

**Development Control Committee**  
Meeting to be held on 15 January 2025

Electoral Division affected:  
West Lancashire East

**West Lancashire Borough: LCC/2024/0024**

**Quarry restoration by infilling with inert waste at Dingle Quarry, Long Heys Lane, Dalton, WN8 7RF**

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### **Brief Summary**

Application - Quarry restoration by infilling with inert waste at Dingle Quarry, Long Heys Lane, Dalton, WN8 7RF.

### **Recommendation – Summary**

That planning permission be **refused** for the following reason:

- (i) Site operations would be likely to have an unacceptable adverse impact on the amenity of neighbouring residents and the environment by virtue of noise, dust, general disturbance, and water pollution risk contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
- (ii) The applicant has not clearly demonstrated the nature and extent of potential impacts on protected species, and site operations would be likely to have an unacceptable adverse impact on existing ecological interests at the site contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EN2 of the West Lancashire Local Plan.
- (iii) The movement of heavy goods vehicles to and from the site along Long Heys Lane and Lees Lane would be likely to cause unacceptable highway safety impacts on pedestrians, cyclists and other road users contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

### **Applicant's Proposal**

Planning permission is sought to infill Dingle Quarry with approximately 60,700m<sup>3</sup> (90,000 tonnes at an estimated 1.5 tonnes/m<sup>3</sup>) of inert construction, demolition and excavation waste materials to create a new restoration profile. The applicant estimates that the infilling would take around 36 months to complete at an average rate of 50 heavy goods vehicle loads per week (nine loads per day). This would

amount to an average of under one load per hour on the basis of a 10-hour working day of 0730 to 1730. An additional six months would be required for tree planting and seeding, making a total of 42 months. This timescale would be dependent on weather conditions as well as on the fill material being available. The applicant therefore advises that a minimum of four years should be considered to complete the development.

The completed landform would involve the removal of the majority of rock faces through the deposition of inert waste materials up to approximately 10m deep and would create a bowl shape draining into the south-east corner of the site thereby allowing surface water to collect in a pond feature before percolating into the bedrock at a level below the mouth of an existing cave/mine feature. The quarry faces around the cave/mine entrance would be left undisturbed. Landscape works would include woodland, woodland edge and wetland planting.

### **Description and Location of Site**

Dingle Quarry is a disused sandstone quarry excavated into a hillside and covers an area of approximately 1.3 hectares. Ground levels range from 59 metres above ordnance datum (AOD) at the eastern boundary down to 42 metres above ordnance datum (AOD) adjacent to Long Heys Lane/Back Lane. The quarry floor lies at 38 metres to 43 metres above ordnance datum (AOD) and the perimeter faces on the north-west, south-west and south-east are up to 10-12 metres high. The quarry floor is well vegetated and there is a cave/mine feature located at the eastern side. There is no standing water within the quarry.

The site is located approximately 1 kilometre south-west of Appley Bridge. It is bordered to the south by Long Heys Lane/Back Lane (dual name) and to the west by Long Heys Lane. Long Heys Lane/Back Lane provides access to the site and is partially surfaced, changing to an unsurfaced rough stone track towards the site entrance. Long Heys Lane links with Lees Lane approximately 100 metres north of the site which then provides access to Appley Lane South which is the road between Appley Bridge and Roby Mill.

Long Heys Lane is also a Public Right of Way (footpath reference number FP0807017). Vehicular access into the site is provided for via a field gate. Land beyond the site is predominantly agricultural and woodland. The site is in the Green Belt. The site is not covered by any statutory nature conservation designations.

The nearest property, Tew Cottage, is immediately adjacent to the western boundary of the quarry. Glenside is 150 metres further to the west and properties to the east include Oak Cottage at 95 metres and Atherton House at 135 metres distance.

### **Background**

The site has been the subject of four planning applications between 1952 and 1989. In 1952 permission was granted for a sandstone quarry subject to conditions relating to soil and overburden management, plant and buildings in connection with mineral working and boundary fencing (planning reference number 9/11/310). The permission is no longer valid as it was not registered under the provisions of the Environment Act 1995 for the initial review of mineral planning permissions.



In 1968 permission was granted for the tipping of domestic waste (planning reference number 9/11/2653). The permission was not implemented.

Planning application reference number 8/81/318 for the reclamation of land by infilling was withdrawn.

Planning application reference number 8/89/835 for the infilling of Dingle Quarry was refused planning permission in 1989 on the grounds of wildlife impacts, impacts on amenity in general including landscape, and on residents of adjoining properties, risk of pollution from tipped materials, lack of need to outweigh the adverse effects on amenity, and the unsuitability of Lees Lane for heavy goods vehicle traffic.

