

PLANNING PERMISSION

Name and address of Applicant

Armstrong Aggregates

Name and address of Agent (if any)

Avison Young
65 Gresham Street
London
EC2 7NQ

Part I – Particulars of application

Date of application: **1 April 2021** Application No. **LCC/2021/0015**

Particulars and location of development:

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

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 development shall commence not later than 5 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(b) 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 2034. Thereafter the site shall be finally restored by 31 December 2035.

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 replacement Haweswater Aqueduct tunnel and tunnel shaft arisings 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 throughout the development 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 excavated replacement Haweswater Aqueduct tunnel and tunnel shaft arisings 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 replacement Haweswater Aqueduct tunnel and tunnel shaft arisings.

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:
- Site Access and surface treatment (preliminary design shown in drawing 300461-001 Rev 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.
 - A drainage scheme to prevent water and debris from the site coming on to the public highway.
 - 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 replacement Haweswater Aqueduct tunnel and tunnel shaft arisings.

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, 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 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 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

19. No landfilling of excavated replacement Haweswater Aqueduct tunnel and tunnel shaft arisings 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 landfilling then landfilling 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.

20. No landfilling of excavated replacement Haweswater Aqueduct tunnel and tunnel shaft arisings 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 landfilling then landfilling 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.

21. 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.

22. 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 excavated replacement Haweswater Aqueduct tunnel and tunnel shaft arisings 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.

23. If by 31 December 2034, 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 2035 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 2035 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.

24. 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 2036 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: 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.



Date: 21 December 2022

Laura Sales
LANCASHIRE COUNTY COUNCIL
DIRECTOR OF CORPORATE
SERVICES

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.