

Development Control Committee

Meeting to be held on 21 December 2022

Electoral Division affected:
Longridge with Bowland

Ribble Valley Borough: application number LCC/2021/0015

Revised quarry restoration scheme incorporating tunnel arisings from the Haweswater Aqueduct resilience programme (HARP) namely the Bowland and Marl Hill tunnel sections at Waddington Fell Quarry, Slaidburn Road, Waddington

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Brief Summary

Application - Revised quarry restoration scheme incorporating tunnel arisings from the Haweswater Aqueduct Resilience Programme (HARP) namely the Bowland and Marl Hill tunnel sections at Waddington Fell Quarry, Slaidburn Road, Waddington.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, hours of working, details of access improvements, details of wheel cleaning and mud/dust prevention, vehicle number restrictions, recording of vehicle movements, tunnel excavated mineral waste only, retention of site office, weighbridge and entrance area, reversing alarms, restoration and aftercare.

Applicant's Proposal

Planning permission is sought to allow for the importation and deposit of up to approximately 1.5 million tonnes of excavated tunnel waste at Waddington Fell Quarry. The waste would be derived solely from tunnelling operations which are part of the proposed replacement Haweswater Aqueduct project, and the scheme would take up to 10 years to complete. The timeframe is dictated by the rate of tunnelling operations and works to complete final restoration at the quarry site.

Tunnel excavation compounds would be located at Braddup (the Marl Hill tunnel drive side), Bonstone (the Marl Hill tunnel reception site), and Newton (the Bowland tunnel drive site). The applicant advises that there could be a peak of up to 175 heavy goods vehicle (HGV) movements per day from these compounds to the quarry when the Bowland and Marl Hill tunnels are being driven simultaneously. However, there would also be intervening periods of lower activity with heavy goods vehicle (HGV) numbers typically around 100 per day.



The tunnelling proposal is subject of separate planning applications across Lancashire. Of direct relevance to the Waddington Fell application is an application for the Bowland and Marl Hill tunnels, which will be determined by Ribble Valley Borough Council (reference no. 3/2021/0660).

Description and Location of Site

The existing use of the application site is for mineral extraction. The quarry is located on the summit of Waddington Fell and extends to an area of approximately 25 hectares. The active quarry void includes approximately 11 hectares of the wider quarry area and the southern areas of the site have already been restored, largely through natural regeneration of heather moorland. The site is located in the Forest of Bowland Area of Outstanding Natural Beauty (AONB), 3.5km north of the village of Waddington and 3km south east of Newton. The surrounding land is largely heather moorland including Waddington Fell and Browsholme Moor Biological Heritage Site (BHS). Access to the quarry is gained via the B6478 Slaidburn Road along which are a number of residential properties, the closest being approximately 800m from the quarry.

Background

Waddington Fell Quarry has a long history of mineral extraction and processing commencing in earnest from the 1960s. More recently, older permissions were consolidated under planning permission reference number 03/06/0095 to allow for the continuation of quarrying operations and stone sawing until 31 December 2022 and final restoration by 31 December 2023. A planning application has recently been submitted for a time extension to allow for the removal of the remaining stone reserves by 31 December 2023 and final restoration by 31 December 2024 (see ref. LCC/2022/0057).

Planning Policy

National Planning Policy Framework (NPPF)

Waste Management Plan for England

National Planning Policy for Waste

Joint Lancashire Minerals and Waste Development Framework Core Strategy Development Plan Document (DPD)

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

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



Ribble Valley Core Strategy 2008 – 2028

Policy DMG1	General Considerations
Policy DMG2	Strategic Considerations
Policy DME6	Water Management

Consultations

Ribble Valley Borough Council – No objection. Conditions should be imposed to prevent any export of materials from the quarry in order to minimise traffic and environmental disturbance to the locality.

Newton-in-Bowland Parish Council – The Parish Council would like to see a condition that all tunnel spoil should go the quarry regardless of its value, to ensure that no material is moved out of area if it is considered valuable and must stay in the quarry once the project is finished.