On 4 March 1994 Lancashire County Council served a stop notice and enforcement notice on the site operator at the time (not the current owner) for the disposal of waste materials at the site without planning permission. The enforcement notice required the cessation of waste disposal and removal of the material that had been deposited. The landowner appealed the notice arguing that the material was imported to form a vehicle access. However, that argument was not accepted, and the appeal was subsequently refused on 23 March 1995. Of note, the planning inspector commented at the time that the quarry had been disused for some 20 years and had naturally revegetated with a large number of semi-mature trees and varied flora and fauna.

Aerial photography indicates that the site has been subject to a number of periods of partial clearance over recent decades.

Planning permission was granted for sandstone extraction and tipping on separate land to the south of Long Heys Lane/Back Lane (reference number 09/11/1841) in the 1960s. The site was restored back to former levels in the 2000's.

## **Planning Policy**

*National Planning Policy Framework (December 2024)*

*National Planning Policy Framework Planning Practice Guidance*

*National Planning Policy for Waste (October 2014)*

*Joint Lancashire Minerals and Waste Development Framework Core Strategy 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 – Site Allocation and Development Management Policies – Part One*

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





- Properties to the east adjacent to the junction with Lees Lane, Oak Cottage and Atherton House, as well as other properties to the North and South of Lees Lane that are downwind would be at risk of dust from operations on site.
- The waste management operations would likely have an unacceptable adverse impact on the amenity of surrounding residents and land users by virtue of noise, dust and general disturbance contrary to Policy G3 of the West Lancashire Local Plan.
- Concerns over the proposal to use the gully at the side of Long Heys Lane as drainage, and the uncertainty around natural infiltration within the quarry.
- There is already regular flooding at the junction of Long Heys Lane/Lees Lane and ends up with a torrent down the road following heavy rain. The edge of the road surface on Lees Lane has been eroded due to this. It also causes extensive flooding at the property, Atherton House.
- There is no sustainable drainage.
- Concerns over validity and accuracy of the planning application given numerous errors.
- Should permission be granted then conditions should be imposed to control duration of operations, payment of a bond, operating hours restricted to 0900 to 1500 Monday to Friday only, heavy goods vehicle routeing, low noise reversing beepers on machinery and wagons, wheel cleaning and road sweeping, highway survey and repair, and biodiversity net gain.
- Detrimental effect on the mental health and overall well-being of the local community.

Up-Holland Parish Council – object on the basis of heavy goods vehicle movements on local residents.

Wrightington Parish Council – object for the following reasons:

- Whilst the Applicant states that the majority of the wagons will be entering/exiting from Appley Lane South, this is obviously dependent upon where the waste is coming from and means other roads within Dalton will be subject to wagons using them, all are country roads with pinch points along them, the majority unlit and with no pavements.
- The junction of Lees Lane and Appley Lane South is a dangerous one on a steep, sharp, blind bend right next to two Grade II listed farm buildings. It is a narrow bit of road with extremely poor visibility. It also makes it virtually impossible for large vehicles to navigate around it towards Appley Bridge. There are many times when the junction has been blocked by a stuck wagon.
- There is a farm at the junction of Lees Lane/Appley Lane South and tractors and other machinery use Lees Lane, add to this when the quarry wagons are operating out of Dalton Lees Quarry and the potential for the conflict between all these large vehicles is significant.
- Appley Lane North is most likely to be the main access road. The cumulative effect of further heavy goods vehicles on this already overused road will increase the negative impact on the amenity of the Appley Bridge residents.

Lead Local Flood Authority – No objection subject to conditions in relation to a surface water sustainable drainage strategy and a construction surface water management plan. The applicant has not yet submitted robust ground investigations



to demonstrate the existing soil/ground properties within the site. Given the site is a quarry, the applicant may wish to use adjacent ground and soil as a proxy for natural "greenfield" ground conditions for the site. The proposed infill material should mimic these natural greenfield conditions of the site. If the appropriate material is used, the post development drainage (via infiltration, transpiration etc.) would mimic the natural greenfield drainage for the site, thus negating the requirement for a formal drainage system. If imported soil would include a high proportion of clay, as suggested in the submitted Flood risk assessment then a formal drainage system may need to be agreed at the discharge of conditions stage.

Lancashire County Council Ecology Service – The application should not be approved unless or until all of the following matters have been adequately addressed:

- Owing to potentially unavoidable impacts from noise, vibration and dust on a confirmed bat roost, the proposed works may result in a breach of the Conservation of Habitats and Species Regulations 2017. This would necessitate acquisition of a Natural England licence by the applicant prior to commencement of works. The application should not be approved if there is reason to believe that such a licence would not be issued.
- Survey of surrounding woodland is required to identify any trees with suitability to support roosting bats.
- Surveys are also required for Great Crested Newts.
- The scheme should only be approved if Lancashire County Council is first satisfied that there is no satisfactory alternative design solution with a reduced ecological impact.
- Further information is required prior to determination in order to demonstrate that an accurate biodiversity baseline assessment has been provided. This includes ensuring that details of the proposed loss of any vegetation growing in or on the quarry faces, which may be lost to the infilling, is taken account of within the biodiversity net gain assessment, potential impacts on watercourses, and details of any significant on-site biodiversity net gains.
- Should permission be granted conditions are recommended in relation to Natural England Licensing, timing restrictions on vegetation removal, repeat surveys, construction environmental management plan (CEMP), species compensation/mitigation schemes (barn owls, badgers, reptiles, common toad, hedgehog), lighting restrictions, method statement for invasive plant species removal, on-site biodiversity enhancements, and habitat management and monitoring. Any approval would also be subject to the mandatory biodiversity gain condition.

