

AGENDA ITEM *28a*

NOT FOR PUBLICATION UNTIL THE
COMMENCEMENT OF THE MEETING

ENVIRONMENT COMMITTEE

DEVELOPMENT CONTROL
SUB COMMITTEE

11th September, 1984

Report of the Director of Planning

PROPOSED EXTRACTION OF STONE AT

HORN CRAG QUARRY, SILSDEN

1. MATTER FOR CONSIDERATION

1.1 Determination of Planning Application 84/6/2257 for the extraction of stone at Horn Crag Quarry, Silsden, for Messrs. Dales Properties Limited.

2. INFORMATION

2.1 Members will recall that quarrying operations on the site of this application commenced nearly two years ago, and that planning permission has been refused on a similar application on 21st February, 1984. A copy of the relevant committee report (less appendices) is attached for member's information. Since that time, unauthorised quarrying at the site has continued and members have from time to time been updated on the situation as it has developed in connection with enforcement proceedings that have been instituted. At the present time, Officers are continuing to collect evidence of the unauthorised quarry working and a further report on this aspect of site control forms a later item of this Sub-Committee agenda.

2.2 This present application which was submitted on 13th April 1984 represents a further attempt to gain planning permission for the extraction of minerals from Horn Crag Quarry. No appeal was lodged against the refusal of 21st February, 1984, but instead the applicants have attempted to gain permission by way of a revised planning application which purports to offer means of overcoming the reasons for the earlier refusal of planning permission. The application site as submitted contains some 1.9 hectares of semi-moorland, and is rectangular in shape, being approximately 200 metres x 100 metres in extent. It is the same as that subject of the refused application and the same extraction rates apply also.

On the approved County Development Plan, the site is within the approved Green Belt and High Landscape Value notations which also cover a considerable area of neighbouring land.

In the draft Upper Airedale District Plan the site is not shown as a mineral reserve, and is included with a Special Landscape Area.

The site history is well known to Members and is documented in para.2.2 of the attached earlier report.

2.3 In an attempt to overcome the reasons of refusal on the previous application the applicants now have provided the following additional information:

- (i) Water Supply (Reason 1) - The developers have commissioned a report from Messrs. J. Haiste International Limited, in order to define the problems of water supply, and to assess what steps should be taken to ameliorate the effect of the quarry operations on the ground water supplies to neighbouring dwelling houses. After inspecting the existing system, the consultants have suggested that improvements are carried out, so as to minimise the risk of pollution to the underground supply system. They have also suggested that filters be fitted to private supply taps in order to prevent contamination of the supply by suspended solids. In remitting the report to the County Council, the applicants have undertaken to comply with the report recommendations, and will bear the full costs thereof.
- (ii) Access (Reason 2) - The new submission makes reference to provision for two passing places in Fishbeck Lane/Brownbank Lane and an undertaking has been given by the contractor, who is solely responsible for transporting the stone from the site, that he would only take access to the quarry via Brownbank Lane. Off site signing to direct traffic to the quarry via Brownbank Lane has also been offered.
- (iii) Site Environment (Reasons 3+4) - In the new application, a landscaping bund has been proposed, the intention of which is to screen the majority of the workings from the surrounding area. The bund would contain some 30,000 cu metres of waste from the quarry and would be intended also to suppress noise and dust from the quarry operations.
- (iv) Wildlife Habitats - Some provision has been made for the protection of wildlife, and the developers have accepted their liabilities in that respect.

2.4 CONSULTATIONS

Biological Data Bank - No objections, subject to the protection of the wildlife habitats.

NEGAS, YEB - No objections

EDE - No objections

EDTT - No objections, subject to:

- (i) Access to the site is to be via Brown Bank Lane and is to be assisted by local access realignments onto Fishbeck Lane, and erection of low fencing to the satisfaction of the local highway authority.
- (ii) Construction of 2 passing bays 15 metres x 3 metres along Fishbeck Lane.
- (iii) Not more than 3 loaded lorries to leave the site per day.
- (iv) Erection of signs as follows: "No access to Horn Crag Quarry" at junction of Fishbeck Lane with A6034, and "Access to Horn Crag Quarry" at the junction of Brown Bank Lane with A6034.