Waddington Parish Council –

- Broadly welcome and support the key aims of this application but have concerns in relation to highway safety and the longer-term limitations on nature.
- This application should be determined before the tunnel scheme application.
- Mining within the quarry should be completed by 31 December 2022 as per the existing permission.
- There should be no overlap of quarrying activities with tunnel spoil import activities.
- No tunnel spoil waste should be removed from the quarry once deposited.
- The assessment of the application should account for the vehicle movements from the tunnel compounds.
- Should permission be granted there should be sufficient controls in relation to vehicle movements such as sheeting, sealed loads, keeping mud off the highway, noise control.
- The applicant should identify a position of community liaison officer as a point of contact for any issues or complaints during the development.
- There should be a recognition of the current poor condition of the B6478 Slaidburn Road along the whole length between the proposed Braddup haul road junction and the quarry site. The road is already in poor condition and is a particular hazard to cyclists and motorcyclists. Measures will also need to be put in place to ensure monitoring.
- The current planning permission for the site restricts mining operations to the hours of 0630 to 1830, Mondays to Fridays (except public holidays) 0630 to 1200 hours on Saturdays. The Supporting Statement in the application seeks to continue this position. However, the proposed transport of material from the compounds to the quarry is a distinctly different operation than the current on-site mining activity. Operations should not be permitted before 7am.
- There is no indication in the application as to where the heavy goods vehicles engaged in transporting the spoil are to be secured overnight.
- No clear indication of maximum vehicle numbers and how they would be governed.



- Insufficient evidence of biodiversity net gain, ecological management and extended aftercare.
- Should be more community investment.
- Flooding is a concern including sediment laden water.
- There should be no impact on groundwater and springs.
- Wildlife and habitats should be protected. Particularly nesting peregrine falcons at the quarry site.

County Landscape Service – In landscape terms the restoration scheme will make a positive contribution to enhancing the Area of Outstanding Natural Beauty (AONB) landscape. Limited visibility in combination with a sensitive restoration scheme will likely result in overall residual landscape and visual impacts of neutral to positive significance. Full details of fill material should be provided.

County Ecology Service – It needs to be demonstrated that any materials that would be used as part of the revised quarry restoration proposals will be suitable for the establishment of locally appropriate habitats, including moorland habitats typical of the adjoining Biological Heritage Site, such as heathland and acid grassland, and potentially mire communities on areas of impeded drainage; will not affect pH and/or nutrient status of the site in such a way that would be detrimental to the establishment or long-term maintenance of habitats and native plant communities appropriate to the locality (as above); will not encourage colonisation by invasive species or development of inappropriate habitats. It should be demonstrated that the proposals would not impact on bats.

Environment Agency – Have reviewed the two supplemental submissions from December 2021 and October 2022 and are satisfied that the detail contained within these two documents is sufficient to overcome a previous objection. The Environment Agency is satisfied that any further detail can be submitted as part of the Environmental Permit application that will be required for the restoration of the quarry using the tunnel waste.

Lancashire County Council (LCC) Highways Development Control – Whilst this full application is for access, it is clear that its purpose is to satisfy the Haweswater Aqueduct Resilience Programme (HARP) project. With consideration for all the information now provided, Lancashire County Council (LCC) Highways Development Control is satisfied that an access can be delivered that takes on board local influences. The design and delivery must be controlled by suitably worded planning condition to overcome concerns highlighted including vehicle number restrictions.

The intrinsically linked Haweswater Aqueduct Resilience Programme (HARP) project would deliver the necessary highway changes from each compound to Waddington Fell Quarry and would be controlled by a construction management traffic plan. In the event that Waddington Fell Quarry progresses with works, as an alternative to, prior or post the Haweswater Aqueduct Resilience Programme (HARP) project, that exceed vehicle movements line with the current permission/license, then under this scenario Waddington Fell Quarry would need to deliver its own construction management traffic plan and necessary highway changes. This should be controlled by a suitably worded planning condition.



