Application No: 2/15/9018  

District: Allerdale Borough Council  

Applicant: Tendley Quarries Ltd  

Parish: Brigham Parish Council  

Received: 21 October 2015  

PROPOSAL: Construction of a concrete batching plant within a building.  

LOCATION: Tendley Quarry, Brigham, Cockermouth, Cumbria, CA13 0SE
1.0 RECOMMENDATION

1.1 That planning permission is Granted subject to the conditions in Appendix 1.

2.0 THE PROPOSAL

2.1 This planning application is for the construction of a concrete batching plant within a building on land adjacent to Tendley Quarry. Quarrying has taken place at this site for several decades and the earliest planning records date back to the 1940s. The quarry produces a range of dry and coated aggregates for the construction industry, principally the Cumbrian markets. The quarry currently operates under a planning permission (reference number 2/03/9034) which was granted in November 2008 and subjects quarrying operations to 54 planning conditions, and expires in December 2029.

2.2 The total site area would be 0.72 hectares. The building proposed to house the concrete batching plant would measure 60m long by 40m wide by 14m high (to the ridge) and would be located on a greenfield site currently used for agricultural purposes, immediately adjacent to the quarry access road and adjoining the northernmost part of the quarry. The development would involve the stripping of soils and underlying materials from the development site to a maximum depth of two metres at the north western part of the site in order to create a flat development platform upon which to construct the building. Once removed, the stripped soil materials would be placed directly onto the area immediately to the north west and north east of the building platform. The soils would be stored, seeded and this part of the site returned to agricultural use until the removal of the concrete batching plant and buildings. Upon removal of the plant, buildings and associated hardstanding, the soil materials would be re-spread to restore the site.

2.3 The building would house all the plant and machinery associated with the proposal. These elements would comprise: three bays for the storage of aggregate (fed with aggregates from Tendley Quarry and Peel Place Quarry, both operated by the applicant); feed hoppers and a radial conveyor; two generators; a fuel tank; a water tank; silos measuring up to 12 m in height, for the storage of powdered cement, and a loading shovel. The building would be clad in metal and it is proposed that it would be green in colour.

2.4 It is proposed to create a native tree and shrub planting area along the south eastern elevation of the building, as mitigation for the development.

2.5 It is anticipated that the annual output from the site would be approximately 15,000m3 of concrete, but this would vary depending on market demand. The applicant states that the HGV trips generated by the concrete batching plant, combined with those generated by the current quarrying operations, would be comfortably accommodated within the limits set out in the current planning permission (planning reference 2/03/9034).

2.6 The proposed operations would involve the importation and storage of aggregates, cement and water; the manufacture of ready mix concrete, and the distribution of the finished product from site to market. The manufacture of ready mix concrete involves mixing in various proportions of sand, aggregates, cement and water. Coarse and fine aggregates in the form of gravel/stone chippings and sand would be supplied from Tendley Quarry and Peel Place Quarry and placed in storage areas. Rainwater would be collected and supplied from the adjoining
Tendley Quarry. Cement would be imported by HGV and stored in the proposed silos. It is anticipated that there would be 2 to 3 deliveries of cement per week.

2.7 It was originally proposed that the concrete batching plant would operate between the hours of 06.00 to 17.00 Mondays to Fridays and 06.00 to 13.00 on Saturdays. Following consultation, this was amended to 06.00 to 17.00 Mondays to Fridays and 06.30 to 13.30 on Saturdays for the concrete batching plant operations and 06.30 to 17.00 Mondays to Fridays and 07.00 to 13.30 on Saturdays for HGVs leaving the concrete batching plant.

2.8 The applicant states that the proposed development would result in 6 new staff being employed directly in connection with the operation of the plant. The development would also use minerals extracted from the applicant’s operations at Tendley Quarry (which currently employs 23 staff) and Peel Place Quarry, and would therefore safeguard jobs at both sites.

3.0 CONSULTATIONS AND REPRESENTATIONS

3.1 Allerdale Borough Council has no objection to the proposals, subject to the following matters being addressed:

- The County Council is satisfied that the visual and landscape impacts of the building is outweighed by the economic benefits of the proposals regarding the expansion and sustainability of the existing quarry business.

- The development is conditioned to coincide with the lifetime of the existing quarry business and is removed from the site should these operations cease.

- The development is conditioned to comply with the existing conditions at the site as a whole, where appropriate with regards to hours of operation, traffic movements, noise and other such environmental impacts and to comply with any appropriate restrictions at the quarry site.

3.2 Brigham Parish Council raises the following comments:

- The C2007 road at the Limekiln in Brigham near the junction of the A66 is showing signs of dipping under the action of heavy traffic, but recognises this is a general matter that Cumbria Highways must address.

- It seems that the traffic and transportation routes are fixed and few in choice to reach the A66, unless a new junction was put in at the foot of ‘Twenty Row, which would be ideal. The Parish Council would encourage Cumbria Highways to consider a better route onto the A66 to avoid Broughton Cross in the future.

- The Parish Council is conscious that other brownfield locations exist within the site on paper, and are disappointed that the proposal is to locate the development on a greenfield site. However, the Parish Council accepts that there are limitations within the site to accommodate the proposed building. They understand the need to separate asphalt and concrete traffic means that there are fewer locations that thought for a temporary but long term building of this type.

- The building will be visible from a long distance away, and the having an
industrial building on a brownfield part of the site would have made this aspect easier. Placing it on a greenfield site increases people’s sensitivities as housing would not be permitted in such a location. It is, however, acknowledged that many of the local viewpoints would be a considerable distance from the building.

