Application No: 2/14/9006
District: Allerdale

Applicant: Cemex UK Operations Ltd
Cemex House
Coldharbour Lane

Parish: Blindcrake

Received: 8 May 2014

PROPOSAL

Proposed North West Extension to Moota Old Quarry for the Winning and Working of Limestone including the Proposed Diversion of Public Footpath 210015 and Restoration of the Quarry to a mix of Calcareous Grassland, Wetland, Rock Edges and Woodland

Moota Quarry, Moota, Cockermouth, CA13 0QE
1.0 RECOMMENDATION

1.1 That, having regard to the environmental information, planning permission is GRANTED for the reasons stated in Appendix 1 and subject to:

(i) the conditions set out in Appendix 2, and

(ii) the applicant and other specified land owners entering into a legal agreement with the County Council under Section 106 of the Town and Country Planning Act 1990 to secure the enhanced and extended aftercare of and public access to the site for a further five years over and above the statutory five year aftercare period.

1.2 That the Planning Assessment in Section 4 of the report sets out the County Council’s reasons for granting permission for planning application 2/14/9006 and should form the basis of the statement to be published as required under Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to inform the public and the Secretary of State of the determination.

2.0 THE PROPOSAL

Background, the Site and Context

2.1 This application, accompanied by an Environmental Statement (ES), is for a 3.7 hectare extension to the existing limestone quarry at Moota. The quarry is an active limestone quarry which was established prior to 1948. The earliest planning permission was granted in 1949 and a series of permissions were granted thereafter for its continued operation. The current extant permission (ref 2/96/9008), was granted on 29 March 1999 for a 15.1 hectare north-westerly extension to the quarry and the consolidation of former permissions. This permission, which applies to the entire site, expires on 31 December 2016. A Section 106 Agreement accompanied this consent in order to secure the revocation of historical planning permissions (CA50, CA167, CA305, CA1380, CA2457, CA3558, 2/79/1167, 2/82/0079, 2/82/0824 and 2/89/0308).

2.2 Under the terms of the Environment Act 1995, the current extant consent was due for Periodic Review on 14 March 2014. This has been postponed until 31 December 2015 principally because mineral reserve at the site is close to exhaustion and the current planning consent expires in 2016. Approval of this application would replace the need for a periodic review of the current consent.

2.3 The site occupies a prominent position at Moota Hill, between Wardhall Common to the west and the Lake District National Park to the east. It is accessed immediately off the A595 and lies 30km to the south west of Carlisle and 6km to the north east of Cockermouth. The village of Bothel is 3.8km to the north east and the edge of the hamlet of Blindcrale lies approximately 745 metres to the south of the quarry on the opposite side of the A595. There are also some isolated farmhouses and residential properties close to the quarry, these being the former public house at Laal Moota (180 metres to the south of the site and 600 metres from the proposed extension area), Millstone Moor (about 1km to the west of the site) and Moota Garden Centre (approximately 1.2km to the east of the site on the A595), and Grange Grassings (about 700 metres to the west of the site and 1.5km from the proposed extension area).
2.4 The total area of the current permission is 41 hectares. The quarry comprises three distinct parts: the most northerly part, currently being worked but nearing completion with approximately 526,000 tonnes of reserves remaining; the middle section, which is being restored to woodland, scrub and calcareous grassland, and the ‘old quarry’, the most easterly part of the site which comprises the site entrance, plant area, stockpiles and the previously worked quarry area. The plant area consists of mineral crushing and processing infrastructure, an asphalt plant, maintenance and office buildings, a weighbridge and parking areas. The operations previously included a concrete brick plant, but this use has now ceased at the site.

2.5 The site falls within a landscape area identified as Rolling Fringe which is found around the fringe of the Lake District National Park and dominated by Carboniferous limestone overlain by glacial till. It mainly comprises a large scale, undulating topography with large fields of improved pasture, stone walls, occasional hedges, sparse tree cover and small streams and rivers cutting through the rolling topography. The area of the proposed extension has high archaeological potential. The remains of a possible prehistoric settlement have been recorded on the site and other such remains lie in the vicinity.

2.6 The old part of Moota Quarry itself is a designated Regionally Important Geological and Geomorphological Site (RIGS), and Moota Outcrop County Wildlife Site lies 150 metres to the south west of the quarry. Designated sites in the vicinity of the site on the opposite side of the A595 include Clints Quarry, Moota SSSI and SAC, approximately 750-830 metres to the east and south of the site, and Clints Crag SSSI, SAC and Clints Crag and Thackray Wood RIGS all approximately 1200 metres to the south east of the site. Adjoining the latter immediately south is Park Wood, Isel RIGS and Ancient Woodland. Gill Beck SSSI and Gill and Ellers Wood SSSIs lie 1250 metres immediately south of the site, and slightly further afield at approximately 1.9km due south are the River Derwent and Tributaries SSSI and the River Derwent and Bassenthwaite Lake SSSI and SAC. The site is located within a Minerals Safeguarding Area identified by the British Geological Society for the area’s limestone resource.

2.7 Each of the three parts of the quarry contains an area susceptible to surface water flooding as a result of a 30 year rainfall event, the largest area being in the ‘old quarry’. The site is also located on the fringe of an area susceptible to groundwater flooding immediately to the west of the quarry. A telecommunications mast is located adjacent to the north western boundary of the proposed extension area. A public footpath (FP No 210015) which currently runs along the northern extremities of the ‘old quarry’ has already been diverted to enable this part of the quarry to be worked.

2.8 Cemex has three principal active hard rock quarries in Cumbria. Reserves are mainly concentrated at two of these sites in south west Cumbria close to the M6 Motorway. Moota Quarry produces crushed limestone and supplies aggregate and coated materials to local building and construction markets, including ready mix concrete plants and projects in Cumbria, principally between Carlisle and Workington. Such projects include the development of sea defences and wind energy.

2.9 Current output from Moota Quarry ranges from between 150,000 to 200,000 tonnes per annum, depending on local demand. The daily average output from the quarry is 700 tonnes which leave the site on 20 tonne loads. This equates to
approximately 35 lorries leaving the site per day. The current permitted operational hours, including the transportation of mineral from the site are limited to between 06.00 to 19.00 hours Mondays to Fridays and 06.00 to 12.30 hours on Saturdays, with the exception of operations associated with coated roadstone or asphalt, the production and transportation of which is permitted outside these hours.

**The Proposed Development**

2.10 This planning application relates to the ‘old quarry’ only. The proposal is to extend this part of the site by 3.7 hectares in a north-westerly direction and to release the reserves that remain to be worked within the currently permitted part of the old quarry. The application includes proposals for the continued use of the site entrance, access road, stockpile, office and processing areas, and for the progressive restoration of the site. It is also proposed to permanently divert Public Footpath 210015, which forms the northern boundary to the current site, further north around the perimeter of the proposed extension area, in order to gain access to this area. The applicant will need to apply for an order to divert the footpath via a separate process under Section 257 of the Town and Country Planning Act 1990.

2.11 In total, this application is seeking to extract 1.885 million tonnes of limestone. This comprises 1.035 million tonnes from the proposed north west extension area and 850,000 tonnes that remain in the north and south west areas within the existing permitted site. It should be noted that 700,000 tonnes of that remaining are in the north western part of the existing site and are only accessible if the proposed extension area were to be permitted. It is proposed that the mineral would be worked and the site restored over a period of 10 years.

2.12 Extraction would take place in three phases. Phases 1 and 2 comprise the extension area and the reserves remaining in the north west part of the old quarry and Phase 3 comprises the remaining reserves in the south west corner of the site. It is estimated that Phase 1 would take around 18 months to work and yield 235,000 tonnes of mineral; Phase 2 would yield 1.5 million tones and take around eight years to be completed and Phase 3 would yield about 150,000 tonnes of limestone and would be worked in parallel, but periodically, with Phases 1 and 2. Unlike other parts of the site, Phase 3 contains a significant proportion of sand. This, combined with less jointed rock mass, means that the area would be a suitable source of large boulders for use in sea defense or river erosion protection schemes.

2.13 The method of working is dictated by the geotechnical characteristics of the site. As the limestone is interbedded with weaker mudstones and the bedding dips consistently at around 10-15 degrees to the west, for safety reasons, it is proposed that Phases 1 and 2 would be worked in an east to west direction. During Phase 1, soils and overburden would be removed by excavator. Overburden would be placed along the eastern face of the existing quarry void and the soils temporarily stored in the void for use in the final restoration. Limestone would be extracted by blasting and excavator to form an east to west working profile, and interburden materials would be directly placed on the existing quarry floor to create the restoration profile. Phase 2 would be worked in a similar way, with the soils, overburden and interburden materials being used to progressively restore the Phase 1 area and complete the restoration of the existing eastern part of the quarry.
2.14 During Phase 1, a 1.5 metre high safety bund would be created along the north east perimeter of the excavation area. Advance restoration hedgerow and field tree planting is also proposed along the complete north east boundary of the proposed extension area, ahead of the commencement of Phase 1 of the operations.

2.15 The quarry would be developed in three or four working faces, and no individual face would exceed 15 metres. A bench of 25% of face height plus 4 metres would be left between working faces and the overall angle of slope of the working face would be 47 degrees. Once the face was established, blasting would take place approximately 18 times per year. Extracted rock would be transported by dump truck to the plant area for processing and then stockpiling before being transported off site.