Natural England – No objection.

Lead Local Flood Authority – No objection.

The Wildlife Trust for Lancashire, Manchester and North Merseyside – It should be ensured that there are no unacceptable impacts on protected and priority wildlife species and the neighbouring Biological Heritage Site. Excavated tunnel material must be of suitable composition for the proposed habitat creation. It should be demonstrated that there would be biological net gain. It is not clear what the long-term aspirations are for the site, but the Wildlife Trust would be willing to enter discussions regarding creation of a nature reserve.

Representations – The application has been advertised in the local newspaper, by site notice, and neighbouring residents have been informed by individual letter. 15 representations have been received raising the following concerns:

- Insufficient communication and consultation by United Utilities with neighbours.
- There will be a huge environmental impact.
- Slaidburn Road is already extremely dangerous.
- Slaidburn Road is already in a very poor state of repair.
- Negative impact of heavy goods vehicle (HGV) movements on residential properties adjacent to Slaidburn Road and current road users including many cyclists and horses.
- There has been no survey of the number of cyclists using Slaidburn Road.
- There must be more mitigation for road users other than cars.
- Impact of heavy goods vehicles (HGVs) on the surface of Slaidburn Road, which is already in poor condition.
- Quarry vehicles don't currently use the section of Slaidburn Road between the quarry and Newton.
- The proposals (Haweswater Aqueduct Resilience Programme (HARP) and quarry) envisage an additional 675,000 vehicle movements along Slaidburn Road during the 6-year lifetime of the project. Over 50% of these additional movements are expected to be heavy goods vehicles (HGVs) moving spoil from the Newton and Marl Hill Haweswater Aqueduct Resilience Programme (HARP) compounds to the quarry.
- It is estimated that there would be 175 heavy goods vehicle (HGV) loads per day, which equates to 350 heavy goods vehicle (HGV) movements and given the proposed 12-hour operating day means that there would be a heavy goods vehicle (HGV) on the B6478 Slaidburn Road every 2 minutes. Even using the average estimate of 105 heavy goods vehicle (HGV) loads per day there would be a heavy goods vehicle (HGV) on the road every 3 minutes. The mitigation for this increase in traffic is based upon road widening and passing places being established on the B6478 together with a 30-mph speed limit. This is unacceptable and unworkable.
- Slaidburn Road between Newton and the quarry is very steep and includes narrow sections with cattle grids. It is also an open grazing area.
- The current quarry entrance is unsuitable for the proposed number of vehicle movements.
- Overtaking slow moving heavy goods vehicles (HGVs) will be very difficult and dangerous.



- Dust impact of heavy goods vehicles (HGVs).
- Potential early operating times and disturbance to neighbouring residents.
- Not clearly in the public interest.
- Not sufficient evidence of biodiversity net gain.
- Noise impact on nesting birds.
- Impact on Area of Outstanding Natural Beauty (AONB).
- There is no construction traffic management plan.
- Alternative transport options should be considered such as conveyors.
- There is no assessment of climate impacts.
- What noise and dust mitigation are there for properties adjacent to the roadside?
- Site is within 20 metres of a watercourse – Walloper Well.
- Impact on protected species and wildlife.
- Under hours of opening the application says 06.30-18.30 which conflicts with United Utilities' (UU) statement that vehicles will be using the Fell Road from 07.00-19.00.
- Application says it's not a waste development.
- What is the new Lancashire County Council Minerals and Waste Local Plan and how will this affect the project?
- Are there exceptional circumstances to allow this major development in Area of Outstanding Natural Beauty (AONB)?
- Proposed completion by 2033 isn't very temporary.
- Impact on private water supplies.
- Impact on residents' mental health.
- Will pollution levels be monitored?
- Just because the Haweswater Aqueduct is there now and formed part of a solution almost 100 years ago, it is not a reason to construct a new pipeline along the existing route now. United Utilities (UU) should consider alternative water supplies.
- The project will devalue properties while in operation.

