

Application Number:	2014/0170	Application Type:	LCC Consultation
Proposal:	Extension to quarry and restoration by means of infill with inert construction, demolition & excavation waste, the sorting, screening & export of recyclable material, the consolidation of existing permissions and the revision of approved working & restoration schemes	Location:	Tong Farm, Tong Lane, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	17 June 2014
Applicant:	Mr J Laycock	Determination Expiry Date:	N / A
Agent:			

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Major accompanied by Environmental Statement

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

The County Council be advised that :

Having regard to the harm to resident's amenities which is/will continue to be caused by HGV traffic as it passes between the site and the main road network, the current application should be refused unless the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here in order to meet sub-regional requirements.

In the event that the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here the permission for its extraction should minimise the period resident's amenities are harmed, consistent with there being no change to the presently permitted hours (7am-6pm weekdays; 8am-1pm Saturdays; not Sundays or Bank Holidays), nor increase in the number of HGVs that may exit the site (7 per working hour).

Furthermore, sorting, screening & export of recyclable materials and infilling to restore the site should not extend beyond the permitted extraction period by more than 5 years, and all activities to take place on the site shall be undertaken in a manner to minimise impact on neighbours.

2. THE SITE

Tong Farm is located in the Countryside, to the east side of the Urban Boundary of Bacup. It is accessed from the Pennine Road/Tong Lane junction via a lane that is a Public Footpath, vehicles leaving the main road network having first passed through a residential area and then near to St Mary's RC Primary School.

Tong Quarry has been active since permission was granted for it in 1960. Subsequent permissions were granted moving the working area westward. The quarry is currently working under 3 permissions that enable working until 2042. However, the permitted mineral reserve at 1/1/2012 was 160,000T of shale and 28,000T of fireclay. This is sufficient for just 2 years at current rates of production; the current rate of production is half that in 2007 (before the economic downturn). Annual waste inputs have also declined over the past few years, from 50,000T in 2008/2009 to 25,000T in 2011, the permissions requiring limited back-filling as restoration is taking place only slightly above the quarry floor and with the retention of main quarry faces.

3. THE PROPOSAL

This Council's comments are sought by the County Council on an application it has received which proposes :

- A 3.7ha extension area to the north side of the quarry, which would add approximately 755,000T of shale and 110,000T of fireclay to the reserve; at current rates of production this would add 9.5 years to the quarry life.
- To fill the permitted and proposed quarry area back to close to original ground levels and return the land to agricultural use; this would raise the infill capacity from approximately 200,000cubic m to 720,000cubic m, giving a life of 22 years if there is a return to infill of 50,000T annually, entailing importation of inert construction/demolition/excavation waste and re-distribution of soils over previously restored areas.
- Crushing and screening plant be located within the quarry working; this would enable greater recycling of waste.

It is said that :

- the life of the primary mineral reserve could be extended to 15 years by blending with the recycled aggregate.
- There would be no change to the presently permitted hours (7am-6pm weekdays; 8am-1pm Saturdays; not Sundays or Bank Holidays), nor increase in the number of HGVs that may exit the site (7 per working hour).
- the operations would comply generally with technical guidance in respect of noise except when mobile plant works close to the quarry boundary adjacent to dwellings, and dust occurrence events will be limited and of short duration, and will be minimised by appropriate mitigation measures.
- the scheme will require relocation of a pylon carrying high-voltage overhead electricity cables.
- it will directly employ 8 people and bring other economic/environmental benefits by providing a source for materials/waste disposal that is local.
- the resulting landform is more appropriate and the land then capable of more beneficial use.

5. ASSESSMENT

Although it rests with LCC to undertake consultations with Statutory Consultees and notify Neighbours in respect of the current application, I have received the following comments from Councillors :

Cllr H Jackson

I am extremely concerned by this application. Current access is causing major and continuous problems for residents along the route the trucks take, especially on South St and Gladstone Street. I would vehemently oppose any extension of use of the site at Tong Lane.

Cllr S Hughes

There are massive issues with access to this site as it really does effect local residents.

Activities at Tong Quarry are of longstanding and the Planning Permissions for them are regulated by the County Council. Accordingly, it is more likely to have been the recipient of any neighbor complaints than this Council. Nevertheless, from time to time we have received complaints from residents of South Street regarding lorries passing their houses, though none within the last year.

This application seeks permission to extend the operational area north from the previously-permitted area by up to 130m, to a track that is a public footpath running from Tong Lane to Dry Corner Farm.

The previously-permitted area for quarrying is set well back from Tong Lane and, as elevated high above it, activities are hidden from view from the lane and from the houses to each side of it. This will also be the case if permission is granted for the proposed extension to the operational area. Activities will come nearer to the dwelling at Dry Corner Farm, resulting in particular need for mitigation measures to protect the amenities of the residents here.

However, of greater concern to me is that HGV traffic associated with the quarrying operation will continue to pass through a housing estate for an additional 9.5 years (at the current rate of production). Unless the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here in order to meet sub-regional requirements I consider the harm to residents amenities such as to warrant refusal of the application.

In any event I do not consider it would be desirable for permission to be granted for the site to be used for sorting, screening & export of recyclable materials and restoration scheme lasting 22 years (assuming the rate of infill achieved in 2008/2009 but double this period if the current rate of infill remains). If the County Council is satisfied that there is a compelling need for extraction of the shale and fireclay to be found here then sorting, screening & export of recyclable materials and infilling to restore the site should not extend beyond the extraction period more than 5 years.