Application No: 6/14/9004  
District: Barrow  
Applicant: Burlington Stone Ltd  
Cavendish House  
Kirkby-in-Furness  
Parish:  
Received: 11 March 2014  

PROPOSAL  
Lateral extension and extension to existing quarry for a period of 15 years  
Roosecote Sand Quarry, Roose, Barrow-in-Furness, Cumbria
1.0 RECOMMENDATION

1.1 That planning permission is Granted for the reasons stated in Appendix 1 and subject to the conditions in Appendix 2.

2.0 THE PROPOSAL

2.1 The proposal is for a lateral extension and consolidation of the existing planning permission to allow a revised scheme of working and restoration. Consent was granted on 2 September 2011 (6/11/9012 amended by 6/13/9009) to allow extraction of sand from the quarry until 31 August 2016. The overall site area would be 2.6 ha.

2.2 It is proposed to work the quarry in a south-easterly direction. The scheme would allow the working of the site to 13 m AOD. The original scheme allowed the working to 10 m AOD.

2.3 Roose Quarry has been subject to numerous planning permissions pre-dating 1948. The quarry is the only supplier of sand in the south of the County. The nearest sand quarry is Peel Place, Gosforth 40 miles north of the site.

2.4 The site would be accessed via the existing access onto the private access road which serves Centrica Power Station which connects on the A5087.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Barrow Borough Council have the following comments: 1. Any approval needs to address the same issues as the existing site. 2. The application site is part of a drumlin landscape, no landscape assessment has been carried out. 3. We query the restoration scheme which is likely to open up views onto the Gas Terminal. 4. Restoration of the development should address habitat loss and additional compensatory habitat.

3.2 Natural England raise no objection to the Natura 2000 site subject to a Habitat Regulations Assessment being carried out to ensure impacts on noise and dust are adequately mitigated, treatment of polluted water on site, fuel tanks being kept in impervious bunded compounds and there being no impact on SPA birds. The proposed development if carried out in strict accordance with the details in the application would not impact on the SSSI.

3.3 Highway Authority, Environment Agency, Health and Safety Executive and Mineral Valuer were consulted on the proposal to date no responses have been received.

3.4 Ramblers Association raise no objection.

3.5 English Heritage raise no objection.

3.6 Walney Aerodrome raise no objection.

3.7 The local Member - Ms H Wall has been notified.

3.8 No representations had been received when this report was prepared.
**4.0 PLANNING ASSESSMENT**

4.1 The proposal seeks to allow the continued extraction of sand for the next 15 years and a revised restoration scheme.

**Policy**

4.2 National Planning Policy Framework identifies that minerals are essential to supporting economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural source and can only be worked where they are found, it is important to make best use of them to secure their long term conservation. In this instance the quarry plays a vital role in ensuring a supply of sand is maintained in the south of the County.

4.3 Planning policies relevant to this development are set out in the Core Strategy and Generic Minerals and Waste Development Control Policies of the Cumbria Minerals and Waste Development Framework (MWDF). The MWDF was adopted in 2009 to provide up to date policies against which planning applications can be considered.

4.4 Core Strategy policies CS 1 Sustainable Location and Design and CS 4 Environmental Assets support the proposed development as Roose Quarry is the only supply of sand in the south of the County and it is considered sustainable in terms of transport and location.

4.5 Development Control Policies DC1 Traffic and Transport – the proposal is well located to the strategic road network and reduces minerals and waste road miles as the site is the only source of sand in the south of the County; Policy DC 2 General Criteria – the quarrying does not impact on any sensitive noise receptors, there is no impact on blast or air over pressure levels; Policy DC 3 Cumulative Environmental Impacts – the proposal has been assessed against land use impacts; Policy DC 6 Criteria for non-energy minerals development – the proposal provides a supply and need facility in the south of the County; Policy DC 10 Biodiversity and Geodiversity – the proposed development would not have an impact on locally important biodiversity or geology; Policy DC 12 Landscape - the proposed extension would not have a significant impact on the surrounding landscape and is compatible to existing uses in the area; DC 14 The Water Environment - the proposed development would not impact on the water environment; Policy DC 16 – Afteruse and restoration requires a detailed scheme for restoration and aftercare of the site. The proposed development complies with this policy as a new aftercare and restoration scheme has been submitted for approval. The proposed scheme would complement the existing landscape character.