Advice

This application has arisen in response to the United Utilities' commitment to replace the existing Haweswater Aqueduct, an essential part of United Utilities' water supply network in the Northwest region. The project, known as the Haweswater Aqueduct Resilience Programme (HARP) would consist of the replacement of an existing aqueduct using a tunnel boring machine below ground level with short open-cut surface trenching sections at each end making connections back to the existing aqueduct. Tunnel boring would commence at the launch compound and would be received at the reception compound. Tunnel arisings from the bore would be brought to the surface at the launch compound.

The Haweswater Aqueduct Resilience Programme (HARP) would consist of numerous sections and compounds across Lancashire, but three compounds are of relevance to this application. These are the Braddup, Bonstone, and Newton-in-Bowland compounds, that United Utilities propose would supply excavated tunnel spoil to Waddington Fell Quarry. Currently, Waddington Fell Quarry has planning permission for mining and stone sawing operations until 31 December 2022 and restoration works until 31 December 2023. The applicant anticipates that tunnel



arisings from the Haweswater Aqueduct Resilience Programme (HARP) project would become available between April 2024 and February 2028.

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 (NPPF) sets out the Government's planning policies and is a material consideration in planning decisions.

Forest of Bowland Area of Outstanding Natural Beauty

The site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and is surrounded by the Waddington Fell and Browsholme Moor Biological Heritage Site (BHS). Paragraph 176 of the National Planning Policy Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and the scale and extent of development within designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 177 of the National Planning Policy Framework (NPPF) instructs that planning permission should be refused for major development in the Area of Outstanding Natural Beauty (AONB) other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The quarry has limited visual impact given that mineral working currently takes place below surrounding ground levels. The quarry is largely worked out save for approximately 100,000m³ (200,000 tonnes) of sandstone under the recently demolished saw sheds, which is currently being extracted. The quarry floor is at around 337m above ordnance datum (AOD) with surrounding quarry faces rising to 364m – 368m above ordnance datum (AOD). Tunnelling spoil would be deposited across the quarry floor to a typical depth of 350m above ordnance datum (AOD), rising to 360m above ordnance datum (AOD) nearer to the site compound and entrance.

Under the existing planning permission, the quarry operator has to cease mineral extraction operations by 31 December 2022, and it is unlikely that all the permitted sandstone reserve will have been extracted by this time. The County Council is currently in receipt of an application to extend the duration of mineral extraction until 31 December 2023 (ref. LCC.2022.0057). However, that is yet to be determined and there is no certainty that permission would be granted. Nevertheless, given the considerable tipping area within the quarry void and estimated waste calculations, any small loss of void space due to remaining mineral reserve being unworked is



unlikely to have any significant impact on the scope of the proposed restoration site profile.

The need for tunnel waste disposal at the quarry is clearly driven by the need to avoid the impact of heavy goods vehicles (HGVs) having to travel through largely residential areas and/or to avoid the need to dispose waste elsewhere within the Area of Outstanding Natural Beauty (AONB) with potentially significant landscape impacts. Furthermore, should permission be granted for this application, it could only be implemented if the application for the replacement Haweswater Aqueduct is subsequently granted permission. Given these circumstances it is considered that the disposal of the tunnelling waste within Waddington Fell Quarry is the best option in terms of minimising the landscape impacts of the tunnelling project. On this basis it is considered that exceptional circumstances for the development in the Area of Outstanding Natural Beauty (AONB) have been demonstrated and it is in the public interest. Conditions are recommended to ensure that waste disposal operations are only permitted in relation to tunnel waste and that once deposited the material shall not be reworked and exported off-site.

Pollution control

The National Planning Policy Framework (NPPF) and the Joint Lancashire Minerals and Waste Local Plan (JLMWLP) recognise that minerals and waste developments have the potential to give rise to adverse impacts on the quality of life of people for a variety of reasons including noise, dust and vibration. Paragraph 185 of the National Planning Policy Framework (NPPF) states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 188 of the National Planning Policy Framework (NPPF) 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.