2.16 It is proposed that a 50 metre stand-off would be maintained between the edge of the excavation and the telecommunications mast located on the north western boundary of Phase 2 of the proposed excavation area.

2.17 At the end of each working phase, the site would be progressively backfilled in preparation for restoration to a nature conservation afteruse. This would comprise a biodiverse landscape which would support calcareous grassland, wetland/pond areas, a lake and marginal aquatic habitats, naturally regenerating scrub, native woodland, areas of bare limestone habitat and remnant working faces. This proposed final restoration scheme would be broadly in accordance with the currently approved restoration scheme but would increase the extent of these habitats. The former working faces in the western part of the old quarry would remain a geological feature, as this part of the quarry is a designated RIGS site. The proposal also includes the provision of information boards to explain the geological and nature conservation interest of the site; the retention of the car park at the site entrance and the provision of permissive paths, linked to the public footpath network, to encourage the use of the site for recreational purposes.

2.18 The applicant originally proposed a five year aftercare plan to ensure the establishment of the restoration proposals. Following further discussions, the applicant has agreed to extend this period for a further five years. This would be secured by a Section 106 legal agreement.

2.19 It is proposed that HGV movements associated with any permission to extend the quarry would not exceed existing levels, where approximately 35 lorries leave the site each day. It is also proposed that the hours of operation would remain the same as currently permitted, where mineral operations (including the transportation of mineral off site) are restricted to 0600 to 1900 hours Mondays to Fridays and 0600 to 1230 hours on Saturdays. The only exception to this would be operations associated with the production and transportation of asphalt and coated roadstone which it is proposed should continue to be permitted outside these hours.

2.20 Moota Quarry currently employs 14 locally based staff and supports 18 suppliers and 8 contract haulier companies. The applicant states that the vast majority of suppliers and hauliers are Cumbrian based and many are local to Moota Quarry itself. Most have been associated with the quarry for between 10 to 20 years and Moota contributes some £45,000 per annum to local business rates. The applicant states that securing a permission for the proposed extension would enable these existing jobs to be retained for a further period and enable the site
to continue its contribution to employment and the local economy.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Allerdale Borough Council – Planning has no objections to the proposed extension.

3.2 Allerdale Parish Council – Environmental Protection has no objections to the proposed extension, subject to conditions being attached to any permission to ensure that noise, vibration and dust monitoring and mitigation measures are implemented as well as a protocol for investigating and responding to any complaints regarding these matters. It is also recommended that conditions are imposed to required that, prior to any restoration taking place and the area being open for use by the public, a preliminary risk assessment is required to identify any potential contamination which may affect human health, controlled waters or the wider environment, and that if contamination is found, then remediation works are undertaken in accordance with a scheme agreed with the Local Planning Authority.

3.3 The Lake District National Park Authority has no objection to the proposals which appear unlikely to significantly impact upon the the National Park landscape and its setting because of the position of the proposed extension in relation to the extent of the existing site.

3.4 The Highway Authority comments that Moota Quarry has been operating for many years and considers that there are no highways or traffic reasons for requiring any mitigation measures.

3.5 Blindcrake Parish Council comments that when Moota Quarry started, the operators endowed a charity for the Parish. The Parish Council states that the amount generated by this is now very small and would like the operators to consider supporting the redevelopment of the village hall. The Parish states that there is some disruption from blasting, lorries and dust, so some compensation is justified, and state that the quarry does not employ people from the Parish.

3.6 Plumbland Parish Council, the adjacent Parish, has no observations or comments to make on the application.

3.7 The Environment Agency has no objections providing a planning condition is secured to ensure that no excavation, including the depth of any drainage sump, extends below 190 metres AOD. The reason for this is to ensure that the proposed development would not cause significant interference with local groundwater levels.

3.8 Natural England considers that, if undertaken in strict accordance with the details submitted, the proposals are not likely to have a significant effect on the interest features for which the European sites River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC), and Clints Quarry SAC have been classified. They therefore consider that the County Council is not required to undertake an appropriate assessment to assess the implications of the proposal on the sites’ conservation objectives.

3.9 Natural England notes the close proximity of the site to Clints Crags, Blindcrake SSSI, River Derwent and Tributaries SSSI, Clints Quarry, Moota SSSI and Gill Beck SSSI. Natural England is satisfied that, if the proposal is carried out strictly
in accordance with the submitted documentation, the development would not damage or destroy the interest features for which the sites have been notified, and that the SSSIs do not therefore represent a constraint in determining the proposals.

3.10 Natural England considers that, based on the nature and scale of the proposal and the Landscape and Visual Assessment presented in Chapter 8 of the Environmental Statement, the proposals would not have a significant impact upon the Lake District National Park designation. Natural England also advises that the impacts upon access land and rights of way routes in the vicinity of the development are considered and that appropriate mitigation measures are incorporated to compensate for any adverse impacts.

3.11 Natural England make the point that they would expect the County Council to assess and consider the impacts of the proposal upon local sites of ecological interest, local landscape character, local or national biodiversity priority habitats and species and protected species. Finally, Natural England advises that the County Council should consider securing measures to enhance the biodiversity of the site, if minded to grant planning permission, in accordance with Paragraph 118 of the NPPF, and have regard to conserving biodiversity, in accordance with Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.

3.12 Cumbria County Council’s Historic Environment Officer comments that the Environmental Statement submitted with the planning application indicates that the site contains heritage assets of archaeological significance. He therefore considers that such assets would be disturbed by the proposed development. As a result, he advises that, in the event that planning permission is granted, planning conditions are attached to require that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of extraction.

3.13 Cumbria County Council’s Rights of Way Officer has no objection to the proposed diversion of Public Footpath 210015, which should be dealt with under Section 257 of the Town and Country Planning Act 1990. The Officer does, however, request that some or all of the ‘recreational footpath routes’ proposed to be created on reinstatement, be formally dedicated as Public Rights of Way and recorded on Cumbria’s Definitive Map.

3.14 The Lake District Ramblers note that the Public Footpath 210015 currently leads onto Moota Hill, which gives views over the countryside, but that the path does not link with any other nearby footpaths and so is little used. The Ramblers supports public access for the purpose of education and welcomes a new route with viewpoints and interpretation boards. The Ramblers would have no objection to the proposed diversion along the edge of the site, on the grounds of safety, and would fully support the proposed varied restoration of the quarry to grassland, wetland, rock edges and woodland which would provide a diversity of habitats.

3.15 Cumbria GeoConservation met with the applicant regarding the proposed extension and conservation plans regarding geological exposures, the site having the RIGS designation. As a result, the organisation is fully supportive of the proposed quarry extension.

3.16 The Local correspondent for the Open Spaces Society considers that the organisation should have been informed directly by the County Council of the
proposed changes to the public right of way; that he experienced difficulty in finding the information regarding the proposals on the County Council’s website, and that for these reasons, he will reserve his formal response until the order for the diversion has been made.

3.17 The Local Member for Bothel & Wharrels, Mr A Bowness, has been notified.

3.18 Two representations have been received in response to this application: one from a company acting on behalf of Telecom Tower Properties Ltd, who is the freeholder of the telecommunications mast immediately north of the proposed extension area, and the other from a company acting on behalf of Radiosite Ltd, who is the lease holder of the mast and grants licenses for its use to a number of operators, including BT, Network Rail, Electricity North West, Vodafone, O2, Cable and Wireless and Cumbria County Council.

3.19 The company acting on behalf of Telecom Tower Properties Ltd originally objected to the application on the following grounds:

- That the proposal would allow excavation and blasting to take place too close to the mast. In particular, the blasting could have a serious effect on the tower and the very sensitive and expensive telecommunications equipment located on the mast and adjoining equipment cabin.

- The assessment of vibration report makes particular reference to residential buildings and to a lesser extent to general commercial buildings, but does not appear to have analysed the specific nature of the mast or the sensitive and specialised equipment.

- The proposals appear to show excavations as close as 30 metres to the boundary of the mast installation.

- A full structural survey should be carried out to establish the ability of the tower to withstand the effects of adjacent quarrying.

- There may be engineers on site climbing the mast when blasting is taking place, and no procedures are proposed to prohibit blasting when engineers are on the mast.

- Planning permission should be refused, but if granted, then no blasting should occur within 100 metres of the mast; no blasting should take place when engineers are on the mast, and the quarry operator should indemnify the mast owner and the mast operators against any short-term loss of telecommunications network coverage and longer term damage to the tower or its equipment, linked to quarry workings.

3.20 After further dialogue with the mast owner on the matters raised, including further assurances by the site operator, the mast owner’s remaining request is that the quarry operator is required to notify the mast operator in order to warn the mast engineers in advance of blasting taking place.

3.21 The company acting on behalf of Radiosite Ltd comments that if consent is granted, then excavation should be limited to within 50 metres of the tower to avoid vibration and to maintain support, and no permanent structures above 10 metres in height should be permitted within 50 metres of the tower to protect the line of sight and telecommunication coverage in the area. Radiosite Ltd has no
objections in principle to the proposed extension, provided the tower is protected and not obstructed.

4.0 PLANNING ASSESSMENT

4.1 The key planning issue raised by this planning application is whether there is a need for the release of further crushed limestone reserves, and if this can be demonstrated, what the environmental implications of continuing mineral extraction at this site would be.