- Provided this would be the only plant housed in the chosen location, noise would not be a concern.

- They object to the proposed start times and suggest that the start times should be consistent with the quarry opening times of 7.00 am.

- The Parish Council would support a requirement, through the attachment of a planning condition, for the building to be removed in 2032, the end date for the quarry, and, should the venture fail, would suggest a condition for its removal.

3.3 Dean Parish Council has no objections but comments that past efforts to translocate Great Crested Newts from the quarry site appear to have failed and that some follow-up action to establish what went wrong may be appropriate. They ask that the recommendation in the consultant’s report for one of the ponds be improved to support breeding Great Crested Newts, is made a condition of any planning approval.

3.4 Greysouthen Parish Council has no objections to the proposals.

3.5 The Highway Authority and Lead Local Flood Authority has no objections to the proposal provided the HGV traffic from the concrete batching plant and the quarry combined does not exceed the limitation on output (and therefore traffic movements) placed on the extant planning permission (ref. no. 2/03/9034) for Tendley Quarry.

3.6 The Environment Agency considers the proposal to be acceptable provided that a planning condition is attached to any approval to require that no development takes place until a scheme to dispose of foul drainage has been submitted to and approved by the local planning authority, in order to secure a satisfactory means of sewage treatment and disposal.

3.7 The Environment Agency also advises that any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to oils, fuels, chemicals and water.

3.8 Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes and so has no objections to the application in this regard. Natural England advises that if the site is on or adjacent to a locally important site such as a Local Wildlife Site, then the planning authority should ensure it has sufficient information prior to determining the application. They also advise that the planning authority should consider securing measures from the applicant for enhancing the biodiversity of the site, and consider opportunities for ensuring that new development makes a positive contribution to the character and functions of the landscape and avoids any unacceptable impacts.

3.9 United Utilities has no objections to the proposal provided that a planning condition is attached that requires neither the surface water nor land drainage discharges to the public sewerage system either directly or indirectly.
3.10 The application sites fall within the County Council electoral division of Cockermouth South. The local member representing that division, Mr Alan Kennon, has been notified.

3.11 A response has been received from the District Councillor for Broughton and St Bridget’s Ward, Ms Nicky Cockburn. Ms Cockburn objects to the application for two main reasons, as follows:

- The start time of 6.00 am Monday to Saturday is very unfair to residents, in particular, those living on ‘Twenty Row’ in Broughton Cross, who’s properties are sandwiched between the A66 and the old A66, with two main bedrooms facing into the approach road for the proposed cement works. The noise of vehicles reflects off the wall which further exacerbates the noise of the lorries. These residents require protection from noise nuisance like this.

- The use of a greenfield site when the quarry itself has plenty of land within it to accommodate the works, and if in a lower area, would not have the same visual impact. The assessments showed quite an extensive area from which the building would be visible both wholly and partially at 14 metres in height. The local walkways and villages will suffer visual impact from what is in effect a massive tin shed, and the shed would be visible on or near the skyline from the villages of Little and Great Broughton affecting the superb visual amenity that is currently enjoyed. No one would be able to build a residence here, so why allow a cement works?

3.12 One representation has been received in response to this planning application. The local resident objects to the proposal for the following reasons:

- There is no need for another concrete plant in West Cumbria. There are at least 40 lorries covering the area (Handy Concrete, Cemex, Wilsons, Moorhouse). These vehicles can supply 192mt per annum.

- There was mention of need because of the closure of a concrete plant at Eskett. It is understood that they have ceased trading because of lack of work.

- It was mentioned that part of this application could form part of an enterprise initiative and perhaps a grant. This would be most distasteful given the problems current viable businesses have to face in this and other areas of Cumbria.

4.0 PLANNING ASSESSMENT

Description and Location of the Site

4.1 The application site extends to 7.2 hectares and consists of the south eastern portion of a field and associated field boundaries. It is located 2.5km to the south west of Cockermouth, between the villages of Greysouthern and Eaglesfield and 800 metres to the south of Brigham. The closest residential properties are those on the eastern flanks of Greysouthern, the closest of which is approximately 520 metres away, and those on the southern outskirts of Brigham, the closest being around 750 metres away.

4.2 The boundary of the Lake District National Park is located approximately 3km to
The application site comprises agricultural land used for sheep grazing. The land immediately surrounding the site is also generally used for agricultural purposes. The application site lies between the access road immediately to the south and west and the northernmost part of Tendley Quarry, which is consented for future extraction, immediately to the east.

Access to the site is via the existing 1.5km long private access road from the C2036, which leads to Greysouthern. This road is used as the HGV access to the Tendley Quarry site.

The River Derwent and Bassenthwaite Lake SAC is located approximately 1.25km from the site at its closest point, and there are there are a number of County Wildlife Sites in the vicinity of the site, the closest being Small Quarry, Ellerbeck Quarry and Old Quarry, 450m, 665m and 940m to the east of the site. These are noted for their interesting flora, including Bee Orchid, Common Spotted Orchid and calcareous grassland, and Old Quarry also for its newts.

