

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL BY ARMSTRONGS AGGREGATES LIMITED**

**SITE AT PILKINGTON QUARRY, MAKINSON LANE, OFF GEORGES LANE, HORWICH,  
BOLTON, BL6 6NA**

LPA REF: 80931/08

**GROUND OF APPEAL**

1. This proposal to extend an existing dimension stone quarry (with associated aggregate recycling) is in accordance with the policies for mineral extraction, recycling and restoration set out in the Regional Planning Guidance for the North West (RPG13), The North West Plan – Submitted Draft Regional Spatial Strategy for the North West and the Bolton Unitary Development Plan.
2. The proposed extension area is principally allocated as an Area of Search for sandstone/gritstone in the adopted Bolton UDP.
3. The application was reported to Bolton Councils' Planning Committee on the 26<sup>th</sup> October 2009 where the officer's committee report concluded:

*"..The restoration infilling proposal would provide a facility where inert construction, demolition and excavation waste that could not reasonably be recycled elsewhere could be disposed of in close proximity to the point of arising. It is considered that such restoration operations would not have an unacceptable adverse impact on the amenity of local residents, the local highway network or the environment sufficient to justify refusal of the application.*

*The application/ES has investigated all potential issues that may arise from the proposed development, all of which have been confirmed by formal consultees to have no unacceptable negative impact on the surrounding landscape, environmental or local residents.*

*The recycling of mineral waste would reduce the amount of waste currently being sent to landfill and would also reduce the need for primary aggregate extraction. Importation of inert construction and demolition materials at the site would ensure that the quarry could be restored to an appropriate end-use and would provide a local facility for the deposition of inert waste materials.*

*Very special circumstances have been demonstrated for the development and it would not have an unacceptable impact on local residents, the highway network or the environment subject to recommended conditions."*

4. The committee were opposed to officers advice and resolved to refuse the planning application on grounds that were agreed at a later date.
5. None of the reasons for refusal justify preventing the proposals at Pilkington Quarry from proceeding as set out below:

#### **REASON FOR REFUSAL 1 – INSUFFICIENT INFORMATION**

6. A substantial body of information was submitted with the planning application/ Environmental Statement/points of clarification with details of the restoration scheme, the full environmental impact of the development, the impact on hydrology and hydrogeology and the need for the proposed infill (points raised by the Committee as lacking information). It was confirmed in the Environment Agency's consultation of the 28th October 2009 that a condition could be placed on the permission requiring further information on any potential contamination within the site.

The first reason for refusal is, therefore, uninformed and factually incorrect and the proposal is not contrary to policies M3, M5, W1, W2 and W3.

#### **REASON FOR REFUSAL 2 – TRAFFIC**

7. Following the production of a traffic and transport assessment and a further briefing note, no unacceptable impacts in terms of highways were envisaged and Greater Manchester Transportation Unit had no objections to the proposals. The application is in accord with policy A5 of the Bolton UDP and would not “...*unduly affect the living conditions of nearby residents*” as suggested in the reasons for refusal. The committee report in relation to traffic concluded:

*“...it is not considered that there are highway grounds for an objection to the proposal”*

#### **REASON FOR REFUSAL 3 – WILDLIFE**

8. An ecological assessment was carried out and included in the submission of the application. Greater Manchester Ecological Unit had no objections to the proposal but required some further details regarding the restoration scheme, which were supplied. Likewise, Bolton Council’s Greenspace Wildlife Liaison Officer after requesting further restoration details (which were supplied) confirmed in their consultation report that they do not consider:

*“...the low quality grazing pasture overlying the proposed extension area to be of great value or benefit to wildlife... ..Operation of the aggregate recycling ...also seems to offer little threat to wildlife for the proposed working life of the quarry”*

9. As confirmed in the report to committee (Note 1.) “..*the development proposals would not adversely affect the natural environment and biodiversity.*” The application, therefore, is

considered to be in accordance with Policy N1 of the Bolton UDP.

10. Red Moss SSSI is the nearest SSSI to the site and lies around 2.5 km to the south west. Reason for refusal 3 states the proposal is contrary to policy N2 which relates to adverse impacts on SSSI's. It is clear from the conclusions of the studies and the distance from the designated sites that this proposal would have no impact on any SSSI and is therefore in accord with policy N2.
11. Policy N5 discuss the impact development may have on the integrity or continuity of certain landscape features. Of the features listed, only ditches and degraded heathland could potentially be impacted upon during the proposed works. The ecological assessment concludes that the existing extension area has very limited ecological value and that the proposal would not comprise a significant impact upon these two features. The beneficial value of the restoration scheme would also outweigh the need to retain these features.
12. Policy N9 is not considered relevant to this site as the results of the Environmental Assessment showed there are no adverse impacts anticipated on any protected or rare species or their habitats.

#### **REASON FOR REFUSAL 4 – LIVING CONDITIONS OF NEARBY RESIDENTS**

13. Bolton Councils Environmental Health team did not object to the proposals. All of the relevant areas covered in the policies under the reason for refusal were included in the Environmental Statement where it was concluded that there would be no adverse environmental impact upon local residents from this proposal.
14. The proposal is not contrary to the following policies as stated in the reasons for refusal: EM2, EM3 and N1.

15. The following policies included in the reason for refusal are not relevant to this proposal:
16. EM12 – The Environment Agency suggested conditions that would assess the hydrology/hydrogeology if the Council were minded to approve the application. This policy is therefore unjustified as a reason for refusal.
16. N2 - Relates to the impact of proposals to SSSI's. As discussed previously, the nearest SSSI is over 2.5 km away and would not be affected by this proposal. This policy does not relate to the living conditions of nearby residents and should never have been referred to in this context.
17. N5 – This policy relates to the potential adverse impacts of development on the integrity or continuity of certain landscape features and is not relevant to the living conditions of nearby residents as purported in the reason for refusal.
18. N9 – Again, this policy is not relevant to the impact of proposals on the living conditions of nearby residents as it relates solely to protected or rare species and their habitats.

#### **REASON FOR REFUSAL 5 – VISUAL IMPACT**

19. There were no objections from formal consultees on landscape grounds.
20. The landscape assessment that accompanied the submission concluded that the majority of impacts from the proposals were of low or no significance. However, the two medium adverse impacts, namely the potential impact on tranquillity from HGV movements and the visual impacts from the new footpath, were recognised as only temporary and became positive impacts upon restoration. Both impacts would not, however, impact upon the character and appearance; economy and the natural and historic environment of the countryside as stated in policy R1. The proposal is, therefore not contrary to policy R1 as suggested in the reason for refusal.

21. Policy R5 is the final policy Bolton Council deems this application to be contrary to. The policy discusses the impact of development upon the landscape character of an area and permits development, which contributes to or strengthens the character. The proposal falls within the Upland Moorland Hill landscape character type. Quarrying is discussed in the landscape character area type, as are valuable mosaic habitats, a sense of wildness and long, wide views. It is considered by both the applicant/appellant and the formal consultees that there would be no unacceptable impact from these proposals on the Landscape Character. Quarrying is in fact a recognised feature of this landscape character type. The restoration proposal would both contribute to and strengthen the landscape character of the area. The proposal is therefore considered to be in accord with policy R5.