4.6 Barrow-in-Furness Local Plan Policy D1 Impact on the Countryside – whilst the development may be considered as being within the open countryside the development is well located to other major developments in the area namely the Gas Terminal, Roosecote Power Station and the extension to Barrow WwTW; Policy A12 Energy related uses – whilst the proposed extension is not related to an energy use at this time, it is making the area more suitable in the long term for energy related uses.
4.7 The MWDF states that the landbank for sand and gravel reserves at the end of 2005 represented around 13 years at the apportionment level or 11.5 years at recent level sales. Whilst these figures were in excess of the regional requirement for a landbank of at least 7 years it did not take account of the fact that the planning permissions on which it was based expired before the end of the plan period (2020), with most expiring in the next few years. Without extending existing planning permissions or granting new ones the supply of mineral could not be maintained.

4.8 The overall landbank figure does not take account of material quality. Many of the deposits in the County are glacial origin and whilst often of considerable thickness can be variable and contain only limited amounts of the material markets require, particularly of concreting sand and other specialised materials. There are a number of examples of permitted reserves being worked more quickly than anticipated for this reason.

4.9 Since 2005, additional permissions at High House, Overby and Kirkhouse have increased reserves by approximately 6 million tonnes, but even with this provision the overall landbank would fall below the 7 year mark during the plan period.

4.10 In assessing need it is also necessary to consider location of reserves. A key principle set out in the MWDF is to minimise as far as practicable “minerals road miles”. The permissions referred to above are in the north and west of the County and material would have to be transported long distances. There are only two sand quarries in the southern part of the County Roose Sand Quarry and Peel Place, Gosforth.

4.11 I consider that the proposed lateral extension is not essential to maintain the level of landbank required by development plan policy, but would make a significant contribution to maintaining existing patterns of supply within the County and reduce the overall need for the transport of material by road.

**Site Boundary**

4.12 The scheme in 2011 reduced the working area and revised working scheme due to the quarry being predominately worked out. The proposal now is to extend the site eastwards to include an agricultural field which is located between the existing quarry and the A5087. The new boundary would give an overall extraction area of 2.6 ha.

**Landscape and Visual Impact**

4.13 The site is well screened from public view points. The landscape is dominated by the Rivers Gas Terminal and Roosecote Power Station to the west of the site, to the north is the newly constructed Barrow WwTW tanks and to the east of the site is the A5087 Barrow to Ulverston Coastal route. The area is characterised by Low Drumlins usually around 40 m high with broad rounded tops and often has steep sides. Considering the landscape against the back drop of the Rivers Gas Terminal, Roosecote Power Station and Barrow WwTW means the site has limited impact on the landscape or from public view points.

4.14 The proposed extension would take the quarrying operations closer to the A5087
than the existing operations. There is an existing mature hedgerow insitu which
would remain during the course of the development with some additional
advanced planting to take place within 12 months of the date of the granting of
planning permission. The proposed screening would further protect the quarry
workings from the A5087.

Traffic and Transport

4.15 Access to the site is from A5087 Barrow to Ulverston Coastal route, there are no
weight restrictions on this route. The traffic and transport routes would remain as
existing with between 50-70 HGVs per day (6 vehicles per hour) to the quarry
with a gross weight between 10-38 tonnes expected to enter or leave the quarry
each working day.

4.16 Access to the site from the A5087 is down a private road which is shared with
Roosecote Power Station.

Noise and Dust

4.17 The main source of noise and dust from the site is from the processing of plant,
machinery and movement of vehicles in the quarry.

4.18 The nearest noise sensitive receptors are 1 Roosecote Farm, Dungeon Lane 500
m north east of the site and Oaklands, Page Bank Lane 770 m south east of the
site. Moorhead Cottages are located approximately 60 m from the proposed
extension, however, these properties are unoccupied and owned by Rivers Gas
Terminal. Rivers Gas Terminal purchased these properties a number of years
ago as they are the nearest noise sensitive receptors to the Gas Terminal. The
properties have remained empty to avoid any complaints from noise nuisance.
Noise from the quarry should be no greater than 50 db (LAeq) measured over a
one hour period. Any quarry noise is less audible than the existing background
noise contributed from the Gas Terminal, Power Station and Barrow WwTW.

4.19 All plant and machinery on site are mobile and fitted with dust suppression
equipment so that dust does not become a problem outside the site.

4.20 Dust suppression is contained within the site by using a water bowser on the
access/haul road, working area, processing plant and stockpile areas. An
appropriately worded condition would be imposed on the granting of any planning
permission.