4.2 Planning legislation requires applications for planning permission to be determined in accordance with policies contained within the development plan unless material considerations indicate otherwise. The development plan in the context of considering this application includes the National Planning Policy Framework (NPPF), March 2012; the Cumbria Minerals and Waste Development Framework (MWDF) Core Strategy and Generic Development Control Policies documents, both adopted in April 2009, and the ‘Saved’ policies of the Allerdale Local Plan, adopted in November 1999. The Draft Cumbria Minerals and Waste Local Plan 2013 to 2028, which has been published in consultation form (February 2013), is also of relevance, however, this has not yet been adopted and so can be considered of limited weight at this stage in the process.

4.3 Each of the issues raised by this application will be considered in turn, in the context of relevant planning policy.

Need

4.4 The NPPF (Paragraph 145) states that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates by making provision for the maintenance of landbanks for at least ten years for crushed rock. This is echoed by Cumbria MWDF Core Strategy Policy 13 (Supply of Minerals), which states that provision will be made to identify areas sufficient to maintain landbanks of permitted reserves for supply areas equivalent to at least ten years for crushed rock for general aggregate use, throughout the plan period. The Core Strategy states that at the end of 2005, the crushed rock reserves represented a landbank of over 38 years at the apportionment level or over 41 years at recent sales levels. The Draft Local Plan states that reserves of limestone at the end of 2010 stood at 41.4 years, and the just published Cumbria and the Lake District Joint Annual Local Aggregates Assessment (JALAA) 2014 (September 2014) incorporating 2013 figures, states that landbank of limestone reserves for general use stands at 42.27 years, which would last until approximately early 2056.

4.5 On the basis of the available figures, the Core Strategy states that no action is needed to maintain the landbank and that no further provision in the plan (up to 2020) can be justified. The Strategy does, however, state (Paragraph 10.13) that it is possible that a case could be made for extensions to meet shortfalls in particular supply areas or to meet specific needs. This is supported by the NPPF (Paragraph 145) which goes on to state that a period longer than 10 years may be appropriate to take account of the need to supply a range of types of aggregates, the location of permitted reserves relative to markets, and the productive capacity of permitted sites. This approach has been carried forward in the Draft Local Plan which, in accordance Policy SP9 (Minerals Provision and Safeguarding) includes the area which is the subject of this planning application as an Area of Search in Site Allocations Policy 6. The Plan states (Paragraph 5.65) that this area could be considered for release if a shortfall in the quarry’s
supply area can be demonstrated and/or it would secure the most effective use of resources.

4.6 Cumbria MWDF Generic Development Control Policy DC 6 (Criteria for Non-energy Minerals Development) states that proposals for non-energy minerals development outside Preferred Areas will only be permitted if 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. The policy goes on to state, however, that favourable consideration may also be given to 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. In addition, the Cumbria and Lake District JALAA makes the point (Paragraph 2.14) that although the Government has set a minimum landbank level, there is no maximum level, and each application for mineral extraction must be considered on its own merits regardless of the length of the landbank.

4.7 The applicant has considered the need for the release of additional reserves and presents a need assessment as part of this planning application. The need assessment identifies all quarries in Cumbria which supply crushed rock aggregates and identifies their reserves, productivity, limitations on output imposed by planning conditions, and the products and the markets they supply. The assessment shows that whilst the reserves may be significant in Cumbria as a whole, there are a number of limitations which have a bearing on availability of reserves and annual supply.

4.8 Some of the sites in Cumbria have considerable reserves, but are either inactive for various reasons or are of low productivity. In the west part of Cumbria within which Moota Quarry is located, there are only two quarries within this ‘supply area’ providing crushed general aggregate: Tendley Quarry, which is fully operational and Eskett and Rowrah. Eskett is virtually exhausted and Rowrah would need to undergo substantial dewatering programme (the implications of which are subject to long term monitoring) in order to become operational. The other sites in Cumbria, which are much further afield as the majority of crushed rock quarries are located in the east and south of the County, are constrained by planning conditions in terms of their productivity, and provide specific products which supply specific markets within a particular geographic area.

4.9 The applicant’s assessment of other sites anticipates that it would not be possible or desirable for any other permitted site to maintain the supply to the markets currently served by Moota Quarry should operations at the site cease at the end of 2016. Given the information available, this is a reasonable conclusion to make and suggests that the further reserves released by this proposal could be justified to meet the requirements of the local supply area.

4.10 The need to maintain local supply areas is particularly important in Cumbria, where its dispersed settlement patterns, the distribution of quarry permissions, the topography of the Lake District National Park, and the pattern of the road transport network present a challenge to the movement of minerals throughout the County and to meet the different market needs. This is an issue recognised in the Cumbria and Lake District JALAA. Moota Quarry serves local markets, a number of which are within the Allerdale Borough. It is considered therefore that the proposal meets the exceptions set out in Paragraph 145 of the NPPF which justify the release of further reserves.
4.11 The continuation of the quarry to supply local markets, some of which would be quite remote from other potential suppliers, would maintain a local supply and also have the benefit of enabling transport distances to be kept to a minimum. This would be compliant with Cumbria MWDF Core Strategy Policy 1 (Sustainable Location and Design) and Generic Development Control Policy DC 1 (Traffic and Transport) which state that minerals development should be located to minimise operational minerals road miles.

4.12 It should be noted that the proposal would secure the release of new reserves from the extension area, which would otherwise be sterilised. The scheme would also enable the remaining permitted reserves (amounting to around 700,000 tonnes) to be worked, as access to these would not be possible without the extension. The continuation of operations at the site would ensure that the existing coating plant and other infrastructure on the site, would continue to be utilised. The proposed extension would clearly secure the most effective use of resources and enable the comprehensive exploitation of reserves, in compliance with Paragraph 5.65 and Policy SAP 6 of the Draft Cumbria Minerals and Waste Local Plan and Cumbria MWDF Generic Development Control Policy DC 6. In addition, enabling the exploitation of known mineral in the proposed extension area, would comply with the general principle set out in the NPPF (Paragraph 143) of avoiding the sterilisation of mineral resources.

4.13 It is considered that the proposal also complies with the last exceptions criterion of Cumbria MWDF Generic Development Control Policy DC 6, as it would also lead to an improved restoration scheme. The proposal would enable the establishment of a more extensive area of calcareous grassland (as compared with the current approved scheme) and secure an extended period of aftercare for the whole site.

4.14 As indicated in paragraph 2.20 of this report, the continued operation of this site would secure local jobs, both directly and indirectly, and would continue to provide economic benefits for the general locality. The economic benefits that mineral extraction can bring is recognised by the NPPF (Paragraph 144) which states that when determining mineral planning applications, planning authorities should give great weight to the benefits of the mineral extraction, including to the economy. The economic benefits offered by this proposal are therefore clearly an important consideration. This aspect of the proposal also complies with Cumbria MWDF Core Strategy Policy 2 (Economic Benefit) which states that new minerals developments should demonstrate that they would realise their potential to provide economic benefit, including matters such as job creation or safeguarding and the support given to other industries and developments. (As an aside, Blindcrake Parish Council’s request for direct financial contributions from the operator towards the redevelopment of the village hall is not a planning matter. The operator’s details were sent to the Parish Council for them to be contacted directly, should the Parish Council wish to pursue this.)

4.15 To conclude, it is considered that whilst there exists in Cumbria a generous landbank of crushed rock reserves, the proposal complies with the exceptions set out in the development plan policies referred to above that would justify the limited release of further reserves in this particular case. Its continued operation would also secure benefits in terms of minimising minerals road miles; enabling an improved restoration scheme, and securing economic benefits in the form of safeguarding local jobs, both directly and indirectly, and supporting other industries.
**Landscape and Visual Impacts**

4.16 A Landscape and Visual Impact Assessment (LVIA) accompanies this application which has identified the likely landscape and visual effects that would result from the proposed development. As indicated above, the site occupies a rather prominent position at Moota Hill, with Wardall Common to the west and adjacent to the Lake District National Park on the opposite side of the A595 to the east. The site falls within a landscape area identified as Rolling Fringe which is found around the fringe of the Lake District National Park and dominated by Carboniferous limestone overlain by glacial till. It mainly comprises a large scale, undulating topography with large fields of improved pasture, stone walls, occasional hedges, sparse tree cover and small streams and rivers cutting through the rolling topography.

4.17 Within a 5 km radius of the site are the villages of Parsonby, Arkleby, Plumbland and Sunderland to the north and east and Gilrux, Tallentire, Bridekirk and Redmain to the south and west. The closest villages are Blindcrake to the south and Bothel to the north east. There are a number of individual dwellings and small farmsteads within 1 km of the site these being Laal Moota, Millstone Moor Farm House, High Ridge, parts of Blinkcrake Village, and a number in excess of 1km, the closest of which include the remainder of Blindcrake Village and Simpson Close, approximately 1.2 km east of the proposed extension adjacent to Moota Garden Centre on the A595. Threapland Caravan Park lies approximately 1.4 km north east of the proposed site, along the A595. The Allerdale Ramble runs east to west about 2km to the south of the application site. Public Footpath FP210015 currently adjoins the eastern boundary of the existing site and runs along the eastern and northern site boundary and Bridleway BW248020 runs along the far western site boundary.

4.18 The baseline for assessment was agreed as being a comparison between the operational effects under the current approved scheme and the proposed phased operations associated with the extension area, and a comparison between the residual or post operation effects of the existing approved scheme with the proposed restoration scheme. A study area of 5km radius from the application boundary was also agreed.

