PROPOSAL  Section 73 applications to vary of conditions of planning permissions 3/93/9002 & 3/88/1300 for continuation of mineral working and restoration of land;  
Shapfell Limestone Quarry, Hardendale, Shap, CA10 3LQ
1.0 RECOMMENDATION

1.1 That, having regard to the environmental information, planning permission is GRANTED for the reasons set out in Appendix 1 and subject to the conditions set out in Appendix 2.

1.2 That the planning assessment in section 4 of the report sets out the council’s reasons for granting permission should form the basis of the statement to be published as required under regulation 21 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 to inform the public and the Secretary of State of the determination.

2.0 THE PROPOSAL

2.1 Shapfell Quarry is a limestone quarry opened in 1962 to supply the steel industry. Quarried stone is transported via an internal haul road over the M6 to the works where it is crushed, washed, burnt in the kilns and stored before being transported off site by rail and road transport. The four kilns at Shapfell provide high grade metallurgical lime for steel making. Material not suitable for lime production is sold as aggregate.

2.2 The planning applications seek to amend the conditions of two existing permissions at the site. Application 3/06/9010 relates to planning permission 3/93/9002 and seeks to extend the life of the permission from July 2006 to 31 December 2018, the expiry date of the other permission at this site, reference 3/88/1300, and to extend the period for joint formal reviews from 3 to 5 years. The application also seeks to extend hours of loading between the quarry and the works from 14.00 to 22.00 hours on a Saturday and to increase the blasting vibration limit at the high pressure gas pipeline, which runs along the eastern boundary of the site, from 25mm/sec to 50mm/sec. Planning application 3/06/9011 seeks similar changes to permission 3/88/1300, referred to above, and also seeks to lower the percentage of limestone to be extracted for metallurgical purposes from at least 90% to at least 80%, to bring the permission into line with the level already permitted in 3/93/9002.

2.3 As originally submitted both applications also sought to remove conditions, which limit extraction to a level above the water table prevailing at any time. The applicant subsequently accepted that increasing the depth of extraction required a full planning application and could not be achieved through an application to vary planning conditions. However, the existing condition does not specify a depth limit and is considered to be too vague to be enforceable.

2.4 Following consultation with the Environment Agency and Natural England the applicant is proposing within both applications to continue extracting limestone to a depth of 298m AOD, the best estimate of the level of the water table, with no pumping of water from the quarry sump to take place when water levels are at or below a level of 295m AOD. Water levels would not be recharged if they fall below 295m AOD as a result of natural fluctuations in water levels. The applicant estimates that there was approximately 8.5 million tonnes of metallurgical grade limestone remaining in the site at January 2006. Restricting working to a depth of 298m AOD reduces this figure to 1.7 million tonnes, sufficient to maintain production until early 2009.

2.5 Working would take place along the main working face of the quarry, which runs
along the eastern boundary of the site. Higher quality stone in the south would be blended with lower quality stone from the north of the area to create a product of suitable specification for the steel industry. Consequently areas in the north and south of the quarry are required to be worked concurrently. Extraction would also take place to the west of the existing quarry sump where working has already taken place below 298m AOD.

2.6 The final quarry void would consist of a series of stepped faces separated by safety benches along the eastern boundary parallel with the high pressure gas pipeline.

2.7 Shapfell Quarry supports 150 full time jobs: 67 directly employed by Corus or integrated contractors and 87 indirect, including drivers.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Eden District Council and Environmental Health have no comments.

3.2 Shap Parish Council state that while being broadly supportive of the applications and fully appreciate the socio-economic arguments put forward, they feel there are issues to be taken into account. In addition to their concerns raised to the original application of the effects of blasting on dwellings in Hardendale, Oddendale and Castlehow Scar, the effects of emissions of dust on residents’ enjoyment of their properties in Shap, the effect on the water table and associated springs and watercourses and the present and future restoration of the quarry, they wish to raise the following points. It is not unreasonable to expect that measures should be included to mitigate against the effect of traffic through the village caused by deliveries of limestone from Shap Beck to supplement limestone from Shapfell Quarry. Rail unloading facilities as well as loading are needed at both sites but in the absence of this control of lorry numbers is required. The Council is concerned about the gaps in the blasting records contained in Volume 3 of the Environmental Statement (ES) in relation to the effect on the pipeline and properties. They feel more frequent monitoring should occur. They are concerned that future restoration should ensure that the ground is free draining and the restoration process should be monitored to ensure this occurs. They feel that the expiry date of 2018 is unnecessary when only modest reserves are available within the controls of these applications. They would prefer the three year joint formal review to be retained to ensure standards are maintained.

3.3 Crosby Ravensworth Parish Council has concerns for the effects of quarrying on the natural springs and those people dependent on them for their water supply. They are also concerned that low flow in the Dalebanks Beck means that the septic tanks discharging into the river causes odour and ensures no living creature can survive in it. Before quarrying started the Becks did not suffer from low flows and recently when the pumping has been controlled, water in Dalebanks Beck is greater and cleaner. The residents of Crosby Ravensworth need an increased and more regular summer flow of water to run through their village. Enhancement to the flow of Dalebanks Beck is needed and if private water supplies fail the quarry owners should bear the cost of installing piped water and contribute to running costs because at present the residents pay nothing. The monitoring of all spring flows especially those serving properties Dale Garth, Dale Nook and Dale Banks should begin as soon as possible. They support the issues raised by local residents whose representations are detailed
below. They feel strongly that emphasis to replenish water flows into Trainrigg Syke and the designated River Leith should apply equally to Dalebanks Beck and the designated River Lyvennet.