4.21 No complaints have been received with regards to noise and dust at the site.
 Appropriately worded conditions are proposed to control noise and dust from the
site.

Flood Risk/Surface/Ground Water

4.22 The site does not lie within a designated flood zone and there are no
watercourses running through the quarry there are however two settlement
lagoons within the site.

4.23 The majority of the proposed extension area is not prone to any flooding or
surface water flooding. However, parts of the existing site are susceptible to
surface water flooding. Surface water collects in the two ponds that drain to
Roosecote Sands and Piel Channel. The ponds are to be retained.

4.24 The quarry is 500 m to the south of the Total Catchment Area of a Source Protection Zone. A borehole has indicated that St Bees sandstone is overlain within 35.8 m of glacial till comprising sand and boulder clay. Other boreholes have indicated that boulder clay underlies sand within the water table laying just below 10 m. The revised scheme would increase the working depth of the quarry from the previously approved 10 m AOD to 13 m AOD thereby ensuring there would be no impact on the water table.

Archaeology/Impact on Listed Building

4.25 The site originally included an area of land which was archaeologically sensitive this part of the site was removed from the approved working area in 2011 (6/11/9012). Due to the area having a potential for archaeological importance an archaeological watching brief was undertaken on the proposed extension area. Eleven 30 m x 4 m trenches were dug whilst some of the trenches revealed gullies or pits no artefacts were revealed. The majority of the evaluation trenches were devoid of archaeology. The County Archaeologist is satisfied that the proposed development would not impact on any archaeological features.

4.26 To the immediate south of the site is a Grade II Listed Building No 1 Moorhead Cottages. The property is a small farmhouse with attached barn dated 1719. Moorhead Cottage is one of three properties the two other properties are 1960’s additions. In the 1990’s Rivers Gas Terminal purchased the properties due to their proximity to the Rivers Gas Terminal and their future expansion, the properties have been empty since this time. The property is located approximately 60 m from the proposed working area, there is a small woodland area which separates the working area and Listed Building. The woodland area is to remain during the life of the quarrying operations. It is not considered that the proposed extension would impact on the setting of the Listed Building. English Nature have raised no objection to the proposed extension.

Impact on Conservation Interests

4.27 The proposed extension area lies 760 m to the east of the South Walney and Piel Channel Flats Site of Special Scientific Interest (SSSI) and forms part of Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Site, which is European Protected under the Habitat Regulations.

4.28 The application site and the protected site are separated by The Rivers Gas terminal.

4.29 A phase 1 Habitat Survey has been carried out in the proposed extension area. The proposed scheme involves the quarrying of an existing agricultural field, the loss of an area of moderately herb-rich coarse grassland, loss of hedgerow and two small pools. The northern edge of the proposed extension has already been disturbed by the main quarry workings. The western boundary of the proposed extension forms moderately herb-rich grassland which would have a short term impact on the area however this would be fully mitigated through the proposed restoration scheme.
4.30 The proposed scheme involves around 360 m of hedgerow to be removed. The removal of the hedgerow could potentially impact on bat flight paths and bird breeding habitat. Bird breeding could be mitigated with appropriately worded conditions to ensure no works are carried out during the bird breeding season. Whilst the hedgerow could provide a flight pattern for bats it is more likely that bats would forage in the larger hedgerows to the east and south of the site which are better established and provide a more improved foraging area.

4.31 Other protected species have been considered within the Phase 1 Habitat Survey i.e. rare and protected species, mammals, invertebrates, amphibians and birds. The impacts on these protected species is considered to be minimal.

4.32 It is therefore predicted that there would be no impact upon protected species provided that all scrub and hedgerow clearance is carried out outside the bird breeding season of March to August (inclusive), an appropriately worded condition would be included on the granting of any planning permission to ensure they are adequately protected.

4.33 A Habitats Regulations Assessment has been carried out and Natural England raise no objections to the findings subject to suitably worded conditions being imposed to control noise, dust, water pollution, fuel tank and SPA birds.

**Hours of Working**

4.34 It is proposed to operate the quarry on the same hours as existing 07.00 to 19.00 hours Monday to Friday and 07.00 to 13.00 hours Saturdays with no workings on Sundays or on Bank/Public Holidays. No complaints have been received with regards to hours of operation.

