



Appeal Decision

Site visit made on 10 November 2022

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/N4205/W/21/3274546

Montcliffe Quarry, Georges Lane, Horwich, Greater Manchester BL5 6RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Armstrongs Aggregates Limited against the decision of Bolton Metropolitan Borough Council.
 - The application Ref 05250/19, dated 4 January 2019, was refused by notice dated 8 March 2021.
 - The development proposed is a lateral extension to the existing quarry in order to facilitate the extraction of a known, locally distinctive building stone resource.
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Decision

1. The appeal is dismissed.

Background & Preliminary Matters

2. Montcliffe Quarry is a 26ha, long-established stone quarry (the existing quarry) set on the south-western slope of Winter Hill, above the town of Horwich. This quarry is due to be worked until 2033, with the removal of buildings and site restoration happening thereafter.
3. The proposal is to extend into the northern end of the north-eastern face of this quarry, to extract further reserves of building stone. This would be used to restore, repair, and extend historic buildings in local towns such as Bolton, Turton, Farnworth, Horwich and Blackrod, as well as to construct new buildings that respect the heritage of such places. The appeal site, which comprises the extension only, has an area of about 3.2ha, and it would be accessed and served solely from the existing quarry.
4. The application was considered, and the appeal was submitted, on the grounds that the base of the quarry floor of the proposal was to be at some 264m AOD, which I understand matches the floor of the existing quarry. This was supported by evidence that groundwater would not be affected, and was reflected in the submitted plans and restoration details. It was said the proposal was to be worked until 2042 (I address below under 'Other Matters' the discrepancy between this date and the date the existing quarry is to cease operating).
5. However, as part of its Final Comments, the appellant sought to amend the submission so that the quarry floor would only go down to 290m AOD, some 26m higher than initially proposed. This would give rise to a consequent reduction in the amount extracted, the amount of associated activity, and the time the works needed to be undertaken. The reason for this was that further

investigations had found the groundwater levels to be significantly higher than previously assessed.

6. The appeal process should not be used to evolve a scheme, and it is important that what I consider is essentially what was considered by the local planning authority, and on which interested people's views were sought. I accept that in some respects the impacts of this suggested amendment may be less. However, to my mind that scheme, to create a smaller quarry with a higher quarry floor, would be appreciably different to the one as submitted with the appeal, and on which the decision was made. Moreover, there is little technical hydrological information before me to support such a change, there could well be implications for the Environmental Impact Assessment, and the proposed restoration has altered. I am aware too that local residents have not been consulted on such an amendment in connection with this appeal, as it was only suggested at Final Comments stage. While their views were no doubt sought in connection with the second application that has since been considered, I do not have any comments that might have been made.
7. Taking these points together, I consider the amended scheme would not be essentially the same as the one determined by the Council and lodged under this appeal. Therefore, I do not accept the amended scheme, but rather will consider the proposal as it was submitted when the appeal was initially lodged, with the quarry base being in the region of 264m AOD.
8. An application for full costs has been made by the appellant against the Council, and that is the subject of a separate decision.

Main Issues

9. The main issues in this case are
 - a) whether in principle mineral extraction is justified;
 - b) whether it is inappropriate development in the Green Belt;
 - c) its effects on the character and appearance of the area;
 - d) its impacts on ecology and biodiversity and
 - e) whether it has been shown the proposal would not have an adverse effect on hydrology.

Reasons

The principle of mineral extraction

10. The *National Planning Policy Framework* (the Framework) states that great weight should be given to the benefits of mineral extraction, including to the economy. It specifically adds that consideration should be given as to how to meet demand for building stone needed to repair heritage assets, taking account of the need to protect designated sites.
11. Policy 4 of the *Greater Manchester Joint Minerals Plan* (the Minerals Plan) states that proposals for the working of natural building stone will be supported, provided the stone would assist the conservation and repair of historic buildings or structures built of the same or similar materials, or new construction where the use of building stone is specified. It is of note that,

with regard to building stone, there is no reference to showing extraction is needed to meet a required landbank, as is found in relation to the minerals discussed under Minerals Plan Policy 3. Therefore, landbanking targets do not form part of the policy context.