4.19 The LVIA concludes that in terms of landscape impacts, there would be negligible effects upon landscape fabric. Whilst 2.4 hectares of agricultural land would be lost as a result of the proposed operations, this is considered to be of minor significance given the extent of similar features within the surrounding rural landscape. Furthermore, upon restoration, the proposals would increase the habitat and landscape diversity as compared with the existing approved restoration scheme, comprising an increase in calcareous grassland, wetland and marginal aquatic habitat, native scrub and bare limestone habitat establishment and advance tree and hedgerow planting. Residual impacts would not be significant, but would be positive.

4.20 The assessment further concludes that during the operational phase, significant direct effects on the landscape character would be experienced in very close proximity to the site and in the vicinity of Wharrels Hill. In general terms, however, the assessment considers the operational effects would form a minor landscape element, resulting in no overall significant direct temporary or residual effects. There would be limited effects upon the wider landscape character, and the only statutory designated landscape is the Lake District National Park.
Significant indirect effects would be limited to a discrete area on the boundary immediately adjacent to the A595 in the vicinity of the disused Moota Hotel, but there is very limited visibility of the proposed development from within the National Park and no significant temporary or residual effects are predicted by the assessment.

4.21 In terms of potential visual impacts, the assessment concludes that visibility of the proposed extension would be limited and only experienced in locations to the south and east. Dwellings to the west would be predominantly screened by the existing naturally regenerating screen mound and vegetation cover. Significant temporary effects are currently experienced by residential receptors to the south of the site at the northern edge of Blindcrale, and this would be extended for a further 10 years as a result of the proposals. One dwelling at Simpson Close, about 1.2km to the east of the proposed extension site, would experience significant temporary and residual effects, but remaining residents to the north and west of the site, on the fringes of Plumbland, Threapland, Arkleby and Aspatria, would see the operations however due to separation distances, these would not be significant.

4.22 The assessment concludes that overall, the effects upon residential amenity within the study area would not be significant, and that there would be no significant effects upon users of the road and rail network; users of the footpaths adjacent to the proposed site, or upon the remaining recreational receptors within the study area.

4.23 The County Council’s Principle Planning Officer: Landscape and Countryside is in general agreement with the conclusions of the landscape and visual assessment submitted by the applicant, but considers that the potential impacts upon the users of the A595, particularly in the vicinity of Moota Hotel must be a key consideration. This is because it is regularly used by recreational receptors who would be comparatively more sensitive to the visual effects of the development. For this reason a condition is recommended for the submission of a detailed scheme for the establishment of advance planting along the north eastern boundary of the proposed extension area, to provide enhanced screening of operational faces for receptors approaching from a north easterly direction, and for this to be implemented prior to the commencement of extraction works in the extension area.

4.24 Cumbria MWDF Generic Development Control Policy DC 12 (Landscape) states that proposals should be compatible with the distinctive characteristics and features of Cumbria’s landscape and should avoid significant adverse impacts on the natural and historic landscape and ensure that development proposals consider the effects upon scale in relation to landscape features; public access and community value of the landscape; and openness, remoteness and tranquillity. ‘Saved’ Policy EN 19 of the Allerdale Local Plan states that proposals will be expected to give particular regard to the conservation and enhancement of the landscape and the retention of local distinctiveness in that landscape. Cumbria MWDF Generic Development Control Policy DC 2 states that proposals should consider the extent to which adverse effects can be controlled through sensitive siting and design, or visual screening. The LVIA submitted by the applicant indicates that the proposals would have only a limited impact upon the landscape and receptors in the vicinity of the site. Given these conclusions, which the County Council’s Principle Planning Officer: Landscape and Countryside has agreed with, and the requirement to submit and implement
advance planting to screen the most visible parts of the development, it is considered that the proposals are compliant with these policies.

**Impacts on Ecology**

4.25 The Environmental Statement accompanying this application includes an assessment of the ecological impacts of the development. An initial extended Phase 1 Habitat Survey was undertaken of the proposed extension and immediate area in March 2012. This identified the need for specialist studies, all completed during the 2012 season, to address botanical interests, bats, Great Crested Newts, reptiles, butterflies and breeding birds. The applicant has also prepared, with the RSPB, a Biodiversity Action Plan (BAP) for the site, which is aimed at increasing the ecological value of the quarry during operations and restoration by conserving or enhancing biodiversity.

4.26 The surveys and studies undertaken revealed that the proposed quarry extension comprises improved grassland of generally low ecological value. By contrast, the wider quarry site comprises a mosaic of habitats, including broadleaved plantation woodland, dense and scattered scrub, marshy grassland, standing water, and bare ground/ephemeral vegetation, as well as semi-improved grassland. The assessments also concluded that the proposal site is of low value to protected species such as badger, otter, bat, and the local butterfly and reptile population, and the proposals would have a short-term impact of little significance on the majority of the bird population. The exceptions to this would be the ring ouzel, a UK BAP priority species and the peregrine falcon, afforded the highest level of protection, being a Schedule 1 (of the Wildlife and Countryside Act 1981) and an Annex 1 (of the EU Wild Birds Directive 2009) species, where the impact is predicted to be of medium magnitude.

4.27 The ecological assessment considers that with the proposed mitigation measures, including checking surveys (for example, re-surveying cliff faces for bats and the site generally for badgers prior to working commencing), implementing precautionary working methods, carefully designed lighting, buffer zones, and timing of works (for example, to avoid the bird breeding and nesting season), the risk of harming or disturbing protected and priority species during the works would be minimal and further reduced with the provision, upon restoration, of features such as bat boxes, a range of bird boxes, and alternative nesting sites for peregrine falcons. The restoration scheme also includes the creation of a significant expanse of calcareous grassland (a Priority Habitat under Section 41 of the NERC Act 2006), which would increase the site’s biodiversity, and the creation of water bodies of varying sizes designed for use amphibians, and the European Protected Great Crested Newts in particular. It is envisaged that these waterbodies would provide a suitable sister site to the nearby Clints Quarry SAC (Designated for its Great Crested Newt population) for foraging and hibernating great crested newts. It is concluded that the restoration proposals would result in enhanced foraging and nesting habitat for the aforementioned bird species, and for a range of other species, including bats and Great Crested Newts. By contrast, the habitats to be lost to the proposed works would be of low ecological value. The environmental statement concludes that the long term effect would be positive of slight to moderate significance.

4.28 The County Ecologist broadly accepts this conclusion, but would like further detail on how such mitigation and habitat enhancement measures would be achieved, particularly for species such as the priority butterfly, reptiles and Great
Crested Newts. A planning condition is therefore recommended for the submission of a detailed restoration and aftercare scheme, in the form of a Habitat Establishment, Management and Monitoring Plan (HEMMP), to be submitted and approved prior to implementation, which would require, among several things, the requisite level of detail. Given the relative proximity of Clints Quarry and the assessment’s conclusion that there would be a residual risk of Great Crested Newts being present on the wider site, it is also recommended that an informative be attached to any permission to remind the operator of their legal responsibilities as regards Great Crested Newts.

4.29 The Environmental Statement concludes that there would be no direct or indirect impacts upon the River Derwent and Bassenthwaite Lake SAC or Gill Beck SSSI due to the distance and the lack of connectivity between these designations and the application site. The hydrological assessment also demonstrates that the characteristics of the topography, geology and hydrology are such that there would be no realistic likelihood of the proposed extension impacting adversely upon the hydrology of Clints Quarry SAC and SSSI. Similarly then, it is concluded that there would be no significant negative impacts upon this designation. Natural England’s comments on the proposals verify this conclusion.

4.30 The applicant has also agreed through a Section 106 legal agreement, to extend the aftercare period for a further five years. The purpose of this is to achieve a better quality restoration outcome, as the site would be managed for a period over and above the five years that is required by legislation. The justification for this is because the proposal is for the majority of the site to be restored to calcareous grassland, which would contribute significantly to the biodiversity of the site, but is notoriously difficult to establish. Maintenance and provision of the proposed permitted paths would also be extended for a further five years. The intention would be to create a small scale nature reserve, comprising a diversity of habitats; preserving and enhancing the geological interest of the RIGS site, and encouraging public access to and enjoyment of the area. The extended time period would secure the longer term management of these environmental assets, in compliance with Cumbria MWDF Core Strategy Policy 6 (Planning Obligations) and Generic Development Control Policy DC 17 (Planning Obligations), which would otherwise not be achieved.

4.31 The NPPF (Paragraph 118) states that when determining planning applications, local authorities should aim to conserve and enhance biodiversity. Cumbria MWDF Core Strategy Policy 4 (Environmental Assets) states that minerals development should aim to protect, maintain and enhance the natural features that contribute to the environment of Cumbria; that planning proposals within or that could affect areas and features of international or national importance must comply with national policy and should demonstrate that they would be enhanced, and that planning permission would not be granted for development that would have unacceptable impacts upon environmental assets not protected by national or European legislation. Allerdale Local Plan ‘Saved’ Policies EN26 and EN27 similarly protect the European and national designations. Cumbria MWDF Generic Development Control Policy DC 10 (Biodiversity and Geodiversity) states that proposals which would impact on locally important biodiversity and geological conservation assets will be required to identify their impact upon and their potential to enhance, restore and add to these resources. DC Policy 16 (Afteruse and Restoration) states that restoration and enhancement measures should maximise their contributions to national, regional and local
biodiversity objectives and targets, and that after-uses which enhance biodiversity and the environment will be encouraged.