**Restoration Scheme**

4.35 The restoration scheme for the site has been amended to the previously approved schemes as it was expected that the quarry floor would lie at 10 m AOD which would be similar to the adjacent Rivers Gas Terminal and could potentially accommodate energy related developments in the future. The initial concept is to restore the quarry to agricultural land. However this could potentially impact on the eastern part of the site and leave it below the water table making it unsuitable for grazing.

4.36 The revised working scheme would allow sand to be extracted to 13 m AOD allowing the proposed extension area restoration levels to be higher towards Rampside Road and providing improved drainage to make suitable for agricultural use.

4.37 The proposed restoration scheme would include an area to be planted with gorse, broom and hawthorn with bare patches to create sandy heath habitat. A wetland habitat forms part of the revised restoration scheme along with additional tree planting comprising of alder and willow.

4.38 The worked out northern part of the existing quarry would be fully restored within 12 months of the granting of planning permission for the proposed extension. This area would provide woodland and wetland habitat.

4.39 The proposed restoration scheme is acceptable as this would complement the
existing area and provide improved agricultural land along with the creation of improved wetland, habitat and woodland planting.

4.40 The revised restoration scheme would also prepare the site in advance of any future expansion of the River Gas Terminal which is identified in Barrow Local Plan as energy related development land.

Concerns of Barrow Borough Council

4.41 Barrow Borough Council have raised a number of concerns with regards to the proposed extension these being namely the scheme needs to be considered against the same terms of operational use, the impact on the landscape form, the need for a Landscape and Visual Impact Assessment to be carried out and the restoration scheme should address any habitat loss. I will address these in turn:

4.42 The scheme needs to address the same issues in terms of operation use: The site would be operated in the same manner as the existing quarry workings along with a similar scheme of conditions. The revised working scheme would allow the continued extraction of the only source of sand in the south of the County. The proposed working scheme makes the working of the quarry economically viable for the foreseeable future.

4.43 The impacts on the landscape form: The landscape in this location has over the years changed significantly due to the working of the northern section of the quarry, the introduction of The River Gas Terminal, Roosecote Power Station and Barrow WwTW and newly constructed detention tanks. The inclusion of the extension area would not make a significant impact on the surrounding landscape due to the existing workings and the woodland habitat around the site boundaries.

4.44 Need for a Landscape and Visual Impact Assessment: The proposed extension is a relatively small area which is undisturbed land however in the wider landscape context the area has been disturbed substantially by developments such as River Gas Terminal, Roosecote Power Station and Barrow WwTW. The proposed extension would have a minimal landscape and visual impact compared to the much wider land context and not enough to warrant the need for a Landscape and Visual Impact Assessment.

4.45 Proposed Restoration Scheme: The area is identified in Barrow Local Plan as an area for future energy related schemes. The proposed restoration scheme has been considered with regards to the future needs and use of the land for energy related development in consultation with Centrica. The restoration scheme has also taken into account the existing flora and fauna of the area and is compatible with the existing area.

Human Rights Act 1998

4.46 The proposal will have a limited impact on the visual, residential and environmental amenity of the area. 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

4.47 The application requires the benefit of working the mineral to be balanced against the impacts of extraction. There is not an overriding need to make additional reserves of sand available at this time but there is a clear benefit in maintaining existing patterns of supply in the County to minimise unnecessary road traffic. The proposal would also support the applicant’s business at a time when all businesses are under pressure. The impacts of development can be adequately mitigated by the measures proposed or through the conditions recommended in appendix 2.

4.48 It is therefore recommended that planning permission is granted for the proposed lateral extension.

Jim Savege
Corporate Director of Environment & Community Services

Contact
Mrs Jayne Petersen, Kendal,
Tel: 01539 713549, Email: jayne.petersen@cumbria.gov.uk

Background Papers
Planning Application File Reference No. 6/14/9004

Electoral Division Identification
Roosecote ED - Ms H Wall
THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

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 planning policy guidance 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:

National Planning Policy Framework

13. Facilitating the sustainable use of minerals

Minerals are essential to supporting economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural source and can only be worked where they are found, it is important to make best use of them to secure their long term conservation.

When determining planning applications, Local Planning Authorities should:

- give weight to the benefits of the mineral extraction including to the economy;
- as far as practicable provide for the maintenance of landbanks of non-energy minerals from outside Nation Park, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Ancient Monuments and Conservation Areas;
- ensure in granting planning permission for mineral development that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particles emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

Minerals Planning Authorities should plan for a steady and adequate supply of aggregates.