Environment Agency – Objection for the following reasons:

- The Environment Agency is unable to determine whether the proposal can meet their requirements to prevent, minimise and/or control pollution. The objection is supported by Paragraph 194 of the National Planning Policy Framework (December 2023 version), which recognises that planning and pollution control are separate, but complementary, regimes. Planners should consider the acceptability of the proposed use of land and the impacts of that use, but not seek to control processes and emissions that will be covered by a permit.



- The applicant has stated that the activity would qualify as 'Recovery' for environmental permitting...'. This has not been determined and would need a formal submission of a waste recovery plan for assessment to demonstrate the proposals meet these requirements of the Deposit for Recovery guidance.
- The information provided does not indicate that the activity can be carried out under a Materials Management Plan with Contaminated Land: Applications in Real Environments (CL:AIRE). Specifically, there are multiple references to the use of inert waste as a means of restoring the quarry, whilst at the same time stating this could be covered by a Contaminated Land: Applications in Real Environments (CL:AIRE) registration. The activity mentions throughout using imported waste material, there is no mention of importing non-waste material. No donor sites or types of sites have been detailed and the amount of waste required would suggest the source of the waste would mainly be from waste management facilities. Also, the depth and volume of waste required to fill the void may require the activity to be carried out under a landfill permit. It looks likely that an Environmental Permit may be required however there is limited information at this time to allow the Environment Agency to determine what type of environmental permit is required, or what type of permit may be suitable.
- The proposal will require a permit under Regulation 12 of the Environmental Permitting Regulations (England and Wales) 2016.
- The Environment Agency also object on the grounds that there is insufficient information to demonstrate that the risk of pollution to controlled waters can be appropriately managed. Controlled waters are particularly sensitive in this location because the development site is located upon a secondary aquifer A and the discovery of a cave suggests some form of hydraulic connectivity to the River Douglas in the valley below. The application does not include any information that demonstrates that the risk of pollution posed by this proposal has been understood or provide adequate mitigation for this risk. This planning application has therefore failed to meet the requirements of paragraphs 180 and 189 of the National Planning Policy Framework (December 2023 version).
- There are also concerns regarding the potential pollution risk from the neighbouring landfill site beyond Long Heys Lane. The site was infilled between 1968 – 1977 with Construction and Demolition Wastes, Inert and Household wastes. Further investigation is required.

Natural England – Consultation not required. The proposed development is unlikely to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Lancashire County Council Highways Development Control – The red edge and site plan would indicate that vehicular access into the site will be provided for off the eastern end of Long Heys Lane (or Back Lane) close to its junction with Lees Lane.

Long Heys Lane is a part surfaced, unlit unadopted road running east-west and provides access to agricultural and residential properties. Long Heys Lane is a public right of way (FP080717 Dalton). To the east of the application site, Long Hays Lane has a width of approximately four metres, but this widens to ten metres at its junction with Lees Lane, presenting a wide junction.



Lees Lane is a classified road, C163 and designated as a Secondary Distributor road in Lancashire County Council's road hierarchy. However, it is a country lane with a width nominally between 4 metres and six metres without street lighting and subject to the national speed limit of 60mph. It is acknowledged that the road has been used to access Dalton Quarry. Additional heavy goods vehicle traffic on the road should be limited.

The application is supported by a transport note, dated June 2019. This indicates that the quarry has capacity for up to 80,000m<sup>3</sup> of landfill and that it is anticipated that it will be operational for up to two years. The developer indicates that the largest vehicle that will visit the proposed landfill is a four wheel tipper truck which has a length of 10.2 metres (capacity for 15m<sup>3</sup>). The submitted swept path analysis undertaken using a 10.2 metre tipper truck, demonstrates that Long Heys Lane and its junction with Lees Lane can accommodate this size of vehicle visiting the site.

The supporting statement indicates that, "*The volume of infill required to achieve the proposed restoration scheme is estimated at 60,700m<sup>3</sup>, 90,000 tonnes at 1.5 tonnes/m<sup>3</sup>.*" And clarifies the infill operation - "*infill would be brought in by road in rigid bodied tipper wagons carrying an average 15 tonnes. The local road network would dictate that the majority of vehicles would have to access the site using Lees Lane from Appley Lane to the south. This would be the most direct route to the local highway network. The infill would take around 36 months to complete at an average rate of 50 loads per week, nine per day. This would amount to just under one per hour on the basis of a ten hour working day of 0730 to 1730. An additional six months would be required for tree planting and seeding, making a total of 42 months. This timescale is however dependant on weather conditions as well as on the fill material being available. It is therefore advisable to allow a minimum of four years to complete the development*".