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 importation of tunnel waste to the site would be subject to Environment Agency controls and discussions are currently taking place in relation to Environmental Permitting requirements. The Environmental Permit would control the specific nature of the waste and measures to prevent pollution. There are no residential properties in close proximity to the quarry and the major nuisance and disturbance source would likely be from heavy goods vehicle (HGV) movements transporting the tunnelling spoil. Issues such as vehicle number restrictions, wheel cleaning and hours of operation are covered in the highway matters section below. Furthermore, it would be expected that similar controls would be imposed by Ribbles Valley Borough Council should permission for tunnelling works be approved.

Highway matters

Paragraph 110 of the National Planning Policy Framework (NPPF) states that planning applications should be assessed to ensure that appropriate opportunities have been taken to promote sustainable transport; safe and suitable access to the site can be achieved for all users; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 111 makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

It is proposed that vehicles would access Waddington Fell Quarry to and from the Newton-in-Bowland compound (approximately 3 miles north of the quarry), the Bonstone compound (approximately 1.5 miles north of the quarry) and the Braddup compound (approximately 2 miles south of the quarry). All three Haweswater Aqueduct Resilience Programme (HARP) compounds are proposed to be accessed off the B6748 Slaidburn Road/Hallgate Hill and the use of the quarry for tunnel arisings from the Haweswater Aqueduct Resilience Programme (HARP) would significantly reduce the need for vehicles to travel through residential towns and villages including Waddington and Clitheroe. The length of the B6748 proposed as part of the routeing strategy for the delivery of tunnel arisings is approximately 6.5km.

The existing quarry permission allows for an average of 60 heavy goods vehicles (HGVs) leaving the site per working day, in any calendar year, with a daily maximum of 85 heavy goods vehicles (HGVs) leaving the site in any one working day. It should be noted that the vast majority of heavy goods vehicles (HGVs) associated with the existing quarry operation travel from the site down through Waddington village and average movements are typically well below the permitted limits.

The existing quarry entrance is not of sufficient size and shape to accommodate simultaneous heavy goods vehicle (HGV) movements from both approaches of Slaidburn Road. Consequently, the applicant has provided details of a proposed wider entrance apron and visibility splays following the receipt of comments from



Lancashire County Council Highways Development Control. This is considered acceptable subject to further details of design and construction that can be imposed as a condition. A condition is also recommended in relation to the general arrangement of the entrance area to accommodate a larger numbers of heavy goods vehicles (HGVs) and also for upgraded wheel cleaning facilities. A range of other highway improvements are required including passing places, and an overarching construction traffic management plan but these can be more appropriately addressed through the Haweswater Aqueduct Resilience Programme (HARP) application as the source of the waste material and other tunnel construction related traffic.

In relation to this application, the applicant estimates that there could be up to 175 heavy goods vehicle (HGV) trips per day during concurrent tunnel bores (at Marl Hill and Bowland) and 100 per day during the Bowland bore only. Slaidburn Road would ordinarily be unsuitable for the movement of significant numbers of heavy goods vehicles (HGVs) particularly from Newton side of Waddington Fell. However, should the application for the replacement Haweswater Aqueduct be considered acceptable subject to the disposal of tunnel waste at Waddington Fell Quarry, then it should be in the wider public interest to reach a compromise on a daily limit for heavy goods vehicle (HGV) movements to the quarry during the temporary, albeit lengthy, duration of works. Bearing in mind the applicant's proposal, comments from Lancashire County Council Development Control Highways, and in seeking to protect the amenity of local residents and other road users as far as possible, a condition is recommended allowing a maximum of 100 heavy goods vehicles (HGVs) per day to visit the quarry Monday to Friday and 50 heavy goods vehicles (HGVs) per day on Saturdays. To put this in context, this would still provide for the importation of approximately 2000 tonnes of spoil per day Monday to Friday, which should be sufficient if the tunnelling project is strategically well managed.

