

# DEVELOPMENT CONTROL AND REGULATION COMMITTEE

1 April 2015

## A report by the Assistant Director of Environment & Regulatory Services

**Application No: 4/15/9001**

District: Copeland Borough

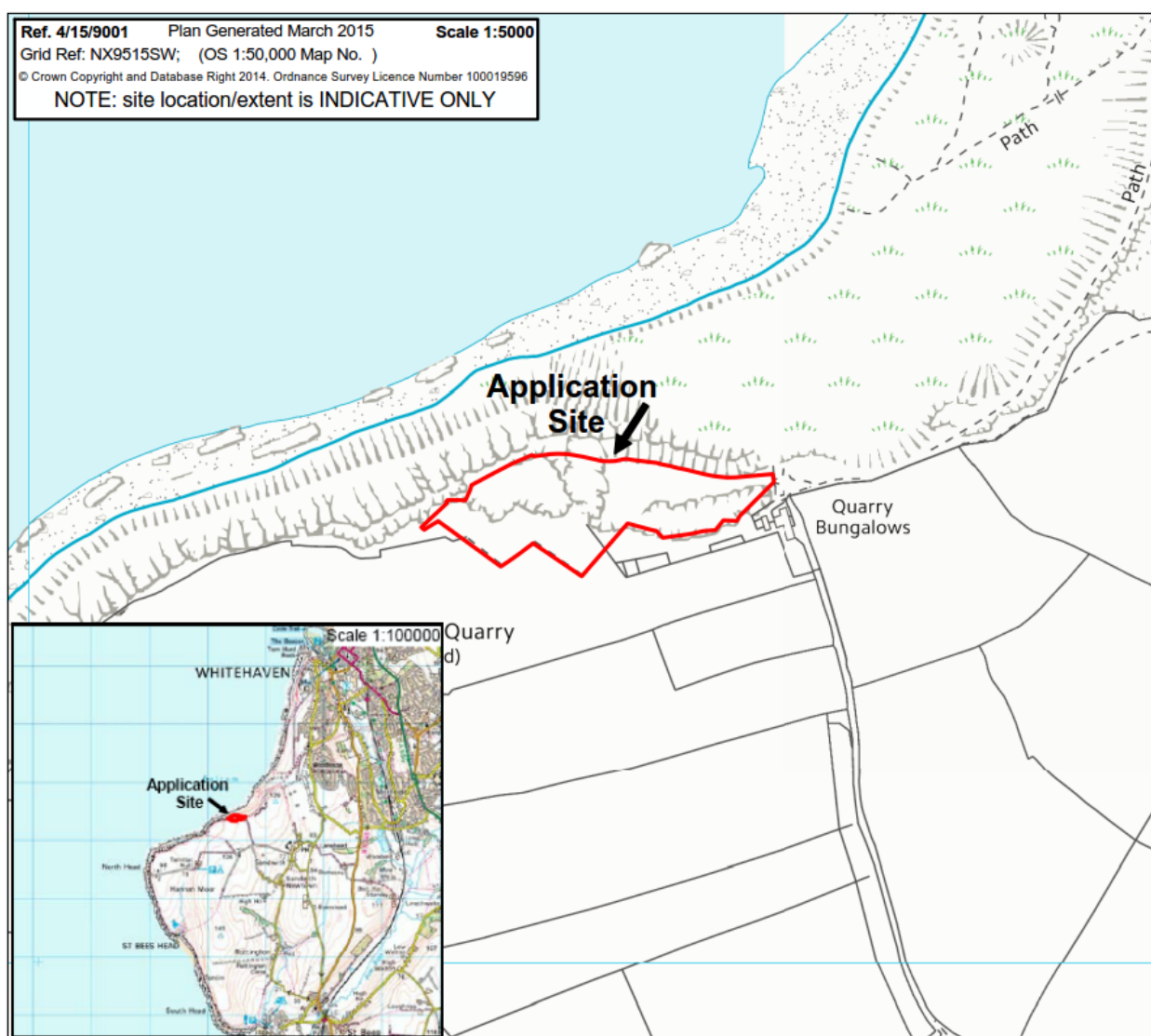
Applicant: Stancliffe Stone Company Ltd  
Keypoint Office Village  
Somercotes  
Alfreton

Parish: St. Bees

Received: 9 January 2015

**PROPOSAL:** Section 73 Planning Application to vary Condition 2 of Planning Permission 4/02/9022 in order to extend the timescale for mineral working by 15 years, to 31st July 2030.

**LOCATION:** Birkhams Quarry, Sandwith, Whitehaven, CA28 9UU



## **1.0 RECOMMENDATION**

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

## **2.0 THE PROPOSAL**

- 2.1 This application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) and seeks permission to vary Condition 2 of Planning Permission 4/02/9022 in order to extend the operational timescale for the extraction of St Bees Red Sandstone from Birkhams Quarry, Sandwith for the production of building and dimension stone. The site's current planning permission expires on 31 July 2015, and the applicant seeks to extend the timescale for the working of the currently permitted mineral reserves and restoration of the site by a further 15 years to 31 July 2030.
- 2.2 The applicant does not propose to vary or remove any other planning conditions that the site is subject to.

## **3.0 SITE BACKGROUND AND CONTEXT**

### **Site Location**

- 3.1 Birkhams Quarry is located 1.4km south-west of Whitehaven on the west Cumbrian coast. The quarry sits atop the North St Bees Head cliffs just south of Saltom Bay and approximately a mile north-east of the St Bees Lighthouse. The site is accessed via a 1km length of private road which runs from the centre of the small village of Sandwith. Birkhams Quarry is a small building stone site, with its red line planning application boundary encompassing an area of 1.72ha.

### **The site's immediate surrounds**

- 3.2 The Cumbria Coastal path; which forms part of Wainwright's Coast to Coast path and which will be part of the England Coast Path National Trail; runs along the northern seaward edge of the quarry. This section of footpath (Ref. No. 422008) runs along the coastal cliff tops of North St Bee's Head and intersects with another section of footpath (Ref. No 431039) which follows the branch of the access road that exclusively serves the Quarry and Quarry Bungalows. These two residential properties are located along the end of the access track and lie approximately 20m to the east of the quarry. In all other directions the site is surrounded by Grade 3 (good to moderate quality) agricultural land generally in pastoral use.

### **Summary of Key Designations affecting the site and in the vicinity**

- 3.3 Birkhams Quarry is located partly within the St Bees Head Site of Special Scientific Interest (SSSI). The St Bees Head SSSI comprises an 8km stretch of coastline between St Bees and Whitehaven and is designated for both its geological and biological interest. The majority of the quarry is located within the SSSI, however approximately 0.36ha lies outwith the SSSI's designated boundary. This latter area broadly coincides with the majority of the proposed Phase 2 extraction area.
- 3.4 The western half of the quarry (approximately 0.82ha) falls within the defined extent of the St Bees Heritage Coast. This area coincides with the main

extraction areas of Phase 1 and 2. Heritage Coast status recognises landscapes of national importance. Its purpose is to conserve, protect and enhance the natural beauty of the coasts, their marine flora and fauna, and their heritage features. This non-statutory designation is a material consideration in planning terms and St Bees Head is the only heritage coast within North-West England.

- 3.5 The older historic eastern half of the quarry is designated as a Local Geo-Conservation Site (*Site No. 4.030*) for its exposures of the fluvial sandstones of the St Bees sandstone. This designation covers 0.91ha of the site. Due to these interests the old historic quarry face has been safeguarded from being worked.
- 3.6 The public footpath network in the area around the site forms part of the Cumbria Coastal Way between Barrow-in-Furness and Carlisle and is also part of the beginning leg of Wainwright's Coast to Coast Walk from St Bees to Robin Hood's Bay in Yorkshire. As such the footpaths in the area have significant recreational value and are a major strand in the tourism-offer of West Cumbria. The path will form part of the England Coast Path National Trail which is currently expected to be implemented in 2016.
- 3.7 The RSPB's St Bees Head public reserve lies approximately 850m south-west Birkhams Quarry.
- 3.8 The Cumbria Coast was designated as a national Marine Conservation Zone (MCZ) in 2013 to protect a wide range of inshore intertidal and sub-tidal habitats including honeycomb worm reefs, rock habitats and breeding sea-birds. The Cumbria Coast MCZ stretches for approximately 27km from Saltom Bay (south of Whitehaven) to the mouth of the Ravenglass Estuary. Within this zone, St Bees Head is noted as supporting the best, most extensive and important examples of intertidal rocky shore habitats and communities on the predominantly sedimentary coast of North-West England.
- 3.9 The site is also within an area formerly designated as a landscape of County Importance. Although this designation has been technically superseded by the Cumbria Landscape Character Guidance and Toolkit (CLCGT) (*adopted in 2011*); Copeland Local Plan Policy DM26 (Landscaping) retains the designation and states that "the Council will continue to protect the areas designated as Landscapes of County Importance on the Proposals Map from inappropriate change until a more detailed Landscape Character Assessment can be completed for the Copeland plan area". The CLCGT places the quarry and its surrounds within landscape type no. 4: 'Coastal Sandstone'. This area is characterised by coastal sandstone cliffs, rolling hills, and prominent hedge banks bound pastoral fields; with the exposed coastal edge moving to intimate and enclosed farmland inland.