While not an ideal situation one small tipper truck (capacity for 15m<sup>3</sup>) per hour would be difficult to object to on Lees Lane to Appley Lane. However, it is also assumed that if there was readily available infill the operation would be more intensive, with more frequent vehicle movements which would be a concern with the narrow access roads.

If development could be controlled by condition to the size and number of loads as indicated in the statements, ie 10.2 metre tipper truck (capacity for 15m<sup>3</sup>) and operating nine trips a day, it would be difficult to object to the application in highway terms. The developer has not demonstrated the site access via Long Heys Lane with larger haulage vehicles and there would be a highway objection to infill operations with unrestricted heavy goods vehicle size and number of vehicle movements.

Lancashire County Council Public Rights of Way - no objection. Footpath FP0808017 is recorded as running along Long Heys/Back Lane and there is no record of any public vehicular rights along Long Heys/Back Lane. The applicant should be certain that they have private vehicular rights along this public path before driving on it either during construction or for subsequent access. Without private vehicular rights or permission from the owner it is a criminal offence to drive a motor vehicle on the public path.





Representations – The application has been advertised in the local newspaper, by site notice, and neighbouring residents have been informed by individual letter. 199 representations have been received, which object to the proposed development on the following summarised grounds:

- Disturbance from lorry movements.
- Damage to wildlife, which includes nesting barn owl, fallow deer, tawny owl, butterflies, great crested newts and more.
- Impact of heavy goods vehicle movements on narrow unsuitable roads.
- Dust, noise and vibration impacts likely along with water pollution.
- Inert materials could contain unsuitable chemicals.
- No need for the landfilling. Lancashire and Greater Manchester already have sufficient landfill capacity.
- There is a quarry within three miles of this site that will potentially be importing over a million cubic metres of inert waste (Ravenhead Quarry, Upholland) to enable restoration of that site.
- Lees Lane and Appley Lane South is dangerous.
- Long Heys Lane is already deteriorating and an unsuitable surface for heavy goods vehicles.
- The loss of an established ecologically significant site.
- Concerns over the nature and extent of previously tipped materials and suggested use of Contaminated Land: Applications in Real Environments (CL:AIRE) protocol for inert waste. Failure of tipped material to be removed following enforcement notice and outcome of appeal decision.
- The disused quarry has no restoration condition, and it should be left like that.
- Lees Lane is a narrow unclassified country road, which along most of its length only allows one vehicle to pass at a time. There are no pavements, no street lights and often very narrow sections where only one vehicle at a time can pass, as a result there are frequent near misses.
- There are large numbers of cyclist and cycling clubs that use this road. Add to that the volume of walkers/pedestrians, and operating wagons on it would make the road unusable from a safety point of view for them.
- The junction of Lees Lane and Appley Lane South is a dangerous one, it is a narrow bit of road with extremely poor visibility. It also makes it virtually impossible for large vehicles to navigate around it towards Appley Bridge. There are many times the junction has been blocked by a stuck wagon.
- There is a Public Right of Way (FP0807017) running along the route the wagons would use on Back Lane/Long Heys Lane. There is a further public footpath (FP0821001) that emerges onto Lees Lane near the property called Halliwell Farm.
- The access road from Lees Lane to the site is via a rough track/road not owned by the applicant. At one point this track is only 2.8 metres wide, it is not possible to widen it as land at one side is owned by a resident and at the other there is a drainage gully.
- There is a farm at the junction of Lees Lane/Appley Lane South and tractors and other machinery use Lees Lane, add to this when the quarry wagons are operating out of Dalton Lees Quarry and the potential for conflict between all these large vehicles is significant.
- The proposal is inappropriate development in the Green Belt and there are no very special circumstances.