The application site is located within the Cumbria Landscape Character Guidance Sub type 5c: Rolling Lowland, the key characteristics of which are lowland agricultural landscapes dominated by pasture and open, undulating and rolling topography and areas of woodland.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Government policy is a material consideration that must be given appropriate weight in the decision making process. The relevant development plan for this proposal comprises the Cumbria Minerals and Waste Development Framework’s (MWDF) Core Strategy 2009-2020 and Generic Development Control Policies 2009-2020, both adopted in April 2009. The key policies relevant to the determination of these planning applications are:

- Policy CS 1 - Sustainable Location and Design
- Policy CS 2 - Economic Benefit
- Policy CS 4 - Environmental Assets
- Policy CS 5 - Afteruse and Restoration
- Policy CS 14 - Minerals Safeguarding
- Policy DC1 - Traffic and Transport
- Policy DC 2 - General Criteria
- Policy DC 9 - Minerals Safeguarding
- Policy DC 10 - Biodiversity and Geodiversity
- Policy DC 12 - Landscape
- Policy DC 15 - Protection of Soil Resources
- Policy DC 16 - Afteruse and Restoration

A consultation on the Preferred Options for the new Cumbria Minerals and Waste Local Plan 2014-2029 (referred to as the Draft Cumbria Minerals and Waste Local Plan 2014 to 2029) took place in Spring 2015. A targeted consultation on further sites subsequently put forward closed on 9 November 2015. Consultation on the version of the plan intended to be submitted is currently programmed for
March 2016. As the new emerging plan is currently some way from being adopted, it can only be attributed extremely limited weight in the decision making process.

4.9 Of some relevance to the assessment of this planning application are some of the strategic policies contained within Allerdale Local Plan Part 1: Strategic and Development Management Policies 2014-2029 (ALP Part 1), adopted in July 2014 and the saved policies of the Allerdale Local Plan 1996-2006 - adopted November 1999. The key policies of relevance to this planning application all contained within the Allerdale Local Plan Part 1 document are:

- Policy S1 – Presumption in Favour of Sustainable Development
- Policy S2 - Sustainable Development Principles
- Policy S14 – Rural Economy – proposals have a locational requirement – sustainable development adjacent to the quarry

4.10 The National Planning Policy Framework [NPPF] which was published on 27 March 2012 and the national online Planning Practice Guidance (PPG) suite, which was launched in March 2014, are material considerations in the determination of planning applications. The following sections and paragraphs of the NPPF are considered to be relevant to the determination of this application:

- Paragraphs 6-10 - Achieving sustainable development
- Paragraphs 11-14 - The presumption in favour of sustainable development
- Delivering Sustainable Development
  - Section 1 - Building a strong, competitive economy
  - Section 3 - Supporting a prosperous rural economy
  - Section 11 - Conserving and enhancing the natural environment.
  - Section 13 - Facilitating the sustainable use of minerals

4.11 The following sections of the PPG are also of relevance and have been taken into account:

- Assessing environmental impacts from minerals extraction (with particular reference to Noise emissions and Dust emissions)
- Restoration and aftercare of minerals sites.

Main Planning Issues

4.12 The main planning issues raised by the proposal to develop a concrete batching plant on land immediately adjacent to Tendley Quarry are the question of the need for the facility; its proposed location, and the acceptability of the development in terms of its potential environmental impacts. The impacts that must be considered are the potential effects on residential amenity, in terms of noise and dust emissions and hours of operation; the impact of additional traffic; and the impacts upon the landscape and visual receptors in the locality and upon nature conservation and biodiversity.

Need

4.13 Whilst there is no requirement for the applicant in this instance to demonstrate a need for the concrete batching plant, the need for the proposed plant has been raised as an issue following consultation on this application. Since the closure of Bardon Aggregates’ concrete batching plant at Eskett Quarry near Frizington, the applicant has identified a shortfall in the capacity for the production of concrete
within the West Cumbria area. There are other concrete batching plants at Silloth and Workington, however, the applicant explains that concrete can only travel for 30 minutes in a mixer truck, and so it is necessary to have a network of concrete batching plants across the geographic area.

4.14 The applicant not only highlights the current shortfall, but also foresees a significant increase in demand for concrete within West Cumbria over the next few years with the planned development of a number of major infrastructure projects, such as the North West Coast Connections project, the new 3.4GW nuclear power station at Moorside, the West Cumbria water supply project, various wind energy developments, and a significant number of large housing development planned within the local area, many already with planning permission.

4.15 Section 13 of the NPPF states that minerals are essential to support sustainable economic growth and our quality of life (Paragraph 142) and that local planning authorities should give great weight to the benefits of mineral extraction, including the economy (Paragraph 144). Core Strategy Policy 2 (Economic Benefit) of the Cumbria MWDF is also of relevance. It states that proposals for new minerals development should demonstrate that they would realise their potential to provide economic benefit, which will include matters such as the number of jobs directly or indirectly created or safeguarded and the support that proposals give to other industries and developments.

4.16 It is considered that the need for this development can be justified on the basis of the current shortfall in the capacity for the production of concrete and the raft of major construction projects that will be developed in the local area in the immediate to medium term, all of which will require a ready supply of concrete. The development of a concrete batching plant in this locality would enable a steady supply of concrete within the local area to support the local construction industry, and therefore the local economy as a whole. Furthermore, the proposed concrete batching plant would result in the creation of six new jobs and would assist in safeguarding 23 jobs at Tendley Quarry and additional jobs at the applicant’s Peel Place Quarry. The proposal is therefore consistent with Government policy objectives and development plan policy in terms of demonstrating the need for the development and the economic benefits that would result.

Location of the Facility

4.17 Both Brigham Parish Council and the District Councillor for Broughton and St Bridget’s ward have raised concerns about locating the proposed facility on a greenfield site. Responding to these concerns, the applicant submitted further information to explain the sequential approach they have taken to site selection.