### **Planning History of the Site & the Currently Approved Scheme of Working**

- 3.10 Records of the quarrying of sandstone from Birkhams Quarry date back to 1821. The site was formally reopened in 1981. Since then a number of further planning permissions have been granted for various extensions in time and footprint of the site. The site currently operates under planning permission reference 4/02/9022. This planning permission was granted on 27 March 2003 and permitted a lateral extension to the quarry which released approximately 96,000 tonnes of reserve with a maximum annual production rate of 8,000 tonnes. The planning application proposed working the quarry in two phases; firstly working in a south-westerly direction (Phase 1), then working back in an easterly direction (Phase

2). Each phase would work the quarry down to 87m AOD (that is to a maximum depth of approximately 25m below the neighbouring agricultural fields). Based on the levels of output and percentage of waste stone at the time of the planning application, the applicant envisaged that a 12 year period would be required to work and restore the quarry.

- 3.11 To enable extraction to head inland the route of Footpath Number 422008 had to be permanently diverted from its course around the southern end of the 'Old Birkhams Quarry' and across the proposed extension area to instead run along the northern seaward side of the quarry. To enable this diversion, the application incorporated ancillary works to construct and landscape a safe route along the northern margin of the quarry. A Public Path Diversion Order for Footpath Number 422008 was made under Section 257 of the Town & Country Planning Act 1990 on 30 January 2009 and confirmed on 13 March 2009. It is noted that the need for the inland route of the footpath to remain open until the new footpath route was formally created and the route legally diverted constrained the amount of permitted reserves within Phase 1 which could be accessed/extracted between 2003 and 2009.

### **Nature of Existing Operations**

- 3.12 Birkhams Quarry is a small building stone site of 1.7ha which extracts St Bees sandstone for construction/ architectural purposes. The applicant works the site on a campaign basis with extraction usually taking place for a 3-6 week period in February/March. Large sandstone blocks are parted from the quarry face by a process of drilling and blasting with low explosive black powder along with some physical use of a loading shovel and excavator. Any misshapen edges and irregularities arising from the blasting process are removed from the blocks on site. The extracted stone is then moved by machine to the sites designated storage area. No processing of the blockstone is carried out on site. Waste rock materials amount to approximately 60-80% of all stone extracted and are returned to the previous extraction areas within the quarry for use in restoration.
- 3.13 The loading and transportation of blockstone product normally takes place outside the campaign working period. Whole blocks are transported off-site on flat bed articulated lorries for processing at the applicant's regional facility at Locharbriggs, Dumfries. HGVs access the site from the A595 trunk road via Mirehouse Road, Wilson Pit Road, High Road and then down into the village of Sandwith. This route from Sandwith is approximately 2 miles from the A595. Condition 20 of Planning Permission 4/02/9022 restricts the total number of laden HGVs leaving the site to a maximum of 6 on any day of operation and no more than 60 in any calendar month. Condition 9 requires that no more than 8,000 tonnes of mineral shall be transported from the site in any 12 month period.
- 3.14 Other key operational conditions imposed by planning permission 4/02/9022 which are at the heart of the planning permission are Condition 24 which affords protection to sea birds by prohibiting blasting from within the bird-breeding season; Condition 21 which establishes a noise limit of 45dB(A) at the nearest properties and Condition 14 which restricts operations to 08.00-18.00 hours on Mondays to Fridays.
- 3.15 At the time of the last site monitoring visit, held on 20 March 2014, the operator was working the far western end of the Phase 1 area at a depth of approximately 89m AOD with one further bench needing to be sunk to reach the permitted depth of 87m AOD. No mineral working of the Phase 2 area had commenced;

although it was noted that topsoil had been stripped in preparation. Phase 2 involves the working of an approximately 0.4ha area. The site was noted as being tidy, well organised and being worked in general accordance with the approved scheme. The operator predicts that, should planning permission be granted, Phase 1 will be finished around the end of 2018.

### **Planning Compliance**

- 3.16 In summer 2010 complaints were received from a number of sources that the site was being worked in breach of the planning condition 24 which prohibits the use of explosives on site between the 1 April and 31 July to protect breeding birds. This matter was investigated and verified by the County Council's Senior Monitoring and Enforcement Officer. Whilst it was noted that this breach was to supply an exceptional contract and that the operator had taken particular care to minimise the noise / disturbance generated by shots fired (which principally entailed splitting the stone under a pile of overburden); it was made clear to the operator in writing at the time that there is no ambiguity in the wording of the condition and that this activity was wholly unacceptable; and that the County Council would consider exercising its discretion and taking enforcement action should this condition be breached again in the future. It is further noted that prior to and post this incident, that there have not been any reports or complaints of working of the site during the bird breeding season. The operator reports that this *"situation solely occurred during this period due to the supply requirements to an exceptional contract. Marshalls Stancliffe Stone fully accept responsibility of site operations and in a response to this individual occurrence, have since been in full compliance with the planning conditions as annually monitored by Cumbria County Council"*.
- 3.17 A small number of written complaints were received in 2011 and 2012. These related to the surfacing of the Cumbria Way footpath, quarrying operations and the deteriorating condition of the private access road from Sandwith village which is the sole access to seven residential properties. An inspection of the footpath revealed no obvious problem and that it was built broadly in accordance with the approved plans. The issue with quarrying operations focused on the safety of the footpath when blasting was being undertaken. The operator claims to use sentries, to ask people not to use the footpath when a shot is being fired. This is standard quarrying practice. Finally, the applicant re-surfaced the stretch of the private access road from Sandwith to the junction serving the quarry in the summer of 2013. This action was unilaterally undertaken by the operator. No further complaints have been received regarding this matter since this work was undertaken. The operator reports that the section of the access track that exclusively serves the Quarry and Quarry Bungalows was re-surfaced approximately 5-6 years ago. Case Officer visits to the site over the last two years have noted that the access road from Sandwith village to the quarry entrance was in an excellent almost new condition.

### **Proposed Phasing of the Continued Working and Restoration**

- 3.18 This planning application proposes no changes to the method, depth or direction of working the quarry or to the proposed restoration to a nature conservation after-use involving the establishment of coastal heathland and herb rich neutral grassland. However the planning application does review and refine the phased working scheme of the site so as to minimise the operational footprint of the development and bring forward earlier and more progressive restoration. To that

end Phase 2 has been split into Phase 2A and 2B to provide greater detail and show the opportunities for early implementation of progressive restoration.

- 3.19 The working scheme specifies that at the end of Phase 1 a large part of the old quarry will be progressively restored to herb rich grassland and the westernmost overburden mound removed. The overburden mounds will be re-profiled in the centre of the site and extraction will shift to Phase 2A. Phase 2A turns from the south west working direction of the previous phase to a south-easterly direction and extracts material down to 87m AOD. At the end of Phase 2A the south-western part of Phase 1 will have been restored to bracken vegetation and stored overburden on the site further reduced. During the working of Phase 2B further progressive restoration will take place in the Phase 1/2A working areas and overburden reduced to a single mound in the centre of the site in preparation for full and final restoration of the site which is anticipated to occur in 2029/2030.
- 3.20 A minor amendment has also been made to the proposed restoration scheme, slightly altering the alignment of the far western face and reducing the amount of land restored to bracken and replacing this with coastal heathland. An indicative route of a path for a Geological Trail has also been incorporated (the final detailed route is proposed to be agreed with the Local Planning Authority in dialogue with Cumbria Geo-Conservation nearer to full and final restoration of the site).