- Noise levels would exceed permitted limits at Tew Cottage when infilling.
- Properties to the east adjacent to the junction with Lees Lane, Oak Cottage and Atherton House, as well as other properties to the North and South of Lees Lane that are downwind would be at risk of dust from operations on site.
- The waste management operations would likely have an unacceptable adverse impact on the amenity of surrounding residents and land users by virtue of noise, dust and general disturbance contrary to Policy G3 of the West Lancashire Local Plan.
- Concerns over the proposal to use the gully at the side of Long Heys Lane as drainage, and the uncertainty around natural infiltration within the quarry.
- There is already regular flooding at the junction of Long Heys Lane/Lees Lane and ends up with a torrent down the road following heavy rain. The edge of the road surface on Lees Lane has been eroded due to this. It also causes extensive flooding at the property, Atherton House.
- There is no sustainable drainage.
- Concerns over validity and accuracy of planning application given numerous errors.
- Should permission be granted then conditions should be imposed to control duration of operations, payment of a bond, operating hours restricted to 0900 to 1500 Monday to Friday only, heavy goods vehicle routeing, low noise reversing beepers on machinery and wagons, wheel cleaning and road sweeping, highway survey and repair, and biodiversity net gain.
- Dingle Quarry is a former quarry not a 'disused' one.
- Site operations would be too close to neighbouring property.
- The applicant has provided a tree survey to demonstrate actual loss of trees including those embedded in the quarry face.
- The red line boundary is incorrect as it includes land outside the applicant's ownership, and the owner has not been notified.
- The access track narrows to only 2.9 metres to the east of the site entrance, not the four metres stated.
- Over the years there have been instances of anti-social behaviour affecting the quarry, but these were isolated events and far from regular. There have not been any such known events recently, either affecting the adjacent track or the quarry itself.
- Tipper wagons carrying 15 tonnes are too large to use the access track safely.
- In addition the weight of these lorries on a continual basis would seriously affect the stability of the banking to the adjacent watercourse, leading to probable collapse of the sides of the stream.
- Silver Birch is not a common tree in local woodland areas. There are some adjacent to Tew Cottage, but this tree is not common elsewhere. It is therefore strange that these are proposed for 50% of the replacement trees. Oaks are probably the most common of the trees in the vicinity.
- There is no suitable sustainable drainage solution as infiltration is not feasible, discharge to watercourse is not feasible and discharge to sewer is not possible.
- Dingle Quarry is not identified as a potential inert waste site.
- Loss of existing habitat would take many years to recover through a planting scheme.
- Background noise levels are low even for the countryside at 33 dB(A).
- Projected noise levels of 70 dB(A) are unacceptably high.



- Machinery working right up to the Tew Cottage boundary would generate in excess of 100 dB(A).
- At its closest Tew Cottage is only 8.5 metres away from the red-line boundary.
- Unacceptable light pollution from security lighting.

## **Advice**

### *Introduction*

Dingle Quarry is a disused quarry site with no permission to allow for further quarrying or infilling. The applicant has applied for planning permission to infill the quarry with imported inert waste as a means of restoring the site in a manner more closely resembling pre-quarrying levels and also to seek to prevent unauthorised access into the quarry void. The proposed development would involve the removal of naturally established vegetation within the quarry followed by earthworks and restoration including replacement landscaping with woodland, woodland edge and wetland planting.

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

The National Planning Policy for Waste sets out the national planning policies for waste development and should be read in conjunction with the National Planning Policy Framework. It sets out the Government's continuing ambition to work towards a more sustainable and efficient approach to resource use and management including by driving waste up the hierarchy and minimising waste. This includes helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment and recognising the need for a mix of types and scale of facilities, and that adequate provision must be made for waste disposal.

The National Planning Policy for Waste advises that when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need. There is also a requirement to consider the likely impact on the local environment and on amenity, and to ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Policy SP1 of the West Lancashire Local Plan refers to a sustainable development framework for West Lancashire. It advises that when considering development proposals there should be a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Furthermore, applicants should be worked with proactively to find solutions, which mean that proposals can be approved wherever possible, and to secure



development that improves the economic, social and environmental conditions in the area.

Policy GN1 of the West Lancashire Local Plan refers to development and settlement boundaries and states that development proposals within the Green Belt will be assessed against national policy and any relevant local plan policies.

Policy GN3 concerns general criteria for sustainable development and states, among other things, that development should minimise the risk from all types of pollution and contamination.

### *Green Belt*

The site is located in the Green Belt. Paragraph 142 of the National Planning Policy Framework states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Paragraph 143 of the National Planning Policy Framework explains that the purposes of including land in Green Belt include checking the unrestricted sprawl of large built up areas, preventing towns merging into one another, assisting in safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.

Paragraph 153 of the National Planning Policy Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

Paragraph 154 of the National Planning Policy Framework advises that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This paragraph includes engineering operations, which would include landfill facilities.

An assessment of openness is capable of having both spatial and visual aspects. The spatial aspect is usually concerned with the quantum of development proposed in relation to what is already present. The visual aspect is usually concerned with how openness is experienced before and after development has taken place. Its disposition and arrangement can be relevant in gauging the effect on openness as well as the duration of the development and the degree of activity that would result.

The disused quarry has largely been assimilated into the local landscape through progressive tree and plant colonisation. Although there would be a temporary change to the environment during earthworks operations in terms of vegetation removal and topography within the quarry void, and the movement of operational plant and machinery over several years, it is considered that spatial and visual



aspects of openness would be preserved following satisfactory restoration back towards former land levels and that the proposal would not be contrary to purposes of including land in Green Belt, where the fundamental aim is to prevent urban sprawl by keeping land permanently open. On this basis the development would not be inappropriate development and there is no conflict with Green Belt policy.