3.4 **Highways** and **Highways Agency** have no objections.

3.5 **Environment Agency** do not object to excavation to 298m AOD and dewatering to 295mAOD subject to further monitoring to assess impact on surface and groundwaters.

3.6 **Natural England** agrees with the Environment Agency’s proposed dewatering limit set at 295m AOD as an acceptable and pragmatic interim position which will allow continuation of current working with reduced dewatering impacts, subject to ongoing monitoring and annual review.

3.7 **Cumbria Wildlife Trust** would like to see restoration and aftercare proposals primarily for nature conservation benefit rather than agricultural use.

3.8 **National Grid** confirms that the safety and integrity of the high pressure pipeline would not be affected by the change in blasting regime.

3.9 **Health and Safety: Hazardous Installations Division** has no objection to the change in blasting regime.

3.10 The local Member - Mr RA Bird has been notified.

3.11 A number of representations have been received to the original application and the revised application. Representations have been received from the nearby hamlet of Hardendale and the two villages of Shap and Crosby Ravensworth.

3.12 The representations from Hardendale are from residents and farmers. Concern is expressed that there is no information in the Environmental Statement (ES) on the impact of the quarry on the village of Hardendale. There is concern that extending the hours will cause noise disturbance, that blasting already causes damage to houses and stone walls collapse, dust and grit settles on cars and the hamlet is affected by surface water runoff from the recently restored part of the quarry. There is doubt that the future restoration of the working quarry will be adequate and have a suitable afteruse. The road from Hardendale crosses the quarry haul road and this is dangerous and not adequately signposted. There is some support for the quarry but noise disturbance particularly occurs after blasting when the large rocks have to be broken up and some vehicles are noisy when reversing. There is considerable concern for the effect on quarrying below the water table and the effect on the environment. The farming community are very concerned about the loss of natural springs, the water table being affected by quarrying and they are seeking guarantees that water supplies would be supplemented in the event of loss.

3.13 The farmer at Nelson Farm has 150 acres with stints on the restored common land and states that it has been farmed by his family for over 100 years. The fields are named and watered by 12 natural springs which run above and under the ground and are sourced from the water table in the quarry. One flows into Trainrigg Syke. He states the impact on these springs is not addressed in the ES and without the water supply the land is worthless if he wanted to rent it out. The fields are known as Hardendale Meadows, support various wild flowers and are a County Wildlife Site. He is concerned that deepening will lead to more pumping and drying of the springs and affect the borehole at the residence known as the Nab. He states that his farmhouse and the field boundaries have
suffered damage. British Steel Corporation compensated him in the past for a collapsed ceiling. The buildings in Hardendale are affected because they are on the same bedrock as the quarry. The restored area of the Nab was originally limestone pavement with an area of water at the top and the area was free draining. The quarrying has gone right up to the edge of the field system and the hole was filled with ‘slimes’ from the quarry and a compound that resulted in a solid finish. The area was covered in a thin layer of soil and grassed but is no longer free draining and the water flows over the top and floods properties in Hardendale. A cut off drain has been constructed to collect water and drain back into the quarry but it has become ineffective. He continues that the limestone dust turns Force Beck white, his sheep are caught in the slime (lime deposit and water) on the side of the quarry haul road and fleece is ruined. He says he has tried to keep a balanced view but he feels strongly that ‘enough is enough’.

3.14 The representations from Crosby Ravensworth are concerned about low flows in Dalebanks Beck which is much reduced since 50 years ago. The village of Crosby Ravensworth is located on the confluence of Dalebanks Beck and the River Lyvennet (designated as part of the River Eden SAC) and the village is not on mains drains. There are a number of residences located along Dalebanks Beck between Crosby Ravensworth and Oddendale which rely on natural springs for their domestic water supply. These residents are concerned about losing their domestic water supplies due to quarrying affecting the water table. Both these residents and those in the village are also concerned that low flows in Dalebanks Beck are not adequate to cope with discharge from septic tanks causing odour in, particularly, the summer. Resources from United Utilities to provide treatment in Crosby Ravensworth have recently been diverted to Cliburn. Consequently residents in Crosby Ravensworth and along the Dalebanks Beck want guarantees that the domestic water supply from natural springs will be maintained, that flows in Dalebanks Beck will be adequate to cope with septic tank discharge, that there will be remedial measures in place if required and no financial cost to residents.

3.15 The representations from Shap are concerned about the impact of lorries through the village bringing material from Shap Beck Quarry and if deepening the quarry means fewer lorries then that’s a good outcome. There is also concern for the hydrology of the area and limited faith in the quality of the restoration because it causes flooding. Extending loading times will effect enjoyment of walkers on the Coast to Coast path.