4.32 There would be no impacts from this development upon international or national designations or features and regionally and locally important habitats and features would be conserved, restored and/or enhanced. It is therefore considered that the proposals, as assessed above, comply with all of the development plan policy objectives set out above.

**Impacts on Hydrology and Hydrogeology**

4.33 A hydrological and hydrogeological assessment was submitted as part of the Environmental Statement. The assessment concludes that the potential for adverse effects upon the external water environment as a result of the proposed extension would be small. There are no known adverse impacts upon the water environment associated with the current operations and no changes to this are envisaged in the future. The one exception is the potential for adverse impacts on groundwater quality as a result of the operation of mobile plant and the nature of limestone; however, measures are already in place (largely associated with spillage management) to provide suitable mitigation against any adverse impacts upon groundwater quality, and these would be retained throughout the working life of the proposed extension.

4.34 Water management throughout the development of the extension would be passive, as is currently the case, and once restored and the plant removed, the risk of groundwater contamination would be removed. The assessment therefore concludes that the residual risk to groundwater quality would be insignificant. The Environment Agency has not challenged these conclusions as regards groundwater quality, but has recommended the attachment of a planning condition to ensure that no excavation associated with the proposed extension extends deeper than 190 metres AOD, in order to protect groundwater levels.

4.35 A Flood Risk Assessment was also undertaken, but due to the site’s elevated position close to the summit of Moota Hill, it is situated within Flood Zone 1 and therefore considered at very low risk from fluvial flooding. No flood risks to the development, such as from surface water run-off or groundwater discharge, have been identified; and the assessment concluded that the development itself would not increase flood risk to external receptors. No flood risk mitigation measures have therefore been proposed.

4.36 Cumbria MWDF Generic Development Control Policy DC 14 (The Water Environment) states that planning permission will only be grated where there would be no unacceptable qualitative or quantitative adverse effects on the water environment, including surface waters and groundwater resources. ‘Saved’ Policy EN14 of the Allerdale Local Plan is similarly worded. The NPPF (Paragraph 103) states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It is considered that the assessment undertaken by the applicant, and unchallenged by the Environment Agency, demonstrates that the proposed extension would have no unacceptable effects upon the water environment, and would therefore be compliant with these development plan policies.

**Impacts of Blasting, Noise, Dust and Traffic**

4.37 The environmental impacts of the proposed extension, in terms of the effects of
vibration from blasting, noise and dust, have been assessed and form part of the Environmental Statement. The assessment has considered the potential impacts of these emissions upon the closest receptors; these being the former public house at Laal Moota immediately south of the site, Millstone Moore to the west and Moota Garden Centre to the east, and in terms of vibration the telecommunications mast as well.

**Blasting and Vibration**

4.38 Representations have been made by both the freeholder and lease holder of the telecommunications mast immediately north of the north western corner of the proposed extension area. The assessment has applied blast data already recorded at the site to enable the vibration levels at each of the receptors to be predicted. It was considered that this approach, as opposed to using generic data, would enable a more robust and accurate analysis to be carried out. In terms of the telecommunications mast, the assessment shows that all blasting could take place at a level required so as to be well below the vibration limit of 50mms-1 at a 95% confidence level, recommended by the United States Bureau of Mines (USBM). This is the recognised standard to apply to ensure that there would be no structural damage caused to residential property, and one that is applied by the industry for installations such as telecommunications towers. The assessment also demonstrates that the vibration levels that would be experienced at the closest residential properties would again be significantly lower that the limit recommended by planning guidance of 6mm-1 at a 95% confidence level established to avoid the most cosmetic of damage to residential properties.

4.39 It is proposed that a stand-off distance of 50 metres would be maintained between the telecommunications mast and the blasting operations in Phase 2 of the development, adjacent to the mast. It is also recommended that planning conditions be attached to any permission to require the submission of a detailed blasting monitoring scheme which, once approved, would be permanently in place to ensure that the recommended vibration levels (to all potential receptors) would not be exceeded. In direct response to the outstanding concern raised by the mast owner, the condition would also require quarry personnel to provide advance warning of blasting events to the telecommunications mast operators through a notification procedure.

**Noise**

4.40 The noise assessment has considered the impact of the proposed operations upon the closest receptors identified above. The results indicate that the worst case predicted noise level experienced at Laal Moota during the use of the existing processing plant may be up to the maximum considered acceptable for general site operations. It concludes that, provided the mitigation measures proposed are adhered to, which includes upgrading the sound insulation performance of the existing crusher and screen houses if required, the noise levels considered to be acceptable by Planning Practice Guidance (Paragraphs 021 and 022), would not be exceeded at any of the receptor locations. Planning conditions are recommended to require that these levels are not exceeded and for the submission of a noise monitoring scheme to ensure compliance with these limits.

**Dust**
4.41 An air quality assessment has been undertaken to consider the effects of dust emission from the proposed operations on the same receptors identified above. Given the prevailing weather conditions and the position of Laal Moota relative to the site, it is predicted that there would be only three days in the year where the potential for a dust event could arise at this property, but for this to occur, there would need to be a breakdown of the routine dust control measures in operation at the site. Similarly, it is predicted that there would be only five days a year where adverse condition would prevail for there to be the potential for dust to arise and be deposited at Millstone Moor. It is considered, however, that the separation distance and the application of routinely applied dust control measures, would limit any impact to negligible proportions. With the prevailing winds coming from the south and west, there is a greater potential for Moota Garden Centre to experience an adverse dust event. Again, however, because of the considerable distance of this receptor from the operational site, and the dust control measures that would continue to be implemented, it is considered that the impacts of dust would be negligible.

4.42 It is concluded that the future working of the proposed extension would be unlikely to cause a decrease in air quality or be of increased risk to health. It should also be noted that the current activities at Moota Quarry are undertaken in accordance with a permit issued by Allerdale Borough Council. It is anticipated that the permit would continue throughout any future operations and that the measures to control dust and other airborne emissions would remain.

4.43 The NPPF (Paragraph 144, bullet point 4) states that when determining planning applications, local planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blast vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Cumbria MWDF Generic Development Control Policy DC 2 (General Criteria) states that minerals proposals must demonstrate that noise levels, blast vibration and air over-pressure levels would be within acceptable limits, and that there will be no significant degradation of air quality, from dust and emissions. It is considered that the working methods and practices proposed, together with the recommended planning conditions, would ensure that the continuation of operations at this site into the proposed extension area, would comply with these policies.

Traffic

4.44 An assessment of transport impacts was undertaken as part of the Environmental Statement to consider the effects of the proposed development upon traffic movements to and from the site and the resultant impact upon the operation of the transport network and local communities.

4.45 It is proposed that the total output would be around 180,000 tonnes per year (tpa) with 18,600 tpa being used to supply the on-site asphalt and coated roadstone plant, and the remaining being exported from the site to customers across Cumbria and South West Scotland. The means of access to the site, hours of operation and vehicles used to transport the material would remain unchanged; the markets would be similar, and both the numbers and distribution of vehicle movements are forecast to also remain at existing levels. The only significant difference is that there are no proposals to recommence concrete block production at the site, so there would in fact be a considerable reduction in overall traffic levels associated with the quarry.
4.46 The assessment concludes that the proposed development, which would essentially be a continuation of current operations at the site, would not impact upon the operation of the local highway network or upon local communities. Furthermore, the Highway Authority has raised no issues or concerns relating to its continued operation.

4.47 Cumbria MWDF Generic Development Control Policy DC 1 (Traffic and Transport) states that proposals for minerals development should be located where they are well related to the strategic route network, and to minimise operational ‘minerals road miles’. It is considered that the proposal is compliant with this policy given its location immediately adjacent to the A595, and it would continue to serve local markets predominantly within North and West Cumbria, so contributing to minimising ‘minerals road miles’.

4.48 It should be noted that this quarry is one of the very few in Cumbria which continues to operate consistently without any complaints being received from adjacent residents and landusers.

**Impacts on Cultural Heritage**

4.49 An assessment of archaeology and cultural heritage is included within the Environmental Statement. This assesses the archaeological potential of the proposed extension site, the significance and value of the assets within or in close proximity to it, and the effects of the development on the local archaeology.

4.50 The archaeological potential of the application site was examined by undertaking a desk-based assessment of records and past archaeological evaluations of the area, and a walkover survey. The assessment examined potential direct and indirect impacts. The direct related to features on the application site, whilst the indirect considered all heritage assets within the vicinity of the site. These included the potential for major disturbances to groundwater or natural site drainage that could affect waterlogged buried deposits in the near vicinity; the potential impacts upon any Scheduled Monuments, Grade I or II* listed buildings within 5km of the site or Grade II within 1km and Blindcrake Conservation Area, and as a precaution, Hadrian’s Wall. The assessment concludes that the proposed development would have no significant impacts upon such historic features within the vicinity of the site.

4.51 In terms of direct impacts, the assessment has revealed that there are a total of six non-designated heritage assets within the proposed extension area. Four of these are considered to be of negligible cultural heritage value. The remaining two are of pre-historic interest and greater significance. The first of these is a scooped platform at the northern end of the proposed extension area, and this is overlain in part by the second feature, a medieval ridge and furrow. These two assets are considered to be of Local Cultural Heritage value, and the scooped platform, also referred to as earthworks, could be elevated to Regional value if, following further investigations, it is found to pre-date the ridge and furrow feature.