4.18 Consideration was given by the applicant firstly to siting the proposed batching plant within the operational areas of the quarry, including the working void. The operational areas of the quarry are used for office and weighbridge accommodation, mineral extraction, processing and sizing minerals and stockpiling and loading. Space within this part of the quarry is limited and there is a need to separate light vehicles and HGVs. The planning permission also requires that the site is progressively restored. As a result, significant areas within the southern part site have either been restored or are in the process of being restored. In addition, a significant proportion of the western side of the quarry is prone to flooding, and following the recent unprecedented rainfall in
Cumbria, a large area of the void is currently flooded. Whilst siting the plant within the existing void may have been preferable in terms of minimising the impacts of the development, the reality is that space within this operational area is highly constrained and would be unsuitable for the siting of such plant.

4.19 The applicant then considered the future extraction area immediately north for the potential siting of the plant. Development within this area, however, would sterilise consented reserves. This would be contrary to the intentions of Policies CS14 (Minerals Safeguarding) and DC9 (Minerals Safeguarding) of the Cumbria MWDF and Policies SP7 (Minerals Provision and Safeguarding) and DC15 (Minerals Safeguarding) of the emerging Draft Minerals and Waste Local Plan, which seek to prevent mineral resources from being unnecessarily sterilised.

4.20 The applicant then considered land adjacent to the quarry within their control, which extends beyond the boundaries of the quarry to the north and west of the extraction area and to the east of the quarry office on the opposite side of Hotchberry Brow. Access to the land to the north of the future extraction area could only be gained via Hotchberry Brow/Road, a single lane minor road between Brigham and Eaglesfield. This would be inappropriate for accommodating loaded HGVs and concrete mixer lorries because of the lack of passing places and the construction of the road, which is unsuitable for multiple heavy loads. A facility in this location would also require the transportation of bulk materials via narrow roads within either Brigham or Eaglesfield.

4.21 The area of land to the east of the site offices is separated from the quarry by Hotchberry Brow and has similar issues as regards access. The site is heavily vegetated with trees, bushes and scrub with what the applicant considers to be of higher ecological value than the proposal site. As this site has a public footpath running alongside its eastern edge and similar issues to that further north as regards access, it was discounted as a potential development site.

4.22 The applicant also considered siting the plant outwith the quarry and control of the applicant. They state, however, that no suitable sites were identified which were both operationally suitable and environmentally less sensitive than the proposal site.

4.23 Having discounted the above potential locations for the siting of the plant, the area of land to the west of the future extraction area, within the ownership of the applicant, was selected as the proposal site for a number of reasons. It is used for low intensity farming, and so is of limited ecological value; it lies adjacent to the existing quarry access road, which has good links to the strategic road network; it is within close proximity to the operational and future extraction areas of the quarry; and it is some distance from residential properties.

4.24 It is evident from the above that the applicant has considered all potential options for the siting of the proposed concrete batching plant. It is considered that the potential alternatives have been discounted for valid reasons.

Residential Amenity – Noise, Dust and Hours of Operation

4.25 The impact of the proposals in terms of residential amenity must be taken into account in assessing this application, with specific regard to noise, dust and hours of operation. Policy DC 2 (General Criteria) of the Cumbria states that minerals proposals must demonstrate that noise levels would be within acceptable limits and that there will be no significant degradation of air quality
from dust and emissions.

**Noise**

4.26 The PPG (Paragraph 021) states that mineral planning authorities should aim to establish a noise limit, through a planning condition, at a noise sensitive property that does not exceed the background noise level by more than 10dB(A) during normal working hours (07:00 to 19:00). It goes on to state that where this would be difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit should be set as near that level as practicable and, in any event, should not exceed 55dB(A) LAeq, 1 hour. For operations during 22:00 to 07:00 hours, it states that noise limits should be set to reduce to a minimum any adverse impacts, without imposing an unreasonable burden on the mineral operator, but should not exceed 42dB(A) LAeq, 1 hour at a noise sensitive property.

4.27 The planning application is accompanied by a noise assessment which was undertaken to determine the likely noise impact of the operation of the site upon representative noise sensitive properties in the vicinity of the site. These were identified as Gratone Bungalow, 840m to the north of the site on the edge of Brigham; Beech Garth, 520m to the north west of the site, and Rigging Gill Farm, 800m to the south west of the site.

4.28 Noise monitoring at Gratone Bungalow found that the lowest background noise level was 40dB (LA90). The predicted operational noise level from the concrete batching plant at this location would be 21dB (LAeq, 1 hour), 19dB below the lowest background noise level recorded. The assessment attributes this result to the large separation distance and intervening topography between the plant and this receptor. This level of noise would be well below the advisable operational limits established in planning guidance of background level plus 10dB, and the maximum limit of 55dB (LAeq). The assessment concludes that the proposed plant would have no effect at all on health, quality of life or degree of amenity at this property.

4.29 As regards Beech Garth, the assessment found that the lowest background noise level was 35dB (LA90). The predicted operational noise level from the plant would be 40dB (LAeq, 1 hour), 5dB above the lowest recorded background noise level. This would be due to the proposed additional road going wagons on the access road to the batching plant. It is recognised that the impacts of the batching plant in terms of noise would be noticeable on occasion at this location but that the effects upon quality of life would be small. The noise levels would still be within the limits established in the planning guidance.

4.30 The assessment found that the lowest background noise level at Rigging Gill Farm, the final monitoring location, was 32dB (LA90). The predicted operational noise level from the plant at this location would be 27dB (LAeq, 1 hour), 5dB below the lowest recorded background level. Again, these levels would be well below the limits established in the planning guidance. As a result, it is concluded that the operation of the batching plant would have no effect upon the quality of life or degree of amenity at this location.