#### **4.0 CONSULTATIONS AND REPRESENTATIONS**

- 4.1 Copeland Borough Council's Development Control Team has no objections. They report that the application was considered by the Council's Planning Panel on 25 February 2015 and that their Members raised no objections subject to adequate controls over noise, landscaping, restoration being retained and adequate mitigation measures where appropriate.
- 4.2 St. Bees Parish Council has no objections or comments.
- 4.3 The Highway Authority has no objections subject to the existing access and traffic conditions being retained.
- 4.4 The Environment Agency has no objections.
- 4.5 Natural England has no objections. They state that they are satisfied that the proposal will not damage or destroy the interest features for which the St. Bees Head Site of Special Scientific Interest (SSSI) has been notified provided the application is carried out in strict accordance with the details submitted.
- 4.6 Cumbria GeoConservation (*formerly Cumbria RIGs*) states that Birkhams Quarry is designated as a Regionally Important Geological and geomorphological Site which is of national importance to geological conservation and recommends that a number of measures be provided to improve access to and public interpretation of the site. It observes that exposures of St Bees Sandstone are rare, as inland the sandstone is covered by thick glacial drift and comment that accessible exposures of this rock type must be preserved both for public understanding and for scientific study.
- 4.7 Cumbria County Council's Rights of Way Officer relate that public footpath 422008 in St. Bees parish and Public Footpath 431067 in Whitehaven parish have both been permanently diverted onto the northern edge of the quarry site.

They comment that the footpath must not be altered or obstructed by the quarry operations.

- 4.8 Cumbria Constabulary's Crime Prevention Design Advisor; Copeland Borough Council's Environmental Health Department; The Health & Safety Executive; The Ramblers, The RSPB, and United Utilities were also consulted however no replies had been received from these organisations when this report was prepared.
- 4.9 The application site falls within the County Council electoral division of *Egremont North and St Bees*. The local member representing that division, Mr Henry Wormstrup, has been notified.
- 4.10 The site is also in close proximity to the boundary of the neighbouring electoral division of *Kells and Sandwith*. The local member representing that division, Ms Wendy Skillicorn, has also been notified.
- 4.11 The planning application has been advertised on site and in the press and neighbouring properties notified. The formal publicity period for the planning application closed on 5 February 2015.
- 4.12 Two letters of representation had been received when this report was prepared. Both object to the application. The first objection comes from a member of the public, who raises the following issues:

- **Access:** The representee recounts two incidents which have led to the private lane/road between the quarry and Sandwith to be obstructed/closed and prevent vehicular access to the houses on the headland. They report that the first incident involved the collapse of a significant amount of material from the sides of the lane on the lead-up to the Quarry Bungalows. They recount that a second incident involved a HGV shedding its load near the beginning of the private lane having failed to safely negotiate the narrow road and deep ditches. The representee states that *"this lane is barely wide enough for the lorries using it and it is clear to see that they are damaging the stability of the sides of the lane"*.
- **Footpath:** The representee is critical that the publicity seems to contradict the application as to whether public right of ways are affected and also states that: *"in the past, the operators attempted to avoid their responsibilities relating to this path"*.
- **Protection of Birds:** The representee highlights the fact that the operators have, in the past, been investigated for breaching the planning condition prohibiting working the quarry during the bird breeding season. They remark that it takes just one incident to have a negative impact on a breeding season.
- **Need for the Stone:** The representee believes that the application does not present an acceptable justification for a 15 year extension to the operation and highlights the presence of alternative sites in West Cumbria extracting St Bees Sandstone. They discern that:

*"...ease of extraction is not a good enough reason to allow this quarrying to continue in such an important location – SSSI, RSPB bird reserve, part of the internationally renowned Coast to Coast walk, part of the locally*

*important Colourful Coast project and the only west coast sea cliffs between North Wales and Southern Scotland.*

*This is a clear example of a case where we have to balance commercial interests against the value we assign to an irreplaceable natural asset. I believe that St Bees headland should be valued so highly that it is now time to require that the quarry operators conform to the existing approval, including the time-scale and landscaping, which is coming to an end in 2015.*

*This application does not clearly demonstrate need (8.14) for this stone that cannot be met otherwise. Does possible future demand for building stone outweigh another 15 years of disruption and ultimately irreversible change to a headland that has been designated special in so many ways?"*

4.13 The second letter of objection comes from the National Trust. They make the case that the physical, social and development plan circumstances since the determination of the application for the lateral extension to the quarry in 2003, have changed considerably. They also contend that within the context of these the proposed "long drawn out timescale" of quarrying for a further 14 years is unacceptable. Some of the key changes they highlight are as follows:

- **Physical Changes:** The improvements to access, cultural offer, interpretation, the rights of way network, recreation and habitat management as part of the 'Colourful Coast' (Whitehaven Coastal Fringe) Project and the social and economic value of these for the area. They also note the designation of the Cumbria Coast Marine Conservation Zone and that the proposed English Coast Path is due to open in 2016. They observe that the former Marchon (Rhodia) chemical works site on High Road has largely been removed and that this has opened up views from inland over the coastal area and that east of the works outline planning permission for an urban extension of 431 dwellings was granted in December 2013.
- **Social Changes:** The involvement of community/volunteer groups and local schools in the 'Colourful Coast' project and increased local appreciation of the recreational and leisure opportunities of the coastal area between St Bees and Whitehaven Harbour.
- **Development Plan Changes:** The undeveloped coast designation for the area within Policy EV2 of the *Copeland Local Plan 2013-2029* (adopted in December 2013) and its specific support for the 'Colourful Coast' project and protecting the intrinsic qualities of the Heritage Coast in respect of development that impact upon it or views from it. They also note that:

*"The application only makes cursory reference to the West Whitehaven Supplementary Planning Document. Whilst it is correct that, disappointingly, it has not yet been adopted it is nonetheless the case that the draft document was the subject of public consultation and procedurally it only awaits formal review by the Council in the light of the representations made and adoption."*

The National Trust continues to argue that:

*"...whilst the applicant's assessment identifies policies relevant to minerals development little of what is drawn out is of site specific relevance, e.g.*



*there is no minerals allocation document upon which they are able to rely, and the Trust would argue that the more generic policies need to be assessed in the context of local planning policy as set out above in respect of Copeland and more specifically the Undeveloped and Heritage Coast.”*

4.14 The National Trust’s representation is critical of the application proposal and its planning policy assessment. It makes the following points:

- The distance of the quarry from where mineral is processed, and the use of road transportation between the two, is not a sustainable approach;
- That the economic benefits are quite limited and it is unclear how many local jobs the low level of extraction at Birkhams Quarry has directly supported;
- The discussion of environmental assets has not identified the significance of the Colourful Coast initiative;
- The applicant has failed to deliver early progressive restoration;
- There is no programme with clear end dates / agreed timescale for the different phases of extraction/restoration proposed in the submitted plans;
- That the submission is silent on how it will achieve a step-change increase in biodiversity resources and help to deliver Biodiversity Action Plan objectives;
- *“The intention to include the use of bracken as part of the restoration proposals will not improve the area but is more likely to be a problem plant in terms of wildlife value – it has strong underground rhizomes which spread a considerable distance and are resilient, whilst its canopy is dense and blocks out all light from reaching the ground, as such it has a tendency to smother and dominate; very few animals eat it and very few plants can succeed it”. Consequently they conclude that bracken “is entirely at odds with the enhancement works and management regime within the Colourful Coast”.*
- *“The absence of an assessment against Policy DC10 is a significant omission as the site is in part, and adjoins, a SSSI. As identified above there is a particular lack in terms of mitigation and enhancement proposals...”*
- That the applicant has not demonstrated that standards of operation are consistent with present day standards and minimise impacts on, and achieve significant enhancements for, the environment and communities;
- That the applicant’s response to the Policy DC16 (Afteruse and Restoration) is *“far from convincing, especially in terms of after-use, financial provisions and long term management”* post restoration;
- That *“whilst there is some limited merit in the argument that the recession has affected demand that applies to no more than half the period of the [current] approval (i.e. five/six of the years between 2003 and 2015). To claim that order books are now fuller, but then request a 15 year extension to a 12 year approval is indefensible. If any extension is to be agreed it should clearly be for a much shorter timescale”.*

4.15 The National Trust’s representation also provides detailed critique of the proposals landscape impact and the Landscape and Visual Impact Assessment

(LVIA) submitted by the applicant. The key points they raise are:

- That the submitted LVIA unduly downplays the extent of the impacts regarding landform, skylines, views & landscapes, and the number of visual receptors (particularly the number of recreational receptors following the Wainwright Coast-to-Coast route); and their effects on the St Bees Heritage Coast and Landscape of County Importance.
- That the adverse impacts of allowing full restoration to be delayed from 2015 to 2030 are considered to be greatly under-assessed in the LVIA report;
- The application documents make no record of the fact that the landscape and visual baseline around the site has changed since 2003; and that in the context of the landscape enhancements that have taken place since then, the quarry site has become increasingly alien in nature;
- That continued mineral extraction is directly at odds with the Vision set out for 'Coastal Sandstone' (Landscape Type 4) in *The Cumbria Landscape Character Guidance and Toolkit 2011*;