There would also be non-heavy goods vehicle (HGV) movements to the quarry such as car and light goods vans relating to staff, site visitors, and deliveries/maintenance of plant and machinery but it is likely there would only be 4 members of staff working at the quarry during the restoration phase of the site. Therefore, private car movements associated with staff coming to site would be low and there would be sufficient car parking capacity to accommodate staff and potential visitors to site (which are estimated to be no more than two per day).

United Utilities has confirmed that adequate provision has been made for heavy goods vehicles (HGVs) to be parked at the Newton-in-Bowland, Braddup and Bonstone compound sites overnight.

Ecology

Paragraph 180 of the National Planning Policy Framework (NPPF) advises that when determining planning applications, local planning authorities should apply a number of ecological principles. Of relevance, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Secondly, development on land within or outside a Site of Special Scientific Interest (SSSI), which is likely to have an adverse effect on it (either individually or in combination



with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest (SSSI). Thirdly, opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The site is an active quarry with limited ecological value in the areas that are currently being worked. Former mineral working areas have been restored to moorland habitat, largely by natural regeneration and this approach will be applied to the rest of the site in due course. Within the deepest part of the quarry water accumulates in form of a large, perched groundwater and surface water run-off lake and this can provide additional wildlife value. On the upper cliff faces there is potential for bird nesting habitat and bat activity, which would be retained irrespective of the landfilling proposal. The revised restoration scheme would create a more varied topographical profile, particularly in areas of the site covered by bedrock and it is likely that more localised ephemeral ponds would form between higher areas of accumulated waste spoil material. No topsoil is to be imported to the site to ensure that there would be an appropriate substrate for moorland habitat creation. Overall, it is likely that there could be minor biodiversity gain compared to the existing restoration scheme and no adverse impact on the surrounding biological heritage site, which would be acceptable in terms of national planning policy.

The applicant has undertaken bat surveys and while these did not confirm emergence and roosting activity, they could also not rule out the possibility of roosting bats. If present, is it considered likely that the cliff faces could be used by small numbers of crevice roosting bats. The proposed works, which includes covering the some of the lower cliff faces with infill material, may therefore carry a very low risk of impact on bats. However, survey information indicates that the proposals would not detrimentally affect the conservation status of the species, due to the potentially small numbers of bats utilising the quarry. Furthermore, as the works are likely to be phased over a long period of time, the likelihood of the works coinciding with a specific location occupied by a bat is very low. To address this, a condition is recommended for further bat surveys to be undertaken prior to the commencement of tipping activity. Similarly, a condition is recommended for nesting bird surveys prior to any tipping activity during bird nesting season.

Flood risk and water management

The quarry floor is currently partially flooded at approximately 337m above ordnance datum (AOD) with the lowest base of excavation a few metres below. Other parts of the quarry floor are dry as it rises up to 338m above ordnance datum (AOD) and beyond. There is little or no pumping (just occasionally to supplement supplies for the washing plant and office building) and it is assumed that the perched water naturally percolates through the rock but tends to stabilise at 337m above ordnance datum (AOD). During dry spells the water level drops slightly as surface water inputs decline. The applicant has indicated that hydraulic connectivity would be maintained at the quarry floor following tunnel spoil tipping, and it is proposed to tip material to varying depths with the shallowest fill areas at 349m above ordnance datum (AOD).



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 1 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, and the proposed development is unlikely to lead to flooding elsewhere. There is sufficient capacity, containment and infiltration potential on site to ensure there would be no surface water management issues. The Lead Local Flood Authority has 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 and associated vehicle movements 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

This application would allow for the importation and deposit of up to approximately 1.5 million tonnes of excavated tunnel waste at Waddington Fell Quarry. The waste would be derived solely from a proposed replacement Haweswater Aqueduct project that is subject to a separate application to Ribble Valley Brough Council. Should the need for the replacement aqueduct be considered essential and necessary then the availability of Waddington Fell Quarry as a receptor for tunnel waste would be of significant benefit to the area so as to avoid the need to export waste through local villages to disposal sites elsewhere or dispose the waste within the landscape of the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