Yorkshire Water Authority

The comments made on the previous application on this site 83/6/06858 dated 15th November 1983 remain valid and the comments relating to the high probability of pollution to the water source are supported by the report

dated 21st May, 1984 by Haiste Limited on the water supply situation.
The Y.W.A's previous comments noted, inter alia:

"Practical measures to safeguard the quality of the source in the long term would involve the applicant in additional expenditure. At a recent meeting, the applicant indicated that he was considering an offer, without prejudice, to the owners of the properties supplied from the spring towards either the cost of treating the supply or providing an alternative supply by means of drilling a borehole. If one of these alternatives can be guaranteed by means of planning condition or agreement to the satisfaction of the Planning Authority in consultation with Yorkshire Water, there would be no objection to quarrying providing the following additional conditions were applied:

- (a) no quarrying should take place below 233 metres AOD as shown on the submitted plan
- (b) no blasting should be used to extract stone
- (c) all foul drainage on site should be drained to a sealed system, the contents of which should be disposed of away from the site in a manner to be agreed
- (d) any storage of oils, chemicals should be sited on an impermeable base and surrounded by a sealed bund wall capable of holding 110% of the volume of the largest tank".

It is felt that if the recommendations set out in Section 6.5 of the Haiste report were carried out, these measures would adequately resolve the water supply problems in the area. It is therefore recommended that the application can be approved subject to any necessary planning conditions or agreements which would incorporate the recommendations set out in Section 6.5 of the Haiste Report and the four conditions referred to as (a) - (d) above.

2.5 PUBLICITY

The application was advertised in the Craven Herald and Pioneer on 6th April 1984 and on site in accordance with Section 26 of the Town and Country Planning Act 1971. In response 7 representations have been received, all of which object to the application. The objectors are:

Mr. and Mrs. P. Fretwell "Green Gables" Silsden
Mrs. A. Bradley "Fishbeck Farm" Silsden
Mrs. E.A. Jones "Fishbeck Cottage" Silsden
Mr and Mrs. J. Cooper "Ashghyll" Silsden
Mr. G.A. Feather "Greenacres" Silsden
Mr. A.S. Parker, 38 Cringles Caravan Park, Silsden
Managing Director, Cringles Caravan Park Limited, Silsden

Copies of the above letters have been placed in the Members' Library, along with the objectors final responses resulting from the implementation of the County Council's Special Procedures.

The objections can be summarised as follows:

- (i) That the continuation of quarrying operations has caused water pollution and will continue to cause pollution to private spring water supplies in the area
- (ii) That the road network in the area is totally inadequate for the purposes of quarry traffic
- (iii) That the continuation of workings will seriously affect the amenity of this rural area, due to additional noise, dust and general destruction of the existing amenity.
- (iv) That quarrying will affect protected wildlife habitats in the vicinity of the quarry.

As a result of the carrying out of the County Council's Special Procedure one response has been received stating that no objection will be raised provided that all the assurances given by the applicants are implemented.

All other responses indicate that the objectors are far from satisfied that the development should proceed, and their objections are fully sustained.

In relation to water supply, the objectors' dwellings have been without a satisfactory water supply for 2 years, and it is beyond reasonable doubt that this is due to the unauthorised workings at the site.

Copies of the objections and final responses have been placed in the Members Library.

2.6 District Council observations

The Bradford District Council's Development Control Sub Committee considered the application on 6th June, 1984 and decided that they would support the proposal provided that a wholesome supply of water should be provided and maintained to the adjacent residential properties.

The Members further considered that the following conditions should be imposed on any planning approval:

1. a landscaping scheme to be submitted for approval in order to contain noise and to provide visual screening. The submitted scheme was not considered satisfactory and a better proposal could be designed whereby the slope on the western side of the bund is reduced, the overall height is reduced and landscaping and grassing is implemented at an early stage.
2. the proposed lay-bys and access arrangements should be improved prior to quarrying operations recommencing
3. the recommendations in paras 3.2 to 3.5 (inc) of the "Haiste" report being carried out
4. that should the water filter trials prove to be unsuccessful then a borehole should be provided
5. the requirements of the Yorkshire Water Authority
6. the necessary footpath diversions being carried out

The Development Sub-Committee considered that a Section 52 agreement, as an alternative to the above suggested conditions, should be explored in order to secure the proper implementation and regulation of the development.

2.7 County Officers Observations

Objection has consistently been raised against this proposal on the following grounds:-

- (1) The detrimental effect that the operations have had upon the private ground spring water supplies to the neighbouring dwellings of which there are seven in number.
- (2) That the means of access to the quarry is inadequate by reason of the poor highway infrastructure in the area.
- (3) That the extraction of minerals from the quarry will be detrimental to the amenities of the area because of the additional noise, dust and traffic generated.
- (4) The inevitable disturbance to protected wild-life habitats.

These were the grounds which substantiated the refusal of planning permission in February, 1984.