4.31 Despite the results of the noise assessment, it is still considered appropriate to attach a planning condition to any permission to limit the noise emissions at each of the representative noise sensitive properties to 10dB above the lowest background noise level, in order to ensure compliance with the planning
guidance. A separate planning condition is also recommended to limit noise levels to a maximum of 42dB (LAeq) during the operational period of 06:00 to 07:00 hours, to be consistent with the planning guidance and what is deemed appropriate at this time in the morning. A further planning condition is recommended to require the submission and approval of a noise monitoring scheme, prior to the commencement of operations on site, to ensure that compliance with the noise limits established by condition could be monitored.

4.32 In conclusion, it is considered that the proposals, as far as their impacts on noise are concerned, are acceptable, and, with the restrictions imposed by the planning conditions, would accord with Policy DC2 (General Criteria) of the Cumbria MWDF.

**Air Quality**

4.33 An air quality or dust assessment was undertaken to assess the likely impacts of dust from the proposed operations upon the dust sensitive receptors in the vicinity of the site. It examined the potential for the generation of fugitive dust PM10 particulate matter and the likelihood of dust deposition at these receptors. The assessment identified a total of 10 receptors, two within 200m and eight over 200m from the proposed plant boundary and haul road. Potential sources for emissions were identified as being the loading and unloading of materials; delivery from the road tanker to silos; aggregate storage bays; cement and aggregate weigh hoppers; ready mix concrete loading chute; conveyors and conveyor transport points, and the haul road.

4.34 The assessment concluded that for those properties in excess of 200m from the site and haul road, the risk of being adversely affected by dust emissions would be 'very low'. For the two properties within 200m of the haul road, the potential risk was assessed as being 'low'. The assessment proposed a number of measures to mitigate the impacts of dust and concluded that provided these measures were adhered to, the batching plant would operate without imposing an unacceptable impact upon amenity, human health and air quality. A planning condition is recommended to require the dust mitigation measures set out in this assessment to be adhered to at all times when the batching plant is operational.

4.35 The applicant points out that the assessment was carried out on the basis of the batching plant not being located within a building, and so clearly represents a worst case scenario. The proposed building which would house the batching plant and its ancillary operations would provide additional attenuation to the risk of dust escape and the potential for impacts upon air quality are therefore even lower than those predicted in the assessment.

4.36 Given the findings of the assessment, the containment of the batching plant within a building and with the recommended planning condition in place, it is considered that the proposals would have minimal impacts in terms of dust emissions and would therefore accord with Policy DC 2 (General Criteria) of the Cumbria MWDF.

**Hours of Operation**

4.37 Brigham Parish Council and the District Councillor for Broughton and St Bridget’s Ward both express concerns about the proposed 6am start time for the batching plant. Their particular concerns relate to the impacts of traffic at this time, in terms of the potential for disturbance, upon the residents of ‘Twenty Row’
The permitted hours of operation at the quarry are 07:00 to 17:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturday mornings. The coating plant is permitted an earlier start during week days and operates between 06:00 and 17:00 hours Monday to Friday and 07:00 to 13:00 hours on Saturdays. HGV access to both the quarry and the coating plant is via the same private road that would be used by the proposed batching plant. The applicant considers that the principle of operations taking place at the quarry and HGVs travelling to the quarry from 6am has been established through the coating plant permission.

The applicant originally sought permission for a 6am start on weekdays and Saturday mornings to ensure that the concrete batching plant could operate within a competitive market and supply concrete products to building projects when material is needed. Wet concrete is usually needed at a construction project as early as possible in the morning in order for the material to be poured and allowed to set during the course of the day. The applicant stated that the commercial viability of the proposed concrete batching plant could be affected by limiting the hours of the batching plant to a 7am start, as the facility would not be able to service the market when demand would be greatest.

It is proposed that up to six people would be employed in connection with the operation of the batching plant and therefore up to six car journeys could be generated by the proposed development prior to 6am. The applicant points out that it would be necessary to manufacture and load the concrete prior to it being ready to be transported to market, and that based on a 6am start, 6.30am is the earliest a truck load of concrete could leave the site, allowing 20 minutes to manufacture the concrete and a further 10 minutes to load the concrete. The applicant also explains that it would be unlikely for an HGV to visit the site until the afternoon. The applicant therefore concludes that the development would lead to one or two concrete mixer movements and up to six light vehicle movements between 6am and 7am.

Whilst the applicant maintains that the impacts of traffic before 7am would be minimal, the persistent concerns raised by the Parish Council and the District Councillor has led the applicant to propose that HGVs are only permitted to leave the site from 6.30am at the earliest on weekdays and 7am on Saturday mornings and that the batching plant itself starts operating at 6.30 on Saturday mornings as opposed to 6am. It is not considered appropriate to extend the finishing times to 13.30 on Saturdays as requested by the applicant, as this would be inconsistent with the limitations placed on the current permission for the operation of Tendley Quarry. It is considered that this is an acceptable compromise, given the nature of the market for this material and the fact that the precedent for 6am starts has already been established through the coating plant permission. Planning conditions to secure the hours of operation are recommended.

Impact of Additional Traffic

The Highway Authority has no objections to the planning proposal provided the number of HGV movements generated by the batching plant, combined with those associated with the operation of the quarry does not exceed the limitations currently at Tendley Quarry.

Planning condition 15 of the extant planning permission at Tendley Quarry (ref no
2/03/9034) states:

The total quantity of minerals transported from the site shall not exceed 400,000 tonnes in each calendar year or a maximum of 2000 tonnes in any working day. A daily record of the tonnage transported from the site and the cumulative total quantity of minerals transported from the quarry in each calendar year shall be maintained by the operator and access to this record shall be afforded to the Local Planning Authority on request. A record of the total quantity of minerals sold from the quarry each calendar year shall be submitted to the Local Planning Authority by the end of January the following year.

