



WARDELL ARMSTRONG

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Our Ref: JPH/JJ/LE 5291 Your Ref: DC/ASP/50252/97

9 December 1997

S. Perigo, Esq.,
Group Planning Officer,
Planning Control Section,
Environment Department,
Bolton Metropolitan Borough Council,
Town Hall,
Bolton.
BL1 1RU.

ENVIRONMENT DEPARTMENT	
10 DEC 1997	
No.	285
File	
To	Action
PL	

Dear Mr Perigo,

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

I refer to our letter dated the 20th August 1997, subsequent telephone discussions, but in particular your letter of the 4th April (received 12th May 1997) in which you commented on and requested further information on matters relating to our application for new conditions at the above site, and finally your faxed letter of the 25th November 1997.

We have now addressed those matters raised in your letter of the 4th April and submit herewith the further information requested. Please accept my apologies for not replying sooner.

For ease of reference we, like you, have used the paragraph numbers under Section 7 (Proposed New Conditions for Extant Permissions) of our application.

7.1 The reduction of the period during which quarrying of minerals at the site should cease, from 12 years to 10 years, is considered acceptable as is the requirement to restore the site and conduct aftercare operations in accordance with other planning conditions after this period.

7.2 We have, as requested, undertaken a detailed geotechnical assessment at the quarry which has comprised desk study researches, visual inspections of exposed quarry faces, a discontinuity survey, the drilling of seven boreholes and a stability analysis. A copy of our report on these matters will be forwarded to you under separate cover, which you will no-doubt pass onto the Health and Safety Executive for their consideration.

As you will note from the conclusions attached to the report the development of the quarry as originally proposed is considered feasible provided that good operational practices pertain in the design and working.

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So far as Footpath 54 is concerned, we have had, and continue to have discussions with your Authority's Footpath Officer, Mr Bunting. As a result of those discussions and those with the present landowner (the occupier of Lodge Farm) it has been agreed that the longstanding problem is best resolved by applying for a formal diversion. This application has been prepared and will be submitted shortly. With regard to the alignment of Footpath 54 as denoted on our Plan PA4 (March 1997), we have amended our plan to reflect the route shown on the Authority's Definitive Footpath Register, together with those routes used by walkers.

With regard to the southern boundary of extraction, we note your view that this cannot be agreed until matters relating to Footpath 54 have been resolved. We are aware from earlier correspondence and discussions with yourself that much of your authority's concern stems from the fact that Footpath 54 is a 'public highway' and condition number 2 attached to planning permission 12/5/103 dated the 26th June 1950 requires that '.. natural support to adjoining highways is maintained by reserving a strip of land 30 yards wide'.

On this basis your authority maintains, and has argued accordingly, that the southern boundary of extraction should be 30 yards away from the definitive line of Footpath 54.

Notwithstanding the fact that a substantial section of the definitive route of Footpath 54 had already been destroyed prior to Santime Limited owning the site, you have indicated that the stand-off should apply to that part of the definitive route that remains.

As you are aware our clients maintain that the 30 yard stand-off was never intended to apply to Footpath 54, and in support of their belief I enclose herewith copy correspondence dated the 9th January and 16th March 1950 between the then Divisional Planning Officer for Lancashire and G.B. Eccleshall, Esq., Agent for Messrs Thomas Finch & Sons (the then applicant) which has only recently come to light.

With regard to this correspondence your attention is drawn to item 6 of the letter dated the 9th January 1950 to G.B. Eccleshall, Esq. from the Divisional Planning Officer and to Mr Eccleshall's subsequent letter of reply dated the 16th March 1950.

You will note that reference was made to Moor Lane (now Matchmoor Lane) and the other "two lanes" which form the boundary of the quarry. The 'two lanes' referred to are shown on the plan accompanying the permission as being those situated immediately west and north of the quarry.

On the basis of the correspondence referred to above it is clear that there was and is no requirement within the extant permission to leave a 30 yard stand-off to Footpath 54.

