

Agenda Item	A11
Application Number	21/01410/CCC
Proposal	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
Application site	Dunald Mill Quarry Long Dales Lane Nether Kellet Lancashire
Applicant	Tarmac Trading LTD
Agent	Heatons
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.

(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. Quarrying activities at Dunald Mill Quarry ceased several years ago but some reserves remain above the permitted limits of extraction. The quarry is divided into two areas by Long Dales Lane. To the west is the main quarry excavation, the deepest part of which is now a lake. To the east is a much shallower quarry formerly used for the processing plant and stocking area. Permission has since been granted here for a storage and distribution depot, car park and quarry 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 site from Hill 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 for the 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.
- 2.2 The proposed development would seek to extend the lifetime of Dunald Mill Quarry for a 12-year period. This would tie in within the exhaustion of the current remaining reserve at Leapers Wood to enable the recovery of existing permitted reserves within the western extent and avoid sterilisation of an important limestone resource for the county. There is an estimated permitted reserve of 600,000 tonnes to be worked.

3.0 Site History

- 3.1 Dunald Mill Quarry benefits from a number of old mining permissions for limestone quarrying. These permissions were reviewed under the provisions of the Environment Act 1995 (ref 1/97/1298) in which new conditions were approved in November 2002. Condition 1 (Time Limits) of the updated conditions requires quarrying activities to cease no later than 21st February 2022 with the site being restored within a further period of one year.
- 3.2 The concrete batching plant benefits from a planning permission ref LCC/2016/0061 granted in 2016. The permission is time limited to the same end date as the old mining permission for the quarry. Relevant applications include:

Application Number	Proposal	Decision
01/97/1298	Review of Old Mineral Permission (ROMP)	Granted
01/98/0495	Continued use and retention of batching plant and ancillary facilities	Granted
01/06/1004	Variation of condition 1 of planning permission 01/98/0495 to permit the use of the existing batching plant until 31 st July 2016	Granted
LCC/2016/0061	Variation of condition 1 of planning permission 01/06/1004 to permit the use of the existing batching plant until 21 February 2022	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 objection
Environmental Health	No objection
Engineering team	No response

5.0 Analysis

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

- Air Quality and Dust

- Noise
- Landscape and Visual

5.2 **Air Quality and Dust** (NPPF Section 2 Achieving Sustainable Development, Section 17 Facilitating the sustainable use of Minerals; Policies DM29, DM31, & DM57 of the Development Management DPD; Policies M1, M2, SA2, AMS1 and MRT10 of the Site Allocations and Development Management Policies Local Plan Part 1 & Part 2)

5.2.1 The site is situated within a fairly isolated location with the closest residential property 'Dunald Mill Cottage' located approximately 120m away to the south-east. Whilst sections of the site are open and visible from the adjacent highway network, the site is predominantly concealed by mature vegetation and the existing landform. Further properties are located approximately 160m away to the west within the boundary settlement of Nether Kellet.

5.2.2 The site has been used for mineral extraction for many years, with control conditions and mechanisms currently in place to prevent unacceptable impacts upon air quality in the area. These include control condition 6 (scheme identifying areas for mineral stockpiling and height of stockpiles); condition 17 (sheeted transportation of mineral less than 100mm in size); and condition 30 (dust mitigation measures) of the existing permission reference 01/97/1298. Given these existing control measures, and which could be extended if permission were granted by the County Council, it is not thought that the development would result in any unacceptable impacts upon air quality and pollution. The Environmental Health Officer has also presented no concerns, and the case officer has no reason to question the current mitigation measures in place.

5.3 **Noise** (NPPF Section 2 Achieving Sustainable Development, Section 17 Facilitating the sustainable use of Minerals; Policies DM29 and DM57 of the Development Management DPD; Policies M1, M2, SA2, AMS1 and MRT10 of the Site Allocations and Development Management Policies Local Plan Part 1 & Part 2)

5.3.1 Due to the nature of the site, the extension of the mineral extraction would have the potential to generate noise pollution throughout the phases of development. In particular, the wining and working of minerals has the potential to generate significant noise impacts within the area (together with vibration associated with blasting)

5.3.2 However, similar to the above, the parent permission has control conditions in place to prevent unacceptable noise pollution increasing above the previously agreed levels. These include conditions 9-12 (hours of operation); conditions 19-23 (scheme and programme for noise monitoring and permitted noise levels); and conditions 24-26 (control blasting and vibration). Given these existing mitigation measures, and which could be extended if permission were granted by the County Council, it is not thought that the extension of the site would give rise to any unacceptable noise impacts. The Environmental Health officer also presented no concerns, and the case officer has no reason to question the current mitigation measures in place.

5.4 **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, DM44, DM45, DM46 of the Development Management DPD; Policies EN3, EN7 of Strategic Policies and Land Allocations DPD; Policies M1, M2, SA2, AMS1 and MRT10 of the Site Allocations and Development Management Policies Local Plan Part 1 & Part 2)

5.4.1 The site is not located within an Area of Outstanding Natural Beauty (AONB), National Park (NP), or any other nationally designated landscape. There are no Listed Buildings, Scheduled Ancient Monuments, or Site of Special Scientific Interest (SSSI) within or adjacent to the site. However, the site is designated as Open Countryside in the Strategic Policies and Land Allocations DPD.

5.4.2 As referenced within the planning statement, the valued landscape elements around the perimeter of the site, including tree lines, hedgerows, woodland and agricultural land will all be retained. The maturation of the existing woodland planting, as part of the previously approved landscaping plan, has also helped to screen the development from visual receptors. This is apparent to the western side of the site (to the west of Long Dales Lane) and around the western border. Although parts of the quarry are still visible to the east.

5.4.3 Whilst the continuation of the site would inevitably delay the reinstatement of the open countryside landscape, it is not thought that the development would result in any further harm to the existing visual amenity of the area. It is also considered that the development would continue to operate under the existing approved landscaping scheme as part of condition 35 of the extant permission (landscaping scheme). Given these existing mitigation measures in place, and which would be extended if permission were granted by the County Council, it is not thought that proposal would give rise to any unacceptable landscape or visual impacts.

5.4.4 The Arboricultural officer was consulted on this application and had no comments on the scheme. The planning statement and ecological appraisal both indicate the important landscape features which border the site (woodland and grassland) and specifies that these would be retained. The appraisal also appears very thorough in identifying these areas and notes their importance. However, the ecological appraisal states the need for biodiversity net gain and highlights areas where this can be achieved. The County Council will need to fully consider these aspects of the development, as this indicates that the development will operate under a revised landscaping scheme, rather than the currently approved landscaping scheme (as part of condition above). In any instance, given the recommendation for further net gain as part of the scheme, it is not considered that the development would result in any adverse impacts on the landscape character of the area.

5.5 **Other issues**

5.5.1 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 existing control conditions in place, and which could be extended if planning were to be granted by the County Council, it is not thought that the continuation of mineral extraction would give rise to any adverse air quality, noise, or landscape and visual impacts. This is reinforced by both the Environmental Health Officer and Arboricultural Officer who raise no concerns to the scheme. However, whilst of no major concern due to the proposed increase in biodiversity net gain, the County Council will need to question the proposed changes to the landscaping scheme, as indicated within the submitted ecological appraisal. The existing landscaping condition as part of the previous approval (ref: 01/97/1298) may need to be updated to facilitate this.

Recommendation

That the City Council has **NO OBJECTION** to the proposal, 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.