Looking at these issues as expressed in the present application, it is considered that the application proposals are still unsatisfactory. The situation is, therefore, considered below under the several heads:-

(i) Water Supplies

There is little reason to doubt that the working of the quarry since unauthorised commencement in 1982, has adversely affected the private spring water supplies to the seven dwellinghouses. Until that time they had enjoyed a satisfactory supply of water that was adequate for all domestic and agricultural needs. Evidence from the local Environmental Health Office confirms that in October 1983, the water supply was grossly polluted, not only by siliceous matter, but also by bacteriological organisms, the presence of which would be likely to cause danger to health. As a result of the substantial cessation of the physical extraction of stone from the ground after the service of the first Stop and Enforcement Notices, in September, 1983, some improvement in the quality of water was evidenced by the EHO. Indeed, by the 18th November, some 2 months after the serving of the Notices, the water supply was almost back to potable quality. However, because of fluctuations in quality, the position is unstable and the residents are still having to rely for supplies on a bowser provided by the Water Authority, or by bringing water in containers from their places of work. This situation has been manifest since the commencement of operations nearly 2 years ago and it is clearly totally unsatisfactory to all parties. As mentioned in para 2.2 above, the Haiste report makes clear recommendations whereby the pollution and/or disruption of private water supplies can be obviated. This detrimental effect is likely to continue unless the ameliorative measures proposed in the consultant's report are implemented in full. These recommendations would, if implemented, meet the requirements of the Water Authority. At the present time, it is not known whether any of the recommendations have been carried out. It is, however, known that certain of the parties whose water supplies have been adversely affected, are not yet prepared to commit themselves to accept any of the alternatives offered without initial tests and assurances.

It is understood that the construction of a private borehole is being considered by one of the residents, but no other information is currently available.

It is almost certain that, should a borehole solution be agreed, any borehole would be likely to be situated on land outside the control of the applicants, and no proposals are included in this application to cover such a contingency.

In the 3 months since the submission of the application, there is still no agreed basis (either formal or informal) whereby the problem can be resolved in a manner acceptable to the affected parties, to the County Council, or to the Water Authority. County Officers have repeatedly indicated that no favourable recommendation on the application could be made unless a formal agreement had been obtained. Legally, it would not appear possible to deal with this matter on the available information by the imposition of a planning condition.

(ii) Access

As Members will have observed during their inspection, the highway infrastructure is poor and generally unsuitable for use by heavy quarry traffic. It is accepted that the activity rate at the quarry is low, but even though only 2 vehicles per day might regularly call at the site, it is a matter of fact that this figure has been exceeded in the past. In any event, other traffic also uses Fishbeck Lane (including heavy farm traffic) and it is considered likely that damage to the road and verges will result if its usage is increased as envisaged. The applicants have indicated informally that they have now obtained sufficient control over the necessary land in order to provide 2 passing places on Fishbeck Lane at points acceptable to EDTT. This provision would be a pre-requisite to the granting of any planning permission. At this time and despite formal requests, however, the applicants have not included this land in their application, nor have they given the required evidence of notice under Section 27 of the Town and Country Planning Act 1971. The application does not, therefore, satisfy basic highway requirements.

(iii) Amenity

It is accepted that the site is not readily visible from the main or minor road network in the vicinity of the site, although this is due entirely to the juxtaposition of the relative levels of carriageway, boundary walls and adjoining fields. Nevertheless, there are points on the Silsden-Addingham Class I road and the adjoining Cringles residential caravan site where there are views of the exposed quarry workings which are unsightly and intrusive against the backdrop of open areas of land comprising the western flank of Ilkley Moor.

As the workings have extended, they have become more visible than has hitherto been the case, and they now affect much more adversely the amenities of the dwellings that look onto the site. The bund which is currently being formed from quarry waste, if fully constructed as proposed in the application, will be approximately 10 metres high and may take a further 6-9 months to complete. This bund will even then not completely screen the quarrying operations, and will remain an obtrusive feature even when soiled and seeded.

Also, it is not accepted that the bund is technically capable of being achieved as proposed, and in any case it would be considered aesthetically an unacceptable land form, presenting considerable difficulties for adequate after treatment. As currently submitted, some 25% of the bund is outside the application site though on land under the applicants control.

(iv) It is considered that the quarrying operations are still likely to affect adversely, the wildlife habitats which are situated at the north western corner of the quarry. The developers are aware of the presence of these habitats and have indicated their intent to prevent damage to them wherever possible. The proposed bund would, however, be very close to the habitats, and it cannot be said with certainty that they will remain unaffected. Safeguarding conditions would, at the request of the Nature Conservancy Council, have to be imposed if planning permission was to be granted. The NCC are satisfied that reasonable steps have been taken to protect the wildlife to date.