4.16 In conclusion, the National Trust state that in objecting to the application that they are:

*"... well aware that the existing situation on site (as managed to date by the applicant) is unacceptable and needs to be addressed. There is the opportunity to propose a much more satisfactory development that in particular would:*

- *Secure early and full restoration of the site, e.g. by 2020*
- *Have specific intermediate timescales for staged restoration, including agreed alternative proposals/mechanisms if those timescales are not met*
- *Set out the longer term post-restoration management regime for the site*
- *Achieve substantive bio-diversity enhancements, including the use of species appropriate to the wider green infrastructure network of the Colourful Coast*

*It is considered that to provide an appropriate level of certainty in respect of delivering these proposals that at least the first three of the items identified above should be the subject of a Section 106 Agreement between the relevant parties. National Trust hopes that substantially amended proposals will be brought forward on behalf of the applicant..."*

## **5.0 PLANNING ASSESSMENT**

### **Planning Policy Assessment Framework**

5.1 The relevant primary statutory local development plan documents against which the proposed application will be assessed are the *Cumbria Minerals and Waste Development Framework's (CMWDF) Core Strategy and Generic Development Control Policies (both adopted in April 2009)*. Though not directly relevant to the assessment of the minerals aspect of this application, some area based policies in the *Copeland Local Plan 2013-2028 - Core Strategy and Development Management Policies DPD (adopted December 2013)* are also of relevance.

- 5.2 Consultation on the Preferred Options for the new *Cumbria Minerals and Waste Local Plan 2013-2029* commenced in March 2015. The Preferred Options for the Copeland Local Plan Site Allocations DPD was published for consultation on Monday 12th January 2015 for a ten week period (expiring on Friday 20th March 2015). As both plans are currently some substantial way from being adopted, they can only be attributed extremely limited weight in the decision making process.
- 5.3 The National Planning Policy Framework [NPPF] was published in March 2012 and its accompanying online Planning Practice Guidance (PPG) suite was launched on 6 March 2014. Both of these are material planning considerations.
- 5.4 Copeland Borough Council have produced a Supplementary Planning Document (SPD) for the West Whitehaven area which sets out a vision for development in and around the colourful coast, however this document has not yet been formally adopted. Consequently little to no weight can be applied to the West Whitehaven SPD at this point in time.

### **The Planning Application**

- 5.5 A screening opinion was undertaken by the County Council in September 2014 with regard to the proposed time extension in accordance with the Town and Country Planning (Environmental Impact Assessment) [EIA] Regulations 2011. 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.
- 5.6 In relation to applications made under Section 73 of the Town and Country Planning Act 1990 (the Act) to vary planning conditions on an existing planning permission; the Act requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted. In this case the applicant is seeking to vary the operational life/timeframe. Planning Permission 4/02/9022 determined the principle of the lateral extension to be acceptable, however this was in the context of the temporary time limit imposed. This application for a 15 year extension of time to 31st July 2030 would ensure that all currently permitted mineral reserves would be extracted and the site restored in accordance with the approved restoration scheme. The main planning issues of relevance for extending the life of operation of this site are considered to be the question of need; the acceptability of the proposed duration of continued extraction operations; and the potential for extended adverse impact in relation to:
- Landscape Character and Visual Amenity
  - Biodiversity and Geodiversity
  - Amenity (Noise and Transport Movements)

### **Main Planning Issues**

#### **Need**

- 5.7 CMWDF Core Strategy Policy 17 expresses support for proposals that help to provide the full range of local building stones that are needed to maintain Cumbria's local distinctiveness and have acceptable environmental impacts. CMWDF Generic Development Control Policy DC6 expands on this and establishes that 'favourable consideration' may be given to proposals involving

building stone quarries which meet the need for stone to match local vernacular building, and the conservation and repair of historic buildings. It also casts favourable consideration to ‘areas already subject to minerals extraction where the additional working will enable comprehensive exploitation of the reserves...’

- 5.8 Paragraph 144 of the NPPF requires great weight to be given to the benefits of the mineral extraction, including to the economy. Furthermore it specifically directs local planning authorities to give recognition to the small-scale nature and impact of building stone quarries and “the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites”. The NPPF also provides a locational steer, noting a preference for the extraction of stone needed for the repair of heritage assets at, or close to, relic quarries.
- 5.9 St Bees sandstone is part of the New Red Sandstone sequence so is of Permo Triassic age. It is a distinctive closed bedded and fine grained stone and has very favourable properties for building work due to its durability and versatility with uses ranging from traditional walling stone through to large scale specification ashlar stone cladding and masonry applications. Furthermore sandstone from the St Bees coastline has been extracted and used in buildings across the UK for over 220 years and as such restoration projects require the stone, often cut and shaped to particular dimensions and specifications, in order to ensure authentic and appropriate repairs to buildings.
- 5.10 The applicant has adequately demonstrated within their planning application that there is a continuing demand locally, regionally and nationally for Red St Bees Sandstone products for new build developments, regeneration schemes and restoration/conservation projects.
- 5.11 Outside of Birkhams Quarry, there are only two further quarries with consented reserves of St Bees Sandstone – namely Grange Quarry and Bank End Quarry. Grange Quarry was granted a lateral extension (*ref. 4/03/9023*) in March 2004 however planning permission for working this expires on 29 January 2016. Furthermore output from the quarry is limited by a planning condition which restricts the total number of laden HGVs leaving the site to 5 on any weekday and 3 on Saturdays. Bank End Quarry has planning permission for extraction until 22 February 2042 (*ref. 4/00/9019*) however the site is currently inactive and has been so for a number of years. Should mineral extraction re-commence at the site, then quarrying is limited to 6 months a year and transport to a maximum of 6 laden HGVs leaving the site daily (with no more than 30 in a month). In light of these circumstances and restrictions, it is considered that future demand would be unlikely to be met by supply from these sites alone. I therefore consider that there is a continued need for the reserves previously consented at Birkhams Quarry.
- 5.12 The applicant has demonstrated both the importance of and continuing and growing demand for St Bees Sandstone for both heritage and new-build projects. This is bolstered by the weight and impetus for building stone extraction set-out within local and national planning policy. Extending the timescales for extraction would secure the availability of an adequate and steady supply of St Bees Sandstone and prevent the loss of previously permitted mineral reserves. As such there is considered to be a clear and justified need for the continued extraction of these previously permitted reserves at Birkhams Quarry.

### **Proposed duration of continued extraction operations**

- 5.13 The permitted mineral reserves released by planning permission 4/02/9022 have largely remained in-situ due to reduced demand for natural stone building products, particularly during the recession 2008 – 2013, and from delays caused by the need to create the new route for the footpath and time to complete the formal diversion order - which delayed extraction operations within Phase 1 by at least 18 months. The presence of a higher ratio of good quality dimension stone (compared to unusable “waste stone”) within the middle of Phase 1 has also slowed progress working through this phase. Consequently 69,000 tonnes of permitted reserves are estimated to remain at the site.
- 5.14 The production rate going forwards is anticipated to be an average of 5,000 tonnes per annum. This figure is based on an annual average production rate over a five year period of 3,250 tonnes and also takes into account some assumed market uplift. The applicant reports that the 2015 orders received for Birkhams Quarry stone products currently account for approximately 4,600 tonnes of material. This predicted average output would result in a required operational time period of 14 years to work the remaining permitted reserves, with a 12 month period for implementation of final restoration. In light of the above production data and market trends, and the 8,000 tonne cap on the amount of mineral that can be transported from the site in any 12 month period (to protect highway and residential amenity); it is considered the provision of a 15 year time extension is considered realistic and reasonable.
- 5.15 This time limit would not preclude early restoration should market conditions and productivity dictate a higher average output. In the unlikely event that the site is required to be worked in line with its maximum annual output limit of 8,000 tonnes, then the very earliest extraction operations could cease would be within 9 years. In light of the geological variance of stone quality within the site and continuing economic uncertainty it is considered prudent to provide sufficient flexibility in timescale to the operator to extract the remaining permitted reserves so as to achieve the previously agreed restoration scheme.

### **Landscape Effects**

- 5.16 The coastal area surrounding Birkhams Quarry is undoubtedly one of high landscape quality and scenic beauty. Its value as such is duly recognised nationally and locally by its Heritage Coast status as a Landscape of County Importance. This status and value is reinforced through the Policies of the Copeland Local Plan Core Strategy and Development Management Policies DPD and the high degree of protection given to the Heritage Coast within references to it in the CMWDF and NPPF. Policy DC 12 of the CMWDF seeks proposals to be compatible with the distinctive characteristics and features of Cumbria's landscapes and to avoid significant adverse impacts on the natural and historic landscape.
- 5.17 The landscape effects of this development consist of its:
- a) direct physical effect on the landscape fabric;
  - b) perceived effect on the landscape character of the site; and
  - b) effects on the designated St Bees Heritage Coast and Landscape of County Importance.