4.52 Having discussed the proposals with the County Council’s Historic Environment Officer, the applicant has proposed to undertake a programme of post-determination archaeological works to investigate these assets further and to add to the body of research undertaken in this area to date. Following the Historic Environment Officer’s advice, it is recommended that planning conditions requiring these works be attached to any permission. The conditions further
require that if anything of archaeological significance is found then this is suitably recorded.

4.53 It is considered that the proposal and the approach taken to conserving any assets of interest, as advised by the Historic Environment Officer, is proportionate and fully compliant with the NPPF (Paragraphs 128 and 141 in particular). The proposals are compliant with Cumbria MWDF Generic Development Control Policy DC 11 (Historic Environment) because it is accompanied by an assessment of the impacts on the historic environment. The development further complies with Policy DC 11 as, whilst there is a chance that it may result in the removal of important archaeological or other historic features, it is considered that there is a need for the continued development of this site, with the environmental and economic benefits that this would bring to the area, as explained above.

Cumulative Effects

4.54 Cumbria MWDF Generic Development Control Policy DC 3 (Cumulative Environmental Impacts) requires the cumulative impacts of minerals proposals to be assessed in the light of other land-uses in the area. In compliance with this policy, the applicant has considered the cumulative impacts of continuing operations at Moota Quarry within a 5km radius of the site. The assessment refers to Clints Quarry, a dormant limestone quarry approximately 800m to the east of Moota Quarry, as the only other potential mineral working within this ‘study area’; that it is a designated SSSI and unlikely to be worked within the next 10 years, and that any proposal to re-open it would be subject to an Environmental Impact Assessment. There are, in fact two other potential workings within the area, High Close Quarry and Wharrels Quarry, approximately 1km to the north and 2.6km, respectively, to the north west of Moota Quarry. These are both limestone quarries, however, they are dormant, unlikely to be worked within the next ten years and any re-opening would again be subject to EIA.

4.55 The assessment concludes that there would be little or no potential for cumulative effects from remaining areas or land uses within the 5km radius of the site and no potential for cumulative effects from sensitive receptors. There would be the potential for distant combined views beyond 5km from the occasional discrete elevated location, but the cumulative effects would be barely discernible. Significant cumulative visual or landscape effects are not predicted.

4.56 The planning assessment has shown that the individual impacts of the proposed extension and continuation of operations at the site could be adequately mitigated through the proposed measures and through the attachment to any permission of planning conditions. The quarry currently operates with no unacceptable cumulative or combined effects and there is no reason to believe that the proposed extension would change this situation.

Human Rights Act 1998

4.57 The proposal will have a limited impact on the visual, residential and environmental amenities 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

4.58 This proposal is for a small lateral extension to a quarry that has operated in this location for several decades and continues to do so without complaint. Whilst there is a generous landbank of crushed rock reserves in Cumbria which exceeds the minimum requirements set out in Government policy, no maximum reserves thresholds have been specified and the proposal complies with the exceptions set out in development plan policy that would justify the limited release of further reserves at this time in this particular location.

4.59 It is considered that the benefits the continued operation of the quarry would bring, in terms of securing local economic benefits, not least by providing job security, both directly and indirectly for a further ten years; ensuring a sustainable approach to mineral working by enabling existing permitted reserves are worked to their full potential and are not sterilised; ensuring a sustainable supply of minerals by minimising minerals road miles, and enabling an improved restoration scheme with extended and enhanced aftercare arrangements secured by legal agreement, would clearly outweigh any potential negative environmental impacts. In fact, the assessment of the extension proposals has revealed that by continuing to employ the several mitigation measures already in place and securing further controls through the attachment of the recommended planning conditions, any negative environmental impacts would be minimal.

4.60 In conclusion, the proposal to extend Moota Quarry complies with development plan policy, as demonstrated above. It is therefore recommended that planning permission is granted subject to the planning conditions attached in Appendix 2 and the signing of a Section 106 agreement to secure an extended period of aftercare for the site.

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Background Papers
Planning Application File Reference No. 2/14/9006

Electoral Division Identification
Bothel & Wharrels - Mr A Bowness
Appendix 1
Ref No. 2/14/9006
Development Control and Regulation Committee - 17 November 2014

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:

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK [CMWDF]

Core Strategy 2009-2020 (Adopted April 2009)

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 2 - Economic Benefit
Proposals for new minerals and waste developments should demonstrate that they would realise their potential to provide economic benefit. This will include such matters as the number of jobs directly or indirectly created or safeguarded
and the support that proposals give to other industries and developments. It will also be important to ensure that minerals and waste developments would not prejudice other regeneration and development initiatives.

**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 CS 6 - Planning Obligations**

Where it is not possible to achieve the necessary control through the use of planning conditions, the County Council will seek to negotiate planning obligations that ensure that development proposals:

1. Meet the reasonable costs of new infrastructure made necessary by the proposal including transport, utilities and community facilities.
2. Secure long term management of environmental assets.
3. Provide financial guarantees where appropriate for restoration works, except where a national industry guarantee fund is already in place.
4. Make a positive contribution to enhancing, maintaining or promoting sustainable communities.
Policy CS 13 - Supply of Minerals

Provision will be made to:-

- meet the Regional Spatial Strategy's apportionment to Cumbria of primary land won crushed rock and sand and gravel production, but
- further apply that apportionment to take account of Cumbria's pattern of quarries and the areas they supply, and its dispersed settlement pattern and transport routes;
- identify areas sufficient to maintain landbanks of permitted reserves for supply areas equivalent to at least seven years sales (using the rolling three-year annual average sales figure) for sand and gravel and at least ten years for crushed rock for general aggregate use, throughout the plan period, and
- recognise that the high and very high specification roadstone quarries, gypsum resources and High Greenscoe brick making mudstone quarry are regionally or nationally important,
- identify sites for the facilities that will be required to enable at least one quarter of the aggregates used within Cumbria to be met by secondary or recycled aggregates.

Generic Development Control Policies 2009-2020 (Adopted April 2009)

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 DC 2 - 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 DC 6 - Criteria for 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 DC 10 - 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 11 – Historic Environment

Proposals for waste management developments that would adversely affect a nationally important archaeological site monument or historic asset, whether scheduled or not, or its setting, will not be permitted unless the site and setting can be preserved in situ.

Proposals for mineral developments that would adversely affect a nationally important archaeological site monument or historic asset, whether scheduled or not, or its setting, will not be permitted unless there is an over-riding reason of national importance for the development to proceed, or the site and setting can be preserved in situ.

Proposals that:

a. fail to preserve or enhance the character or appearance of Conservation Areas; or
b. damage, obscure or remove important archaeological sites or other historic features; or
c. are detrimental to the character or setting of a listed building;

will not be permitted unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.

Proposals should be accompanied by an assessment of any impacts on the historic environment, including an appropriate level of field investigation if necessary.

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 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 mineworkings 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.

All proposals must demonstrate that:

a. for agricultural, forestry and amenity afteruses there is an aftercare management
   programme of at least 5 years, but longer where required to ensure that the
   restoration scheme is established,
b. the restoration is appropriate for the landscape character and wildlife interest of the
   area, and measures to protect, restore and enhance biodiversity and geodiversity
   conservation features are practical, of a high quality appropriate to the area and
   secure their long term safeguarding and maintenance,
c. restoration will be completed within a reasonable timescale and is progressive as far
   as practicable,
d. provision for the likely financial and material budgets for the agreed restoration,
   aftercare and afteruse will be made during the operational life of the site.
e. restoration will be undertaken using industry best practice.

Peat workings should be restored to peat regeneration wherever possible.

Policy DC 17 - Planning Obligations
Where planning obligations or legal agreements are required in order to achieve the necessary control of a development, provision for the following may be included:

a. the undertaking of landscaping, road improvement or other works;
b. the implementation of long term monitoring, mitigation and enhancement measures for environmental assets before, during and after the development;
c. the long term restoration and afteruse of sites;
d. the long term management of and public access to, sites restored for amenity purposes;
e. the revocation without compensation of a planning permission;
f. the provision and maintenance of rights of way;
g. the off site monitoring of water courses, groundwater levels and water supply abstractions; or
h. the provision of facilities to compensate local communities for the loss of amenity.

Allerdale Local Plan (Adopted November 1999)
'Saved Policies'

Policy EN14:
Development proposals which would result in an unacceptably adverse impact on the water environment, due to additional surface water run-off will be refused permission.

Policy EN19:
Proposals for development will be expected to give particular regard to the conservation and enhancement of the landscape of the Plan Area and retention of local distinctiveness in that landscape. Whenever possible, woodlands, grasslands, hedgerows, trees, copses, ponds, wetlands, watercourses, estate features, enclosure features, stone walls, and other built features of landscape importance should be protected and enhanced.

Policy EN26:
Proposals for development or land use which may affect a European site, a proposed European site or a Ramsar site will be rigorously assessed. Development or land use change not directly connected with or necessary to management of the site, which is likely to have significant effects on the site (either individually or in combination with other proposals) and which would affect the integrity of the site, will not be permitted unless the Council is satisfied that:
(i) the need for the development or land use change cannot be met elsewhere, where they would be less damaging or by reasonable alternative means;
(ii) there are imperative reasons of overriding public interest for the development or land use change; and
(iii) the development can be subject to conditions which will prevent damaging impacts on wildlife habitats or that will enhance the nature conservation interest of the site.