In light of this information and the findings of our geotechnical study of the site, we see no obvious reason why the southern extraction boundary cannot extend to within 10 metres of Footpath 54. This would therefore necessitate a modification to the wording of our Condition 5 (amended version) insofar as the proposed 25 metre stand-off would be reduced to 10 metres. For the purpose of clarity we have removed Area B from our Plan PA 4.

With regard to the alleged breach by our client of condition 6 of permission 12/5/1642 please clarify when and where this has occurred.

7.3 As you are aware there is currently no restriction on production at, or output from, the quarry of mineral products. Whilst we accept that output limits from the quarry should have an upper ceiling, we note that although you consider the proposed level of 400,000 tonnes in any single year to be excessive you do not suggest or provide any indication as to what your Authority would consider to be an acceptable figure. Current output averages 250,000 tonnes per annum and this figure does not reflect any annual variations resulting from market and/or contractual fluctuations. It appears nevertheless that a compromise can be reached, and in this regard propose that a figure of 325,000 tpa is imposed which could be increased by agreement with yourselves, if any particular contract necessitates this.

7.4 The proposed restriction of operations to 1300 hours on Saturdays is not accepted by the Company as to do so would prevent them from loading their vehicles up in readiness for early morning deliveries the following Monday. At present whilst the company try to ensure that all their vehicles are loaded by 1300 hours, there are occasions when vehicles have been delayed and accordingly only arrive at the site after 1300 hours, for loading.

The company would however be prepared to agree the restriction of actual quarrying operations to 1300 hours on Saturdays if they were entitled to load up their vehicles after this period.

7.5 The findings of the detailed geological assessment undertaken at the site clearly show that the stand-offs proposed are sufficient to safeguard adjacent land.

We are currently examining a number of designs for the quarry which reflect the findings of the assessment.

Each of the designs provides for an upper bench height of 20 metres on the north eastern face of the quarry, below this, maximum face heights of 15 metres have been incorporated.

Bench widths between operational faces will be a minimum of 10 metres to allow for the safe passage of machinery although these will ultimately be dressed back to 5m in width to provide for the finished slope profile.

As these designs impact upon the overall scheme of working for the quarry, the submission of which is to occur within 2 months of approval of new conditions only a provisional schematic design of the site is enclosed at this stage. This scheme is likely to be revised in the light of the finally accepted design.

- 7.6 The views expressed by the Health and Safety Executive and the Greater Manchester Geological unit have been taken into account, as have the findings of the geological assessment in the preparation of detailed cross-sections through the site. Drawing Numbers 7/LE 5291, 8/LE 5291 and 9/LE 5291 attached, illustrate the relationship of the proven geology to the existing topography. The provisional schematic design of the quarry is shown on Drawing Number 10/LE 5291.
- 7.7 Noted and agreed. Having discussed this matter with the Company I confirm that they have already taken steps to implement the condition relating to fencing, as proposed in your letter dated the 9th April 1997.
- 7.8 The access road referred to in our application under this paragraph does indeed relate to what is currently the main access to the quarry off Makinson Lane.

As you may already be aware the Company have recently introduced measures within the quarry both to suppress dust from existing operations and to clean both vehicles and the main approaches leading from the quarry. In this regard the introduction of a high pressure water sprinkler system within the quarry has greatly improved the condition of the access road both immediately within the quarry entrance and along Makinson Lane.

Should conditions necessitate the use of the company's road sweeper and water bowser to travel the length of Makinson Lane to remove any debris then these, and such other measures as may be required, will be employed by the Company.

On the foregoing basis the condition proposed in respect of the main access is considered acceptable although it would require a further slight amendment to ensure that only those vehicles exiting the quarry would be required to utilise the wheel wash/cleaning facilities and not those using the maintenance workshops/offices outwith the quarry, such as private cars and enclosed vans etc.

With regard to the access off Matchmoor Lane, this is currently used to gain access to the upper benches for drilling and the haulage of shale and coal as there is currently no other alternative.