### ***Effects on Landscape Fabric and its Landscape Impact***

- 5.18 Extraction operations at this site will have substantial and significant direct effects on the landform; removing material and thereby altering elements of the existing topography. This application would serve to extend the duration/timescale of that impact and allow further physical extraction to be completed within Phase 1 and to take place within Phase 2. As such the application will have a significant impact upon the immediate landscape fabric. However the extent of the footprint of areas affected is small and in the context of the surrounding landscape is minor in extent. In light of this, and taking into account the high sensitivity of the landscape, the LVIA judges that the application would result in a very minor loss/alteration to the landscape and as such the magnitude of change would be negligible and the resulting temporary landscape effect would be of moderate – minor significance. The area of former agricultural land to be lost to quarrying is not a key landscape element or feature. As such it is officers' view that operations would not have a significant effect on the landscape fabric.
- 5.19 In terms of residual effects on the landscape fabric, the current approved restoration scheme would reflect the natural cliff alignment and would replicate and enhance vegetation cover features in the surrounding landscape. As such the applicant's LVIA judges that it would have a positive and beneficial effect for the landscape fabric. The LVIA appraises that if the site was to cease operations at the end of its current planning permission and restoration required to be undertaken in light of the current form of the site; in light of the profile of the current void, even with some regrading, it is likely that a distinctly engineered profile would be retained to the site.

#### ***Effects on Landscape Character***

- 5.20 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) characterises the landscape in which Birkhams Quarry is situated as a large scale landscape of dramatic and exposed coastal sandstone cliffs moving to rolling hills and plateaus. Whilst the CLCGT denotes Birkhams Quarry as the most significant man made development in the landscape, its guidelines also explicitly support small scale quarrying at the existing site to provide local stone for new developments and repairs to buildings.
- 5.21 The CLCGT defines the perceptual character of the area as being dominated by the vast scale of the cliffs with wide, open and uninterrupted views across to sea horizons and along the coast and a feeling of remoteness and wildness along the coastal edge with the exposure to the cliff edge, changing weather and sea. It is considered that the continued extraction of mineral would not diminish the perceptual character of the landscape. It is noted that this coastline has a long history of quarrying and that there is evidence along the cliff-tops of a number of small scale disused quarries. As such it is considered that Birkhams and the other disused quarries are an integral part of the character of St Bees Head and that its presence and continued working is consistent with the area's character or heritage.
- 5.22 Despite the fact that small scale mineral operations are a historical presence within the localised landscape, the updated Landscape and Visual Impact Assessment (LVIA) submitted by the applicant in support of the application, recognises that the sensitivity of the landscape to minerals development remains 'high' to 'high / medium' – i.e. an upper level overall sensitivity. The assessment of potential effects upon the landscape is defined by this sensitivity of the landscape and the magnitude of potential change.

- 5.23 In terms of magnitude of potential change to the landscape's character, the time extension would serve to extend the duration of a number of temporary effects associated with mineral extraction operations. Visibility of the site and extraction operations is limited due to the orientation and topography of the site and level of working. As such visibility of the site within the landscape is predominantly confined to vantage points in the immediate vicinity of the site. Visibility within the landscape immediately adjacent to the site boundary primarily consists of the site working area and material stockpiles. The applicant's LVIA assesses the effects of this upon the landscape to be 'substantial - moderate' in magnitude and 'major – moderate' in significance. Within the wider coastline landscape the site forms a minor element in the context of the surrounding sandstone coastal cliffs. Given the limited extent of visibility the LVIA judges that the overall temporary effects of the development on the character of the landscape would be of 'slight – negligible' in magnitude and would therefore not have a significant effect on the landscape's character.
- 5.24 Whilst delaying the final restoration of the site, the proposed time extension would ensure implementation of the current approved restoration scheme. It is considered that the currently approved restoration scheme would provide enhancements to the landscape consistent with its character in terms of the provision, arrangement and form of new sandstone rock faces and establishment of additional coastal heathland and herb-rich grassland. As such the approved restoration scheme is considered preferable to any ad-hoc restoration of the site as currently worked. Furthermore, achievement of restoration would be accelerated by the early implementation of progressive restoration of parts of the site.
- 5.25 In terms of residual effects upon the landscape the LVIA judges that the proposed restoration would be of slight magnitude of change and therefore of moderate significance. It is considered that the current restoration scheme would ensure a landscape profile that is in-keeping with the surrounding landform and that is compatible with and reinforces the key distinctive characteristics of this coastal sandstone landscape. To this end the proposed restoration is judged to be of an appropriate scale and character.
- 5.26 It is also considered that the large scale of this coastal landscape has the capacity to absorb this small, mostly enclosed, site. The continued working of the quarry would not adversely impact the sense of openness or remoteness that is a core characteristic of the area. As such the development's effects upon the landscape's character are felt to be acceptable and the application is found to be compliant with CMWDF Policy DC12 and CLP Policy DM26.

### ***Effects on Designated Landscapes***

- 5.27 Birkhams Quarry is positioned partly within the St Bees Heritage Coast and a Landscape of County Importance. As such the landscape of the area is one of high significance and scenic value on a national, regional and county level. The national importance of the Heritage Coast and its weight in the planning system is reinforced at paragraph 114 of the NPPF, which asserts that local planning authorities should:

“...maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast”.

- 5.28 In light of the status of the landscape, additional weight should be given in the planning balance to conserving, protecting and enhancing this landscape's natural beauty, flora and fauna. It is also noted that Part F of Policy DC12 of the CMWDF seeks to direct minerals developments to less sensitive locations where 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 the Heritage Coast.
- 5.29 The continuation of extraction operations would change the landform of approximately 0.28ha of St Bees Heritage Coast. The LVIA conceives these changes to be 'substantial – moderate' in magnitude and to be of major significance. However these significant effects would be confined to discrete parts of the designated landscapes within the immediate vicinity of the site. Given the limited visibility of the site and operations from views from within and into these designated areas; and the short duration of campaign working of the site; the LVIA discerns the overall effect on the defined extent of the St Bees Heritage Coast (which covers an area of 1,674ha), to be 'slight-negligible' in magnitude and to be of 'moderate – moderate/minor' significance. In light of the small scale and footprint of mineral extraction operations; the limited extent of the St Bees Heritage Coast to be directly affected and the restricted nature of visibility of the site within the designated landscape this assessment is considered sound.
- 5.30 It is considered that the working scheme for the site has been sensitively designed/phased so as to minimise the landscape and visual impact by retaining important landscape features; reducing the visibility of the extension to the east - which is considered the most sensitive direction, by retaining the easterly faces of Old Birkhams Quarry until the latter years of the operation; minimising the operational footprint (i.e. the area being actively worked/used) at any one time; and bringing forward early and progressive restoration of the site. As such the application maximises and retains the visual containment and enclosure of operations to prevent significant adverse impact on the principal local characteristics of the landscape including views from, and the setting of the St Bees Heritage Coast and thus accords with Part F of Policy DC12 of the CMWDF.
- 5.31 In terms of the written content of CLP Policy DM26 and the retention of the Landscape of County Importance status in the plan area the continuation of quarrying is not considered to be an inappropriate change as the design, scale and character of quarrying operations and restoration are considered to retain existing locally distinctive landscape features, reinforce local landscape character and mitigate against any adverse visual impact. The application is therefore judged to be in conformity with this policy.
- 5.32 By restoring the landform to reflect the natural cliff alignment the proposed restoration scheme relates well to and fits in with the scenic qualities of the area. Furthermore its mix of flora would positively contribute to the biodiversity of the area while its incorporation of a geological trail is positively aligned with the Heritage Coast's aspiration to improve public access to and enjoyment of the coast. Although it is acknowledged that it would be preferable for a shorter duration of extraction and to bring about full restoration of the site earlier, it is considered that the timescale proposed is reasonable in light of the constraints and potential adverse impacts of increased and higher intensity extraction upon local amenity and the highway.



## **Visual Effects**

- 5.33 As with the landscape impacts, the visual effects of the proposal can be conceptualised as temporary impacts (*i.e. effects during the operational life of the quarry*) and residual impacts (*i.e. effects following restoration*). The main potential visual receptors are the inhabitants of nearby residential dwellings; recreational users of footpaths, open access land and the Irish Sea. There would be no visual effect to motorists or other road users. The LVIA judges that for all the receptor groupings, the residual effects of the site as restored would not be significant.