4.44 A Traffic Impact Assessment was included within the Environmental Statement submitted in support of the 2/03/9034 planning permission. This stated that an output of 400,000 tonnes would lead to an average of 74 HGV loads (148 trips) leaving the site each day, based on a 20 tonne HGV load. This would increase traffic using the C2065 (Bridgefoot to Broughton Cross road) by only 4.9% going west and 4.2% east. The assessment also concluded that there was sufficient junction capacity within the local area to accommodate up to 100 HGVs per day without the risk of queuing. Hence, a maximum tonnage of 2000 tonnes permitted to leave the site each day, equating to 100 loads, was considered acceptable.

4.45 In reality, however, the quarry has operated well below the limits of this consent over the past few years, as the following table shows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarried Aggregate</th>
<th>Asphalt</th>
<th>Total</th>
<th>Estimated daily HGV movements</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>235,000</td>
<td>38,000</td>
<td>273,000</td>
<td>51 loads (101 trips)</td>
</tr>
<tr>
<td>2014</td>
<td>268,000</td>
<td>53,000</td>
<td>321,000</td>
<td>60 loads (120 trips)</td>
</tr>
<tr>
<td>2015</td>
<td>234,000</td>
<td>34,000</td>
<td>268,000</td>
<td>50 loads (100 trips)</td>
</tr>
</tbody>
</table>

4.46 The applicant therefore considers that there remains scope to increase the number of HGVs travelling to and from the quarry without exceeding the limitations set out within the planning condition.

4.47 The applicant anticipates that the concrete batching plant would generate approximately 15,000 m³ (approximately 36,000 tonnes) of concrete per year. Based on a 269 day working year, the plant would generate an average of 56m³ of concrete per day. The applicant states that concrete mixer trucks have a carrying capacity of either 6m³ or 8m³. Operating at a rate of 15,000m³ per year, the applicant estimates that the plant would generate an average of 7 to 9 loads of concrete per day (approximately 2000 loads per year). Aggregate would also be imported to the plant, and the applicant estimates that these imports would generate up to 1 or 2 HGVs per day. It is therefore estimated that the
concrete batching plant would generate a total of between 8 to 11 loads (16 to 22 trips) on average per day.

4.48 The above figures indicate that the levels of traffic generated by the proposed concrete batching plant could be comfortably accommodated within the permitted output levels established in the extant planning permission for Tendley Quarry, and assessed as being appropriate for the local road network. The Highway Authority has no objections to the application provided this is the case. A planning condition is therefore recommended to require that the output from the concrete batching plant, in combination with the output from the quarry does not exceed these permitted limits. A further planning condition is recommended to require HGV movements and tonnage levels associated with the batching plant to be recorded by the site operator to ensure that compliance with the former condition could be monitored and any exceedances detected.

4.49 It is concluded that, as the traffic levels associated with the concrete batching plant should be easily accommodated within the existing acceptable limits, and planning conditions are recommended to require this and enable the situation to be monitored to ensure compliance, the proposals would not have unacceptable impacts upon the convenience of other road users or the amenity of the local community. As such, the proposals accord with the intentions of Policy DC 1 (Traffic and Transport) of the Cumbria MWDF. It is considered that the proposals are further compliant with Policy DC 1 and Core Strategy 1 (Sustainable Location and Design) of the Cumbria MWDF in terms of its location immediately adjacent to and sharing the same access with Tendley Quarry. Both policies state that development should be located to minimise operational minerals miles. A significant proportion of the aggregates used to manufacture the concrete would be derived from Tendley Quarry which because of its proximity to the proposal site would minimise the ‘mineral road miles’ necessary to supply this material.

Landscape and Visual Impacts

4.50 A landscape and visual appraisal accompanies this planning application. It assessed the proposals in relation to their impacts upon landscape fabric, landscape character and visual receptors and included the production of wireframe images and photomontages.

Landscape Impacts

4.51 In terms of landscape fabric, the assessment found that the proposal would result in the temporary removal of a minor extent of existing agricultural land for the duration of the working quarry. Due to the extent of agricultural land affected in the context of the surrounding landscape, however, it concluded that the operational effects upon the fabric of the landscape would be slight to negligible.

4.52 The site is located within Cumbria Landscape Character Sub type 5c - Rolling Lowland, which is characterised by a landscape that is open, undulating, rolling and primarily agricultural pasture, with areas of woodland. Trees and hedgerows are common on the lower ground. The primary effects upon landscape character would be the presence of an additional industrial building. With the exception of the immediate vicinity of the proposal site, the mid to upper parts of the building would be visible from the localised areas up to a distance of around 1km from the site. The temporary soil storage mounds to the north west and north east of the proposed building and its lower positioning on the site following earthworks to form the building platform, would partially visually contain the lower parts of the
building. The assessment concluded that there would be potential significant effects upon landscape character within the immediate vicinity of the batching plant building and discrete locations out to approximately 750m, but there would be limited effects upon the wider landscape character due to the extent of visibility. The assessment also concluded that there would be no potential impacts upon the Lake District National Park.