3.16 A number of representations have been received from one objector during the course of the application expressing concern that when the material at the quarry is used up and that it will be brought in by lorry from Hanson’s Shap Beck Quarry through Shap village. The lorries are dirty, dusty and noisy and impact adversely on the environment of Shap village and the material should be transported by rail. He believes that permission should not be given to extend the life of the quarry because it is played out and that excavation should not go below the water table. He has considerable concerns for the natural springs on farmland and the minor becks being affected by pumping in the quarry and reducing the water table. He has complained about the lorries to Corus and been told that 5 lorries make 15 trips each on a daily basis between Monday to Saturday morning which totals 150 movements a day. The lorries start at 6.00am when it used to be 7.00am because Hanson’s lorries start at that time and there is no consideration for residents of Shap. The Cumbria Waste Plan states that where
there are more than 100 movements per day then a Traffic Impact Assessment should be carried out. He has observed that when the pumping from the quarry has ceased the natural springs on Hardendale Meadows have never flowed better because the water table has been allowed to return to its normal level. In addition the restored area has been carried out using slimes from the quarry which has left the ground impermeable causing flooding of properties in Hardendale. The cut off drain does not work effectively to collect and redirect water into the quarry.

4.0 PLANNING ASSESSMENT

4.1 The principal purpose of the applications as originally submitted was to extent the life of permission 3/93/9002 to 2018 to bring it into line with the 1988 permission, which covers the majority of the quarry area, and to remove a condition on both consents which restricted the depth of working to above the watertable. Other changes proposed relate to relatively minor operational changes.

4.2 In the course of discussions on the application the applicant has accepted that extending working to below the watertable would require a full planning application and could not be authorised simply by removing or changing a planning condition. However, the existing condition defining the limit on working depth does not specify this in terms of a figure relating to above ordinance datum (AOD) but uses a formula linking working to the watertable prevailing at any time which is so vague as to be unenforceable. The significant delay in bringing these applications to committee has revolved around this issue and has involved long and detail discussion with Natural England and the Environment Agency to arrive at a limit which is considered acceptable in terms of the impact of working on ground waters as this effects local water supplies and sites of international wildlife importance.

4.3 Consideration of the application has raised a number of issues and, as with most mineral applications, requires need for the mineral to be balanced against the affects of working.

Need

4.4 The applicant has estimated in 2006 that there were 1.6 million tonnes of metallurgical grade limestone above the water table in the eastern part of the quarry with a further 7.2 million tonnes below the water table. Shapfell currently provides almost 20% of total lime production in the UK. Lime from Shapfell Works is mainly used at the applicant’s Teesside Works (62%) Scunthorpe Works (30%) and Port Talbot Works (5%). The applicant has investigated two main alternative suppliers of lime should continuation of quarrying at Shapfell cease.

4.5 Melton Ross Quarry is located close to the Scunthorpe Works but if it were to replace supply to the Teesside works the round trip distance would be 190km as compared to 130km from Shapfell and the material would be transported by road not rail as is currently the case, which is more expensive and less sustainable. The second alternative, Tunstead Quarry, near Buxton, Derbyshire is the largest producer of lime in the UK. Although it is rail linked an increasing proportion of limestone quarried is coming from the within the Peak District National Park. Tunstead could not replace all Shapfell works current annual supply to Teesside Works and would involve a round trip of 210km in any event. The applicant has
concluded that there would be a national shortfall of lime production if Shapfell works closed unless there was a significant increase in quarrying and kiln capacity in other sites.

4.6 In terms of options to extend Shapfell Quarry the applicant has accepted that the site has reached its lateral limit due to a combination of geology and other constraints. A high pressure gas pipeline runs to the east of the working face, land to the west has already been worked and restored, there is a road to the north and extending to the west would remove existing landscape features which screen the site from views from the M6 motorway. Some of these constraints might be overcome but boreholes to test the suitability of the limestone for metallurgical use have concluded that the most suitable material with a low sulphur content is located in the base of the existing quarry.

4.7 The current applications would permit working to a depth of 298m AOD but the applicant has indicated that a full planning application to further deepen the quarry will be submitted later this year. The current applications would enable the site to continue to operate in the interim until a further application is determined.

**Socio Economic Effects**

4.8 The potential loss of 150 jobs associated with the works would be a significant issue for the local area. On a national scale there is a potential risk to the viability of the applicant’s Teesside Works. Although the ability to maintain employment at Shapfell Limestone Quarries is directly proportional to the level of suitable reserves left to work, the consent would safeguard jobs for the immediate future, subject to the environmental effects being acceptable.

**Impact on the water environment**

4.9 The main concern raised by these applications is the effect of dewatering on local farm water supplies, flows in local streams and rivers, which are part of or link to the River Eden SAC, and on other land adjacent to the site forming part of the Asby Complex SAC.

4.10 Movement of ground water in limestone strata is mainly through joints and fissures in the rock or along bedding plains. It can vary markedly seasonally in response to rainfall and also water can accumulate in quarries from surface flows. The condition on the existing planning consents attempted to accommodate this fluctuation by referring to working not taking place below the watertable prevailing at any time. However, this approach does not clearly tell an operator what they can do and as a planning condition fails one of the tests for a valid planning condition, that it must be precise, effectively making it unenforceable.

4.11 The approach in respect to these applications has been to attempt to arrive at a working limit, which maintains the principle of not working below the watertable and does not have a significant impact on the water environment outside the quarry. Extensive discussions between the applicant, this authority, the Environment Agency and Natural England have concluded that a depth limit of 298m AOD is the best estimate for the average watertable level at this site. Working to this depth requires some dewatering to ensure that operational areas do not flood but the EA have accepted that if this is limited to not reducing water levels in the quarry sump below 295m AOD, that is a depth of 3m below the base of the working quarry, springs supplying agricultural land at Hardendale,
which include the Hardendale Meadow County Wildlife Site, and flows in Dalebanks Beck should not be adversely affected. (This stream flows into the River Lyvennet and maintaining flows should ensure that there is sufficient water to dilute discharges from septic tanks in Crosby Ravensworth to reduce the risk of odour.)