Cumbria Minerals and Waste Development Framework (CMWDF)
Core Strategy (CS) and Cumbria Minerals and Waste Development Framework (CMWDF) Generic Development Control Policies (GDCP) 2009-2020
Policy CS 1 – Sustainable Location and Design

Proposals for minerals and waste management developments should demonstrate that :-

- energy management, environmental performance and carbon reduction have been determining design factors.
- their location will minimise, as far as is practicable, the "minerals or waste road miles"
- involved in supplying the minerals or managing the wastes unless other environmental/sustainability and, for minerals, geological considerations override this aim.
- all proposed waste management developments with gross floor space of over 1000 square metres gain at least 10% of energy supply, annually or over the design life of the development, from decentralised and renewable or low carbon energy supplies. Any exceptions to this should demonstrate that this would not be feasible or viable for the specific development and that the development would form part of an integrated process for reducing greenhouse gas emissions or for carbon-offsetting measures.
- where appropriate, the restoration proposals have a role in helping to combat climate change.
- mineral working proposals should demonstrate a life cycle ("cradle to grave") analysis of product and process carbon emissions.
- construction of buildings minimises waste production and use of primary aggregates and makes best use of products made from recycled/re-used materials.

Work will be undertaken, in conjunction with stakeholders, to develop life cycle analysis criteria that are relevant for minerals developments.

Policy CS 4 – Environmental Assets

Minerals and waste management developments should aim to: protect, maintain and enhance overall quality of life and the natural, historic and other distinctive features that contribute to the environment of Cumbria and to the character of its landscapes and places.
improve the settings of the features,
improve the linkages between them and buffer zones around them, where this is appropriate;
realise the opportunities for expanding and increasing environmental resources, including adapting and mitigating for climate change.

Areas and features identified to be of international or national importance.

Planning application proposals within these, or that could affect them, must demonstrate that they comply with the relevant national policies as set out in Planning Policy Statements. Wherever practicable, they should also demonstrate that they would enhance the environmental assets.

Environmental assets not protected by national or European legislation
Planning permission will not be granted for development that would have an unacceptable impact on these environmental assets, on its own or in combination with other developments, unless:-
it is demonstrated that there is an overriding need for the development, and that it cannot reasonably be located on any alternative site that would result in less or no harm, and then, that the effects can be adequately mitigated, or if not, that the effects can be adequately and realistically compensated for through offsetting actions.

All proposals would also be expected to demonstrate that they include reasonable measures to secure the opportunities that they present for enhancing Cumbria's environmental assets.

Guidance on implementing parts of this policy will be provided by the Landscape Character and Highway Design Guidance Documents and by the Cumbria Biodiversity Evidence Base.

Policy DC1 – Traffic and Transport

Proposals for minerals and waste developments should be located where they:

a. are well related to the strategic route network as defined in the Local Transport Plan, and/or
b. have potential for rail or sea transport and sustainable travel to work, and
c. are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience
- of other road users and on community amenity,
- where an appropriate standard of access and traffic routing can be provided, and appropriate mitigation measures for unavoidable impacts are provided.

Policy DC2 – General Criteria

Minerals and Waste proposals must, where appropriate, demonstrate that:

a. noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
b. there will be no significant degradation of air quality (from dust and emissions),
c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made,
d. carbon emissions from buildings, plant and transport have been minimised,
e. issues of ground stability have been addressed.
Considerations will include:

the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species,
how residual and/or mineral wastes will be managed,
the extent to which adverse effects can be controlled through sensitive siting and design,
or visual or acoustic screening,
the use of appropriate and well maintained and managed equipment,
phasing and duration of working,
progressive restoration,
hours of operations,
appropriate routes and volumes of traffic, and
other mitigation measures.

**Policy DC 3 – Cumulative Environmental Impacts**

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

a. impacts on local communities,
b. all environmental aspects including habitats and species, landscape character, cultural heritage, air quality, ground and surface water resources and quality, agricultural resources and flood risk,
c. the impact of processing and other plant,
d. the type, size and numbers of vehicles generated, from site preparation to final restoration and potential impacts on the highway network, safety and the environment,
e. impacts on the wider economy and regeneration,
f. impacts on local amenity, community health and recreation facilities and opportunities.

**Policy DC6 – Criteria from Non-Energy Minerals Development**

Proposals for non-energy minerals development inside the identified Preferred Areas will be permitted if they do not conflict with other policies in this plan.