### *Need for the proposed development*

Objection has been raised on the grounds that there is no need for infilling of the quarry as there are other infill sites locally with extensive available capacity. However, the applicant's argument in terms of the need for the development is framed primarily on seeking to restore the quarry nearer to former land levels and reduce the likelihood of unauthorised access and public exposure to rock falls.

It should be noted that there is no specific policy restriction on volumetric provision in relation to inert waste materials. Policy LF2 of the Joint Lancashire Minerals and Waste Local Plan states that development will be supported for the disposal of inert waste that cannot be recycled or recovered at two sites named in the Policy: 1) Scout Moor Quarry, Edenfield; and 2) land to the south of Jameson Road landfill site, Fleetwood. The policy is one of support for the two sites listed in the policy and does not necessarily preclude inert waste landfill proposals on other sites.

The quarry site is currently disused and there has been no formal restoration. Vegetation has grown across the site and within the quarry faces and is not particularly easy to access nor does it appear particularly desirable to do so. The applicant has not provided any geotechnical assessment to demonstrate that the quarry faces are particularly unstable, and the cave/mine entrance area would not be infilled given the presence of bats. Consequently, it is considered that the applicant's need argument has limited weight in the decision making process.

### *Traffic*

Paragraph 116 of the National Planning Policy Framework states 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, following mitigation, would be severe, taking into account all reasonable future scenarios. Heavy goods vehicles would access the site via Lees Lane and Long Heys Lane/Back Lane. Long Heys Lane/Back Lane is an unclassified, unadopted road, partially surfaced, changing to an unsurfaced rough stone track towards the site entrance. The road is also a Public Right of Way (footpath reference number FP0807017). Lees Lane is a classified 'C' road that is narrow with many blind bends and there are no pavements or street lighting.

Lancashire County Council Highways Development Control have highlighted the nature of the road network in the vicinity and acknowledged that with an estimated one small tipper truck (with capacity for 15m<sup>3</sup> infill material) arriving at the site per hour it would be difficult to raise objection. However, they recognise that heavy goods vehicle movements could intensify, which would be a concern with the narrow access roads. This view is shared, and it would be very difficult to ensure that vehicle numbers would be at a consistently low level throughout the proposed operational period particularly over the short term depending on infill material



availability. This concern would be particularly acute on Lees Lane and Long Heys Lane, which also serves as a public footpath. On this basis it is considered that there would be likely to be an unacceptable impact on highway safety and therefore this would be a ground for refusal.

#### *Impact on local amenity and pollution control*

Paragraph 198 of the National Planning Policy Framework states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. New development should mitigate and reduce to a minimum the potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life. Decisions should also identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 201 of the National Planning Policy Framework states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

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

In terms of noise, advice on minerals development is covered in Government Planning Practice Guidance. This guidance is also applicable to proposals such as aggregates recycling and disposal of construction waste. It states:

*'Mineral planning authorities should take account of the prevailing acoustic environment and in doing so consider whether or not noise from the proposed operations would:*

- *give rise to a significant adverse effect;*
- *give rise to an adverse effect; and*
- *enable a good standard of amenity to be achieved.*

*In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure would be*



*above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.'*

The guidance continues by adding that:

*'Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field).'*

The guidance also refers to *activities such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance that may give rise to particularly noisy short term activities. The following guidance is provided:*

*'Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to eight weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.*

*Where work is likely to take longer than eight weeks, a lower limit over a longer period should be considered. In some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) limit referred to above should be regarded as the normal maximum'.*

The planning application is accompanied by a noise assessment, which includes details of the existing environmental noise climate and prediction of sound levels associated with proposed site operations. The report identifies that there is a typical background sound level of 33dB LA90, which is very low and that noise levels could reach up to an equivalent continuous level of 68 LAeq 1hr at the closest approach to the nearest neighbouring property. The applicant has considered a lower level of fill close to the property so that the quarry face is used as a noise barrier. However, this would still result in predicted noise levels in the region of 55 LAeq 1hr. However, this alternative form of working has not been formally promoted.

In view of the guidance above, the equivalent continuous noise exposure to the nearest resident at Tew Cottage would be significant and there would be significant disturbance from much higher short term sound power levels from intermittent plant and machinery activity. Given that noise disturbance would be highly likely over a long duration it is considered that the proposal would give rise to a significant adverse effect and would be unacceptable. Oak Cottage, albeit more distant at approximately 95 metres, would experience some noise disturbance particularly from heavy goods vehicles travelling along Long Heys Lane. Moreover, it is considered that the lack of overriding need for the development would mean that higher levels of noise would be unjustified.



Similarly, although the applicant has suggested measures to control dust emissions, the close proximity of the nearest properties means that it would be very difficult in practice, especially during dry and windy conditions, to ensure that dust emissions would not have a detrimental impact on amenity.