Policy EN27:
Proposals for development or changes in use in or likely to affect Sites of Special Scientific Interest will be specially assessed. Where such development may have an unacceptable adverse effect, directly or indirectly on interests of nature conservation importance it will not be permitted unless the reasons for the
development clearly outweigh the value of those interests.

Where the site concerned is a National Nature Reserve (NNR) or is identified under the Nature Conservation Review or Geological Conservation Review, particular regard will be paid to the individual site's national importance.

Where development is permitted, the Council will consider the use of conditions or legal agreements to ensure the protection and enhancement of the site's nature conservation interest.

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.

Paragraph 118
When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  – potential Special Protection Areas and possible Special Areas of Conservation;
– listed or proposed Ramsar sites;26 and
– sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Paragraph 128

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 141

Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.30 However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Paragraph 144

When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled 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 particle 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;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be
carried out to high environmental standards, through the application of appropriate conditions, where necessary.

Paragraph 145

Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

…making provision for the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised. Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites…

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.
Appendix 2
Ref No. 2/14/9006
Development Control and Regulation Committee – 17 November 2014

Proposed Conditions

Time limits

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

2. This permission shall be for a limited period only expiring on 31 December 2024, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hardstandings and the access road 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 and access road following the approved period for this temporary development, in accordance with Policy DC 16 of the Cumbria Minerals and Waste Development Framework (MWDF) Generic Development Control Policies.

Approved Documents

3. 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 7 May 2014;
   b. Volume 1 – Planning Application and Written Statement with Plans; dated May 2014;
   c. Volume 2 - Environmental Statement; dated May 2014;
   d. Volume 3 – Technical Appendices; dated May 2014;
   e. Plans numbered:
      (i) Figure A2.1 (P3/1610/1) – Location Context Plan; dated May 2014;
      (ii) Figure A2.2 (P3/1610/2) – Application Boundary; dated May 2014;
      (iii) Figure A2.3 (P3/1610/3) – Indicative Quarry Development Plans: Old Quarry Existing Site Plan; dated May 2014;
      (iv) Figure A2.4 (P3/1610/4a) – Indicative Quarry Development Plans: End of Phase 1; dated May 2014;
      (v) Figure A2.5 (P3/1610/4b) – Indicative Quarry Development Plans: End of Phase 2; dated May 2014;
      (vi) Figure A2.6 (P3/1610/4c) – Indicative Quarry Development Plans: End of Phase 3 Full Extraction; dated May 2014;
      (vii) Figure A2.7 (P31610/5) – Indicative Quarry Development Plans: Moota Quarry Final Restoration Masterplan; dated May 2014;
      (viii) Figure A2.8 (P31610/6) – Indicative Quarry Development Plans: Old Quarry Final Restoration; dated May 2014, and
      (ix) Figure A2.9 (P3/1610/7) – Indicative Quarry Development Plans: Profile Sections A-D; dated May 2014;
f. the details or schemes approved in relation to conditions attached to this permission, and
g. this Decision Notice.

Reason: To ensure that the site is worked and restored in accordance with the approved scheme and to avoid confusion as to what comprises the approved scheme.

4. From the commencement of the development to its completion, a copy of this permission, including the above approved documents and any 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 enable monitoring of and compliance with the conditions attached to this permission.

Approved Operations Programme

5. 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, within 3 months of the cessation of working. Such a revised approved scheme shall be fully implemented unless otherwise agreed in writing by 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, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

6. In the event that mineral extraction is temporarily suspended for a period exceeding two years, then within 26 months from the suspension of mineral extraction an interim restoration scheme and timetable for its completion shall be submitted for approval to the Local Planning Authority. 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, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

7. If the operations hereby permitted are suspended for a period of 3 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 that 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.

8. 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 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 and for the avoidance of doubt, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Hours of Working

9. No mineral operations, except the production of asphalt and coated roadstone, shall take place on site outside the hours:

- 06.00 to 19.00 hours Mondays to Fridays
- 06.00 to 12.30 hours on Saturdays.

Reason: To ensure that no mineral operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon local amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Hours of working and transportation

10. No materials, except asphalt and coated roadstone, shall be transported off the site other than between:

- 06.00 to 19.00 on Mondays to Fridays
- 06.00 to 12.30 on Saturdays.

Reason: To ensure that no loading and transportation of materials takes place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Access and traffic

11. The access road shall be kept clean and maintained in a good standard of repair for the life of the operations hereby permitted.

Reason: To ensure that no material from the access road is carried on to the public highway in the interests of highway safety, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

12. All vehicles used to transport mineral from the site onto the public highway
except for those transporting armour stone shall be sheeted so as to not deposit any mineral upon the highway.

Reason:  To ensure that material is not released into the air or deposited upon the highway in the interest of local amenity and highway safety, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

13. Efficient measures shall be provided, used and maintained for the life of the operations to ensure that no slurry, mud, water or other material from the site is deposited or flows onto the public highway.

Reason:  To prevent slurry, mud, water or other materials being deposited or flowing onto the public highway in the interests of highway safety and local amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies

Control of Blasting

14. Except in the case of emergency, such instances to be notified to the Local Planning Authority, blasting shall not take place more than once each day or outside the following hours:-

10.00 to 16.00 Mondays to Fridays
10.00 to 12.00 on Saturdays

There shall be no blasting on Saturday afternoon, Sundays, Bank or National Holidays.

Reason:  To restrict the frequency and timing of blasting so that it will cause least inconvenience and disturbance to people living and working in the locality.

15. Prior to the commencement of soil stripping operations in Phase 1 of the development, the operator shall submit to the Local Planning Authority for written approval a detailed blasting scheme to include as a minimum:

a. the establishment and subsequent maintenance and refinement of a regression line blast model for the site to inform blast design/charge weights to ensure that ground vibration attributable to blasting at the site does not exceed 6mms\(^{-1}\) with 95% confidence as measured at any residential or commercial premises, or 50mms\(^{-1}\) with 95% confidence at the telecommunications tower

b. the monitoring of all blasting episodes to improve the accuracy of the regression line blast model, including the method for accurately establishing the distance the vibrograph is stationed from the blast and the identification of blast monitoring locations;

c. a procedure for recording, investigating and responding to complaints relating to blasting whether received directly or via Cumbria County Council or Allerdale Borough Council;

d. in the event of a complaint, affording the Local Planning Authority access to the regression line blast model and associated data;

e. a procedure for reporting the results of blast monitoring and any complaint
investigations to the Local Planning Authority;
f. the methods to be employed to minimise the effects of air overpressure arising from blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time, and
g. a procedure for providing advance warning of blasting events to the telecommunications mast operators.

The approved monitoring scheme shall then be implemented in its entirety and the results submitted to the Local Planning Authority on request.

Reason: To 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 boundaries of the site, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

16. No secondary blasting shall be carried out.

Reason: To protect the amenities of the local environment, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Control of Noise

17. No diesel powered plant, machinery or vehicles used on site shall be operated unless fitted with effective silencers that have been maintained at all times in accordance with the manufacturers’ and/or suppliers’ instructions.

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 DC 2 of the Cumbria MWDF Generic Development Control Policies.

18. All plant, machinery and vehicles used on site that are equipped with audible reversing alarms shall only use ‘white noise’ type systems.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated is minimised and does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

19. The noise level attributable to mineral operations at the site at the nearest noise sensitive properties (that is, Laal Moota, Moota Garden Centre and Millstone Moor) shall not exceed 55dB(A) L\text{Aeq}, 1h (free field) or 10 dB(A) above the background noise level, whichever is the lowest, with the exception as set out in Condition 20.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

20. During temporary operations, which include soil/overburden stripping, replacement and storage and the construction of new screening mounds or other landforms, the noise limit at the nearest noise sensitive property used as a dwelling shall not exceed 70dB(A) L\text{Aeq} 1 hour (free field) for a period of up
to 8 weeks in any calendar year.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated is minimised and does not cause a nuisance outside the boundaries of the site, in accordance with DC Policy 2 of the Cumbria MWDF Generic Development Control Policies.

21. Prior to the commencement of soil stripping operations in Phase 1 of the development, a detailed scheme for the monitoring of noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

a. the establishment of long term monitoring points at Laal Moota, Moota Garden Centre and Millstone Moor, including 8 figure Ordnance Survey grid reference for each monitoring point;
b. a method statement for compliance monitoring exercises;
c. a procedure for investigating and responding to noise complaints whether received directly from a member of the public or via Cumbria County Council or Allerdale Borough Council;
d. provision for periodic compliance monitoring;
e. provision for compliance monitoring during the nosiest operations (referred to in Condition 20) in relation to each sensitive receptor; and
f. provision for reports to be submitted to the Local Planning Authority following compliance noise monitoring and complaint investigation. Should exceedance of limits (set out in Conditions 19 and 20) be recorded the report shall include mitigation actions to be implemented and a timescale for doing so. These shall include all of the Proposed Mitigation measures identified on Page 12, Chapter 9, Volume 2 – Environmental Statement; May 2014.

When approved the scheme and any mitigation following reported exceedance of limits agreed in writing shall be implemented in full.

Reason: To secure compliance with the conditions relating to noise in the interests of local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Control of Dust

22. 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 road and other working areas with water to suppress dust in order that it does not constitute a nuisance outside the site. All fixed and mobile processing plant and all drilling rigs shall be fitted with dust suppression measures which shall be used at all times that the equipment is in use.

If despite the use of the dust suppression measures, there are visible airborne dust emissions outside the boundary of the site, the operations that cause the emissions shall cease until such time as weather conditions change to those that minimise emissions or until dust suppression measures become effective.

Reason: To safeguard the amenity of local residents by ensuring that the dust does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria MWDF Generic
Development Control Policies.

Control of Artificial Lighting

23. All artificial lighting units installed on the site shall be sited and shielded so that the light source is incapable of direct sight from the A595 or any residential property outside the site.

Reason: To safeguard the amenity of local residents and in the interests of highway safety, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Safeguarding of Watercourses and Drainage

24. Throughout the period of working, restoration and aftercare, the operator 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 groundwater resource, in accordance with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

25. Throughout the period of working and restoration, 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 or flooding of watercourses by the approved operations.

Reason: To avoid the pollution of any watercourse or groundwater resource, or flooding, in accordance with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

26. No extraction or excavation, including the depth of any drainage sump, shall extend below 190 metres AOD.

Reason: To ensure that the development does not cause significant interference with local groundwater levels, in accordance with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

27. All facilities for the storage of oils, fuels, lubricants, chemicals or other potential pollutants shall be sited impervious bases and surrounded by impervious bund walls within an impermeable container with a sealed sump and capable of containing 110% of the largest tank or container or if there is more than one tank or container, 110% of the combined value of all the tanks or containers. All filling points, vent gauges and sight glasses must be located within the bund. The drainage system to 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 set to discharge downwards into the bund, and the storage vessel, impermeable container and pipes shall be maintained for the life of the operations hereby permitted.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource in accordance with Policy DC14 of the Cumbria MWDF Generic Development Control Policies.

Contaminated Land
28. No restoration works approved by this permission shall commence until a preliminary risk assessment in the form of a desktop study has been submitted to and approved in writing by the Local Planning Authority. Should the preliminary risk assessment identify any potential contamination which may affect human health, controlled waters or the wider environment, all necessary site investigation works must be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. The scope of works for the site investigations must be agreed in writing with the Local Planning Authority prior to their implementation.

*Reason:* To minimise any risk arising from any possible contamination resulting from decommissioning the plant to the local environment, in compliance with ‘Saved’ Policy EN9 of the Allerdale Local Plan.

29. Where land affected by contamination is found which poses unacceptable risks to human health, controlled waters or the wider environment, no restoration works shall take place until a detailed remediation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

a. an appraisal of remediation options;
b. identification of the preferred option(s);
c. the proposed remediation objectives and remediation criteria, and
d. a description and programme of the works to be undertaken including a verification plan.

Should remedial works be required, once approved, the scheme shall be implemented in full.

*Reason:* To minimise any risk arising from any possible contamination from the development to the local environment in compliance with ‘Saved’ Policy EN9 of the Allerdale Local Plan.

**Archaeology**

30. Prior to the commencement of soil stripping operations in Phases 1 and 2 of the development, the applicant shall have secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

This written scheme of investigation shall include the following components:

a. an archaeological evaluation, and
b. an archaeological recording programme, the scope of which will be dependent upon the results of the evaluation.

*Reason:* To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site, and for the examination and recording of such remains, in accordance with Policy DC 11 of the Cumbria MWDF Generic Development Control Policies.

31. Where the programme of archaeological work referred to in Condition 34
results in significant archaeological remains being found, within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing with the Local Planning Authority, the following shall be undertaken:

a. an archaeological post-excavation assessment and analysis;
b. the preparation of a site archive ready for deposition at a store;
c. the completion of an archive report, and
d. the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent record and one accessible by the public is made of the archaeological remains that have been disturbed by the development, in accordance with Policy DC 11 of the Cumbria MWDF Generic Development Control Policies.

Stripping, Storage and Use of Soils and Overburden

32. At least 48 hours prior notice shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of the soil stripping and respreading operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

Reason: To allow the Local Planning Authority to monitor the soil handling operations, to ensure that soil resources are protected, in accordance with Policy DC 15 of the Cumbria MWDF Generic Development Control Policies.

33. All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated, tipped or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part or stacking topsoil on that part).

Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable damage to the structure of the soils, in accordance with Policy DC 15 of the Cumbria MWDF Generic Development Control Policies.

34. All topsoil and subsoil shall be stacked separately in accordance with the approved plans and prevented from mixing. No topsoil or subsoil shall be removed from the site.

Reason: To secure the satisfactory storage and retention of soils for restoration, in accordance with Policies DC 15 and 16 of the Cumbria MWDF Generic Development Control Policies.

35. The stripping, 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, in accordance with Policy DC 15 of the Cumbria MWDF Generic Development Control Policies.
36. Each phase of every soil storage mound and screening mound shall be sown down to grass in the first available sowing season after their construction. Details of the grass seed mix shall be agreed with the Local Planning Authority prior to being implemented.

Reason: To reduce the washing away of soils in the interests of pollution control, soil conservation and visual amenity, in accordance with Policies DC 15 and 2 of the Cumbria MWDF Generic Development Control Policies.

Control of Weeds

37. All areas of the site including 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

38. 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.

Advance Planting

39. Within three months of the date of this permission, a detailed scheme for the ‘Advance Restoration Hedgerow and Field Tree Planting’ shown on Figure A2.4, Volume 1 – Planning Application and Written Statement with Plans; dated May 2014, shall be submitted to the Local Planning Authority for written approval. Details shall include layout, ground preparation, numbers and distribution of species, size of plants, spacing, method of planting, and protective measures. Once approved, the scheme shall be implemented in full and prior to the commencement of soil stripping operations in Phase 1 of the development.

Reason: To reserve for subsequent approval details relevant to the permitted development not submitted with the planning application.

Restoration and Aftercare

40. The site shall be restored in accordance with the approved scheme shown on Figure A2.7 Quarry Final Restoration Masterplan and Figure A2.8 Old Quarry Final Restoration, Volume 1 – Planning Application and Written Statement with Plans; dated May 2014.
Reason: To secure the proper restoration of the site upon cessation of mineral working, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

41. The site shall be subject to a 5 year aftercare period in accordance with the requirements of Section 72(5) of the Town and Country Planning Act 1990 (as amended).

Reason: To secure the proper aftercare of the site upon cessation of mineral working, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

42. Prior to the commencement of soil stripping operations in Phase 1 of the development, a detailed restoration and aftercare scheme in the form of a Habitat Establishment, Management and Monitoring Plan (HEMMP) shall be submitted for the written approval of the Local Planning Authority, and once approved implemented in full. The scheme shall include the following:

   a. biodiversity objectives and targets for habitat and species establishment, mitigation and enhancement for the various elements of the scheme;
   b. species/seed mixes for the various elements of the scheme, including for the establishment of calcareous grassland;
   c. timings of seeding/planting for each element of the scheme;
   d. species and habitat monitoring methods and timeframes, to include plant community objectives and negative as well as positive indicator species;
   e. detailed proposals for the establishment of calcareous grassland, including the identification of substrate to be used (pH levels, nutrient levels– N, P, K, Mg, the depth of soil forming materials); sources of seed bank, and soil/substrate/seed bank retention and storage;
   f. proposals for the retention of existing calcareous grassland habitat;
   g. detailed proposals for the establishment of the wetland/pond areas, including details of marginal habitat creation;
   h. proposals for the creation of Open Mosaic Habitat;
   i. habitat mitigation measures for birds and bats;
   j. habitat establishment and enhancement proposals for priority butterfly species, reptile species and for amphibians, including Great Crested Newts;
   k. detailed proposals for habitat management, including grazing levels and control of weed species;
   l. the provision of formal annual aftercare reports relating to the assessment of each element of the scheme (to be submitted to the Local Planning Authority annually for a period of five years), at least two weeks before the formal aftercare meeting. Annual aftercare reports shall detail all aftercare activities carried out in the previous 12 months; details of the results of all assessments carried out in the previous 12 months, and an outline of all aftercare activities programmed for the next 12 months, and
   m. provision for annual aftercare meetings to be held once per year for five years following the completion of all the post closure restoration, to review progress over the past year and to agree a programme of management for the coming year. The parties to be invited to attend this review shall be agreed in advance with the Local Planning Authority.

Reason: To secure the proper restoration and aftercare of the site upon cessation of mineral working, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.
MWDF Generic Development Control Policies.

43. All trees, shrubs and scrub 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 proper restoration of the site upon cessation of mineral working, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

Informative

The Environmental Statement concludes (at Paragraph 12.79, Volume 2 - Environmental Statement; May 2014) that, given the proximity of Clints Quarry SAC and SSSI, designated for its Great Crested Newt (GCN) population, there remains a residual risk that the species may be present within the wider Moota Quarry site at times. GCNs are protected under the Wildlife and Countryside Act (WCA) 1981 and are classified as European protected species under the Conservation of Habitats and Species Regulations 2010. Both the WCA and the Habitat Regulations make it an offence to intentionally kill, injure or take GCNs; intentionally or recklessly disturb GCNs, or intentionally or recklessly damage, destroy or obstruct access to any place used by the animal for shelter or protection.

If the activities are likely to affect GCNs or their habitats, or if GCNs are encountered, it may be necessary to apply to Natural England for a European protected species license.