

Agenda Item	A10
Application Number	22/00107/CCC
Proposal	County Council Consultation request for the variation of condition 2 of planning permission LCC/2017/0035 to extend the operation period to 21 February 2034 in line with the extension proposed by tarmac on application LCC/2021/0058
Application site	Dunald Mill Quarry Long Dales Lane Nether Kellet Lancashire
Applicant	
Agent	
Case Officer	Ms Charlotte Greenhow
Departure	No
Summary of Recommendation	That in response to the County Council consultation, the City Council offers no objection subject to the imposition of conditions associated with the parent consent on the assumption that the wider application associated with LCC/2021/0058 is supported.

(i) **Procedural Matters**

This application has been submitted to, and will be determined by, Lancashire County Council as they are responsible for planning matters that relate to waste and minerals. Lancaster City Council has been consulted as the proposal falls within their District, and as such this report sets out the City Council's proposed **consultation response** to the continuation of mineral extraction at Dunald Mill Quarry, Nether Kellet.

1.0 Application Site and Setting

- 1.1 Dunald Mill Quarry is a large limestone quarry located on both sides of Long Dales Lane, approximately 6km northeast from Lancaster and to the east of Nether Kellet Village. The quarry is divided into two areas by Long Dales Lane. To the west is the main quarry void, with the restoration scheme forming a lake. To the east, where the application site is located, is a much shallower quarry formerly used for the processing plant and stocking area. The site comprises of a storage and distribution depot, car park and canteen building. Access to the site is taken directly onto Long Dales Lane.
- 1.2 The site lies within the Site of Special Scientific Interest (SSSI) Impact Risk Zone for Thwaite House Moss SSSI which lies approximately 1.3 km north-west of the site boundary. The site is also located within Flood Zone 1. A public right of way (FP 10) trails along the north-western boundary of the quarry from Hull Lane up to Long Dales Lane.

2.0 Proposal

- 2.1 The scheme is made under Section 73 of the Town and Country Planning Act to allow for the variation of condition 2 of planning permission LCC/2017/0035 to extend the operation period to 21 February 2034 in line with the extension proposed by tarmac on application LCC/2021/0058.
- 2.2 The proposed development would seek to extend the operation period of the approved storage depot to co-inside with the wider quarry operation. The storage depot will continue to be used by EPC-UK for the storage and distribution of explosives.
- 2.3 Condition 2 on the previous grant of consent reads as follows:

“The storage and distribution use hereby permitted shall cease not later than 21st February 2022. Thereafter all buildings, fencing and lighting columns shall be removed and site restored in accordance with the restoration scheme approved under the requirements of condition 36 of planning permission 1/97/1298 by not later than 21st February 2023”

- 2.4 There is currently a planning application with the County Council to allow the continuation of mineral extraction until 21 February 2034 with site restoration being completed by 21 February 2035 (application ref: LCC/2021/0058). The City Council raised no objections to this scheme, subject to the imposition of conditions associated with the parent consent. At the time of drafting this report the County has still to determine the application.

3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the County Council. The most relevant applications include:

Application Number	Proposal	Decision
LCC/2021/0058	Amendment of Condition 1 of permission 1/97/1298 to allow continuation of mineral extraction until 21 February 2034 with site restoration being completed by 21 February 2035	Pending consideration
LCC/2017/0035	Erection of a storage depot with associated access, car parking and refurbishment of existing canteen building	Granted
01/98/0495	Continued use and retention of batching plant and ancillary facilities	Granted
01/97/1298	Review of Old Mineral Permission (ROMP)	Granted

4.0 Consultation Responses

- 4.1 Because this planning application is submitted to (and will be determined by) the County Council, it is they who are responsible for the public and statutory consultation process.
- 4.2 In co-ordinating our response to the County Council, the City Council has consulted the following consultees:

Consultee	Response
Tree Protection Officer	No response received within the statutory timescales
Environmental Health	No comments
Engineering team	No response received within the statutory timescales.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Noise;
- Landscape and Visual;

5.2 **Noise (NPPF Section 2 Achieving Sustainable Development, Section 17 Facilitating the sustainable use of Minerals; Policies DM29 Key Design Principles, DM57 Health and Wellbeing)**

5.2.1 The noise implications of the development were assessed by the City Council as part of the original planning permission. It was deemed that the operation of the storage depot, on the floor of the quarry, was unlikely to give rise to noise and disturbance to people living in Nether Kellet. However, careful consideration was given to the associated vehicles using the surrounding highway network, including the 32 HGV movements to and from the site each week. Two control conditions were therefore imposed to help mitigate noise implications: condition 4 (hours of operation) and condition 6 (silencing equipment).

5.2.2 In terms of the above, given that the site has been operating successfully since 2017, the proposed extension to the operation period is considered to have a neutral impact upon noise in the area. This has also been reviewed by the Councils Environmental Health Officer who raises no concerns. As such, it is not considered that the development would give rise to any additional noise implications to that already experienced on site. However, it is recommended that the conditions associated with the parent consent are extended if permission were to be granted.

5.3 **Landscape and Visual (NPPF Section 2 Achieving Sustainable Development, Section 15 Conserving and Preserving the Natural Environment, Section 17 Facilitating the sustainable use of Minerals; Policies DM29 Key Design Principles, DM44 The Protection and Enhancement of Biodiversity, DM45 Protection of Trees, Hedgerows and Woodland, DM46 Development and Landscape Impact of the Development Management DPD; Policies EN3 The Open Countryside, EN7 Environmentally Important Areas)**

5.3.1 The storage depot comprises of a storage building and two storage magazines with bunding enclosed by 3m green security fencing. The building itself has been constructed from concrete panels and Ventair green metal cladding sheets. It measures approximately 18.2m x 13.4m with a maximum ridge height of 9.7m. As part of the original application, several mitigation conditions were attached to help preserve the local amenity of the area. These include; condition 5 (floodlighting), condition 8 (earth seeded bunds), and condition 9 (no mud/dust). Given these measures currently in place, together with the location of the storage depot on the quarry floor and within the setting of the quarry, it is not considered that the retention of the storage depot would result in any undue harm to the existing landscape character or visual amenity of the area. However, as above, it is recommended that the conditions associated with the parent consent are extended if permission were to be granted.

5.4.1 **Other issues**

There are a number of other issues that will be considered in detail by the County Council when determining the application. These include flooding, highways impacts, and ecology, which includes the adjacent designated sites. Many of these will rely on responses from statutory and non-statutory consultees in which the County Council will receive directly. Given that the County Council will be required to consider all relevant planning issues in detail in determining the application, the City Council presents no comments on these aspects of the development.

6.0 Conclusion and Planning Balance

- 6.1 In view of the planning application to allow the continuation of mineral extraction until 21 February 2034, it is not thought that the continued operation of the existing storage depot would give rise to any adverse noise, or landscape and visual impacts. This is on the assumption that the County supports the wider application to allow the winning and working of minerals, should that scheme under LCC/2021/0058 be refused then it is not considered appropriate to retain this development in the open countryside. In addition, in view of the City Council's Climate Emergency declaration and the wider global climate crisis, this Council requests that the County Council considers and assesses the impacts of the development and secures appropriate mitigation to minimise carbon emissions.

Recommendation

That the City Council has **NO OBJECTION** to the proposal, on the assumption that application LCC/2021/0058 is supported by the County, and subject to the imposition of conditions associated with the parent consent remaining.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

This is not relevant as Lancashire County Council is the determining authority. Lancaster City Council is simply a consultee for this application.

Background Papers

None.