Proposals for non-energy minerals development outside the Preferred Areas will only be permitted if:

a. the landbank of reserves with planning permission is below the required level, and there is a need for the proposal to meet the levels of supply identified in the Core Strategy, and
b. they do not conflict with other policies in this plan and to any relevant locational or site specific policies, and
c. where relevant, there are adequate safeguards for land stability.

Favourable consideration may also be given to proposals that can be demonstrated to be more sustainable than any available alternative, including:

- borrow pits to meet a specific demand not easily met from elsewhere,
building stone quarries to meet the need for stone to match local vernacular building, and the conservation and repair of historic buildings.
- areas already subject to minerals extraction where the additional working will enable comprehensive exploitation of the reserves, or where the proposal achieves a more sustainable afteruse or a better restoration of the area.

Policy DC10 – Biodiversity and Geodiversity

Proposals for minerals and waste developments that would have impacts on locally important biodiversity and geological conservation assets, as defined in the Core Strategy, will be required to identify their likely impacts on, and also their potential to enhance, restore or add to these resources, and to functional ecological and green infrastructure networks. Enhancement measures should contribute to national, regional and local biodiversity and geodiversity objectives and targets, and to functional ecological and green infrastructure networks.

Proposals for developments within, or affecting the features or settings of such resources, should demonstrate that:

a. the need for, and benefits of, the development and the reasons for locating the development in its proposed location and that alternatives have been considered.

b. appropriate measures to mitigate any adverse effects (direct, indirect and cumulative) have been identified and secured, and advantage has been taken of opportunities to incorporate beneficial biodiversity and geological conservation features, or

c. where adverse impacts cannot be avoided or mitigated for, that appropriate compensatory measures have been identified and secured, and

d. that all mitigation, enhancement or compensatory measures are compatible with the characteristics of, and features within, Cumbria.

Policy DC 12 – Landscape

Proposals for development should be compatible with the distinctive characteristics and features of Cumbria's landscapes and should:

a. avoid significant adverse impacts on the natural and historic landscape,

b. use Landscape Character Assessment to assess the capacity of landscapes to accept development, to inform the appropriate scale and character of such development, and guide restoration where development is permitted,

c. in appropriate cases use the Guidelines for Landscape and Visual Impact Assessment (iii) to assess and integrate these issues into the development process,

d. ensure that development proposals consider the effects on: locally distinctive natural or built features; scale in relation to landscape features; public access and community value of the landscape; historic patterns and attributes; and openness, remoteness and tranquility,
e. ensure high quality design of modern waste facilities to minimise their impact on the landscape, or views from sensitive areas, and to contribute to the built environment,
f. direct minerals and waste developments to less sensitive locations, wherever this is possible, and ensure that sensitive siting and high quality design prevent significant adverse impacts on the principal local characteristics of the landscape including views from, and the setting of, Areas of Outstanding Natural Beauty, the Heritage Coast or National Parks.

**Policy DC 14 – The Water Environment**

Planning permission will only be granted for developments that would have no unacceptable quantitative or qualitative adverse effects on the water environment, including surface waters and groundwater resources. Proposals that minimise water use and include sustainable water management will be favoured.

**Policy DC 16 – Afteruse and Restoration**

Proposals for minerals extraction, or for temporary waste facilities such as landfill, should be accompanied by detailed proposals for restoration including proposals for appropriate afteruse, financial provision and long term management where necessary. Restoration and enhancement measures should maximise their contributions to national, regional and local biodiversity objectives and targets. In all cases restoration schemes must demonstrate that the land is stable and that the risk of future collapse of any mine workings has been minimised.

After-uses that enhance biodiversity and the environment, conserve soil resources, conserve and enhance the historic environment, increase public access, minimise the impacts of global warming, and are appropriate for the landscape character of the area will be encouraged. These could include: nature conservation, agriculture, leisure and recreation, and woodland.

Where sites accord with other policies, an alternative or mixed afteruse that would support long term management, farm diversification, renewable energy schemes, tourism, or employment land may be acceptable.

**Barrow in Furness Local Plan 1996-2006**

**Policy A12 – Energy Related Use**

The area shown on the proposals may around the North and South Morecambe Gas Terminal is one of special character related to its suitability for the generation and transmission of energy. Development proposals that are not related to the energy industry in the area or are contrary to the interests of an energy industry in the area will be refused.