12. Policy 4 goes on to state that the need for the stone should be demonstrated. In this regard I have only broad-brush statements about a general need, and no specific evidence is before me. However, the local need is not challenged by the Council but rather it seems to accept that the stone will make a significant positive contribution to the character of the area. I have no basis to find differently.
13. Minerals Plan Policy 1 promotes sustainable minerals development. As I have been told in the submissions that the vast majority of building stone currently used in the area is imported from outside of the region, increased local extraction would support this policy by reducing travel.
14. The appellant said that the remnants of stone that were not suitable for use as building stone would be used as aggregate. There is no mechanism before me to ensure the quarry is not used just for aggregate extraction, and indeed the volume of such aggregate may exceed that of building stone. However, I anticipate that the greater value would almost certainly lie in building stone. It is therefore unlikely that the extraction would be primarily for aggregate, but making use of it as a by-product would again be in line with Minerals Plan Policy 1. It was also contended that nowadays artificial stone could be used instead, but to my mind that is not consistently of sufficient quality to be a replacement for natural stone in a heritage context.
15. Accordingly, I conclude that, in principle, the extraction of building stone would not conflict with Policies 1 or 4 in the Minerals Plan or the Framework.

Green Belt

16. Policy CG7AP in *Bolton's Allocations Plan* states that inappropriate development will not be approved in the Green Belt, with inappropriate development including anything that does not maintain openness of land, or which conflicts with the purposes of including land in the Green Belt. Insofar as it concerns what is before me now, this broadly reflects national policy in the Framework. This says, in paragraph 150, that mineral extraction is not inappropriate in the Green Belt, provided it preserves its openness and does not conflict with the purposes of including land within it.
17. Openness is not defined in the Framework, but is a matter of planning judgement. It has been found to have both a spatial and a visual dimension. In making this assessment, it is not for me to treat any change as having a greater impact on the Green Belt's openness, but rather to consider the impact or harm, if any, wrought by the change.
18. The Framework's qualified confirmation of mineral extraction as being not inappropriate must accept the relevant land would not remain free from development. It is also reasonable to assume the Framework expects such works would cause some change to the landscape, they would be relatively sizeable, they would be apparent for a period of time, and they would involve a certain amount of activity from large vehicles, pieces of equipment and the like. If the Framework did not make these assumptions, it would be unrealistic

for it to identify mineral extraction, even subject to its stated qualifications, as not inappropriate, as such activity could rarely, if ever, be undertaken. Moreover, the Framework also advises the small-scale nature and impact of building stone quarries should be recognised.

19. The only above-ground works proposed as part of this scheme would be the protective fencing and the mounding around the top of the quarry. In longer views these features would not be of a scale or presence to harm openness, when seen in the context of the undulating landscape.
20. On the hillside by the appeal site there is at present a great sense of openness resulting from the extensive views to the west, and the expansive upland landscape around. I consider the details of the fencing could be agreed by condition, and could achieve its aims of offering the necessary protection whilst maintaining a sense of openness when seen by those walking close to the site. In relation to the mounds, these would be of limited height when compared to the rising ground around, while there are variations in the topography of the hillside, both within the site and in the wider locale. Therefore, if suitably sculpted, the mounding could be perceived as a natural feature, and again would not adversely affect the openness of the area when seen from nearby. Furthermore, it is intended that such mounding would be removed in due course on completion of the extraction. Therefore, the above ground works would preserve openness and not conflict with the purposes of including land in the Green Belt.
21. Turning to the quarry extension itself, while the existing quarry was in operation, the proposal would be seen very much in the context of that adjacent larger working, and would, to a great extent, appear to be pushing a part of the long north-eastern quarry face further back. Therefore, in middle and longer distance views, any perception that the quarry or the equipment would be encroaching into the countryside, or introducing new development into this area, would be slight. When nearby on higher land there would be little appreciation of the quarry itself, as it would be below ground level, but from where it could be seen, again, the works would be perceived as part of the existing quarry.
22. After extraction ceased at the existing quarry, I consider the works before me would be a relatively small element of the landscape and, given the qualified acceptance in the Framework of minerals extraction as not being inappropriate, would not affect any sense of openness experienced.
23. Paragraph 150 in the Framework makes no reference to restoration when considering the inappropriateness or otherwise of mineral extraction. In this case it is not intended to re-create the land profile now present once the extraction ends at this proposed extension. Indeed, such a requirement could well lead to on-going noise and disturbance at the site and on the adjacent road network for an appreciable time. However, such re-creation is not necessarily required to achieve an appropriate or acceptable restoration scheme. Rather, I understand that after the completion of extraction the then-redundant quarry is to be restored in a manner compatible with the restoration for the existing quarry. As a result, the workings would maintain a presence on Winter Hill after the extraction works and associated restoration had finished, as the exposed face would remain. Again though this would be viewed in the context of the larger restoration scheme in the existing quarry. Moreover, such