4.12 The main eastern face of the quarry is adjacent to Asby Complex SAC and the quarry is part of the headwaters leading to the designated Rivers Leith, Lyvennet and Lowther of the River Eden and Tributaries SAC. Natural England’s main concerns relate to the River Leith, which is regarded as not having any surplus water to support additional abstraction during periods of low flow and where habitats are not regarded as being in favourable condition. It is fed by Trainrigg Syke, a stream that whilst some distance from the quarry may be affected by any reduction in ground water levels.

4.13 I have carried out an assessment, which is require under the 1994 Habitat Regulations, where a development is likely to have a significant effect on a SAC. This conclude that providing no working takes place below 298m AOD together with the imposition of conditions requiring monitoring of the water and review would not adversely affect the integrity of the River Eden SAC. (Despite its proximity Natural England accepts that the proposed working would not have a significant impact on the Asby Complex. The impacts on the Lyvennet have already been considered in relation to septic tank discharges (see above) and water pumped from the site is discharged to the River Lowther, supporting flows in that river).

**Impact on Habitats and Species**

4.14 As part of the ES surveys were carried out of flora and fauna potentially affected by this development. The vegetation survey revealed large areas of the quarry are unvegetated, some areas have emergent vegetation and the restored areas have semi improved grassland. The site supports a large black-headed gull colony utilising the pool on the quarry floor numbering between 1000 and 1500 individuals. In addition one of the five largest known populations in Cumbria, of Great Crested Newts inhabits the lagoons and ponds. The applicant has operated successfully in the presence of the newts and the application includes measures to monitor the effect on these colonies of any changes in the pumping regime at the site.

4.15 The application has been taken as an opportunity to revise the restoration scheme to account for the various species and habitats present and enhance the nature conservation value of the site.

**Landscape and Visual Impact**

4.16 The existing quarry is located within a low point between three areas of higher ground. The landscape character within the development has already substantially altered and reflects few of the local landscape characteristics, other than limited rock outcrops found elsewhere in the same character area. There is scope for mitigation and replacement of features such as stone walls and tree groups in hollows set within an open landscape as part of the detailed restoration scheme. The proposed restoration to nutrient poor limestone grassland and targeted nature conservation habitats would result in the creation of a different but ecologically beneficial landscape. Overall I consider that continued working of the site within the existing boundary would give rise to little additional impact and the enhanced restoration scheme is a significant improvement on the
currently approved scheme.

**Road and Rail Traffic**

4.17 Concerns have been expressed locally about road traffic through Shap village. This arises primarily from vehicles from Shap Beck Quarry, some of which transport material to Shapfell to produce metallurgical lime. In 2005 this amounted to some 160,000 tonnes of material. Both sites have rail sidings and there is clearly frustration that material cannot be transported by rail between the sites. However, in order to achieve this unloading, facilities would have to be provided at Shapfell involving a significant investment, which could not be justified given the very limited additional life these applications would secure.

4.18 It is likely that Shapfell Quarry contributes very little directly to quarry vehicles travelling through Shap village as it is close to the M6 junction and the majority of road vehicles use that route. The majority of traffic arises from Shap Beck Quarry, a site which is not subject to an output limit. The accident history from June 2003 – March 2006 for the area, including the A6 from Shap Beck Quarry through Shap village to the Shapfell Works and the B6261 leading to Junction 39 on the M6, revealed that there were no accidents involving HGVs in Shap village or on the A6 causing safety concerns.

4.19 The link between the quarry and the works uses a private haul road that only impacts the public highway at the point where it crosses the minor road to Hardendale. Residents have expressed concern that this is a potential accident spot and the right of way should be made clearer. However, there is good visibility for crossing traffic and quarry vehicles give way to vehicles on the public highway at this point. Continuation of quarrying would not materially affect this situation.

**Blasting**

4.20 It is proposed to increase the vibration levels at the nearby gas pipeline to 50mm/s as previous blasts have exceeded the existing limits on occasion. This would enable larger shots to be fired and avoid having to increase the frequency of blasting. The level proposed is that at which minor structural damage might occur to buildings, but the structure of the pipeline is far more robust and has been designed to accommodate such vibrations levels. The pipeline operators (Transco) and HSE consider that the increase limit would not give rise to damage to the pipeline or to safety issues. I therefore consider that the change proposed is acceptable.

4.21 This increase level should not have any significant affect at residential properties which would continue to be protected by the standard blasting condition on any permission, limiting 95% of blasts to below 6mm per second, with an overall limit not exceeding 12 mm per sec. A regression analysis carried out demonstrates that even if 50mm/s is experienced at the pipeline, the vibration levels at the sensitive receptors would be well below the 6mm/s limit. Monitoring of noise and vibration in accordance with the conditions of the planning consents and the Noise Management Plan (PPC Permit No. BK0787) would continue in order to ensure compliance.

**Reduction in percentage of stone for metallurgical use**

4.22 Policy in the Cumbria Minerals and Waste Local Plan seeks to ensure that high quality limestone is used primarily for non aggregate uses for which lower quality
materials would be suitable. However, as part of processing limestone there is always going to be material that cannot be used for non-aggregate as a result of its size or impurities and it is clearly more sustainable to use it as aggregate rather than discard it or retain it on site.