### ***Residential Receptors***

- 5.34 Visibility of the site would be limited to the residents of 1-2 Quarry Bungalows (located adjacent to the site) and a small number of properties located on the south western edge of Whitehaven, (approximately 1.4km to 3km to the northeast of the site). The site and operations are not, and would not be, visible from any dwellings within the village of Sandwith or the assemblage of houses at Tarnflatt due to intervening landforms and vegetation.
- 5.35 The time extension would mean that residents of 1-2 Quarry Bungalows would continue to experience views of parts of the operational site and vehicle movements to and from the quarry. From the rear of these properties the majority of the quarry is screened by the intervening landform. However during the upper parts of Phase 2 and remaining elevated Phase 1 areas views of quarry machinery would potentially be experienced until the first bed of sandstone is removed. All remaining working would be within the void and out of view. The applicant's LVIA evaluates that the residents of the Quarry Bungalows would experience significant visual effects. The northernmost dwelling (No. 2 Quarry Bungalows) would experience visual effects of 'major' – 'major / moderate' significance. The residents of the southern bungalow (No. 1 Quarry Bungalows - aka Baruth Cottage) would experience visual effects of 'major / moderate' significance. In light of the intermittent/seasonal nature of extraction operations and limits on vehicle movements, it is considered that the continuation of quarrying for a further 14 years would have a limited short term adverse impact on the residents of Quarry Bungalows.
- 5.36 There are potential views of the site from a number of more distant locations on the south western fringe of Whitehaven. However the existing Quarry forms a minor barely discernible landscape feature within the coastal sandstone cliff scenery. Due to the separation distance and barely discernible nature of the view the potential temporary effects as a result of the proposed time extension would be negligible.

### ***Recreational Receptors***

- 5.37 Significant temporary effects are confined to footpath users on three short sections of the Public Rights of Way network and users of open-access land to the immediate north-east of the site. Views of the operational site from the public right of way network would continue to be available from:
- Footpath No. 422008 (*part of the Cumbria Coastal Way – i.e. pending England Coast Path and the Wainwright Coast to Coast Path*) when bypassing the site boundary to the immediate north over an approximately 350m – 450m length. The visual impact would be greatest from this section

as views of the working void and material stockpiling/storage areas would be visible.

- Footpath No. 431039 (*part of the Wainwright Coast to Coast Path*) which extends from the site entrance towards the village of Sandwith. Views would only be available directly outside the site entrance and these would be reduced by the early progressive restoration of the old quarry floor following the completion of Phase 1.
- Footpath No. 431038 (*part of the Cumbria Coastal Way – i.e. pending England Coast Path*) when within the vicinity of the eastern parts of the site and from an elevated 200-300m section of the route in the vicinity of the old disused Aikbank Quarry.

5.38 Views of the quarry from other footpaths in the vicinity would be distant and minor within the context of the local landscape. Therefore, whilst the visual effects on footpath users would be moderate to high whilst the quarry is being operated, the significant effects are limited to discrete parts of footpaths, with little or no effects from large sections of the routes. Taking into consideration the restricted geographical extent and scale of views combined with the intermittent and short term nature of extraction operations (which takes place outside the peak spring/summer walking season) and fleeting duration of effects upon recreational receptors; it is felt that the visual effects of continued quarrying upon walkers would be negligible.

5.39 Whilst views beyond 500m of the shoreline would be likely for recreational users of the Irish Sea; due to the extent of the site present within the open panoramic views experienced and the visual association between Birkhams Quarry and the surrounding sandstone cliffs no significant temporary effects are predicted.

5.40 Concluding as regards landscape and visual impacts in light of the preceding paragraphs; it is considered there would be no material increase in the extent or significance of effects upon the landscape and visual receptors from the proposed scheme of working from that when the scheme of working was originally assessed in 2002. The most significant landscape and visual effects are those associated with the physical extraction process however these are of brief duration as campaign working of the site is normally carried out over a very short period of 4-8 weeks per annum. Continued working of Phase 1 and progression to Phases 2a and 2b would have short-term, localised, and ultimately moderate adverse landscape and visual effect that is felt to be acceptable in light of the need for the minerals and benefits associated with realising the approved restoration scheme.

### **Biodiversity and Geodiversity**

5.41 Part of Birkhams Quarry sits within the St Bees Head SSSI which is designated principally for its geological interest but also its' associated biological features. A large part of the SSSI south of the site is managed as a nature reserve by the RSPB and the Old Birkhams Quarry is designated as a Regionally Important Geological Site (RIGS).

### **Biodiversity**

5.42 The applicant has undertaken and submitted an updated Phase 1 Ecological Habitat Survey and Impact Assessment in support of the application. This notes

that there is little to no vegetation within the working area of the quarry and concludes that there will be no ecological impact in terms of habitat loss as a result of continued quarrying.

- 5.43 The key biological features of the SSSI are the sea bird breeding colonies, cliff-top grassland and coastal heath vegetation. These features are not present within the application boundary. However there will continue to be potential disturbance impacts on cliff nesting birds as a result of the time extension and these impacts are potentially at the national scale due to the importance of the bird colonies at St Bees Head. This impact would be avoided by the retention of a planning condition to prohibit mineral working during the bird breeding season.
- 5.44 The restoration scheme for the site would provide locally appropriate habitat and enhance biodiversity at the site in the long-term by providing coastal heathland and herb rich neutral grassland. The amount of bracken included within the restoration scheme has been reduced, in favour of providing further coastal heathland. However some bracken has been retained within the scheme to help assimilate the restored quarry with the vegetation of the surrounding landscape.
- 5.45 Once fully restored, the quarry will positively contribute through new mixed habitats from the restoration. The restored site would be managed and monitored for five years aftercare to ensure that regeneration targets are met and unwanted species are removed. Whilst the proposed time extension would delay implementation of the final restoration, the incorporation of progressive restoration would partially off-set this. The after-use and restoration strategy are considered to accord with CMWDF policies CS5 and DC16.

### ***Geodiversity***

- 5.46 The exposed rock faces within the Old Quarry are designated as part of the SSSI and RIGS and therefore of both national and regional importance. The majority of these old faces have been safeguarded from further working. The working of the site involves the removal of 160 metres (out of 260 metres) of rock exposures, but would replace these with over 180 metres of fresh exposures, including mudstone/shale beds. Thus upon final restoration, a greater length of accessible rock face would therefore be exposed. These measures are considered compatible with the areas landscape and character and necessary and appropriate to mitigate the adverse effects of the loss of existing geological exposures.
- 5.47 To conclude, whilst the high environmental sensitivity of the area is duly acknowledged, it is considered that the continued working of this site will have a temporary minimal adverse impact on the key interest features of the SSSI and a positive residual effect. In light of the above considerations, the application is considered to contribute to local biodiversity and geodiversity objectives and be compliant with CMWDF Policy DC10 (Biodiversity and Geodiversity).

### **Noise**

- 5.48 The applicant has submitted an updated review of the 2002 noise assessment. This concludes that the 2002 assessment is in line with current standards and that its findings remain valid. The 2002 Noise Assessment concluded that the noise from the mineral working would be insignificant at Quarry Cottages due to the protection from working behind the quarry face and the location of the cottages 125 metres away from the extraction area; with the impact of traffic

passing the properties being of greater significance.

- 5.49 The local noise environment of the area is dominated by the wave noise from the beach and cliffs and local weather systems. Blast vibration and air over-pressure levels are not an issue due to the low intensity of blasting undertaken at the site. No complaints regarding adverse noise emissions have been received from any residential dwellings or recreational users of the local footpath network since the 2002 application. In light of this and the retention of planning conditions imposing maximum noise levels and limiting HGV movements from the site, the noise levels of continued operations are considered to be within acceptable limits and the proposal is therefore found to be compliant with CMWDF Policy DC2.

### **Transport Movements**

- 5.50 Although the extension of time for mineral operations would extend the duration of the traffic impact of the site; the application would not increase the amount of traffic to or from the site from current permitted levels. In the interests of highway safety and local amenity the planning condition limiting the number of laden HGVs leaving the site to 6 per day and 60 per month would be retained. The Highway Authority has no objections to the extension of time. In light of the low output and restrictions on levels of movement it is considered that the development would not have unacceptable impacts on highway safety and fabric or the convenience of other road users and as such complies with CMWDF Policy DC1.
- 5.51 As the access road to the site is privately owned no lawful condition can be imposed to require its maintenance.