faces need not necessarily be unsuitable in this upland area. Therefore, I have no reason to consider that the proposal is not going to be well-restored, or, once that happens, that thereafter there would be harm to openness or the purposes of including land in the Green Belt.

24. Consequently, I find that the quarrying and the restoration would preserve openness, and would not conflict with the purposes of including land in the Green Belt.
25. The Council does not consider that the harm it identified to the Green Belt can be deemed as 'temporary', as it is to operate for some 20 years, with restoration occurring in the 2 years after and plant establishment taking longer still. However, I am aware of no basis for such a view, considering such timescales are not of themselves unexpected for minerals development. It was also said that the appellant has applied on a number of occasions to lengthen the period for extraction at its current workings, and so it cannot be assumed the works now before me would cease in 2042. That though is the timescale I am considering on the appeal as submitted, and, if I granted planning permission, it would be for the Council to assess the merits of lengthening that period, if an application for a longer timeframe ever came forward.
26. Accordingly, mindful of the qualified acceptance in the Framework that mineral extraction is not inappropriate, I conclude this would not be inappropriate development within the Green Belt, and so would not conflict with the Allocations Plan Policy CG7AP, or the Framework.

Character and appearance

27. Winter Hill is a tall, prominent hill, and provides panoramic views from the appeal site over extensive parts of Lancashire, Greater Manchester, and Merseyside. It therefore follows that theoretically the site, and hence the development, could in turn be visible from many places over a large area. However, that does not mean that the development would harm those views, or adversely affect character and appearance when seen from those places. This is because, from many of them, the works would be too distant to be readily perceived, or would be appreciated very much in the context of the existing quarry and the wider landscape.
28. In assessing the more localised impact, I viewed the site from at or near the 9 viewpoints in the appellant's *Landscape and Visual Impact Assessment*, as well as from some locations suggested by local residents (such as from in Horwich, from footpaths to the north of Blackrod, from Makinson Moor and from near Haigh) and from various other intervening points as I travelled between these places. I could, no doubt, have seen the site from still more locations, but I consider that together these gave me a sufficient impression to assess its visual impact.
29. When on the road and public right of way that run along the northern side of the existing quarry and the appeal site, and when on the nearby upland to the north and east, the mounding would be visible, but if suitably formed it could well look natural and part of the undulating topography. Fencing could also be seen, but this could be finished in subdued colours and not be intrusive.
30. An awareness of the quarry itself would be limited due to its relatively confined dimensions and it being below ground. If it was apparent, then until 2033 it

would be appreciated in the context of the much larger existing quarry. Similarly, until that date the tranquillity and remoteness of the area could be affected to some extent by the noise of lorries and quarrying, but these are already experienced from the existing operations, and I have no reason to consider any additional harm in this regard would be unacceptable.