4.23 At present the 1988 permission requires that 90% is used for the manufacture of lime products and steel, whilst the latter 1993 permission requires only 80% to be used for this purpose. At present it is not possible to monitor separately the utilisation of limestone extracted from each permission area. For this reason, monitoring since 1994 has been carried out on the 80% basis for both consents and the proposed modification of the conditions of the 1988 consent would regularise the position. Production of lime for the steel industry from both consents was 84.6% in 2003, 86.5% in 2004 and 88.2% in 2005.

**Period of permissions**

4.24 The existing 1998 permission runs to 2018. This permission covers the majority of the site area and is already subject to a condition requiring restoration to take place if working ceases prior to the 2018 date. I therefore consider that the two current applications should be granted to the same end date, albeit the actual reserves may be exhausted in 2009. In the event that a further application is submitted to work below the watertable, as the applicant intends, it will avoid the need to modify these permissions again. In the event that a further permission is not granted the conditions on the permissions would require the site to be restored at an earlier date when reserves are exhausted. (Members should note that a legal agreement linked to extraction at this quarry would also require the removal of the kilns and works when working ceases).

4.25 The change in the period for review from 3 to 5 years would bring procedures at this site into those operating elsewhere in the county. The increase in operating hours would permit the site to work on Saturday afternoons, up to 20.00 hours. This has already occurred with my agreement under the terms of the existing planning conditions, when it has not given rise to any complaints from the public.

**Human Rights Act 1998**

4.26 The proposal will have a limited impact on the visual amenity of the area. Impacts on residential and environmental amenities in the area have been reduced through negotiation and would be monitored. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

**Conclusion**

4.27 This has been a difficult process, which has largely revolved around gaining an understanding of the impacts of extraction on the water environment and has resulted in a significant delay in bringing these applications to Committee for determination. A consensus has been reached between the applicant, the Environment Agency and English Nature that extracting to a depth of 298m AOD. With dewatering limited to 295m AOD should not adversely impact farm water supplies and be damaging to the River Eden SAC or other areas of conservation importance.
4.28 The main purpose of the applications has been to extend the life of the 1993 consent to bring it into line with the earlier 1988 permission and make the conditions on both parts of the site the same. Having had regard to the limited impacts of continued working I recommend that permissions are granted subject to a single set of conditions as set out in Appendix 2.

Shaun Gorman
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Background Papers
Planning Application File Reference No. 3/06/9010 & 3/88/1300

Electoral Division Identification
Eden Lakes - Mr RA Bird

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SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.

2. The key development plan policies taken into account by the County Council before granting permission were as follows:


Policy R47 Mineral extraction outside the Lake District National Park and AONBs

Land will be made available for mineral extraction outside the Lake District National Park and AONBs to maintain an adequate supply of minerals, including where appropriate land banks of permitted reserves, taking account of the contribution from alternative sources. Permission will not be granted for mineral extraction where there would be a significant adverse effect on the community, the local environment or the road network unless the effect is outweighed by the need for the mineral to be worked and/or the social and economic needs of the County’s population. Proposals should incorporate a strategy to minimise the production of mineral waste, ensure the acceptable reclamation and afteruse of land and to encourage the transport of materials by the most sustainable mode of transport.

Policy E34 Areas and features of national and international conservation importance

Development and other land use changes in areas or features of national or international conservation importance, or within their settings, and that are detrimental to their characteristics will not be permitted.

Exceptions will only be made where:

1. there is an over-riding need for development required to meet local infrastructure needs which cannot be located elsewhere and which is sited to minimise environmental impacts and meets high standards of design, and

2. in the case of nature conservation, where an over-riding public interest can be demonstrated to outweigh the international conservation interest or, in the case of European Priority habitats or species, where there are human health or safety considerations or benefits of primary importance to the environment.
Cumbria Minerals and Waste Local Plan: Saved Policies

POLICY 2
Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

POLICY 3
Blasting will only be permitted where it will not cause unacceptable disturbance to surrounding land uses.

POLICY 4
Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

POLICY 5
Proposals for minerals and waste development will only be permitted where any change in surface and groundwater levels and flows will not have an unacceptable impact on water abstractions or the future use of the water resource.

POLICY 36
Proposals for the extraction of high purity limestone will only be permitted where there is a demonstrable national or regional need and it will be used primarily for non aggregate uses or where significant benefits would accrue to local communities or the environment.

In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably by mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.
1 This permission shall be for a limited period only expiring on 31 December 2018, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hard standings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

APPROVED OPERATIONS PROGRAMME

2 The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. Any variations to the approved scheme, or any variations agreed under Conditions 4 to 7 shall be submitted to and approved in writing by the Local Planning Authority prior to being carried out. The approved scheme shall comprise the following documents:

2.1 the letter of application dated 30 June 2006 and planning application form dated 30 June 2006; the letter accompanying the revised application dated 21 May 2007
2.2 the Environmental Statement comprising:
   2.3 Volume 1: Planning Statement dated 30 June 2006
   2.4 Volume 2: Non-Technical Summary dated 30 June 2006
   2.5 Volume 3: Environmental Statement dated 30 June 2006
   2.6 Volume 4: Technical Appendices dated 30 June 2006
   2.7 Volume 5: Addendum of Changes dated 21 May 2007
2.8 the plans indicating: Development between October 2006 and January 2007 Ref 1470-P-42 Rev B dated January 2007; Development Scheme to 298m AOD Ref S25/08A received on 11 February 2008
2.9 the Water Monitoring Plan dated 26 June 2008 for working to 298mAOD and maintaining the water level to 295mAOD and accompanying drawing dated February 2008, Ref WMP1 dated 26 June 2008
2.10 the approved restoration plans reference Drawing 932-12-A approved 4/12/96 as amended by Drawing 1470-03-A (exact ref to be confirmed).
2.11 the letters from Corus dated 3 August 2007, 17 March 2008 and 12 June 2008
2.12 the details required by conditions attached to this permission;
2.13 the Decision Notice.