**Policy D1 – Countryside**

The Borough’s countryside will be safeguarded for its own sake and non-
renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development’s operational requirements.

3 The National Planning Policy Framework (March 2012) is also a material consideration, and has been taken into account in this report with reference to:

Paragraph 14
At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

4 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.
Proposed Conditions

Time Limit of Permission

1. This permission shall be for a limited period only expiring on 28 May 2029, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

**Reason:** To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

Approved Documents

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
   
   a. The submitted Application Form – dated 10 March 2014
   
   b. Supporting Statement – ref : ROS/10.02.14
   
   c. Appendix A – Archaeological survey report ref : ROS.10.03.14
   
   d. Appendix B – Habitat survey report ref : ROS/10.03.14
   
   e. Plans numbered:
      
      i) Figure 1 – location plan
      ii) Figure 2 – site plan
      iii) Figure 3 – aerial view of the quarry in 2010
      iv) Figure 4 – working plan
      v) Figure 5 – drift geology
      vi) Figure 6 - extraction scheme
      vii) Figure 7 – restoration scheme
      viii) Figure 8 – cross sections
   
   f. The details or schemes approved in relation to conditions attached to this permission.
   
   g. This Decision Notice

   **Reason:** To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

3. In the event that mineral working permanently ceases prior to the full implementation of the approved scheme, a revised scheme to include details of the restoration, aftercare and timescale for the completion of the restoration works, shall be submitted for approval to the Local Planning Authority, such an approved scheme shall be adhered to and the site restored within 12 months of the cessation of operations.
Reason: To secure the proper restoration of the site in the event that operations cease prior to the full implementation of the scheme, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

4 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.

5 The working and restoration of this site shall be subject to a formal review at least every four years. The first review shall take place in May 2018, and at least every four years thereafter. Three months before each formal review of the approved scheme the developer shall submit for approval to the Local Planning Authority a detailed progressive scheme of working and restoration for the forthcoming four years. The scheme shall be compatible with the approved working and restoration scheme submitted in the approved scheme. Such a scheme shall include provision for:-

5.1 the method, direction, sequence, depth and area of working;
5.2 topographical survey;
5.3 the location and height of mineral stockpiles;
5.4 the separate stripping and storage of soils, including the location, extent, height and design of the soil mounds;
5.5 the construction and maintenance of fences, walls and hedges as appropriate to safeguard the public and livestock;
5.6 the disposal of water from the site and the drainage of the site during its operation and final restoration;
5.7 details of proposed phased restoration to provide benefits to nature conservation
5.8 the aftercare of the restored land for five years.

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.

HOURS OF WORKING

6 No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

07.00 to 19.00 hours Mondays to Fridays
07.00 to 13.00 hours on Saturdays.

No operation of quarry plant or loading or transportation of minerals, shall take place on Sundays or on Bank or Public Holidays.

However this condition shall not 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.

ACCESS AND TRAFFIC

7  There shall be no vehicular access to or egress from the site other than via the approved access.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory route.

8  The access road from the site to the Power Station access road shall be kept clean and maintained in a good standard of repair, free of potholes for the life of the operations hereby permitted.


9  No slurry, mud or other material from the site shall be deposited on the Power Station access road or the public highway.

Reason: To prevent vehicles carrying material on to the Power Station access road and the public highway in the interests of highway safety, in accordance with Policy DC1 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

10 All vehicles used to transport mineral from the site onto the public highway shall be sheeted so as not to deposit any mineral upon the highway.

Reason: To ensure that material is not released into the air or deposited upon the highway in the interests of local amenity and highway safety, in accordance with Policy DC1 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

CONTROL OF NOISE

11 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers’ recommendations.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

12 The reversing alarm system to be used on the site shall have a maximum output level of 97dB(A) at 1.2 metres.

Reason: To minimise the amount of noise generated by the reversing alarm system so that it does not constitute a nuisance outside the boundaries of the site.
13 The equivalent continuous noise level (LAeq) attributable to the approved operations, measured over a one hour period shall not exceed 50 dB(A) free field at any noise sensitive property.

Reason: To safeguard the amenity of local residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

14 The following intermittent operations shall be exempt from the limitation referred to in Condition 13: The excavation of topsoil, subsoil and other overburden; its storage and its re-spreading; and levelling on the site. The LAeq attributable to the operations measured over a one hour period, shall not exceed 65 dB(A) at any noise sensitive property.