Visual Impacts

4.53 In terms of impact upon residential amenity, the closest dwellings to the proposal site are a scattering of properties located between 500m and 1km to the north west of the site, on the eastern outskirts of Greysouthern. The assessment found that the visual effects for residents would be limited and views largely screened by the intervening and established Jubilee Wood and localised tree vegetation. The mid to upper parts of the building could potentially be visible through filtered views, but no significant effects would be anticipated. The assessment also found that there would be little or no potential effects upon residents of Greysouthern, Ellerbeck, Broughton Cross, Brigham and Eaglesfiled, within 1km to 2km from the batching plant. This would be due to the visual containment from the rolling landscape and the screening and filtering effects of intervening established tree vegetation. For residents between 2km to 3km from the site, at the villages of Great Broughton and Little Broughton, the proposed batching plant building would form a minor feature within the open panoramic views to the south. At similar distances, due to the undulating topography and intervening tree vegetation, residents within Little Clifton, Bridgefoot and Chapel Brow would experience little or no views of the proposed plant.

4.54 In terms of the impacts upon recreational receptors, there are two footpaths in the vicinity of the site: one approximately 500m to the north west and one immediately east of Hotchberry Brow minor road, around 500m to the east of the site. The assessment found that users of the first footpath when passing in the vicinity of the site access, over approximately 250m of the route, would experience potentially significant effects. Users of the second footpath, where the route meets Hotchberry Brow, would also experience potential significant effects. The latter would, however, be mitigated, in time, by the construction of a screening mound in 2017 and associated native tree and shrub planting along the eastern boundary of the site, required as part of the extant permission for Tendley Quarry. There would be little or no impacts upon other recreational receptors.

4.55 The assessment concludes that there would be limited impacts upon road users, with potential significant effects confined to discrete parts of the minor road between Eaglesfield and Greysouthern, the minor road east of Greysouthern and parts of Hotchberry Brow minor road. The impacts upon the latter would, however, be temporary, pending the construction of the screening mound and landscaping associated with the quarry, as explained above.

4.56 Policy DC 12 (Landscape) of the Cumbria MWDF states that proposals should be compatible with the distinctive characteristics and features of Cumbria’s landscape and should amongst other things, avoid significant adverse impacts on the landscape. There would be some landscape impacts from the proposed building within its immediate vicinity and from a limited number of visual receptors. The rolling topography and intervening tree and woodland vegetation; the already consented screening bunds and vegetation due to be installed at
Tendley Quarry in 2017, and the proposal to construct the building with a recessive green coloured cladding would, however, greatly assist in mitigating these impacts. In addition, the development would be temporary, as a planning condition is recommended to require its removal from site and restoration to agriculture, upon cessation of quarrying at Tendley Quarry. It is therefore concluded that the proposals are acceptable both visually and in landscape terms, and therefore accord with this policy.

**Impacts on Nature Conservation**

4.57 An Extended Phase 1 Habitat Survey of the site was carried out and submitted in support of this planning application. A Great Crested Newt (GCN) Survey was also undertaken in May/June 2015.

4.58 The Habitat Survey found that the entire application site comprises semi-improved grassland, is stocked with sheep and intensively grazed. The survey also identified a number of trees which provide suitable roosting habitat for bats; hedgerows and trees which provide nesting and foraging habitat for birds, and a watercourse and ditches, which provide habitat for otters.

4.59 The Habitat Survey noted that the River Derwent and Bassenthwaite Lake SAC, located approximately 1.25km to the north of the application site, has connectivity to a watercourse located to the north west of the site. The report recommends that a buffer of at least 20 metres is maintained throughout the construction of the building. The closest part of the development would be around 160m from the watercourse. It is therefore considered that the risk of any activity on the proposal site adversely affecting the interest features of the SAC would be minimal. Nevertheless, for the avoidance of doubt, a planning condition is recommended to require the measures recommended in the Habitat Survey Report to be fully implemented. These include a range of good practice measures that would serve to protect not only the interest features of the River Derwent and Bassenthwaite Lake SAC, but also breeding birds, bats, otters and other mammals which have been recorded within 2km of the site. It is considered that such measures would ensure the protection of the SAC, in accordance with Core Strategy Policy 4 (Environmental Assets) of the Cumbria MWDF.

4.60 Great Crested Newts are known to be in the vicinity of the application site. During 2008 and 2013, over 500 GCNs were translocated under licence from Tendley Quarry into a receptor site adjacent to the proposal site. A GCN survey of all water bodies (including those within the receptor site) within 500m of the application site was commissioned and six surveys were undertaken during May and June 2015.

4.61 Six ponds were identified within 500m of the application site and assessed for their potential to support GCNs. Two were assessed as having excellent potential, one good, one average and two poor. One was discounted from further assessment due to its location and poor condition. The remaining five water bodies were surveyed. Two GCNs were recorded on each survey visit at two of the five ponds. They were also recorded on four occasions at one of the five ponds and the closest capture occurred approximately 250m west of the application site. The peak count recorded was nine, which is synonymous with a small population across the site.

4.62 The survey results for one of the ponds are not considered to be sufficiently
robust to discount the presence of GCNs in this location, as they have been translocated into this area recently and the terrestrial habitat here is considered optimal. By contrast, however, the Great Crested Newt Survey Report concludes that it is highly unlikely that GCNs will utilise the application site during their terrestrial phase. The habitat is considered to be sub optimal and GCNs are unlikely to travel to the closest pond via the application site as it contains no suitable marginal or aquatic vegetation for breeding.

4.63 Whilst the potential for this proposal to directly impact upon GCN appears to be limited, two pre-commencement planning conditions are recommended. The first would require the approval and implementation of a scheme detailing Reasonable Avoidance Measures to protect GCNs during the development of the site. The second would require the approval and subsequent implementation of a scheme for the enhancement of GCN habitat in the adjacent receptor site. It is considered that the proposals, together with these measures would serve to protect and enhance this protected species, and so accord with Core Strategy Policy 4 (Environmental Assets) and DC Policy 10 (Biodiversity and Geodiversity) of the Cumbria MWDF.