Waste disposal at Waddington Fell Quarry would have very little impact on the AONB designation given the size of the existing quarry void and it is considered that exceptional circumstances have been demonstrated and that the development would be in the public interest. Notwithstanding the benefits to the wider Haweswater Aqueduct Resilience Programme (HARP) scheme, traffic movements would still have a significant impact on the local highway network and on residents located between the tunnel compounds and Waddington Fell Quarry. However, in view of the overarching aim of the tunnel scheme, highway matters could be made acceptable on balance through tightly controlled conditions. Likewise, impacts on local amenity and the environment could be satisfactorily controlled through recommended conditions and through the requirements of Environmental Permitting. Overall, the proposal is then considered to be acceptable in terms of the policies of the National Planning Policy Framework (NPPF) and the development plan and other material considerations.



Recommendation

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

Time Limits

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

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

2. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

3. The landfilling operations authorised by this permission shall cease not later than 31 December 2032. Thereafter the site shall be finally restored by 31 December 2033.

Reason: Imposed pursuant to schedule 5 of the Town and Country Planning Act 1990 and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

Working Programme

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

- a) Submitted drawings:

Drawing no. 200/19-1, rev 1.2 - Location Plan

Drawing no. 200/19-2, rev 1.0 - Site Plan

Drawing no. MC1237-D2, version 2 - Illustrated Restoration Scheme

Drawing no. MC1237-D3, version 2 - Illustrated Cross Sections

- b) All details approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development] and to minimise the impact of the development on the amenities of the local area, and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.



5. Only excavated waste materials from the replacement Haweswater Aqueduct tunnel compounds at Bonstone, Braddup, and Newton and shall be deposited at Waddington Fell Quarry and thereafter shall not leave the site.

Reason: To minimise the impact of development on local amenity and the environment and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

6. The office building, weighbridge and entrance area shall be retained on site through the landfilling operations authorised by this permission and thereafter removed in accordance with the final restoration details set out in condition 22 of this permission.

Reason: To provide for the retention of supporting infrastructure and subsequent restoration of the site and the comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

7. Final restoration levels shall be no higher than the levels shown on Drawing no. MC1237-D2, version 2 - Illustrated Restoration Scheme.

Reason: To ensure satisfactory control over the restoration of the site, protection of the Forest of Bowland AONB and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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

9. No topsoil shall be imported to the site.

Reason: To ensure satisfactory restoration and habitat creation and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

10. A topographical survey shall be submitted to the County Planning Authority annually until the completion of restoration. The survey shall have been carried out within the two months preceding the submission of the topographical survey 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 a 10 metre grid survey identifying levels relating to ordnance datum over all the land where waste materials have been deposited.



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

Hours of Working

11. No landfilling operations including the movement of heavy goods vehicles into or out of the site shall take place outside the hours of 0730 to 1830 hours Mondays to Fridays (excluding Public Holidays) and 0800 to 1300 hours on Saturdays.

No landfilling operations including the movement of heavy goods vehicles into or out of the site shall take place at any time on Sundays or Public Holidays.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

Highway Matters

12. No development shall take place until details of an improvement scheme for the internal site yard area has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of manoeuvrability within the site and potential to stack vehicles within the site, without resulting in conflict that may lead to vehicles waiting on the public highway.

Thereafter, the approved improvement scheme for the internal site yard area shall be implemented in its entirety prior to the importation of excavated tunnel waste.

Reason: To maintain the operation and safety of the local highway network and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

13. No development shall take place until details of site access improvements have been submitted to and approved in writing by the County Planning Authority. The details shall include:
 - a) Site Access and surface treatment (preliminary design shown in drawing 300461-001 Rev B).
 - b) Visibility provision in accordance with standards or the observed 85th percentile of speeds of vehicles travelling on the road, whichever is the greater to be satisfied.
 - c) A drainage scheme to prevent water and debris from the site coming on to the public highway.
 - d) Details of pedestrian and vehicular segregation.