Reason: To safeguard the amenity of local residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

CONTROL OF DUST

15 The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to 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 Policy DC2 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

CONTROL OF ARTIFICIAL LIGHTING

16 All artificial lighting units installed on the site 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.

SAFEGUARDING OF WATERCOURSES AND DRAINAGE

17 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 or flooding or land drainage problems caused by the approved operations.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource and to avoid flooding, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

18 Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the
bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall discharge downwards into the bund.

*Reason:* To avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

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

19 The movement and respreading of soils shall be restricted to occasions when the soil is in a suitably 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 prevent any avoidable damage to the structure of the soils.

20 All available topsoil, subsoil, soil-making material and other overburden which has been stripped or removed shall be stacked separately in accordance with the approved plans and prevented from mixing. Details of the location, height and form of the soil storage and overburden mounds shall be submitted to and approved by the Local Planning Authority prior to their construction.

*Reason:* To secure the satisfactory storage and retention of soils and overburden for restoration.

21 The soil storage mounds shall be sown down to grass in the first available sowing season after their construction.

*Reason:* To reduce the washing away of soils in the interests of pollution control and in the interests of visual amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

22 All available topsoil and subsoil shall be retained on the site and none shall be sold off or removed from the site.

*Reason:* To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework adopted 23 April 2009.

**CONTROL OF WEEDS**

23 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 and to prevent the spread of weeds onto adjacent land.

CARE OF BOUNDARIES, HEDGES AND WALLS

24 The operator 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 which 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 secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.

TREE AND HEDGE PLANTING

25 All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Local Planning Authority.

Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity.

NATURE CONSERVATION

26 No clearance of vegetation shall take place within the bird breeding season i.e. 1 March - 31 August inclusive unless measures have previously been taken to exclude nesting birds.

Reason: To prevent harm to breeding birds.

27 Any vegetation that must be cleared during the bird breeding season (March – August inclusive) should only proceed after a detailed breeding bird survey has been conducted. This should identify any nest on site and present measures to avoid disturbing the identified breeding species.

Reason: To prevent harm to breeding birds.

28 A checking site inspection should be conducted on the site before any work commences. This should identify any nest on bare earth on site and present measures to avoid disturbing the identified breeding species.

Reason: To prevent harm to breeding birds.

RESTORATION
A soil replacement scheme shall be submitted to the Local Planning Authority and agreed in writing by 31 December 2028. This scheme should comprise:

29.1 details of soils, including the proposed location, depths and quantities of replacement soils based on a survey of soils and soil making material available for restoration, and

29.2 details of proposed cultivation treatments, including methods of compaction alleviation, stone picking, field drainage, seeding and fertilisation.

Once approved the scheme shall be progressively implemented in full so that the site is restored to the final approved landform and made suitable for agriculture and nature conservation afteruses.

**Reason:** To secure the proper restoration of the site for the approved afteruses, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework, adopted 23 April 2009.

The woodland along the embankment of Rampside Road shall be carried out in the first planting season of 2014. The remaining woodland, scrub and hedgerow planting shall be implemented on a phased basis with planting taking place within the first available planting season following the restoration of each parcel of land to final approved contours.

**Reason:** To ensure that the hedge and tree planting is carried out at the earliest opportunity following the implementation of the planning permission and the phased restoration of the site, in the interests of amenity, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework, adopted 23 April 2009.

Details of the proposed wetland creation and woodland, scrub and hedgerow planting, including layout, ground preparation, numbers and distribution of species, size of plants, spacing, method of planting, fencing and other protective measures shall be submitted to and agreed in writing with the Local Planning Authority by 31 August 2015.

**Reason:** To approve details of the wetland creation and tree planting prior to it being carried out.

Except for the wetland and areas of woodland scrub planting (Conditions 29 and 30 refer) the site shall be restored to agriculture use as soon as reasonably practical after the completion of works specified in Condition 25.

**Reason:** To ensure that the land is restored to agricultural use at the earliest opportunity following the phased restoration of the site.

The areas of the site restored to agriculture and nature conservation 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. 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 on each phase.

Reason: To secure the proper aftercare of the restored land and to allow its return to as high a quality as possible, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework, adopted 23 April 2009.

34 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 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 the Department of Environment, Food and Rural Affairs. 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 and to allow its return to as high a quality as possible, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework, adopted 23 April 2009.