In conclusion, it is considered that there are a small number of properties at distances to this site where it would not be possible to successfully mitigate environmental impacts such as noise and dust. The proposal is therefore considered to be contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

The Environment Agency has raised objection to the proposed development and has concerns that pollution could not be adequately prevented' minimised and/or controlled. They have also commented that the activity is unlikely to qualify under Contaminated Land: Applications in Real Environments (CL:AIRE) protocol. The CL:AIRE protocol is an acronym for 'Contaminated Land: Applications in Real Environments' and is an independent not-for-profit organisation established in 1999 to stimulate the regeneration of contaminated land in the UK by raising awareness of, and confidence in, practical and sustainable remediation technologies. Guidance and methodologies developed out of this can be used as part of a developer's waste management plan including the Definition of Waste Code of Practice (DoWCoP). This can inform the nature of Environmental Permitting requirements that are administered and regulated by the Environment Agency, which is separate from but supplementary to the planning process.

The Environment Agency states that there is there is insufficient information to demonstrate that the risk of pollution to controlled waters can be appropriately managed. Controlled waters are particularly sensitive in this location because the development site is located upon a secondary aquifer A and the cave/mine could present some form of hydraulic connectivity to the River Douglas in the valley below. The application does not include any information that demonstrates that the risk of pollution posed by this proposal has been understood or provide adequate mitigation for this risk. Moreover, there are concerns regarding the potential pollution risk from the neighbouring former landfill site beyond Long Heys Lane.

Local concern has been raised in relation to historical tipping at the site and an enforcement case referred to in the 'background' section above. In response to this the applicant dug a number of trial pits across the site and planning officers carried out an inspection to view the material excavated from the pits and material/bedrock at the base. On the whole, the material comprised sandstone overburden with occasional bricks and concrete. No concerns were raised in terms of land use planning although the Environmental Permitting process would be likely to require further investigation and assessment.

#### *Ecology and Biodiversity Net Gain*

Paragraph 193 of the National Planning Policy Framework advises that when determining planning applications, local planning authorities should apply a number of 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.

Policy GN3 of the West Lancashire Plan states that development proposals should minimise the removal of trees, hedgerows, and areas of ecological value, or, where removal is unavoidable, provide for their like for like replacement or provide enhancement of features of ecological value and incorporate new habitat creation where possible.

Policy EN2 of the West Lancashire Local Plan focuses on preserving and enhancing West Lancashire's natural environment and states that where there is reason to suspect that there may be priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. The policy also refers to trees and landscaping and notes that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage. In such cases the developer will be required to replace the trees lost on site with ones of at least equal value either on site or in that locality where it is unsuitable for the trees to be located on the particular site.

The proposal is subject to mandatory biodiversity net gain requirements under the provisions of the Environment Act 2021. The objective is for development to deliver at least a 10% increase in biodiversity relative to the pre-development biodiversity value of the onsite habitat.

Under the statutory framework for biodiversity net gain every grant of planning permission (that is not subject to a statutory exemption) is deemed to have been granted subject to the condition that the biodiversity gain condition will be met. This is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. However, there are a number of information requirements that must be met prior to determination of the planning application, in order to fully understand the pre-development biodiversity on-site value and to be able to consider whether the biodiversity condition is capable of being discharged successfully.

Lancashire County Council's Ecology Service has identified that the application is lacking in a number of areas including information to fully assess likely biodiversity net gain compliance. Crucially, with potentially unavoidable impacts from noise, vibration and dust on a confirmed bat roost, the proposed works may result in a breach of the Conservation of Habitats and Species Regulations 2017. Furthermore, there is insufficient survey information relating to the nature, quantity and quality of trees within the site including an assessment of the suitability to support bats. Surveys are also required to seek to ensure that there would be no adverse impact on Great Crested Newts, Barn Owl, Badgers, Reptiles and breeding birds.

Further information is required in order to demonstrate that an accurate biodiversity baseline assessment has been provided. This includes ensuring that details of the



proposed loss of any vegetation growing in or on the quarry faces, which may be lost to the infilling, is taken account of within the biodiversity net gain assessment, potential impacts on watercourses, and details of any significant on-site biodiversity net gains.

Given the issues set out above, the applicant has not clearly demonstrated the nature and extent of potential impacts on protected species, and in view of the existing nature of the site, it is considered that site operations would be likely to have an unacceptable adverse impact on existing ecological interests and the impacts would be likely to outweigh the benefits of the development contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EN2 of the West Lancashire Local Plan.