Reason: To ensure the site is worked and restored in accordance with the approved scheme.

3 From the commencement of the development to its completion a copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site for
inspection during normal working hours. Their existence and content shall be
made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure operatives are conversant with the approved scheme and are
aware of the requirements of the planning permission.

4 The approved scheme of development and restoration or a subsequent
modification shall be subject to a joint formal review at least once every 5 years.
The parties to the review being the County Planning Officer, the developer and the
landowner. The first review shall be held no later than 1 July 2013.

Reason: To allow for the formal modification of the approved scheme resulting from
any changed circumstances that may arise throughout the life of this
permission.

5 At each formal review of the approved scheme the developer shall, if necessary,
at that review submit for approval to the Local Planning Authority, a revised
progressive scheme of working and restoration. Such a scheme shall include
provision for:-

5.1 the method, direction, sequence and area of working
5.2 the angles of excavated slopes and bench heights and widths
5.3 the construction of haul roads within the site
5.4 the separate storage of topsoil and subsoil, including the location, extent height
    and design of any soil mounds the construction of fences, walls and screens as
    may be appropriate
5.5 the disposal of water from the site and the drainage of the site during its
    operation and final restoration
5.6 the disposal into the excavation of overburden and the waste material resulting
    from the extraction, washing or processing of limestone from the site the grading,
    levelling and drainage of the restored land
5.7 the even respreading over the filled materials of the subsoil and topsoil stored as
    above
5.8 the after use of the restored land
5.9 the aftercare of the restored land for a further 5 years following the completion of
    restoration, and
5.10 the review of Conditions 18, 20-24 and 27-30 controlling blasting, noise and dust
    submitted under this permission.

Reason: To allow for the formal modification of the approved scheme resulting from
any changed circumstances that may arise throughout the life of this
permission.

6 In the event that mineral working permanently ceases prior to the full
implementation of the approved scheme or before is completed before 31
December 2018, a revised scheme to include details of the restoration, aftercare
and a timescale for the completion of the restoration works, shall be submitted
for approval to the Local Planning Authority, within 3 months of the cessation of
working. Once approved such a revised scheme shall be fully implemented in
accordance with the approved timescale, unless otherwise agreed with the Local
Planning Authority.

Reason: To secure the proper restoration of the site in the event that operations
cease prior to the full implementation of the scheme or is completed earlier than the end date of this permission, in accordance with Policy R47 of the Structure Plan and 'saved' Policy 21 of the Minerals and Waste Local Plan.

7 In the event that mineral extraction is temporarily suspended for a period exceeding one year, then within 14 months from the suspension of mineral extraction an interim restoration scheme and timetable for its completion shall be submitted to the Local Planning Authority for written approval. The approved interim restoration scheme shall then be implemented in its entirety.

Reason: To secure the satisfactory interim restoration of the site in the event of the temporary cessation of mineral working.

8 If the operations hereby permitted are suspended for a period of three months or more, then the operator shall give written notification to the Local Planning Authority of the date upon which the operations were suspended. Written notification shall also be given to the Local Planning Authority prior to the resumption of operations following a temporary suspension.

Reason: To enable the Local Planning Authority to determine the extent of any periods when the development hereby permitted is suspended and to seek the interim restoration of the site where appropriate.

9 No excavation shall occur below 298m AOD.

Reason: To ensure the site is worked and restored in accordance with the approved scheme.

10 No pumping of water from the quarry sump shall take place when water levels in the quarry sump lagoon are at or below a level of 295mAOD, measured at an exact point to be agreed with the Local Planning Authority. Nothing in this condition shall require water levels to be recharged if they fall below 295mAOD as a result of natural fluctuations in water levels.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or ground.

11 Except with the prior agreement of the Local Planning Authority, no more than 1.5 million tonnes of limestone shall be sold in any calendar year and at least 80% of the extracted stone shall be used in the manufacture of lime and limestone products at the Shapfell Works for use in the manufacture of steel. The total quantities of limestone used for different purposes in each calendar year shall be submitted to the Local Planning Authority in the January of the following year.

Reason: To ensure that high quality limestone is used primarily for non aggregate uses for which lower quality materials would not be suitable, in accordance with saved Policy 36 of the Minerals and Waste Plan.

12 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any other order revoking and re-enacting that order), planning permission shall be sought and obtained from the Local Planning Authority, before any buildings, structures, or erections, plant or machinery (other than those permitted by this permission) are erected on the site.
or on any ancillary mining land.

Reason: To maintain control over additional built development upon the site in the interest of amenity, in accordance with ‘saved’ Policies 2, 7 and 9 of the Minerals and Waste Local Plan.

HOURS OF OPERATION

13 Except with the prior agreement of the Local Planning Authority and as set out in condition 15 below, no operations hereby permitted, shall take place on site outside the hours:

07.00 to 17.00 hours Mondays to Fridays
07.00 to 13.00 hours on Saturdays.

No quarrying operations shall take place on Sundays or on Bank or Public Holidays.

