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WN7 1ES

Date: 9 April 1997  
Your ref: JPH/JJ/LE 5291  
Our ref: DC/ASP/50252/97  
Enquiries to: Stuart Perigo  
Extension: 6052

Dear Sir

Environment Act 1995 - Review of Mineral Sites  
Pilkington Quarry, Makinson Lane, Horwich

I write further to your submission for the determination of planning conditions for Pilkington Delph Quarry as an "active Phase 1" site and subsequent telephone conversations with your Johnathon Halewood. The Councils reference is 50252/97 which I would be grateful if you could quote on future correspondence. I apologise for not having been in touch sooner and would advise you as follows but without prejudice to any further views or comments which may be received or made.

The Council chose to consult neighbouring properties and the following bodies:-

The Environment Agency  
Greater Manchester Geological Unit  
Health and Safety Executive  
The Ramblers  
Peak and Northern Footpaths Society  
Open Spaces Society  
The Councils Environmental Health Officer  
The Councils Assistant Director (Engineering)

I enclose copies of those responses received to date.

With regard to the provisions of paragraph 55 of Minerals Planning Guidance Note 14 and The Environment Act 1995: Review of Mineral Planning Permissions, I would comment as follows in respect of the proposed planning conditions and request the following information. For ease of reference, I use the paragraph numbers under your section 7, Proposed New Conditions for Extant Permissions.

7.1. Current rates of production relative to indicated remaining reserves would provide for a remaining quarry life of 8 years. Accounting for fluctuations in demand a period of 17 years would appear generous even incorporating a five year after care period. I suggest the condition be reworded to require the quarrying of minerals to cease after a period of 10 years, after which the site shall be restored in accordance with other planning conditions.

7.2 and 7.5. I draw your attention to those comments made by the Greater Manchester Geological Unit and the Health and Safety Executive and the guidance of Annex M to MPG 14 in respect of prospective workings to lower depths and towards adjacent land (condition 5). In conjunction with your proposed planning condition 5, I consider it necessary for you to undertake a detailed geotechnical assessment of the proposals. This is considered necessary to determine whether the quarry can be safely and acceptably

developed in the proposed manner. It is also noted that Plan PA4 indicates the realignment of public footpath no.54. You are correct to indicate that this should be the subject of a separate agreement and until such is achieved, the boundary of extraction cannot be agreed. The alignment of Public Footpath 54 as shown on your Plan PA4 is incompatible with the Definitive Rights of Way Plan. Please note the terms of planning condition 6 to planning permission 12.5.1642 which your client is currently in breach.

7.3. The proposed limit of output is considered excessive and incompatible with the stated remaining reserves and the projected life of the site.

7.4. The Council would seek to restrict operations to 1300 hours on Saturdays.

7.5 I have referred to this proposed planning condition in paragraph 7.2 above. You state consideration should be made for the stability of faces and for the support and protection of adjacent land. I draw your attention to the comments of the Health and Safety Executive and the Greater Manchester Geological Unit. I fail to see how a reduction of the protective standoff will achieve the considerations to which you refer.

7.6 Your attention is drawn to the views of the Health and Safety Executive and the Greater Manchester Geological Unit. Any geological assessment should incorporate detailed cross sections of the quarry as existing and proposed in both directions and indicate the proposed sequence of working relative to the geology of the site.

7.7 The majority of what you refer to in this proposed planning condition are requirements of the Mines and Quarries Act 1954 and do not need to be incorporated within a planning condition. In fact they are matters which should be addressed by the quarry operator as a matter of course. It would, however, be appropriate to incorporate a planning condition relating to fencing and I suggest the following:

"Within 3 months from the date of this planning permission a detailed scheme for the fencing of the site boundary shall be submitted to the Local Planning Authority. The approved scheme shall be implemented within a further 28 days".

7.8 Whilst the principle of the condition is supported, there is no indication or requirement as to how it is to be achieved nor to which access it relates. I assume you refer to the main access to the quarry via Makinson Lane, but note the access to the upper bench is retained off Matchmoor Lane, an access point which has been intensively used in the past for the removal of material off the site with little regard to the cleanliness of vehicles or deposit of material on, and damage to, the highway. Please clarify if and why the entrance onto Matchmoor Lane is to be retained, for what purpose, duration, and what improvements are to be made. In respect of the main access to the quarry, I suggest the following condition:

"Details of wheel cleaning facilities shall be submitted to the Local Planning Authority within 1 month from the date of this planning permission and shall then be made available within a further 2 months and thereafter be maintained and remain available for use as necessary throughout the life of the site to all vehicles leaving the site in order to prevent the deposition of detritus on the highway. Any offending materials deposited on the highway shall be immediately removed and in any event at the end of each working day".

7.9 This condition should provide for the sheeting of all loaded HGV's leaving the site. I suggest the following wording:

"All vehicles transporting extracted materials from the site shall be suitably sheeted to prevent the deposition or loss of materials from the vehicle".

