lake.
  - f) The retention of the Site of Special Scientific Interest (SSSI) geological exposures as proposed in the Geological SSSI Management Plan submitted in appendix 4 of the Supporting Statement.
  - g) The restoration of the clay stockpile area.

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

25. Within two years of the date of this permission, a scheme and programme of aftercare of the site shall be submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain details of the following:
- a) The maintenance of tree and shrub planting including maintenance of protection measures, replacement of failed planting and weed control.
  - b) Management of the Site of Special Scientific Interest (SSSI) exposures in accordance with the Geological SSSI Management Scheme.
  - c) Management of the grassland areas including re seeding works, measures to control erosion and other management measures to promote the development of a full grass sward across restored areas.
  - d) Measures to control invasive weeds.

Upon certification in writing of the completion of restoration in any phase of the site as defined in this permission, aftercare of that phase shall be undertaken for a period of five years in accordance with the approved scheme and programme of aftercare.



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

## **Notes**

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

## **Definitions**

**Completion of Restoration:** The date the County Planning Authority certifies in writing that the works of restoration in any phase of the site in accordance with the scheme and programme approved under the requirements of condition 24 have been completed satisfactorily.

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

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

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

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

Paper	Date	Contact /Ext
LCC/2022/0016	July 2022	Helen Ashworth Planning and Environment (01772) 536195

Reason for Inclusion in Part II, if appropriate

Not applicable.