The Company are however currently examining whether it is feasible to construct an internal haul road within the quarry which will make access to the upper benches from Matchmoor Lane unnecessary except for those vehicles carrying out maintenance to the drainage channels fencing and screening bunds. If the construction of an internal haul road is feasible then all heavy tracked plant and haulage vehicles will utilise it and only light wheeled vehicles would use the access onto Matchmoor Lane.

On the foregoing basis it is proposed that access to the upper benches will be required for the duration of the quarry or until the internal haul road is developed whichever is the sooner.

Lorry movements into Matchmoor Lane from this entrance are infrequent. Tracked vehicles ie. the drill rig are moved via a trailer. No improvements to the highway are proposed to this entrance, although measures will be taken to gate and fence the entrance and ensure that the existing drainage channel is not obstructed.

- 7.9 The proposed condition relating to the sheeting of all loaded HGVs leaving the site is accepted. As you may be aware the Company have established a sheeting bay at the quarry for this purpose, although all the Company's vehicles are equipped with sheeting facilities.
- 7.10 Your comments relating to conditions 10 and 11 are noted and accepted.
- 7.11 The management and subsequent disposal of water entering the quarry is recognised as being a priority by the Company and as such has necessitated detailed investigations by the Company and discussions with the Environment Agency in particular. These discussions are still continuing but we believe that the matter has been substantially resolved.

Discussions with the Environment Agency have confirmed that they have no objection to the quarry's discharged waters entering the former Tup Row Delph Quarry via Bolton's existing surface water drainage system and that such discharges do not need a formal consent from them. We are shortly to conduct a dye tracing exercise to confirm that there is no direct physical connection between the waters currently entering Tup Row Delph and those surface water courses visible below the dam wall to Park Reservoir.

In the meantime, discussions with your Highways Department have continued and agreement has recently been reached with them on the form of connection required to couple into the surface water drainage system beneath Georges Lane. The Company have already undertaken a CCTV survey of the existing system and confirmed the pipework's integrity and condition. Quotations from a number of contractor's have been obtained and works to provide the connection scheduled to take place within the next week or two.

With regard to surface water ingress to the site from adjoining land, the Company propose to extend the existing peripheral drainage channel to the NE of the site within their land. This will serve to intersect such run-off from lands lying to the north of the quarry and direct it into the existing channel which runs along Matchmoor Lane.

The sump area within the quarry has been substantially extended both laterally and vertically to provide the company with increased storage capacity.

- 7.12 & 7.13 noted

7.14 We accept your comments and for clarity have amended the condition originally proposed by separating it into discreet sections as follows:

- (i) All necessary and reasonable measures shall be taken to keep noise generation to a minimum. Noise from any activity (with the exception of those outlined in (ii) below) shall not exceed the equivalent free field continuous sound level measured over a one hour period (L_{Aeq} 1 hr) of 55 dB(A), at a location which is representative of noise sensitive properties at Heather Hall, and Grundy Cottages.
- (ii) Operations relating to topsoil stripping, and other works in connection with landscaping, screening mound construction and restoration works shall not exceed the equivalent free field continuous sound level measured over a one hour period (L_{Aeq} 1hr) of 70 dB(A), at a location which is representative of noise sensitive properties at Heather Hall, and Grundy Cottages. These noise levels shall not exceed eight weeks in the aggregate in any twelve month period.
- (iii) Unless otherwise agreed with the Mineral Planning Authority, monitoring of noise from site operations shall be undertaken once a month and the results submitted on or before the last day of that month. The monitoring results shall include:
 - (a) the recorded noise levels expressed as dB L_{Aeq} 1 hour;
 - (b) date and time of measurement;
 - (c) description of site activities at the time of the measurement;
 - (d) details of the measuring equipment; and
 - (e) details of weather conditions including wind speed, direction and temperature;
 - (f) location of monitoring.