This condition shall not, however, operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to plant and machinery used on site.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with ‘saved’ Policy 2 of the Minerals and Waste Local Plan.

14 Except with the prior agreement of the Local Planning Authority, the loading of vehicles and the transportation of limestone to the Shapfell Works shall not be carried out other than between:-

06.00 to 22.00 on Mondays to Fridays
06.00 to 22.00 on Saturdays and Sundays

There shall be no transport of limestone on Bank or Public Holidays.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with ‘saved’ Policy 2 of the Minerals and Waste Local Plan.

15 Except in the case of emergency, such instances to be notified to the Local Planning Authority, blasting shall not take place outside the hours of 10.00 to 16.00 on Mondays to Fridays and shall not take place at all on Saturdays, Sundays or Public Holidays.

Reason: To restrict blasting so that it will cause least inconvenience and disturbance to adjacent land users, in accordance with ‘saved’ Policy 3 of the Minerals and Waste Local Plan.

ACCESS AND TRAFFIC

16 Sole vehicular access to the site shall be from the Shapfell Works via the existing private haul road.
Reason: To avoid vehicles entering or leaving the site by an unsatisfactory route.

CONTROL OF BLASTING, NOISE AND DUST

17 Except with the prior agreement of the Local Planning Authority the number of blasting episodes shall not exceed 3 in any one week.

Reason: To safeguard the amenity of local residents and adjacent properties

18 The operator shall make every effort to reduce the effects of air blast overpressure arising from blasting. Such effort shall have regard to blast design, methods of initiation and the weather conditions prevailing at the time.

Reason: To safeguard the amenity of local residents and to protect the structural integrity of buildings outside the site boundary, by ensuring that air blast overpressure does not cause a nuisance outside the site boundary, in accordance with ‘saved’ Policy 3 of the Minerals and Waste Plan.

19 Blasting operations shall be so carried out that no component of the peak particle velocity attributable to any blast, measured at any point immediately adjacent to any building outside the boundaries of the site, exceeds 6 mm per second in any direction, in 95% of all blasts measured over any period of 6 months, no individual blast shall exceed a peak particle velocity of 12mm per second as measured at any residential property or 50mm per second at any point on the high pressure gas pipeline.

Reason: To meet the requirements of Transco, safeguard the amenity of local residents and to protect the structural integrity of buildings and structures outside the site boundary, by ensuring that blasting vibration does not cause a nuisance outside the site boundary, in accordance with ‘saved’ Policy 3 of the Minerals and Waste Local Plan.

20 The operator shall measure and monitor the vibration from blasting and air over pressure using suitable equipment and shall, on request, furnish the Local Planning Authority with particulars of the measurements recorded by the equipment which would allow an assessment of affects on adjacent properties to be undertaken where necessary.

Reason: To ensure compliance with Condition 19, in accordance with ‘saved’ Policy 3 of the Minerals and Waste Local Plan.

21 In the event of an exceedence of the vibration levels specified in Condition 19 the Local Planning Authority shall be informed within 24 hours and shall be advised of the outcome of the investigation into the exceedence.

Reason: To monitor compliance with Condition 19 and safeguard the amenity of local residents and to protect the structural integrity of buildings and structures outside the site boundary, in accordance with ‘saved’ Policy 3 of the Minerals and Waste Plan.

22 No secondary blasting shall be carried out within the site.

Reason: To reduce the disturbance to adjacent landusers, in accordance with ‘saved’ Policy 3 of the Minerals and Waste Plan.
23 Drilling rigs shall be fitted and maintained with effective dust suppression equipment.

Reason: To safeguard the amenity of local residents and adjacent properties

24 All plant, machinery and vehicles used on site shall be effectively silenced in so far as is practicable and at all times in accordance with the manufacturers recommendations.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated is minimised and does not constitute a nuisance outside the boundaries of the site, in accordance with 'saved' Policy 2 of the Minerals and waste Plan and adjacent properties

25 Except for temporary operations, referred to in condition 27 below, the Equivalent Continuous Noise level, LAeq 1 hour, at the noise sensitive properties adjoining the site shall not exceed levels of 50dB(A) as approved by the Local Planning Authority in consultation with the Environmental Health Officer. The noise level is expressed as an hourly free field LAeq. Any measurements taken to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To safeguard the amenity of local residents and adjacent properties

26 For the temporary operations listed below, the Equivalent Continuous Noise level, LAeq 1 hour, at the noise sensitive properties adjoining the site shall not exceed 70dB(A). The noise level is expressed as an hourly free field LAeq. Any measurements taken to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

   a) the construction of new haul roads
   a) the excavation of topsoil, subsoil and other overburden
   b) the creation of stacks or bunds for the storage of any soils or overburden
   c) the restoration of the site.

Reason: To safeguard the amenity of local residents and adjacent properties

27 For the purposes of conditions 25 & 26 above, free field shall be defined as a point at least 3.5m in front of the facade of any noise sensitive property facing the quarrying operations.

Reason: To safeguard the amenity of local residents and adjacent properties

28 For the purposes of conditions 25, 26 & 27 above, a noise sensitive property means any building outside the site at either Hardendale or Oddendale used, before 30 June 2006, as a dwelling or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels.

Reason: To safeguard the amenity of local residents and adjacent properties

29 The operator shall maintain on site at all times a water bowser or other dust suppression system and during periods of dry weather shall spray the haul roads, working areas, plant area and stockpiling areas with water to satisfactorily
suppress dust in order that it does not constitute a nuisance outside the site.