### **Economic Benefit / Impact**

- 5.52 Whilst the wider local economic benefits of continued extraction are relatively limited – generally comprising of the seasonal use of local accommodation and services by operational staff and the use of local contractors/hauliers; the supply of stone from this site does help protect and safeguard the jobs of those working the site and the 24 fulltime staff employed by the applicant at its regional processing site at Locharbriggs Quarry, Dumfries where the product processing of the material extracted from Birkhams Quarry is undertaken. As such the proposal is considered to be in accord with the thrust of Policy CS2 which requires proposals to demonstrate economic benefit.
- 5.53 It is also considered that the continued extraction of stone from this site will not have an adverse effect on tourism in the area. Nor is it considered that it will prejudice or adversely impact upon other development initiatives such as the colourful coast project and the regeneration and residential development projects on the south-western edge of Whitehaven.

### **Human Rights Act 1998**

- 5.54 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**

- 5.55 This application seeks an extended timescale for working the currently permitted mineral reserves at a small building stone site that has operated in this location for over three decades. The continued working of Birkhams Quarry would prolong some significant effects of mineral operations on this sensitive environment/landscape, local residents and visitors to the area. However these effects would be largely confined to discrete locations in the immediate vicinity of the quarry due to the quarry's location, orientation and the sensitive working scheme for the site which minimises its operational footprint and maximises opportunities to visually contain and enclose operations. Furthermore the scale of mineral working is relatively small with the site being worked intermittently and at a low intensity. In light of this and the proposed/retained planning conditions; it is considered the continued working of the site would not have a significant adverse impact on the sensitive environment/landscape in which it is situated and nor would it have an unacceptable impact upon local amenity.
- 5.56 Whilst the new approach planned, and partially implemented, for the future of the undeveloped coast between St Bees and Whitehaven Harbour is duly acknowledged and noted; it is not considered that the continued working of this site would prejudice the aims and objectives for this area. Moreover the approved restoration scheme would provide positive enhancements in terms of increased coastal heathland habitat, species diversity, geological exposures and accessibility; and would be in line with the areas local landscape character and scenic qualities.
- 5.57 There is a demonstrable need for the reserves to meet demand and the timescale for continued working put forward by the applicant is considered justified, reasonable and acceptable. The revised working scheme incorporates greater opportunities to bring forward early progressive restoration of the maximum practicable areas of previous quarrying.
- 5.58 This application for continued working of this building stone site is considered to comply with development plan policy and it is therefore recommended that planning permission is granted subject to the planning conditions.

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**Background Papers**

Planning Application File Reference No. **4/15/9001**

**Electoral Division Identification**

Egremont North & St Bees - Mr Wormstrup



**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 relevant Local Development Plan Policies and the Town and Country Planning Acts and in the context of the National Planning Policy Framework and National Planning Practise Guidance.
- 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.
- mineral working proposals should demonstrate a life cycle ("cradle to grave") analysis of product and process carbon emissions.

**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 14 - Minerals Safeguarding**

Mineral resources will be safeguarded from being unnecessarily sterilised by other developments by identifying:-

- Mineral Safeguarding Areas for resources of local building stones.

### **Policy CS 17 – Building Stones**

Planning permission will be granted for proposals that would help to provide the full range of local building stones that are needed to maintain Cumbria's local distinctiveness and that have acceptable environmental impacts.

## **[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 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 tranquillity,
- 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,

...

#### **Policy DC 16 - Afteruse and Restoration**

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

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

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

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 after-use 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.

**Copeland Local Plan 2013-2029 - Core Strategy and Development Management Policies DPD (Adopted 5 December 2013)**

**Policy ENV2 – Coastal Management**

To reinforce the Coastal Zone's assets and opportunities the Council will:

- a. Promote the developed coast as a destination for leisure, culture and tourism, with strong links to Whitehaven Harbour / town centre in the north and to Millom in the south
- b. Maximise opportunities along the undeveloped coast for tourism and outdoor recreation through support for the North West Coastal Trail and Colourful Coast projects
- c. Support the management of more of the undeveloped coast for biodiversity
- ...
- e. Protect the intrinsic qualities of the St Bees Head Heritage Coast in terms of development proposals within or affecting views from the designation. At the same time encourage schemes which assist appropriate access to and interpretation of the Heritage Coast area
- ...

**Policy ENV5 – Protecting and Enhancing the Borough's Landscapes**

The Borough's landscapes will be protected and enhanced by:

- a. Protecting all landscapes from inappropriate change by ensuring that development does not threaten or detract from the distinctive characteristics of that particular area
- b. Where the benefits of the development outweigh the potential harm, ensuring that the impact of the development on the landscape is minimised through adequate mitigation, preferably on-site
- c. Supporting proposals which enhance the value of the Borough's landscapes

**Policy ER10 – Renaissance through Tourism**

The Council will maximise the potential of tourism in the Borough and will seek to:

- a. Expand tourism outside the Lake District National Park boundaries, with a complementary offer that takes pressure off the National Park's busiest locations, and delivers economic benefits in the Borough
- b. Locate new tourist accommodation, facilities and attractions where there is proven capacity for additional visitors to be accommodated without adverse environmental or amenity impacts, with consideration given to the following:
  - i) Focus major tourist accommodation and attractions in Whitehaven and develop the town as a base for exploring the wider area; ...
- c. Support appropriate tourism development which accords with the principles of sustainable development and does not compromise the special qualities and character of allocated Tourism Opportunity Sites, the area surrounding them or public access thereto, in the following locations: ...
  - iii) Whitehaven Coastal Fringe; ...
- d. Support appropriate developments which improve and enhance the quality of the tourism product

- e. Wherever possible tourism providers will be required to ensure that accommodation and attractions are well connected to other tourist destinations and amenities, particularly by public transport, walking and cycling;
- f. The Council will work with the Lake District National Park Authority, Cumbria Tourism, West Cumbria Tourism Partnership and other tourism organisations in marketing, co-ordinating and managing the development of the Borough's offer and to maximise the benefits of the 'Lake District' brand.

### **Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species**

- a. All development proposals should:
  - i) Protect the biodiversity value of land and buildings
  - ii) Minimise fragmentation of habitats
  - iii) Maximise opportunities for conservation, restoration, enhancement and connection of natural habitats and creation of habitats for species listed in UK and Cumbria Biodiversity Action Plans. Special consideration should also be given to those European habitats that lie outside the boundaries of European designated sites
- b. Development proposals that would cause a direct or indirect adverse effect on locally recognised sites of biodiversity and geodiversity importance, including County Wildlife Sites, Local Nature Reserves and Regionally Important Geological/Geomorphological Sites or protected species will not be permitted unless:
  - i) The benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats, and;
  - ii) Prevention, mitigation and/or compensation measures are provided. An appropriate long-term management plan will be sought and arrangements to provide adequate funding will be made in accordance with a formal planning agreement or obligation
- c. Where compensatory habitat is created, it should be of equal or greater size than the area lost as a result of the development
- d. Development proposals where the principal objective is to conserve or enhance biodiversity or geodiversity interests will be supported in principle
- e. Where there is evidence to suspect the presence of protected species any planning application should be accompanied by a survey assessing their presence and, if present, the proposal must be sensitive to, and make provision for, their needs
- f. All development proposals must take into account any likely significant effects on the internationally important sites both within the Borough and within a 20km radius of the Borough boundary as well as those that are hydrologically linked to the development plan area

### **Policy DM26 – Landscaping**

All development proposals will be assessed in terms of their potential impact on the landscape. Developers should refer to the Cumbria Landscape Character Assessment and Cumbria Historic Landscape Characterisation documents for their particular character area and design their development to be congruent with that character.

The Council will continue to protect the areas designated as Landscapes of County Importance on the Proposals Map from inappropriate change until a

more detailed Landscape Character Assessment can be completed for the Copeland plan area.

Proposals will be assessed according to whether the proposed structures and associated landscaping relate well in terms of visual impact, scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment.

Development proposals, where necessary, will be required to include landscaping schemes that retain existing landscape features, reinforce local landscape character and mitigate against any adverse visual impact. Care should be taken that landscaping schemes do not include invasive non-native species.

The Council will require landscaping schemes to be maintained for a minimum of five years.

- 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.

...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

**Paragraph 114**

Local planning authorities should: ...

- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

**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; 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 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;
- ...
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and

- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.
- 4 The online National Planning Practice Guidance (NPPG) suite was launched on 6 March 2014 and is also a material consideration in the determination of planning applications. Relevant sections of this regarding minerals development and the particular planning considerations that relate to these (set out in paragraphs 019 to 033 which provide guidance on assessing the environmental impacts from mineral extraction) have also been taken into account. Particular reference has also been paid to the following paragraph:

**Paragraph 016 (Reference ID: 27-016-20140306)** *Revision date: 06 03 2014*

Mineral planning authorities should recognise that, compared to other types of mineral extraction, most building stone quarries are small-scale and have a far lower rate of extraction when compared to other quarries. This means that their local environmental impacts may be significantly less. Such quarries often continue in operation for a very long period, and may be worked intermittently but intensively (“campaign working”), involving stockpiling of stone.