31. Looking at the site from Rivington Pike, Two Lads, the points in between or on the upland to the east, the quarry would be concealed, while the contained nature of the works below ground level mean noise and disturbance of the activity would be lessened. The character and appearance would therefore not be harmed. Although the topography would be changed, there is no reason why that, of itself, should have an adverse impact in this regard.
32. In views from the west, whether in the valley around Horwich and the motorway, or rising up the hill on the other side of the M61 towards Haigh, the western slopes of the Pennines form a pleasing backdrop to the settlements. In such views though Montcliffe and Pilkington Quarries are already visible as appreciable features on the side of Winter Hill. Against these, the proposal would be seen as a relatively small additional area of working that extended further up the hillside. However, the overall effect of this would be limited as it would primarily appear to be moving part of the quarry face further back, while the removal of some of the hillslope above the existing quarry face would still be seen in the context of the varied and uneven form of the existing quarry. As one moves further away, the ability to appreciate the detail of the development would reduce, and the significance of the works in the landscape would diminish. Therefore any harm to the landscape setting of Horwich or the appearance of Winter Hill would be limited.
33. After 2033, when work is due to stop at the existing quarry, the proposal would be seen more in isolation, whether viewed from nearby or more distantly. However, given its size, the limited period of further quarrying and the continued presence, to some extent, of exposed rock faces on the hillside, I consider any harm it caused to the landscape would not be great. I recognise too that noise would be apparent immediately adjacent to the quarrying. Given the scale of the operation and the confined nature of the works, I consider this would not detract unduly from the enjoyment of those walking on the uplands.
34. Finally, I accept that the quarry could be operating for nearly 20 years before such works are undertaken, but, in the context of mineral extraction, I nonetheless consider its effects would be temporary. I have no reason to assume that the restoration works would not suitably integrate the quarry into the surrounding hillside. As stated above, while faces would remain exposed, that of itself does not mean the character or appearance of the area would be harmed if they are suitably mitigated by the landscaping. These restoration works would therefore address the long-term impact of the quarry. There was a concern that the restoration would not in fact take place once the extraction ceased, but that cannot be assumed and would be a matter for the local authority at the time. Similarly, it was said the restoration now proposed may be unsuitable in 30 years, but the detail of such a scheme could be revisited by suitably worded conditions.
35. It was said that if this appeal was allowed permissions would be sought to extract in further areas. Such applications though, if forthcoming, would be considered against the operative development plan in force at that time, and

any other material considerations that were then relevant. These concerns are therefore not a reason to resist this scheme.

36. Overall, I therefore find some slight harm would occur to the character and appearance of the area. There would therefore be a conflict with *Bolton's Core Strategy* Policies CG3 and OA1, which require regard be given to local distinctiveness and landscape quality, with development not harming landscape setting around Horwich and Blackrod, and protecting views of the surrounding landscape. However, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* (the 2004 Act) says development should be in accordance with the development plan unless material considerations indicate otherwise. In this instance the fact that minerals can be extracted only where they are found, the great weight the Framework says should be afforded to their extraction, the benefits of a locally sourced material in line with the cited policies in the Minerals Plan, and the temporary nature of the works, when taken together, would outweigh the limited scale of the harm and indicate a decision otherwise than in accordance with any development plan conflict.
37. In assessing this issue I have had regard to the hierarchy of landscape character assessments relating to the site. None have been cited in the reasons for refusal. They also do not form part of the development plan, and so the weight I can afford them is limited accordingly, but I nonetheless accept they provide an informative background to the landscape at varying scales.
38. Nationally, the site is within the *South Pennines National Character Area*. Although this identifies it as being green infrastructure of strategic importance, to my mind this is a broad overview of an extensive area. I also understand that it accepts mineral extraction forms part of the landscape. At a more local level the *Landscape Character Appraisal for Bolton* identifies the western slopes of the Pennines as forming a backdrop to the settlements, a view with which I agree. It nonetheless accepts that the landscape is pock-marked with quarry faces, and so, mindful of its scale, I consider the scheme would not be alien or incongruous. Therefore neither of these documents, nor indeed the other character assessments or similar to which reference was made, lead me to different findings on this issue.
39. The Council also referred to various conservation areas. These though seem to be distant from the site, and I have no reason to consider the additional impact of the works would adversely affect their settings or impact on their significance.
40. Accordingly I conclude that the development would cause slight harm to the character and appearance of the area, in conflict with Core Strategy Policies CG3 and OA1. However, I have also found that the material considerations stated outweigh this conflict and indicate the decision should be otherwise than in accordance with the development plan.

Biodiversity

41. Part of the site lies within a Site of Biological Importance (SBI), which is listed for its dry modified bog and for the presence of a range of nesting birds. The SBI is Grade A and therefore of county importance.
42. The surface of the area subject of this appeal is covered mainly with upland grassland and rocky outcrops, with occasional ditches and hollows containing

plants better suited to a wetter environment. This is, undoubtedly used for foraging and habitat by some fauna now, and it would be lost, along with the plant life present. Indeed, some level of impact on biodiversity when the works were undertaken would not be unusual with minerals extraction. However, it has not been shown the area of the appeal site has a particularly rich flora or fauna, or that habitat of significance would be destroyed. Therefore, I have no evidence to show this would be harmful to the SBI in particular or to the ecological value of the wider area in general. Moreover, I accept that there could be some benefits in this regard from the restoration works in due course.