7.15 Your comments relating to proposed conditions 16, 17 and 18 are noted. With regard to amending proposed Condition 19, we do not agree that each and every blast should be monitored. Blasts at the quarry are specifically designed to ensure that the levels proposed in Condition 18 are not exceeded. Indeed the design is such that levels fall within the permitted range. Accordingly the Company are confident that by adopting similar designs the threshold levels will not be exceeded. Should your Authority wish to undertake periodic monitoring of the Company's blasts then they will be afforded every opportunity to do so.

7.16 The proposed minor amendment to Condition 20 is acceptable save for the requirement to provide the Local Planning Authority with two weeks notification of any soil handling activities outside the previously defined period (April to September).

The two week notification period suggested is considered to be excessive given the fact that conditions (particularly weather related) may have improved sufficiently to allow activities to continue within a relatively small working window. In such situations the Company or any contractor appointed by them would wish to proceed quickly to take advantage of the "window". In light of this we suggest that the notification period is reduced to say 48 hours which would still provide sufficient time to enable your Authority to inspect prior to the works commencing.

7.17 The condition proposed in your authority to replace those originally submitted under numbers 21 and 22 is acceptable. With regard to your statement that the scheme of working is to "... be implemented" with 1 month of its approval - we understand that this relates to the scheme's commencement and not its completion. With regard to Condition 23 your comments are noted.

17.8 Your comments made under this section have been noted. With regard to any stand-off to Footpath 54 we have already commented on this under 7.2 and provided information to prove that no stand-off is currently required. The Company are however proposing to leave a 10 metre wide stand-off.

Plan PA4 has been amended to show both the definitive alignment of Footpath 54, and that route currently taken by walkers. As mentioned previously steps are being taken to formally divert the definitive route of Footpath 54 to a safe route.

We note that your Authority are seeking to impose a number of additional conditions to those proposed in our original application. With regard to these we comment as follows:

- (i) It is not accepted that the adjacent workshops, offices and parking areas should be included with the planning permission(s) under review as these facilities currently fall outwith the extant planning permission areas.
- (ii) The second additional condition proposed stipulating that "plant and machinery on the site shall not be used to process, treat or otherwise refine materials other than those extracted from the site" is not accepted.

Whilst no materials are currently imported from other sources it may be, for example, that commercial activities may require the use of other quarry products not indigenous to Pilkington Quarry or that final restoration of the site will require the importation of materials. Given that Government policies are encouraging recycling it may be that such imported materials are processed/treated or otherwise refined to a specification which enables them to be resold. We are aware of a number of such sites where operations of this nature are conducted, with several of the products being used to restore the site to a condition equal to, if not better than, that which was there before. Only those materials which are incapable of beneficiation in this way would then go into creating the final landform. It is however recognised that such operations would require a licence from the Environment Agency.

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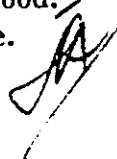
- (iii) With regard to the third proposed additional condition, relating to the importation of restoration materials for use as part of the landscaping scheme, we note that your Authority's written approval is to be sought beforehand. As you are aware there is little, if any, top dressing material ie. topsoil available on the site and it may be that to ensure the agreed landscaping scheme is successful such materials will have to be imported. We trust therefore that your Authority's approval would not be unduly delayed or withheld should it be sought. Given that the proposed condition is not an out and out prohibition of importing materials for landscaping the condition is acceptable.
- (iv) We note that under the final additional proposed Condition, your Authority is seeking to withdraw the statutory Permitted Development rights which our clients currently have the benefited both from a practical and commercial point of view. You do not however explain why you require these rights to be withdrawn and I would grateful if you could do so.

I trust the foregoing satisfies your immediate requirements but should you wish to discuss any of the matters raised then please do not hesitate to be in touch. If you feel that a meeting would expedite matters, then please do not hesitate to contact me.

Yours sincerely
for Wardell Armstrong,

Jonathan Paul Halewood

J. P. Halewood.
Associate.



Encl.

cc. D. Pickavance, Santime Limited