The above details shall be subject to detailed design satisfying appropriate road safety audits.



Thereafter, the approved access improvements shall be implemented in their entirety prior to the importation of excavated tunnel waste.

Reason: To maintain the operation and safety of the local highway network during site preparation and construction and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

14. No more than 100 heavy goods vehicles (HGVs), as defined in this permission, shall enter, or leave the site in any one day during Mondays to Fridays, inclusive, and no more than 50 heavy goods vehicles (HGVs) shall enter, or leave the site on Saturday. No such vehicles shall enter or leave the site on Sundays or Public Holidays.

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

15. A written record shall be maintained at the site of all movements into and out of the site by heavy goods vehicles, as defined in this permission. The written record 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.

16. All mobile plant on the site shall be fitted with broadband/non-audible reversing systems, which shall be employed during the operation of the mobile plant.

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

17. No development shall commence until details of the location, design and specification of upgraded wheel-cleaning facilities have been submitted to and approved in writing by the County Planning Authority. Thereafter, the approved facilities shall be installed, maintained in working order and be used by all Heavy Goods Vehicles (HGVs) leaving the site throughout the development to ensure that no debris from the site is deposited by vehicle wheels upon the public highway.

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



18. The internal haul road between wheel cleaning facilities and Slaidburn Road shall be metalled and drained and kept clear of debris along its entire length at all times when waste is being imported to the site.

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

Ecology and Restoration

20. No landfilling of tunnel waste shall take place until updated surveys to demonstrate the absence of roosting bats have first been submitted to and approved in writing by the County Planning Authority. Should bat roosts be found in areas for permitted waste deposition then waste deposition shall be suspended until the bat roost is no longer used.

Reason: To protect roosting bats and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

21. No landfilling of tunnel waste shall take place during the period 1 March to 31 July inclusive in any year unless updated surveys to demonstrate the absence of nesting birds have first been submitted to and approved in writing by the County Planning Authority. Should nest sites be found in areas for permitted waste deposition then waste deposition shall be suspended until the nest(s) is no longer used.

Reason: To protect nesting birds and to conform with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

22. Within 12 months of the commencement of development and annually thereafter, 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 landfilling operations carried out on the land during the previous 12 months and measures taken to implement restoration provisions and setting out the intended operations for the proceeding 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.

23. No development shall take place until details of the final restoration of the site, in general accordance with drawing no. Drawing no. MC1237-D2, version 2 - Illustrated Restoration Scheme have been submitted to and approved in writing by the County Planning Authority. The details shall provide for:

- a) Details of the methods to be used for the placement of tipped tunnel spoil waste including surface finish.



- b) 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.
- c) The restoration of the land concerned following the removal or cessation of the use of each item referred to in a) above.
- d) Location and layout of any 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.
- e) The methods to be employed to promote normal plant growth.

The land shall be restored in accordance with the approved details.

Reason: To ensure satisfactory restoration and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

24. If by 31 December 2032, the site has not been restored to approved levels in accordance with the details referred to under condition 7, alternative details for the final levels of the site shall be submitted to the County Planning Authority within 1 month of 31 January 2033 for approval in writing. The submitted details shall include a contour plan showing the final levels and landform of the site at not less than one metre intervals.

Thereafter, the site shall be finally restored by 31 December 2033 in accordance with the alternative final levels.

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 and Policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028.

25. By 31 December 2031 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 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 biodiversity interest.
- b) Scrub/invasive species clearance where necessary.
- c) 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 from 1 January 2034 or following completion of restoration of the site, whichever is the earlier.

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.



Definitions

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

Notes

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

This consent requires the construction, improvement or alteration of an access to the public highway. The County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works.

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

Paper	Date	Contact/Ext
LCC/2021/0015	Dec 2022	Rob Hope Planning and Environment 01772 534159

Reason for Inclusion in Part II, if appropriate

N/A