43. A Site of Special Scientific Interest bounds the site, but again nothing shows the scheme would harm this area.
44. Accordingly, on the evidence before me I conclude that the development would not cause unacceptable harm to biodiversity and ecology, and so would not conflict with Core Strategy Policy CG1.1, which seeks to safeguard rural areas from development that would adversely affect biodiversity.

Drainage & flooding

45. This was not a reason for refusing the application. Rather, it has arisen as an issue following the re-examination of the groundwater levels while the appeal was being considered.
46. The appellant accepted that the workings now before me would extend appreciably below the groundwater level. As such, the evidence on hydrology submitted with this appeal is not now supported by the facts as they stand. Consequently, I am unable to find this scheme would not have an adverse effect on flooding, and so it would conflict with Core Strategy Policy CG1.5, which seeks to reduce the risk of flooding.
47. The appellant has suggested that a condition could be imposed requiring no extraction below groundwater level, the monitoring of levels, and a revision to the working and restoration scheme to reflect any changes that may be necessary to comply with the groundwater limit. This, the appellant said, would then enable amended working and restoration schemes to be submitted. Similarly, the Council suggested a suitably worded condition be imposed to restrict the depth to which extraction can take place in the quarry extension, to safeguard groundwater, with amended quarry design and restoration plans to reflect the reduced depth of extraction.
48. I have no reason to consider though that such conditions would do anything other than change the scheme to be in line with the amended plans that I have been unable to accept. I also have little hydrological information from the appellant and/or consultees to support that revised position. As such, a condition along the lines suggested would not be an appropriate way to address my concerns.
49. Having regard to section 38(6) of the 2004 Act, I am aware of the support in national and local policy for mineral extraction, and appreciate the limited scale and timescale of the workings. To my mind though the nature and impact of this concern means that these factors do not indicate the decision should be otherwise than in accordance with the development plan.
50. There was a further concern in this regard from local residents that removing any soil and peat on the site would allow increased run off from the hill into the

town below. Having seen the surfacing of the area of the proposed extension though I am not satisfied that the scheme would have any material effect in that regard.

51. Accordingly, I conclude the scheme would have an unacceptable effect on drainage, and given this I find a conflict with Core Strategy Policy CG1.5.

Other Matters

Procedural matters

52. In making the above assessments, I have taken into account the fact that the existing quarry is due to cease extraction in 2033, while permission is sought to continue quarrying the proposed extension up until 2042. As the existing quarry is to provide the access and servicing facilities for the proposal, it is unclear as to how the extension before me could continue to be worked once extraction at the former had ceased and restoration been undertaken. Indeed, even if I had accepted the amended scheme with its reduced extraction, this issue would still have arisen, as that sought to work up until 2036.
53. The appellant agreed that there is currently a 'disjoin' between the existing quarry permission and the proposed extension. It therefore accepted that the permission for the existing would need to be amended to reflect the revised extraction timescales associated with the extension area. As far as I am aware, no such application has as yet been forthcoming.
54. The appellant added that if for whatever reason, such an amendment is not approved, then the mineral in the proposed extension would have to be extracted at a higher than anticipated rate to ensure compliance with the 2033 end date. To my mind though it would not be appropriate for me to authorise extraction up until 2042 if working until that date was not in fact possible.
55. There would therefore have been a need to address this 'disjoin' had I been determining this case differently.

Third party concerns

56. Concerns were raised by local residents about increased traffic and noise/dust. However, the quarrying would be further from the nearest residents than at present, and would be smaller-scale, and so, even after 2033, the effects on living conditions would not be unacceptable. Furthermore, given the nature of nearby roads and their current traffic levels, I have no reason to consider the movements associated with this extension would cause harm to highway safety or exacerbate issues of pollution. Matters such as mud on the road and a failure to conform to traffic regulations can be addressed through other legislation, and do not affect the planning merits of this case.

Conclusion

57. Accordingly, given my findings in relation to drainage and flooding, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR