Application No: 4/14/9015

Applicant: Tendley Quarries Ltd
Brigham
Cockermouth

District: Copeland Borough Council
Parish: Gosforth Parish Council
Received: 8 December 2014

PROPOSAL: Variation of Condition 2 of Planning Permission 4/06/9017 to extend the timescale for operating and restoring the Quarry.

LOCATION: Peel Place Quarry, Gosforth, Holmrook
1.0 RECOMMENDATION

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

2.0 THE PROPOSAL AND BACKGROUND

2.1 Sand and gravel has been quarried from Peel Place Quarry since the 1970s. The quarry was acquired by Tendley Quarries Ltd in 2002. In September 2005, planning permission was granted (planning permission ref. 4/04/9011) for a 6.15 hectare extension to the 15 hectare site and in January 2007, planning permission was granted (planning permission ref. 4/06/9017) to allow the quarry greater flexibility, with regards to its operational hours and traffic movements to enable the company to secure one-off exceptional contracts which exceeded the limitations imposed by the conditions controlling these elements.

2.2 The deposit at Peel Place Quarry is a mixed sand and gravel providing a range of high quality aggregates to British Standard specifications. It supplies external manufacturing companies and operational plants for the manufacture of a range of construction and building projects.

2.3 The purpose of this planning application is to seek planning permission for Tendley Quarries Ltd to continue operating Peel Place Quarry for a further 10 years to enable the currently permitted mineral reserves to be fully extracted. It is proposed that this planning application would not result in any material change to the current approved working scheme, transport arrangements, operational matters such as hours of working or restoration proposals.

2.4 The quarry currently operates under a planning permission that was granted in September 2005. At that time, it was anticipated that output would be in the region of 100,000 tonnes per year and that the reserves (950,000) would be worked out by 2015. However, because of the economic downturn, since 2005, output has been significantly less than anticipated at between 40,000 and 90,000 tonnes per year. As a result, approximately 441,190 tonnes of permitted reserves remains at the quarry.

2.5 The current working scheme consists of four extraction phases with an approved scheme to progressively restore the site to agriculture, woodland, hedgerows and nature conservation afteruses. The site extraction operations are currently taking place in the early stages of Phase 3 of the site. The remaining reserves are confined to this and Phase 4 of the development, both within the north western part of the site. Approximately 6.4 hectares of the site have been restored to date in accordance with the approved progressive restoration scheme. This has resulted in the establishment of agricultural grassland within the southern and northern parts of the site, bound by native hedgerows and trees. Native woodland planting has also taken place in these areas.

2.6 The applicant held a public exhibition at the site office in July 2014 to publicise the planning application and to provide local residents with an opportunity to comment on the proposals. The applicant also met with Gosforth Parish Council to provide an update on site operations and to explain the proposals.

2.7 Peel Place Quarry is accessed via a private access track immediately off the A595(T) between Gosforth and Drigg. The hamlet of Hallseenna lies approximately 150 metres to the west of the site and two properties, High House
Farm (tenants of the farmland) and Peel Place (part landowners of the quarry), are situated either side of the site access road close to the site entrance. The site is located within transitional rolling lowland farmland landscape which extends from the fringe of the Lake District Fells in the east through to the coastline. The Lake District National Park extends east from the A595, at approximately 400 metres to the north east of the site. Halsenna Moor SSSI and National Nature Reserve adjoin the site to the south. Within the wider landscape, Drigg Holme SSSI lies 1.8km to the south east of the site and Drigg Coastline SAC and SSSI lie 2.3km to the south west.

2.8 Under the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, a Scanning Opinion was issued (August 2014) by the County Council with regard to this application. Having had regard to the characteristics of the development, its location and potential impacts, the proposed time extension was considered to not constitute EIA development. The application is, however, accompanied by an updated hydrological assessment; an updated Extended Phase I Habitat Survey; a review of archaeological works undertaken to date; an updated Landscape and Visual Impact Assessment; an updated noise monitoring scheme, and a review of the approved dust monitoring scheme.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Copeland Borough Council has been consulted but no reply had been received from the Planning Department when this report was prepared. Copeland’s Environmental Health Department comments that the submitted Noise Management Scheme should be updated to reference the latest BS4142 document. It also comments that there have been no complaints received recently by local residents regarding noise or dust.

3.2 The Highways Agency has no objections to the proposals, and comments that in the absence of this facility much lengthier delivery runs would have far greater environmental impact and likely result in heavier traffic using busier sections of the A595/A5086 through towns and villages.

3.3 The Highway Authority has no objections.

3.4 No comments had been received from Gosforth Parish Council at the time of writing this report.

3.5 Drigg and Carleton Parish Council does not wish to make any comments on the proposal.

3.6 The Environment Agency has no objections to the proposal.

3.7 Natural England has no comments to make on the proposal.

3.8 The Local Member, Mr N Clarkson (Gosforth Electoral Division), has been notified.

3.9 One representation has been received from the residents of High House Farm, which lies approximately 110 metres to the north-east of the site boundary, adjacent to the site entrance. They strongly oppose the planning application and have a number of concerns relating to visual impact, noise, dust, traffic and insufficient infrastructure, the legacy of the site, the economic need and viability
and whether there are any justifiable benefits to its continued operation.

3.10 They state that they have a family run, profitable and recently expanded mixed dairy and sheep farm, which has been passed to the next generation. Their specific concerns are as follows:

- Threat to an already profitable business. They are a long established family business supporting three generations and opposed the extension of time and boundary at the quarry. They do not see why their income should be jeopardised by an underperforming quarry, and query its profitability asking why it requires twice the time to extract the same amount of material. Why would the company want to extract more from the ground when they cannot quarry that they already have within the previous timescale?

- Legacy and re-instatement of the quarry. They state that their fields that have been quarried and reinstated by Tendley Quarries Ltd ‘struggle to perform’; that drainage is a major problem; that they fail to yield a justifiable crop; that the standards the fields have been left in are far below the standard prior to quarrying, and that if this legacy continues, it would put a strain on their farming business. They question whether the fields will ever be reinstated given that the comment by Tendley Quarries at their pre-application meeting that they are only breaking even.

- Staffing and safety issues. They question how the site can be effectively managed with just two staff. They refer to two past incidents at the quarry: one where an overhead mains cable was struck by machinery which caused it to hang ‘dangerously low’ above the dairy cows in their yard; and a second where a lorry reversing up the access track to the quarry slipped off the track and nearly lost its load. They state that there seems to be no consideration for their safety as neighbours to the site.

- Noise pollution and planning variation. They comment that the quarry is always given notice when noise monitoring is to be carried out and that whilst the use of horns on the site is not permitted, they refer to an incident in December when they were repeatedly used. They complain that the constant noise from wagons in such close proximity is bad enough without noise from horns, and question the quarry’s ability to comply with other constraints.

- Visual impacts. They comment that the new wash plant is an eyesore when viewed from their premises.

3.11 The residents of High House Farm conclude that the extension of timescale and boundary would be detrimental to the success and continued profitability of their long standing business.

4.0 PLANNING ASSESSMENT

4.1 Planning legislation requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in the context of considering this planning application includes the National Planning Policy Framework (NPPF), March 2012 and the Cumbria Minerals and Waste Development Framework (CMWDF) Core Strategy and Generic Development Control Policies documents, both adopted in April 2009. The Draft Cumbria
Minerals and Waste Local Plan 2014 to 2029 (CMWLP), which has been published in consultation form (February 2015), 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.

4.2 This proposal is to enable the recovery of sand and gravel reserves from an existing site, the principle for which has already been approved and established through former planning permissions. The key matter to be considered with respect to the application therefore relates to the acceptability of a further time extension in the light of any relevant changes in the development plan or other material considerations. Each of the issues raised by this application is considered in this context.

Need

4.3 Despite the change in various policy and development plan documents since planning permission was originally granted in 2005 for the current approved scheme, the recognition of the need for minerals to be worked where they are found and for mineral planning authorities to provide for the maintenance of landbanks in order to secure a steady and adequate supply of minerals continues to be supported by the NPPF (Paragraphs 142, 144 and 145, respectively).

4.4 Following national policy, Cumbria MWDF Core Strategy Policy 13 states that provision will be made to identify areas sufficient to maintain landbanks of permitted reserves for supply areas equivalent to seven years for sand and gravel for general aggregate use. The Core Strategy states that at the end of 2005, sand and gravel reserves represented a landbank of just over 13 years at the apportionment level of 11.5 years at recent sales levels. The more recently published Cumbria and Lake District Joint Annual Local Aggregates Assessment (JALAA) 2014 (September 2014) states that the landbank of permitted reserves at the end of 2013 were 9.89 Mt, representing a landbank of 15.5 years, which would last until mid-2029. This continued supply until 2029 assumes, however, that planning permissions are extended at sites, such as this, where permissions expire before the reserves are fully worked out.

4.5 It is important to note that the reserves at Peel Place Quarry are already included within this landbank. Strictly speaking, therefore, there should be no requirement in this application to demonstrate a need for the material as this has already been established. Despite this, the applicant has assessed the need for this application and the one objector to this application has questioned the need for the site’s continued operation. There is an obvious need for the extension of time as far as the applicant is concerned. This is due to the economic downturn and, in particular, a reduction in construction activity over the past 6 to 7 years, which has resulted in a reduction in output from the quarry and the aggregates industry generally, not only in Cumbria but nationwide.

4.6 In assessing whether there is a general need for the continued release of sand and gravel reserves, however, it is necessary to examine further matters relating to Cumbria’s landbank. Whilst the current landbank stands at slightly over double the seven year minimum requirement, Paragraph 084 of the Planning Practice Guidance (April 2014) (PPG) accompaniment to the NPPF makes clear that there is no maximum landbank and that each application should be considered on its own merits. An adequate or excess landbank is therefore not a reason in itself for withholding planning permission. The PPG goes on to say that one of the reasons for applications coming forward in areas where an
adequate landbank exists is where consented reserves are inappropriately located relative to the main market areas. This is referred to in the JALAA, and the need to consider the location of quarries in relation to the areas they supply is also referred to in the adopted CMWLF Core Strategy.

4.7 The applicant points out that Peel Place Quarry supplies local markets within south west Cumbria, which includes various contracts with Sellafield Nuclear Decommissioning and Reprocessing Plant, Hanson’s Concrete Plant, Waitings Drainage, Thomas Armstrong Ltd, Gordon Building Services and Story Contracting. The applicant also points out that the Quarry is well located to supply significant forthcoming construction projects in the south and west of the County. These include the £300m-plus redevelopment of BAE Systems submarine site in Barrow-in-Furness, the new Glaxo Smith Kline Manufacturing Facility in Ulverston, National Grid improvement works (North West Connections) and the proposed new Nuclear Power Station at Moorside, Sellafield.

4.8 The majority of existing consented sand and gravel quarries are located in the north and east of the County, some considerable distance from the potentially significant market area of the south west part of Cumbria. The ongoing existing and potential need to supply the Barrow and Copeland Districts market areas as indicated above is recognised by the Draft CMWLP. This notes that there are just two sand and gravel sites, Peel Place Quarry and Roosecote Quarry, in the south west part of the County and in Policy Strategic Policy 8 (Strategic Areas for New Minerals Development) identifies the sand and gravel resources in the Roosecote area and near Peel Place Quarry as strategic areas for further supplies of sand and gravel in the south west of the County. Further, Site Allocations Policy 4 (Areas for Minerals), identifies land adjacent to Peel Place Quarry as an Area of Search. These are areas where planning permission could be granted to meet any shortfalls in supply if suitable planning applications are made. As an aside, with reference to the objection received, it should be emphasised that this application is for an extension of time to work the currently permitted reserves within the existing site boundary. It is not for a lateral extension to the site.

4.9 The above indicates that there will be a need for the continued provision of sand and gravel in this part of Cumbria. If the application were not permitted, there would be a shortfall of reserves in the south west market area, which could not obviously, or as sustainably, be met by any other permitted site. Conversely, if permitted, the proposed extension of time would secure the most effective use of resources by ensuring that the remaining permitted reserves would be fully accessed and not sterilised, and the existing processing plant and other infrastructure on site would continue to be utilised. This would comply with CMWDF Development Control Policy 6 (Criteria for Non-Energy Minerals Development) which states that proposals for non-energy minerals development outside Preferred Areas may be given favourable consideration if they would be more sustainable than any available alternative, including areas already subject to minerals extraction where additional working will enable comprehensive exploitation of reserves.

4.10 Additional benefits of granting planning permission would be that mineral miles would be kept to a minimum, in accordance with CMWDF DC Policy 1 (Traffic and Transport), and the economic benefits of the site would be safeguarded, as its continued operation would help safeguard jobs directly and indirectly and continue to support other industries and development, in accordance with
4.11 The landscape and visual assessment update has reviewed the landscape and visual impacts resulting from the current operations and assessed the predicted effects if operations were to continue for the proposed further 10 years, out to a 5km radius from the approved site boundary.

4.12 In terms of the impacts from the existing site operations, the assessment concludes that the landscape and visual impacts are predominantly limited to the immediate vicinity of the site due to the low lying position of operations and the visual containment by the localised rolling lowland farmland which characterises this area. It acknowledges that there are significant effects upon the landscape fabric within the working area, but concludes that there are no overall existing significant effects upon the landscape fabric within the landscape sub type 5b Low Farmland and out to a 5km radius of the site. It states that existing significant visual effects are experienced by the residents of Peel Place Farm and High House Farm, and from within a small number of discrete sections of Public Rights of Way which pass within close proximity to the site boundary. Within Hallsenna, the residents of Hall Senna (From the elevated garden only) and Griffiths, located within the north eastern part of the hamlet, experience existing partial views of parts of the site operations, which is not considered significant. It is concluded that there is little or no visibility or effects upon the remaining landscape and visual receptors within the 5km study area, including from the Lake District National Park (400m to the east) and Muncaster Registered Park and Garden (4.6km to the south east).

4.13 The updated assessment concludes that the proposed time extension would largely continue these landscape and visual impacts. The main additional effects would be the potential for significant effects upon the residents of Hall Senna within the hamlet of Hallsenna, where partial views of Phase 4 operations would be experienced from the northern edge of their elevated garden, but there would be no views from the dwelling itself. The residents of Hallsenna Cottage/Farmhouse and Whitegate Cottage, within the hamlet, who currently have very limited views of the operations would experience potential intermittent views of soil stripping and initial extraction during Phase 4 operations. These views would, however, be partially screened by the mitigation and hedge planting undertaken in 2007 to 2008, and so the assessment concludes that the effects upon residential amenity would not be significant. The assessment further concludes that the time extension would result in little or no effects upon the remaining landscape and visual receptors within the 5km study radius.

4.14 In terms of the residual impacts of the proposed time extension, it must be acknowledged that there would be a delay in securing the final restoration of the site. This should, however, be weighed against the fact that the currently approved restoration scheme should ensure the restoration of the site to be in keeping with the fabric and character of the surrounding landscape. This would be beneficial in the long term, because if the site were to be restored within the current approved period, it would likely result in a more engineered profile and be less appropriate to the receiving landscape.

4.15 The residents of High House Farm have complained about the visual impact of the site with particular reference to the sand plant. As indicated above, the visual assessment fully acknowledges the impacts the site operations have upon this
farm, being in such close proximity to the site. With respect to this particular complaint, the applicant has responded by explaining that the sand tower, which is visible from the farmhouse between a gap in the agricultural buildings, is not painted but instead constructed of galvanised steel to ensure that regular maintenance would be avoided and therefore avoid any potential disturbance to the neighbours. They point out that since installation, the colour of the steel has dulled considerably. It is expected that as time goes on, the colour will continue to tone down.

4.16 The assessment update confirms that the landscape and visual impacts resulting from the proposed extension of time would be very similar to the current approved scheme, aside from delaying the restoration of the site. The approved working scheme is, however, designed to ensure the progressive restoration of the site to minimise the extent of land disturbance and impacts upon the landscape or visual receptors at any one time.

4.17 It is considered that the landscape and visual impacts would be acceptable and that the scheme complies with CMWDF Development Control Policy 2 (General Criteria) in terms of the use of screening measures to mitigate as far as possible visual impacts. It further complies with Development Control Policy 12 (Landscape) as the approved scheme would not have a significant adverse impact upon either the landscape fabric or character of the locality.

Restoration and Aftercare

4.18 This application does not propose any changes to the approved restoration and aftercare scheme. This scheme requires the restoration of the site to a predominantly agricultural afteruse, but with elements to encourage nature conservation and biodiversity around the site periphery. These elements include the creation of a wetland area, broadleaf woodland planting, gorse scrubland, herb rich grassland, and the reinstatement of hedgebanks and hedge planting.

4.19 The residents of High House Farm have questioned the quality of the parts of the site that have been reinstated to date as agricultural fields. These are tenant farmers who the land will be returned to once it has been restored and released from aftercare. The applicant has responded to this complaint saying that Tendley Quarries has progressively restored the site since 2006 in accordance with the current approved working scheme. They consider that the restoration works have been completed to a high standard; have been annually monitored and reviewed by the County Council as required by planning conditions, and have received specialist input from Natural England to ensure a high standard of restoration.

4.20 With regards to the drainage issue raised by the residents of High House Farm and the establishment of rushes within the field adjacent to the Farm and a restored field along the southern boundary of the site, the quarry operators have recognised that there was a problem and has installed a field drainage system in these fields. The applicant has explained that the operation of the drainage system is being monitored and the aftercare period for these fields has been extended to ensure that the issue has been fully addressed. The extended aftercare period will be reviewed in June 2015 and the fields will not be released from aftercare until they are fully re-established for agricultural use.

4.21 The County Council’s Monitoring and Enforcement officer, who has attended the annual aftercare meetings, considers that the land being restored to agriculture is
generally to a good standard and that where problems have been identified, such as drainage, these have been addressed, as explained above. This application, if permitted, would continue to progressively restore the site to a predominantly agricultural afteruse. Provided that the attached conditions relating to the treatment of soils and agricultural restoration continue to be adhered to and any issues relating to the quality of the restoration continue to be addressed, it is considered that the scheme would comply with the CMWDF Core Strategy Policy 5 (Afteruse and Restoration) and Development Control Policy 16 (Afteruse and Restoration).

**Noise and Dust**

4.22 An updated noise assessment accompanies this planning application. This has reviewed and updated the current approved monitoring scheme, taking account of the noise conditions attached to the current permission and updated policy guidance. The scheme also includes a Noise Management Plan which details working practices and mitigation measures to ensure that any noise emitted from the quarry would be kept to a minimum.

4.23 The residents of High House Farm object to the application on the basis of noise generated principally by HGVs and in particular, the use of horns. They also claim that noise monitoring is undertaken when no machinery is in operation or horns sounding. The applicant has responded by stating that noise monitoring is undertaken by suitably qualified independent consultants, in accordance with appropriate guidance and best practice. They state that the monitoring is undertaken at least once a year; always when the quarry is fully operational, and the last survey, undertaken in July 2014, indicated that the quarry was acting well below the standard noise limits. They also state that this was the second to be undertaken last year and specifically commissioned to monitor outputs when a mobile crusher is on site. They state that no horns are permitted to be used on site, but occasionally a visiting haulier may activate his horn despite signs indicating this is prohibited. If this does happen, the haulier is reprimanded by Tendley Quarries staff.

4.24 It is considered that the proposed updated noise monitoring and management regime, together with the mitigation measures and restrictions that are currently in place, should ensure that noise impacts would be kept to tolerable levels. Aside from a condition requiring the site to be operated in accordance with the updated noise monitoring and management plans, there would be no alteration to the current planning conditions controlling noise emissions. It should be noted that Condition 17 requires that, with the exception of specific occasional operations, such as soil stripping, noise levels do not exceed 45dB(A) at any noise sensitive property (one of which is High House Farm). This is regarded as a low level and reflects the rural nature of the location. It is concluded that should the quarry be permitted to continue operating, it would do so in compliance with CMWDF Development Control Policy 2 (General Criteria) and Planning Practice Guidance (Paragraphs 021 and 022) which require noise levels to be within acceptable limits.

4.25 A review of the current dust monitoring scheme was undertaken to support this planning application. This included an analysis of the last 5 years’ monitoring results, since October 2009. Overall, the review confirms compliance with the planning conditions controlling dust emissions; however, a small number of exceedances (depositions on the Frizbee gauges exceeding 200mg.m-2 day)
have been recorded. Typically such exceedances are due to factors such as site operations during particularly dry and windy conditions; vandalism; effects from other local industries, and failure of on-site dust suppression activities. It should be noted, however, that the number of dust deposition rate exceedances was <1% of the samples over the 5 year period, which is considered to be well below the average for this type of operation.

The review has demonstrated that the current dust monitoring and management arrangements are in conformity with present day standards and policy guidelines, and that no changes are currently required. If planning permission were to be granted for the time extension, recommended Condition 20 would require compliance with this regime. The applicant states that if there were any significant changes to site operations within the proposed 10 year time extension, the sampling scheme would be reviewed. The working method has been designed to ensure that dust levels would be within acceptable limits. It appears that, for the most part, this has been working, and that if operations were to continue they would be capable of complying with CMWDF Development Control Policy 2 (General Criteria) and Planning Practice Guidance insofar as dust emissions are concerned.

**Transport**

4.26 Conditions attached to the last planning permission required the site access road to be partially tarmacked and junction improvements at the site access with the A595 to be implemented. Both of these requirements have been completed. It is not proposed to change the current HGV movements permitted to access the site.

4.27 As the site is accessed immediately off the A595(T) and so is well related to the strategic highway network. As indicated previously, as its markets are within south and west Cumbria, its continued operation would minimise ‘minerals miles’ and so comply with CMWDF Core Strategy 1 (Sustainable Location and Design) and Development Control Policy 1 (Traffic and Transport).

**Hydrology**

4.28 An updated hydrological assessment accompanied this planning application. This has assessed the effects continued extraction may have upon groundwater levels and surface water drainage during the course of the remaining development. The report provides updated information and a revised assessment of the risk to local water-dependent features, and the impacts upon groundwater levels and surface drainage. A water features survey was also undertaken in September 2014 to inform the updated assessment.

4.29 The assessment concludes that the proposed extension of time would essentially result in the continuation of the existing permitted practices, and the impacts upon the local water environment would be broadly similar to those that currently exist. Information obtained from Copeland Borough Council and the Environment Agency indicate that there are no new water abstractions present within the vicinity of the site to be potentially affected by the site’s continued operation. Furthermore, as all mineral extraction would continue be undertaken above the water table, the assessment concludes that the impacts upon groundwater levels would continue to be negligible. It is recommended that the planning condition requiring extraction to be above the water table would be retained to ensure this.
4.30 Following best practice and regulatory requirements, all on site fuel is stored in double skinned and bunded tanks, with several spill kits at strategic locations within the site so limiting the potential for pollution incidents. If an incident did occur, the systems are in place to ensure capture and remediation so resulting in a negligible risk to the wider water environment.

4.31 The assessment concludes that because of the existing drainage characteristics and the fact that operations would not affect or lower the water table, the potential impacts upon the local water environment as a result of continued operations would be negligible, and the potential to adversely affect the Hallsenna Moor SSSI would be insignificantly small. Hallsenna Moor is a wetland area where the maintenance of the existing hydrological regime is necessary to sustain its ecological interest. The assessment further concludes that the implementation of the approved restoration scheme, to include an area of wetland for ecological enhancement, would complement those of the SSSI. It was therefore concluded that, other than continuing the current standard good working practices, no additional mitigation measures would be required for any permitted extension of time.

4.32 Aside from the aforementioned drainage issues raised by the residents of High House Farm, which it is considered are being addressed, there is little evidence of any detriment being caused to the water environment as a result of these operations. The updated hydrological assessment indicates that the continued operation of the site for a further 10 years would have no unacceptable impacts upon the water environment and so should comply with CMWDF Development Control Policy 14.

Ecology

4.33 An updated Phase 1 Habitat Survey and assessment of the ecological impacts of the proposed time extension was submitted with the planning application. The Habitat Survey found that the only two areas of ecological significance within the remaining area to be worked are the two hedgerows which bound the north eastern and south eastern boundaries of Phase 4, which are identified as hedgerows of Parish scale ecological importance. The assessment found the areas of improved grassland and reinstated agricultural grassland to be of negligible ecological significance, but that the hedgerows, areas of gorse scrub and woodland planted as part of the progressive restoration will develop into features of ecological interest at the Parish scale, once established. The sand martin colony on the site is of ecological significance at least at the Parish level, and the assessment concludes almost certainly at the District level.

4.34 The updated assessment of ecological impacts also concludes that because there would be no lowering of the water table, there would be no impacts upon either the local groundwater or surface water hydrology, and so no adverse impacts upon the wetland habitats or species within Hallsenna Moor SSSI. The assessment also concludes that there would be no potential adverse impacts upon Drigg Holme SSSI, in terms of groundwater, hydrology or dust because of the separation distance of 1.8km from the quarry workings.

4.35 The assessment makes clear that the loss of two hedgerows bounding Phase 4 has already been partially mitigated by the planting of hedgerows along the site boundary and as field boundaries in the restored areas, which provide connectivity of bat flightlines.
4.36 The assessment considers that the primary impact of the time extension would be the significant delay of the implementation of the final restoration plan. It states that this would result in a significant delay in the reinstatement of the full hedgerow network across the site with associated impacts upon bat flightlines, which is the main habitat creation component of the restoration scheme, the impacts of which would be adverse at the local scale. However, the final conclusion is that the temporary adverse impact of delayed restoration and habitat creation would be likely to be balanced by the positive impact of prolonged potential usage of the site by breeding sand martins, which would be of ecological significance at the Parish scale. As a result, it is concluded that the ecological impacts of the time extension would be neutral.

4.37 Given the findings of the ecological assessment, it is considered that the natural features and environmental assets of the site and immediate locality would, in the long run, be protected and enhanced by the proposed extension of time, and that the proposal therefore complies with CMWDF Core Strategy Policy 4 (Environmental Assets) and Development Control Policy 10 (Biodiversity and Geodiversity).

**Archaeology**

4.38 An archaeological review report accompanies this planning application which summarises the investigations undertaken from 1997 to 2010 and findings to date. It also explains the implications of this proposed time extension.

4.39 As this is an area of high archaeological potential, several phases of archaeological investigations have already been undertaken on the site. Hallensenna immediately west of the site, is a medieval settlement and there have been extensive find spots of prehistoric flint in the wider area around the quarry, and. A fragment of medieval stone cross and a Roman coin have also been found in the vicinity and sub-surface remains of ditches and cultivation furrows have also been revealed with the remaining features identified as post-medieval or modern with no archaeological significance. Two waste fragments of worked flint were discovered in 2005, the only evidence of prehistoric activity.

4.40 The proposed time extension to work the remaining parts of the site (Phase 4 and the rest of Phase 3) would disturb the sub-surface strata that have not been previously disturbed by extractive works within areas of archaeological potential. The disturbance would be consistent with that assessed as part of the EIA that accompanied the 2004 planning application. The planning conditions relating to archaeology imposed when the application was determined in 2005 remain valid and archaeological investigations would be required in advance of any future phases to identify any heritage assets and to ensure the implementation of appropriate mitigation measures. It is recommended that this planning condition is retained.

4.41 As the required controls would be in place to ensure that the proposed continuation of quarrying activities would not adversely affect any assets of archaeological or historic significance, it is considered that the proposal complies with CMMDF Development Control Policy 11 (Historic Environment).

**Staffing and Safety Issues**

4.42 The residents of High House Farm have raised the matter of on-site safety and questioned the adequacy of staffing levels. Whilst this is not specifically a
planning matter, the applicant has responded to their concerns stating that two staff is sufficient, appropriate and an industry norm for a sand and gravel quarry of this scale. The applicant states that both members of staff are fully trained and adhere to the highest safety standards that Tendley Quarries imposes on its operations. The applicant explains that staffing levels have in the past been increased when necessary; for example when sales were higher and to service the needs of a washing plant which is no longer there.

Human Rights Act 1998

4.43 The proposal will have a limited impact on the visual, residential and environmental amenity of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) are minimal and proportionate to the wider social and economic interests of the community.

Conclusion

4.44 This planning application is for an extension of time to work the currently permitted reserves. It is not for a lateral extension to the quarry. An extension of time at Peel Place Quarry would enable the recovery of the remaining sand and gravel reserves from a site identified in the Draft CMWLP as being in a strategic location for the supply of sand and gravel in the south west of the County. This would enable a continuity of supply of sand and gravel in this area with consequent benefits to the local economy.

4.45 Operations at the quarry to date have demonstrated that any adverse impacts have been capable of being mitigated. These mitigation measures, together with the recommended planning conditions should ensure that the continued operation of the site for a further 10 years should have no unacceptable adverse impacts upon the local environment and community. As the proposal complies with development plan policy and national planning policy guidance, it is recommended that planning permission is granted.

Angela Jones

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Background Papers
Planning Application File Reference No. 4/14/9015

Electoral Division Identification
Gosforth ED - Mr N Clarkson
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 & 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 5 - Afteruse and Restoration**

Restoration and aftercare schemes for mineral working and waste management sites should demonstrate that best practicable measures have been taken to secure full advantage of their potential to help deliver sustainability objectives relating to the environment and the economy of the county.

**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 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 15 – Protection of Soil Resources**

Proposals for minerals and waste development will be required to demonstrate that:

a. soil resources are protected and maintained in viable condition to be used in restoration of the site, or

b. where developments are permanent and restoration is not envisaged, that soil resources are used effectively on undeveloped areas of the site, or used appropriately on other suitable sites.

**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.

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 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….
- …..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. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances…..

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. 4/14/9015
Development Control and Regulation Committee – 1 April 2015

Proposed Conditions

Time Limit

1. This permission shall be for a limited period only expiring on 26 April 2025, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC 16 of the Cumbria Minerals and Waste Development Framework (MWDF) Generic Development Control Policies.

Approved Documents

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. Any variation to the approved scheme shall be submitted to and approved in writing by the Local Planning Authority prior to being carried out. The approved scheme shall comprise the following documents:

   2.1 the submitted application form, dated 5 December 2014;
   c. the Environmental Statement (Volumes 1 to 3), dated 6 and 9 July 2004;
   d. the amendments contained in Volume 4 of the Environmental Statement, dated 11 February 2005;
   e. the plans referenced Figure 1a and 2a (dated 16 September 2005) and Fig 4a (P114/2d), Fig 5a (P114/3d), Fig 6a (P114/4d), Fig 7a (P114/5d), Fig 9a (P114/7d), Fig 10a (P114/8d), Fig 11a (P114/9b), dated February 2005, in Volume 4 of the Environmental Statement (and in Volume 1: Planning Application and Planning Statement; dated December 2014);
   g. the letters from Stephenson Halliday, dated 5 October 2004 and 15 February 2005;
   h. the approved schemes referred to and outstanding details required by conditions attached to this permission;
   i. the Agreement made under Section 106 of the Town and Country Planning Act, dated 12 September 2005 and
   j. the 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 the approved
scheme comprises of.

3. From the commencement of the development to its completion, a copy of the approved scheme 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 ensure that those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

4. 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 12 months of the cessation of working. Such a revised approved scheme shall be fully implemented.

   **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.

5. 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 (with the exception of that located in the Plant Area, as defined on Plan Nos. 4a to 7a, dated February 2005 in Volume 4 of the Environmental Statement and Volume 1: Planning Application and Statement; dated December 2014) are erected on the site or on any ancillary mining land. This condition shall not apply to any buildings, structures or erections constructed within the quarry which are not visible outside the boundaries of this permission.

   **Reason:** To maintain control over additional built development upon the site in the interest of amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

6. All fixed mineral processing plant shall be located in the Plant Area, as defined on Plan Nos. 4a to 7a, dated February 2005 in Volume 4 of the Environmental Statement (and Volume 1: Planning Application and Planning Statement; December 2014). All permanent mineral stockpiles shall be located at a distance no less than 250 metres of any dwelling at Hallsenna and no stockpile shall exceed 10 metres in height.

   **Reason:** In the interests of local amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

**Working Hours**
7. No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

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

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

However this condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance to on site property, plant and equipment.

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

8. Notwithstanding Condition 7 above, no removal, replacement or storage of soils or overburden shall take place on any part of the site within 400 metres of any occupied dwellings outside the boundary of the site before 08.00 hours on Mondays to Saturdays inclusive.

Reason: *These activities can generate considerable noise which would have an unacceptable impact upon the amenity of local residents before 08.00 hours, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.*

Access and Traffic

9. The site access tarmaced surface and the remainder of the access track shall be kept clean and maintained to a good standard of repair, free from potholes and ruts for the duration of the permission.

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.*

10. The site access road drainage system shall be maintained for the life of the operations to ensure that no slurry or water from the site or the access road flows on to the public highway.

Reason: *To ensure that no water or slurry flows 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.*

11. Efficient means shall be used for cleaning all vehicles leaving the site (with the exception of cars), maintained for the life of operations and used to ensure that no slurry, mud or other material from the site is deposited upon the public highway.
Reason: To prevent the vehicles carrying material on to 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.

12. All vehicles used to transport mineral from the site onto the public highway 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. There shall be no vehicular access to or egress from the site other than via the approved site access shown on Figure 2a, dated 16 September 2005, in Volume 4 of the Environmental Statement.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory route in the interest of highway safety, in accordance with Policy 1 of the Cumbria MWDF Generic Development Control Policies.

14. The total number of laden heavy goods vehicles leaving the site shall not exceed 45 on any weekday and 20 on Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record shall be afforded to the Local Planning Authority on request.

Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Control of Noise

15. All plant, machinery and vehicles used on site shall be fitted with silencers and maintained in accordance with manufacturers' recommendations.

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

16. All audible reversing alarms fitted to plant and machinery used on site, including that which is hired in for a temporary period, shall only be of a ‘white noise’ type.

Reason: To minimise the noise generated by the reversing alarm system so that it does not constitute a nuisance outside the site, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

17. The noise level attributable to the approved quarrying operations shall not exceed 45 dB(A) Leq(1 hour) (freefield) at any noise sensitive property.
**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.

18. Notwithstanding Condition 17, the noise level arising from soil/overburden stripping, replacement and storage activities shall not exceed 70 dB(A) Leq(1 hour) at any noise sensitive property. This is subject to the limitation that such activities should take place for no more than 8 weeks in a year in the vicinity of any noise sensitive property.

**Reason:** To limit the periods within which these noisier operations can take place in the interests of local amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

19. Noise monitoring shall take place in accordance with the Noise Monitoring Scheme; by QEM Environmental Consultants, dated 13 March 2015. The content of this scheme shall be reviewed, amended and submitted to the Local Planning Authority for approval, at the written request of the Local Planning Authority. When approved, any amended scheme shall be implemented in full.

**Reason:** To secure compliance with conditions relating to noise in the interests of local amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

**Control of Dust**

20. Dust monitoring and suppression shall take place in accordance with the scheme (dated 13 July 2006) approved on 1 November 2006. The content of this scheme shall be reviewed, amended and submitted to the Local Planning Authority for approval, at the written request of the Local Planning Authority. When approved, any amended scheme shall be implemented in full.

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

21. The operator shall make available a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

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

**Control of Artificial Lighting**
22. All artificial lighting units installed on the site shall be so sited and shielded so as not to cause a nuisance at any residential property outside the site during site operating hours and when the site is closed.

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

Safeguarding of Watercourses and Drainage

23. No winning or working of minerals shall take place at a depth below one metre above the highest recorded variation of the water table at any time.

Reason: To protect groundwater resources so that the habitat of Hallsenna Moor SSSI is not adversely affected by mineral extraction, in accordance with Policy 4 of the Cumbria MWDF Core Strategy and Policies DC10 and DC14 of the Cumbria MWDF Generic Development Control Policies.

24. With the exception of monitoring piezometre PZ 2001/1, the operator shall maintain the network of monitoring piezometres shown in Figure 5, Appendix 2, Volume 3 of the Environmental Statement around the periphery of the excavations for the duration of the permission. When removed, piezometre PZ 2001/1 shall be immediately replaced at a distance not greater than 150 metres to the east along the northern site boundary.

Groundwater levels in the piezometres shall be monitored at monthly intervals throughout the development. The water level data shall be recorded relative to Ordnance Datum and the base of the excavation, and reported to the Local Planning Authority at intervals every six months.

Reason: To provide the necessary information for compliance with Condition 23, in accordance with Policies DC10 and DC14 of the Cumbria MWDF Generic Development Control Policies.

25. 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 flooding, in accordance with Policy DC14 of the Cumbria MWDF Generic Development Control Policies.

26. 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 of watercourses by the approved operations.

Reason: To avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria MWDF Generic Development Control Policies.
27. Any facilities for the storage of chemicals, oils or fuels shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks plus 10%. All filling points, vents, gauges and site glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall discharge downwards into the bund.

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

Archaeology

28. No development shall take place in extraction Phase 4 (shown on Figure 7a, dated February 2005, in Volume 4 of the Environmental Statement and in Volume 1: Planning Application and Planning Statement; dated December 2014) until the operator has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To afford the opportunity for an examination to be made to determine the existence of any remains of archaeological or historic interest within the site and to decide on any action to be required for the preservation, protection, examination or recording of such remains, in accordance with Policy DC 11 of the Cumbria MWDF Generic Development Control Policies.

Protection of Trees and Planting

29. All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. Any trees or plants which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species.

Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

Stripping, Storage, Use and Replacement of Soils and Overburden

30. All soil handling operations shall be carried out in accordance with the DEFRA Good practice guide for handling soils prepared in 2000 and the letter submitted by DEFRA, dated 29 September 2004. Prior to the commencement of soil stripping in each of the working phases, details of the precise methodology from the guide to be used in the stripping, storage and replacement of soils and overburden on that phase shall be submitted to the Local Planning Authority for approval. When approved, the methodology shall
be implemented in its entirety for each phase of the development.

Reason:  To ensure that the handling of soils conforms to best practice.

31. 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 replacement 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.

32. All topsoil, subsoil, soil-making material and other overburden which has been stripped or removed shall be stacked separately, in accordance with the areas coloured pink in Figures 4a to 7a, dated February 2005, in Volume 4 of the Environmental Statement (and Volume 1: Planning Application and Planning Statement; dated December 2014), and prevented from mixing. No topsoil or subsoil shall be removed from the site.

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

33. The maximum height of any topsoil or subsoil mound shall be 2 metres and 3 metres, respectively. All mounds used for the storage of soils (and other restoration materials) shall be sown down to grass in the first available sowing season after their formation.

Reason: To secure the satisfactory storage of soils and overburden for restoration and to reduce soil erosion and provide grass cover in the interests of pollution control, soil conservation and residential amenity, in accordance with Policies 2 and 15 of the Cumbria MWDF Generic Development Control Policies.

34. 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 to enable the site to be satisfactorily restored, in accordance with Policies 15 and 16 of the Cumbria MWDF Generic Development Control Policies.

Control of Weeds

35. All non-cropped areas of the site and all topsoil, subsoil and overburden stacks shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.
Reason: To properly manage the site and to prevent the spread of weeds onto adjacent land.

Care of Boundaries, Hedges and Walls

36. The operator shall maintain and make stockproof all the existing hedges, fences and walls, including gates, around the perimeter of the workings until the completion of the aftercare period.

Reason: To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.

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

Reason: To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity, in accordance with Policy 2 of the Cumbria MWDF Generic Development Control Policies.

Restoration and Aftercare

38. The site shall be restored to the landform and made suitable for the after uses shown in the Indicative Landscape Restoration Plan (Figure 10a), dated February 2005, in Volume 4 of the Environmental Statement (and in Volume 1: Planning Application and Planning Statement; dated December 2014).

Reason: To secure the proper restoration of the site for the approved afteruses, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

39. The site shall be restored and subject to the aftercare requirements detailed in the 'Restoration and Aftercare Scheme for Peel Place Quarry Extension' (dated April 2006) and Plan PEL/18A (dated 30 December 2005 RevA), approved on 21 April 2006. The aftercare requirements shall be carried out for a period of five years from the completion of restoration operations on each phase.

Reason: To secure the proper restoration and aftercare of the restored land and to enable its return to as high a quality as possible, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.

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

*Reason:* To secure the proper aftercare of the restored land and to allow its return to as high a quality as possible, in accordance with Policy DC 16 of the Cumbria MWDF Generic Development Control Policies.