- 5 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 permission, any harm would reasonably be 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.



## **Schedule of Planning Conditions**

### **Time Limit**

1. This permission shall be for a limited period only expiring on 31 July 2030, by which date the operations hereby permitted shall have ceased, all plant and machinery shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

*Reason: To minimise the duration of disturbance from the development hereby Permitted and 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 Scheme**

2. The development shall be carried out strictly in accordance with the approved documents, hereinafter referred to as the approved scheme. The approved scheme shall comprise the following:
  - a. The Planning Application Form – *dated 22 November 2002*;
  - b. Parts 1-3 of The Environmental Statement – Volume 1: Non-Technical Summary – *dated 18 November 2002*;
  - c. Parts 1-3 and Figures 6-11 of The Environmental Statement – Volume 2: Written Statement - *dated 18 November 2002*;
  - d. The Environmental Statement – Volume 3: Appendices - *dated 18 November 2002*;
  - e. Letter dated 7 February 2003 from Cumbria Stone Quarries re warning signage for quarry traffic;
  - f. Letter dated 11 November 2004 from Cumbria Stone Quarries re Condition 12 of Planning Permission 4/02/9022;
  - g. The Section 73 Planning Application Form – *dated 5 January 2015*;
  - h. The Planning Statement for the Section 73 Planning Application to vary Condition 2 of Planning Permission 4/02/9022 in order to extend the timescale for mineral working by 15 years, to 31st July 2030 – *dated January 2015*. [N.B. This includes the Appendices A-C and Figures 1-2 but not the versions of Figures 3-7].
  - i. Figure 3 – Rev.B – Indicative Quarry Development: Existing Site (*February 2012 Survey*) - *dated March 2015*
  - j. Figure 4 – Rev.B – Indicative Quarry Development: End of Phase 1 - *dated March 2015*

- k. Figure 5 – Rev.B – Indicative Quarry Development: End of Phase 2A - *dated March 2015*
- l. Figure 6 – Rev.B – Indicative Quarry Development: End of Phase 2B - *dated March 2015*
- m. Figure 7 – Rev.B – Indicative Quarry Development: Final Restoration - *dated March 2015*
- n. Letter dated 26 February 2015 from Stephenson Halliday
- o. Letter dated 9 March 2015 from Stephenson Halliday
- p. The details or schemes approved in relation to conditions attached to this permission.
- q. This Decision Notice

*Reason: To avoid confusion as to what comprises the approved scheme and to ensure the development is carried out in accordance with the approved scheme and thereby minimise any harm to the local environment.*

3. A copy of this permission; including the documents comprising the approved scheme and any other documents/drawings subsequently approved relating to conditions within this permission; shall always be available for inspection on site during the winning and working of minerals. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

*Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission. To enable monitoring of and compliance with the conditions attached to this permission.*

4. Within six months of the date of this permission detailed scale drawings of the siting and design of an interpretation board providing discussion on the history and geology of the quarry shall be submitted to and approved in writing by the local planning authority.

The interpretation board shall be provided in accordance with the approved drawings within three months of their approval.

*Reason: To provide interpretation for visiting users of the public rights of way network adjacent to the site in accordance with the objectives for the St Bees Head Heritage Coast area in accordance with Policy EV2 of the Copeland Local Plan 2013-2029 Core Strategy and Development Management Policies DPD.*

### **Removal of Permitted Development Rights**

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, plant or machinery are erected on the site.

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

### **Operational Restrictions**

6. The site shall only be used for the production of building and dimension stone.

*Reason: To restrict the output of the quarry to the production of blockstone products and prevent the production of crushed rock aggregate.*

7. There shall be no processing of stone on the site.

*Reason: To safeguard amenity of this part of St Bees Heritage Coast, St Bees Head SSSI, local residents and visitors, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.*

8. No more than 8,000 tonnes of mineral shall be transported from the site in any 12 month period.

*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 1 of the Cumbria MWDF Generic Development Control Policies.*

9. No soils shall be removed from site.

*Reason: To ensure that all the available soils on site are kept for use in the restoration of the site in compliance with policies DC15 and DC16 of the Cumbria MWDF Generic Development Control Policies.*

10. All overburden, waste stone and blockstone awaiting transportation off site shall be located in the relevant "existing overburden / material storage areas" as shown on *Figures 3-6 Indicative Quarry Development within the Planning Statement dated January 2015* and shall not exceed 106m AOD.

*Reason: To minimise the visual impact of the development, in the interests of the St Bees Heritage Coast, local residents and visitors, in accordance with Policy DC 12 of the Cumbria MWDF Generic Development Control Policies.*

11. No minerals, refuse or other waste materials shall be imported to the site.

*Reason: To safeguard the amenity of this part of St Bees Heritage Coast, St Bees Head SSSI, local residents and visitors, in accordance with Policies DC1 and DC2 of the Cumbria MWDF Generic Development Control Policies.*

12. The operator shall maintain a stockproof post and wire fence with warning signs at regular intervals around the perimeter of the site throughout the period of operations and until the restoration and aftercare of the site has been completed.

*Reason: In the interests of public safety.*

### **Hours of Working**

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

08.00 to 18.00 hours on Mondays to Fridays.

No operations shall take place on Saturdays, Sundays or on Bank or Public Holidays unless otherwise agreed in writing by the Mineral Planning Authority.

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

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

### **Access and Traffic**

14. The total number of laden heavy goods vehicles leaving the site shall not exceed 6 on any day of operation, subject to a maximum of 60 in any calendar month.

A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record and shall be afforded to the Local Planning Authority within 14 days of a written 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 DC1 of the Cumbria MWDF Generic Development Control Policies.*

15. No heavy goods vehicle leaving the site shall enter onto the public highway unless it is in a condition that will not cause mud or other material to be deposited on the public highway.

*Reason: In the interests of highway safety and local amenity, in accordance with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.*

16. Signs to warn drivers of pedestrians, as shown in the letter from Cumbria Stone

Quarries dated 7 February 2003, shall be maintained at either end of the site access track (i.e. at the junction of the Trinity Lighthouse private road with the private road leading to the Quarry and at the Quarry entrance) throughout the operation, restoration and aftercare of the quarry.

*Reason: In the interests of public and highway safety in accordance with Policies DC1 and DC2 of the Cumbria MWDF Generic Development Control Policies.*

### **Control of Noise and Blasting**

17. No working of mineral shall take place between 1 April and 31 July inclusive in any year. This condition does not prevent the removal of stone stockpiled in the "material storage area".

*Reason: To prevent disturbance to cliff nesting breeding birds as sea bird breeding colonies are key biological features of the St. Bees Head Site of Special Scientific Interest (SSSI) and in order to ensure appropriate protection for breeding birds under Section 1 of the Wildlife and Countryside Act 1981.*

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

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in the sites operation is minimised so that it 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.*

19. 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 in the sites operation is minimised so that it 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.*

20. The free field equivalent continuous noise level (LAeq 1 hour) attributable to the operations hereby permitted shall not exceed 45dB(A) at either No. 1 Quarry Bungalows (AKA Baruth Cottage) or No. 2 Quarry Bungalows.

This condition shall not apply to noise generated by HGVs or the removal and replacement of soils and overburden.

*Reason: To safeguard the amenity of the residents of Quarry Bungalows in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.*

### **Restoration and Aftercare**

21. Within three months of a written request from the local planning authority the operator shall submit an up-to-date topographical survey of the site to the Local Planning Authority.

*Reason: In order to monitor the progressive restoration of the site in accordance with the approved scheme of working.*

22. The site shall be restored to a nature conservation afteruse in accordance with the approved scheme as shown on Figure 7 – Indicative Quarry Development – Final Restoration within the Planning Statement - dated January 2015 and in accordance with the ‘Coastal Heath Restoration and Aftercare Scheme, Method Statement’ detailed in Appendix 5 of Volume 3 of the Environmental Statement dated 18 November 2002.

*Reason: To secure the proper restoration of the site to nature conservation use in accordance with Policy DC16 of the Cumbria MWDF Generic Development Control Policies.*

23. The stripping, movement and re-spreading 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 DC15 of the Cumbria MWDF Generic Development Control Policies.*

24. On the completion of final restoration, 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.*

25. 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 (as amended), to consider the operations which have taken place on each restored phase and to agree a programme of management for the coming year which shall be adhered to by the operator. The parties to be invited to attend this review shall include the mineral operator, the Local Planning Authority, owners and occupiers of the land, and Natural England. 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 CMWDF Generic Development Control Policy DC16.*