The Conservation of Habitats and Species Regulations 2017 (as amended) state that Local Authorities, in the exercise of their functions, must have regard to the requirements of the Habitats Directive. This means that the planning authority will need to have regard to the requirements of the Directive in reaching a planning decision. Therefore, if a Natural England Licence would be required for a development, then the planning authority will not be able to approve the application if there is reason to believe that the necessary licence would not be issued. This means that the planning authority needs to consider the licensing tests prior to determination of the planning application. In summary, these tests are that:

1. The works are required for a purpose specified in the Conservation of Habitats and Species Regulations (Reg 55), such as: preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Bearing in mind the above tests, and the information provided to date by the applicant, there is good reason to believe that the necessary licence would not be issued given the nature and extent of the proposed development.

### *Flood Risk and Surface Water Management*

Paragraph 181 of the National Planning Policy Framework states, amongst other things that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and development incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

Paragraph 182 of the National Planning Policy Framework states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage



systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

Planning Practice Guidance accompanying the National Planning Policy Framework promotes the employment of sustainable drainage systems that are designed to control surface water run off close to where it falls and mimic natural drainage as closely as possible. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable. Firstly, into the ground (infiltration); secondly, to a surface water body then to a surface water sewer, highway drain, or another drainage system and finally to a combined sewer. Particular types of sustainable drainage systems may not be practicable in all locations.

The application is supported by a flood risk assessment and drainage management statement. This identifies that the site is understood to drain either to the ground via infiltration over an extended period of time in the natural low-points onsite or via overland flows during extreme events to the south-east, before out-falling into the unnamed Ordinary Watercourse adjacent to Long Heys Lane. The report claims that due to the nature of the proposals being re-profiling and infill, there would be no change in run-off generated on site, but that there would be a requirement to consider management of run-off generated. This statement is questionable given the site is currently a low level, undulating and vegetated quarry floor and the proposed operations would give rise to a smoother slope feature at a higher level with no vegetation in the early stages thus providing conditions more conducive for surface water run-off.

As part of the development proposals an attenuation basin is proposed to collect surface water runoff, prior to conveyance off-site into the land drainage ditch adjacent to Long Heys Lane (to the east of the site). The purpose of this feature is to encourage natural losses through evapotranspiration and provide retention capacity. The applicant states that a high level overflow is proposed from this feature, and the attenuation basin would be suitably sized.

Lancashire County Council's Lead Local Flood Authority have raised no objection subject to conditions in relation to a surface water sustainable drainage strategy and a construction surface water management plan. They acknowledge that the applicant has not yet submitted robust ground investigations to demonstrate the existing soil/ground properties within the site. However, with the appropriate use of imported materials, post development drainage could mimic the natural greenfield drainage for the site, thus negating the requirement for a formal drainage system. If imported soil included more impervious materials, then a formal drainage system may be required.

Concerns have been raised about the nature and suitability of local water courses for drainage purposes and the contribution to local flooding events. Nevertheless, and notwithstanding the reservations concerning the nature of sustainable water management, it is considered that this matter could reasonably be controlled by condition should permission be granted and if an acceptable scheme could not be devised then the development would not be permitted to commence.



## *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.

This application were it to be approved would be likely to generate a degree of impact on neighbouring properties, which would breach these rights. Although the applicant also has rights to use his land, it is considered that these rights are outweighed by the need to protect local amenity, the environment, and the safety of the local highway network.

## *Conclusion*

This application seeks planning permission to infill the quarry with imported inert waste as a means of restoring the site in a manner more closely resembling pre-quarrying levels and also to seek to prevent unauthorised access into the quarry void. To achieve this, the proposed development would involve the removal of naturally established vegetation within the quarry followed by the importation of inert waste materials, earthworks, and restoration including replacement landscaping with woodland, woodland edge and wetland planting. It is considered that the development would not be inappropriate development in the Green Belt. However, the development would have a significant local impact involving the removal of existing vegetation, potential impacts on protected species, impact on the amenities of local residents and the environment in terms of noise, dust, general disturbance and potential water pollution, and impacts associated with the movement of heavy goods vehicles on unsuitable roads. These impacts would outweigh the proposal's perceived benefits.

Overall, and on balance, the proposal is considered to be contrary to the policies of the development plan and the National Planning Policy Framework for the reasons set out in the recommendation below.

## **Recommendation**

That planning permission be **refused** for the following reasons:

- (i) Site operations would be likely to have an unacceptable adverse impact on the amenity of neighbouring residents and the environment by virtue of noise, dust, general disturbance, and water pollution risk contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.
- (ii) The applicant has not clearly demonstrated the nature and extent of potential impacts on protected species, and site operations would be likely to have an unacceptable adverse impact on existing ecological interests at the site contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan and Policy EN2 of the West Lancashire Local Plan.
- (iii) The movement of heavy goods vehicles to and from the site along Long Heys Lane and Lees Lane would be likely to cause unacceptable highway safety



impacts on pedestrians, cyclists and other road users contrary to Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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

Paper	Date	Contact/Directorate/Ext
LCC/2024/0024	January 2025	Rob Hope, Environment and Planning, 01772 534159

Reason for Inclusion in Part II, if appropriate

N/A