**Reason:** To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with 'saved' Policy 4 of the Minerals and Waste Plan and adjacent properties.

30 Any artificial lighting units shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

**Reason:** To safeguard the amenity of local residents, in accordance with 'saved' Policy 7 of the Minerals and Waste Plan.

### SAFEGUARDING OF WATERCOURSES AND DRAINAGE

31 In addition to the requirements of Condition 10, water monitoring shall be undertaken for the duration of the consent, in accordance with the approved Water Monitoring Plan dated 26 June 2008 and accompanying drawing dated February 2008 Ref WMP1 dated 26 June 2008.

**Reason:** In order to safeguard water quantity and to ensure compliance with the approved scheme.

32 Throughout the period of working, restoration and aftercare, the developer shall protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from land adjoining.

**Reason:** To safeguard local watercourses and drainages and avoid the pollution of any watercourse or ground.

33 Satisfactory provision shall be made for the collection, treatment and disposal of all water entering or arising on the site, including an increased flow from the land, to ensure that there shall be no pollution of watercourses by the approved operations.

**Reason:** To safeguard local watercourses and drainages and avoid the pollution of any watercourse or ground.

34 Any chemical, oil or diesel storage tanks on the site shall be sited on impervious bases and surrounded by impervious bund walls; the bunded areas shall be capable of containing 110% of the largest tank's volume and should enclose all fill and drawpipes.

**Reason:** To safeguard local watercourses and drainages and avoid the pollution of any watercourse or ground.

### STRIPPING, STORAGE AND USE OF SOILS AND OVERBURDEN

35 All topsoil, subsoil, soil-making material and other overburden which has been stripped or removed shall be stacked separately in accordance with the approved scheme and prevented from mixing.

**Reason:** To ensure the proper removal, storage and replacement of soils.
36 The stripping, movement and respreading of soils shall be restricted to occasions when the soil is in a suitable dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

_Reason:_ To ensure the proper removal, storage and replacement of soils.

37 All topsoil and subsoil shall be retained on the site and none shall be sold off or removed from the site. After stripping and formation of storage heaps the quantities shall be measured and the volumes and locations shall be provided to the Local Planning Authority on request.

_Reason:_ To ensure the proper removal, storage and replacement of soils.

38 Any soil storage mounds and screening mounds shall be sown down to grass in the first available planting season after their construction.

_Reason:_ To ensure the proper removal, storage and replacement of soils.

**CONTROL OF WEEDS**

39 All non-cropped areas of the site and all topsoil, subsoil and overburden stacks shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

_Reason:_ To properly manage the site by preventing the spread of weeds onto adjacent land

**CARE OF BOUNDARIES, HEDGES AND WALLS**

40 The developer shall maintain and make stockproof until the restoration is completed all the existing hedges, fences and walls including gates around the perimeter of the workings, throughout the period of operations until the restoration and aftercare of the site has been completed. Where an operational boundary does not coincide with an existing stockproof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stockproof fencing with gates or cattle grids at every opening and shall thereafter be maintained until that part of the site has been fully restored. Undisturbed hedgerows shall be maintained, cut and trimmed at the proper season throughout the period of working and restoration of the site.

_Reason:_ To safeguard the occupation of adjoining land.

41 Hedges, walls, fences, gates and stiles if damaged or destroyed in the course of the approved operations shall be repaired or restored on their original lines or replaced on such lines as may be agreed between the developer, the County Planning Officer and the persons who, for the time being, have an interest as owners, lessees or occupiers (excluding tenants for a month or any period less than a month) in the land originally bounded by such walls or fences.

_Reason:_ To safeguard the occupation of adjoining land.
RESTORATION

42 The site shall be restored to the landform and made suitable for the after uses shown in the approved scheme.

Reason: *To secure the proper restoration of the site following the sought period for mineral extraction.*

43 Overburden, excluding subsoil and topsoil, shall be so replaced and graded as to ensure that the site can be adequately drained and will, after replacement of the subsoil and topsoil and after settlement conform with the approved scheme.

Reason: *To secure the proper restoration of the site following the sought period for mineral extraction.*

AFTERCARE

44 Any part of the site restored to agriculture, forestry or amenity use shall be subject to the requirements of an aftercare scheme under the provisions of Section 72(5) of the Town and Country Planning Act 1990. The scheme shall be submitted for the approval of the Local Planning Authority prior to the commencement of the restoration. The scheme shall include details of drainage proposals, field water supplies, cropping, weed control measures, secondary cultivation treatments, soil analysis and ongoing soils treatment covering seeding, fertilising and grass utilisation. The aftercare requirements shall be carried out for a period of five years from the completion of restoration operations in each phase.

Reason: *To secure the proper aftercare of the restored land.*

45 At least once each year during the aftercare period there shall be a formal review, under the provisions of Section 72(5) of the Town and Country Planning Act 1990, to consider the operations which have taken place on each restored phase and to agree a programme of management for the coming year which shall be adhered to by the mineral operator. The parties to be invited to attend this review shall include the mineral operator, the Local Planning Authority, owners and occupiers of the land and Natural England: Geology, Landscape and Soils Team. At least 2 weeks before the date of each review the operator shall provide all people attending the meeting with a record of the management and operations carried out on each phase during the period covered by the review and a proposed programme of management for the coming year.

Reason: *To secure the proper aftercare of the restored land.*