2.8 In terms of the approved Structure Plan, the application has been considered in the light of the following policies:-

N.36 In terms of the above observations, the proposal cannot be regarded as relating to the extension of existing authorised Mineral workings

N39 (i) It is agreed that the mineral does exist at the site

(ii) The need for the mineral has not been proven to the satisfaction of the County Council. It is admitted that there is a ready market for all the stone that has been unauthorisedly won from the site, but it is likely that such stone could have been provided from other sources which would have been more acceptable from a planning point of view.

(iii) The Ministry of Agriculture advise that they have no basic objection to the proposal, but they are seriously concerned at the total lack of proper restoration measures.
This part of the policy is thus not satisfied.

(iv) The proposals will have a considerable effect on the environment and local communities, and in the light of the foregoing paragraphs, it is clear that this part of policy N39 is not satisfied.

(v) As has been explained previously, the means of transporting minerals from the site is unsatisfactory and the highway infrastructure is inadequate. In the absence of the implementation of EDTT's requirements, this part of the policy is not satisfied.

(vi) The restoration proposals and intended methods of working have not been satisfactorily explained and this part of the policy is not satisfied.

In relation to the policy as a whole, therefore, Members cannot be advised that the proposals are compatible with the policy.

N21 It is considered that the proposals will adversely affect the visual character of the area contrary to the general intent of the policy.

N23 It is considered that conditions could be imposed to safeguard the wild-life interests, and the proposal could be made to comply with the policy if the requirements of imposed conditions were satisfied.

2.9 CONCLUSION

The application proposes operations which are generally seen to be undesirable in terms of their effect on the amenity of the area which is identified as being of high landscape value. The extraction of stone will cause detriment to those amenities which are enjoyed by several dwellinghouses and a caravan site which look onto the site. Also, on the information presently available, there is a high probability that the operation of the quarry will continue to affect adversely the private spring water supplies to those houses. Unless this or other of the Consultants recommended schemes can be agreed and implemented. The unauthorised commencement of development in advance of planning permission has allowed Members to appreciate more readily the objections to the application, and the new application does not overcome any of the key objections raised and previously considered in the refusal of the earlier one.

At a meeting held on 2nd July, 1984 the developers were asked to provide more detailed information on many facets of the application. The information included

- (1) The fundamental omission of parts of the landscaping bund, access ways and storage areas from the site area.
- (2) The omission of the lay-byes and access works from the application curtilage
- (3) Details of the necessary agreements required with the Water Authority and with the local residents and landowners affected, securing the restoration of an accepted potable water supply.
- (4) Methods of working and restoration, including after-care and after-use.
- (5) Other minor details.

Since the date of the meeting, there has been no further information from the applicants, or their agents in relation to the information asked for, yet they are fully aware that the application is to be determined at this meeting of the Sub Committee.

It is therefore felt that, in view of the need to attempt to foreclose on the existing unsatisfactory situation at this site, the Sub Committee should consider the application in the light of the information currently available.

3. RECOMMENDATION

That application no. 84.6.2257 having been considered particularly in terms of Structure Plan Policies N21, 23, 36 and 39 be refused for the following reasons:-

1. The application site includes and the proposed development indicates, quarry workings in close proximity to ground water supplies which provide the sole potable water supply to neighbouring dwellinghouses. It is considered that there is a high probability that the proposed quarry workings will lead, directly or indirectly, to the pollution of those supplies and also with other licensed abstractions and boreholes in the area. Few, if any of the measures recommended in the Consultant's report commissioned by the applicants have yet been

implemented nor have any formal proposals to alleviate the problems of water supply been advised to the County Council.

2. The site access is unsuitable, being taken from a single track road which has no proper passing places and which joins the primary network, (A6034 Silsden to Addingham) at its northern end at an extremely acute angle with limited visibility, and at its southern end (via Brownbank Lane - itself a minor road of limited width and variable character) - at a restricted junction. Means negotiated for overcoming these problems are not included in this application or any other formal planning submission.
3. The site and its environs are situated within the Green Belt and are part of an area defined as being of High Landscape value. The proposals submitted to mitigate the impact of the operation on the surrounding area are considered to be inadequate in scope, technically incapable of being achieved as described and not capable of implementation within the timescale identified, and would be in themselves obtrusive and unacceptable from a landscape standpoint.
4. The proposed operations of quarrying and working of stone at the site and the traffic generated therefrom would severely damage the amenities of the surrounding area but particularly of adjoining residents, by reason of noise and dust nuisance.