7.10 Whilst I understand and support the principle of planning condition 10, I am of the view that it would be difficult for the Local Planning Authority to enforce and is probably more the responsibility of the Environment Agency. Planning condition 11 is considered acceptable.

7.11 It would appear that water currently being pumped from the quarry is not being directed under Makinson and Matchmoor Lane as has previously been the case. I understand this had proved unacceptable to the Environment Agency. Water is currently being discharged over the surface of the highway and which is considered unacceptable. I understand that investigations are being carried out to resolve this problem involving the Council's Environmental Management Unit and North West Water. It may be more appropriate therefore to await the outcome of those investigations before determining the terms of this condition. However I consider the current situation totally unacceptable and would press this to be addressed as an absolute priority.

There is no indication how surface and any other water around the site is to be dealt with from adjoining land in terms of ingress or egress. You should identify such sources and provide for them as appropriate. It would be worthwhile for you to address this in advance.

7.12 I have no comments to make on this proposed planning condition.

7.13 I have no comments to make on this proposed planning condition.

7.14 The terms of this condition are generally considered acceptable. The final sentence appears a little confusing. The Council will require the results of the monitoring to be recorded and submitted on the last day of each calendar month or on a quarterly basis for the duration of the operations and shall include, the measured LAeq in dB, date and time of measurement, description of site activities, details of measuring equipment and weather conditions including wind speed and direction. I am sure the condition can be acceptably amended.

7.15 Proposed planning conditions 16, 17 and 18 are considered acceptable. Condition 19 would more appropriately worded as follows:

"Each blasting operation at the quarry shall be monitored at points to be agreed in writing with the Local Planning Authority within 28 days from the date of this planning permission and the results recorded to assess vibration and propagation. At 3 monthly intervals the results and regression curves of peak particle velocity against scale distance shall be supplied to the Local Planning Authority. The regression curves supplied shall be the mean curve and 95% percentile limit curve".

7.16 Proposed planning condition 20 is generally considered acceptable. However, I would suggest the following minor amendments:

"Soils shall only be stripped or handled when in a suitably dry condition between April and September. No soils shall be stripped, handled or spread during periods of wet weather. The Local Planning Authority shall be given 2 weeks notification of any soil handling activities outside this period. Topsoil shall be stored in areas to be first agreed in writing with the Local Planning Authority and shall be handled in accordance with the current relevant mineral planning guidance notes or any subsequent relevant guidance".

7.17 Proposed planning conditions 21 and 22 are considered unacceptable. A more appropriate condition would be:

"A scheme of working indicating the phasing of operations, the location, design, phasing, treatment and maintenance of screening mounds and mineral waste deposits, the movement and placement of overburden for the quarry area and including the compound area as defined on the accompanying plan to this decision notice, shall be submitted for the written approval of the Local Planning Authority within 2 months from

the date of this planning permission and shall thereafter be implemented within a further 1 month period from that approval".

With regard to condition 23, MPG14 clearly indicates that for longer term sites it is appropriate for detailed schemes for final landform and restoration to be submitted at a later date. In this respect, the period you propose may be acceptable.

7.18 The screening of public footpaths 23,53 and 55 is provided for in the suggested condition under paragraph 7.17. I do not believe a planning condition can be used to divert public footpaths and therefore this condition is not considered acceptable. Further, and in any event, it is not considered necessary to relocate public footpath 54 along the proposed alignment for the purposes of the existing planning permissions.

There appears to be some long standing confusion in respect of public footpath 54 which clearly needs resolving. I note the alignment of public footpath 54 as denoted on your plan PA4 is incompatible with that shown on the Definitive Footpath Map. At a recent site meeting involving Mr Pickervance, Mr Halewood, myself and Mr Bunting, the Councils Footpaths Officer, as a result of works to the north of Lodge Farm, Mr Pickervance appeared to be of the view he was implementing planning permission 12/5/1642 which does not have a planning condition requiring a 30 yard standoff. Whilst this may be the case it is evident that quarrying operations have removed or damaged the public footpath in its definitive alignment and your plan PA4 is incorrect; it is therefore necessary to address this as appropriate. This is not through the process of the Minerals Review or a planning condition.

Finally, the Council would seek to impose the following additional conditions:

(The adjacent workshop and parking area should be incorporated within this planning permission).

"This planning permission and the following planning conditions relate to the land edged red on the plan referenced ..... attached to and forming part of this planning permission".

"Plant and machinery on the site shall not be used to process, treat or otherwise refine materials other than those extracted from the site".

"No restoration materials shall be imported onto the site as part of the landscaping scheme and no materials shall be imported on to the site for screening, grading or processing without the prior written approval of the Local Planning Authority".

"Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 or any order revoking or re-enacting that Order, no buildings, plant, structures or machinery shall be erected or employed on the site other than approved as part of this permission, except in accordance with a planning permission granted upon an application made under the Town and Country Planning Act 1990 or subsequent revisions".

In view of the extent of the above and implications of such you may wish to discuss these with your client prior to discussing them with the Council.

Yours faithfully

Stuart Perigo  
Group Planning Officer  
Planning Control Section