

PLANNING PERMISSION

Name and address of Applicant

Armstrongs Aggregates Ltd
Pilkington Quarry
Makinson Lane
Georges Lane
Horwich
Lancashire
BL6 6RS

Name and address of Agent (if any)

Mr Mark Leivers
22 Middle Street
Nottingham
NG13 0HB

Part I – Particulars of application

Date of application: **16 November 2023** Application No. **LCC/2023/0039**

Particulars and location of development:

Variation of Condition 1 of Planning Permission LCC/2022/0057 to allow mineral working to continue until 1 July 2026 and final restoration to be completed by 1 July 2027 at Waddington Fell Quarry, Slaidburn Road, Waddington

Part II – Particulars of Decision

The **Lancashire County Council** hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that permission has been granted for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

Time Limits

1. The mining operations authorised by this permission shall cease not later than 1st July 2026 or prior to the commencement of development of works associated with the Haweswater Aqueduct Resilience Programme (authorised under planning permissions 3/2021/0660 or 3/2021/0661) whichever is the earlier. The site shall be progressively restored in accordance with the conditions of this permission with restoration being completed in its entirety by 1 July 2027.

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) Submitted Plans and documents:
 - Drawing no. AA/WAD/S73/01 - Location Plan (Sept 2023)
 - Drawing no. W20/06 - Current Situation (Nov 2005)
 - Drawing no. 1980/6 - Final Development Plan (Jan 2012)
 - Drawing no. 1980/7 - Restoration Scheme (Dec 2011)
 - Drawing no. 1980/8 - Cross Sections (Feb 2012)
 - b) All details approved in accordance with this permission.

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

Site Operations

3. Quarry working and restoration shall be as shown on drawing nos. 1980/6 - Final Development Plan, drawing no. 1980/7 - Restoration Scheme, and Drawing no. 1980/8 - Cross Sections.

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

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

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

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

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

6. No mining operations shall take place below a depth of 335 metres AOD.

Reason: To secure satisfactory restoration and to safeguard local watercourses and drainages and avoid the pollution or derogation of any watercourse or groundwater

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

7. No operations or any buildings, structures or erections or the storage of plant, machinery, scrap metal or similar materials, stockpiles or storage of quarry products shall be located or take place on the land outside of the boundary of quarrying as indicated on drawing no. W20/06.

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

8. Stockproof hedges, fences or walls shall be provided and maintained around the perimeter of the sites at all times until the restoration and aftercare period is completed.

Reason: In the interests of public safety and local agriculture and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Hours of Working

9. No mining operations or restoration shall take place outside the hours of:

0630 to 1830 hours, Mondays to Fridays (except public holidays)
0630 to 1200 hours on Saturdays

No mining operations or restoration shall take place at any time on Sundays or Public Holidays.

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

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

10. Notwithstanding Condition 9, no heavy goods vehicles, as defined in this permission, shall leave the site before 0700 hours Mondays to Saturdays inclusive.

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

Pollution Control

11. The use of explosives shall only take place between the hours of 1000 to 1830 hours, Mondays to Fridays and at no other time.

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

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

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

13. Measures shall be taken to ensure that no dust or wind blown material is carried on to adjacent property and in particular shall include the watering of all haul and access roads and the spraying of storage heaps or areas as necessary during dry weather conditions.

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

14. Provisions 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 water resources and drainages and avoid pollution of any watercourses or groundwater resources and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

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

Reason: To safeguard local water resources and drainages and avoid pollution of any watercourses or groundwater resources and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

16. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or container's total volume and shall enclose within their curtilage all fill and draw pipes.

Reason: To safeguard local water resources and drainages and avoid pollution of any watercourses or groundwater resources and to comply with Policy DM2 of the Joint Lancashire Minerals and Waste Local Plan.

Highway Matters

17. Wheel cleaning facilities shall remain available for use at all times during the development so as to ensure that no debris from the site is deposited by vehicle wheels upon the public highway and shall be maintained in full working order at all times throughout the development.

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 facilities required under Condition 17 shall be used by all heavy goods vehicles leaving 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.

19. Any internal haul road or private way between the wheel cleaning facilities and the boundary of the site shall, throughout the development, be metalled and drained and kept clear of debris along its entire length.

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.

20. All vehicles transporting minerals from the site of a size less than 200mm in any one direction shall be securely sheeted.

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

21. A written record shall be maintained at the site office of all Heavy Goods Vehicle movements into and out of the site. Such records shall contain the vehicles' weight, vehicle registration number, and the time and date of the movement and shall be made available for inspection by the County Planning Authority or his representative on request. The record shall be retained for a period not less than 18 months, and kept available for inspection.

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.

22. No more than 30 heavy goods vehicles, as defined in this permission, shall enter, or leave the site in any one day during Mondays to Fridays, inclusive, and no more than 15 heavy goods vehicles 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.

Restoration

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

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

24. No topsoil, subsoil or peat shall be sold or otherwise removed from the site.

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

25. Restoration of the site shall be carried out in accordance with the details shown on drawing no. 1980/7 - Restoration Scheme.

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

Aftercare

26. Quarry aftercare shall be undertaken in accordance with details set out in the document entitled 'Waddington Fell Quarry Aftercare Scheme – Planning Consent Ref: 03/06/0095' for a period of five years following the certification in writing that the works of restoration are complete.

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

27. Within one month of each anniversary of the date of this permission 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, as appropriate, the operations carried out on the land during the previous 12 months in respect of mineral extraction and measures taken to implement the restoration and aftercare provisions and setting out the intended operations for the next 12 months.

With respect to restoration and aftercare the report shall contain the following:

- i. The data obtained from the monitoring of any vegetation restored after the date of this permission. This shall be carried out by a competent ecologist with previous experience of upland heath vegetation; and
- ii. Details of the proposed management of the vegetation referred to in (i) above for the following 12 months.

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

28. A topographical survey shall be submitted to the County Planning Authority annually within one month of the anniversary of the date of this permission until the completion of restoration, as defined in this permission. The survey shall have been carried out within the two months preceding the anniversary of the date of this permission 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 and is contoured at 1 metre intervals, relating to ordnance datum over all the land where mining operations have taken place.

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.

Definitions

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

Heloise MacAndrew

Date: 7 March 2024

**Heloise MacAndrew
LANCASHIRE COUNTY COUNCIL
DIRECTOR OF LAW AND
GOVERNANCE**

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

NOTE:

1. Appeals to the Secretary of State

- You can appeal a planning decision if any of the following apply
 - You were refused planning permission
 - You were granted planning permission but subject to conditions that you object to

Details of the planning appeals service can be found at the following address
<https://www.gov.uk/appeal-planning-decision>

- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate, Registry/Scanning Room , 3/01B Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

2. Purchase Notices

- If either the local planning authority or the Secretary of State for Communities and Local Government and the Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the District/Borough Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- 3.** In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State for Communities, Local Government and the Regions on appeal or on

a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely sections 70 and 72(1) of the Act.