**Human Rights**

4.64 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual’s peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan and to protect the amenities of residents as set out in those policies.

4.65 The proposal would have a limited impact on the visual, residential and environmental amenity of the area but it is considered that those impacts would be insufficient to interfere with the rights of the applicant and satisfactory controls could be imposed on the proposed development to protect the amenities of the most affected residents. The 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) would be minimal and proportionate to the wider social and economic interests of the community and could be satisfactorily controlled by planning conditions.

**Conclusion**

4.66 This application is for the development of a concrete batching plant immediately adjacent to Tendley Quarry. The proposal would lead to the development of a much needed facility in an area where the demand for high quality concrete products is predicted to rise significantly in the immediate to medium term, as a result of the planned development of a number of major infrastructure and housing projects.

4.67 The development would help support the local construction industry and
therefore the broader local economy, and bring direct economic benefits through the provision of new and the safeguarding of existing local jobs, in accordance with Government and development plan policy. The proposals are also consistent with the intentions of Policy S2 (Sustainable Development Principles) of Allerdale Local Plan, Part 1, which states that the Council will support the rural economy by encouraging appropriate new economic opportunities and expanding new businesses, and Policy S14 (Rural Economy) which supports economic prosperity within the rural economy.

4.68 Whilst it is acknowledged that the development of the concrete batching facility would have some impacts upon residential and local amenity, the surrounding landscape and nature conservation interests, it is considered that these impacts would be limited and, with the recommended planning conditions in place, no unacceptable adverse impacts would result from the proposed development.

4.69 In summary, it is considered that the proposed development is in accordance with the development plan; there are no material considerations that indicate the decision should be made other than in accordance with the development plan, and, with the planning conditions proposed, any potential harm would reasonably by mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that this application be granted subject to the conditions in Appendix 1.

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Background Papers: Planning Application File Reference No. 2/15/9018

Electoral Division Identification: Cockermouth South ED - Alan Kennon
Appendix 1
Ref No. 2/15/9018
Development Control and Regulation Committee – 30 March 2016

Proposed Conditions

Time Limit for Implementation of Permission

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

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

2. This permission shall be for a limited period only, expiring on 31 December 2029, by which date the operations hereby permitted shall have ceased; the building, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with Condition 31.

   Reason: To secure the proper restoration of the site in accordance with 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.

3. In the event that mineral working associated with planning permission 2/03/9034 permanently ceases prior to the full implementation of this permission, the building, plant and machinery, foundations and hardstandings associated with the concrete batching plant shall be removed from the site and the site shall be restored within 24 months of the cessation of mineral working in accordance with Condition 31.

   Reason: To ensure the proper restoration of the site should quarrying at Tendley Quarry cease prematurely, in order to protect the landscape and visual amenity of the area, in accordance with Policy DC 12 of the MWDF Generic Development Control Policies.

Approved Scheme

4. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:

   a. The submitted Application Form – dated 14 October 2015;
   b. The Planning Statement prepared by Stephenson Halliday – dated October 2015;
   c. The Supplementary Planning Statement prepared by Stephenson Halliday – dated December 2015;
   d. Plans numbered and named:
      i) Figure 1 Location Plan, dated October 2015
      ii) Figure 2 Site Context Plan, dated October 2015
      iii) Figure 3 Proposed Site Layout, dated September 2015
      iv) Figure 4 Indicative Proposed Building Elevation, dated September
2015

v) Figure 5 Indicative Proposed Concrete Batching Plant Elevation, dated September 2015, and
vi) Figure 6 Indicative Landscape Profile Section, dated September 2015, and
e. The details or schemes approved in accordance with the conditions attached to this permission.

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

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

Reason: To enable monitoring of and compliance with the conditions attached to this permission.

Hours of Operation

6. No operations associated with the concrete batching plant shall take place outside the following hours:

   06:00 to 17:00 Mondays to Fridays
   06:30 to 13:00 on Saturdays

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

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with DC Policy 1 of the MWDF Generic Development Control Policies.

7. Notwithstanding the terms of Condition 6, no loaded HGVs shall depart from the concrete batching plant outside the following hours:

   06:30 to 17:00 Mondays to Fridays
   07:00 to 13:00 on Saturdays

   No HGVs shall leave the site on Sundays or on Public or Bank Holidays.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with DC Policy 1 of the MWDF Generic Development Control Policies.

Access and Traffic
8. There shall be no heavy goods vehicle access to or egress from the site other than via the private road off the C2036, as shown on Figure 2 Site Context Plan (dated October 2015) of the Planning Statement by Stephenson Halliday (dated October 2015)

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory route and to ensure that they do not have unacceptable impacts upon highway safety and community amenity, in accordance with DC Policy 1 of the MWDF Generic Development Control Policies.

9. The total tonnage of concrete transported from this site, combined with the total tonnage of minerals transported from Tendley Quarry shall not exceed 400,000 tonnes in each calendar year or a maximum of 2000 tonnes in any working day.

**Reason:** To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in accordance with DC Policy 1 of the MWDF Generic Development Control Policies.

10. The following records shall be maintained by the operator and access to these records shall be afforded to the Local Planning Authority upon request:

   a. A record of the total number of HGVs entering and leaving the site each day, and
   b. A record of the total tonnage of concrete transported from the site each day.

   An annual summary of these records shall be submitted to the Local Planning Authority by the end of January of the following year.

**Reason:** To enable the HGV traffic associated with the operation of the concrete batching plant to be monitored in order to comply with Condition 9 and in the interests of local amenity, in accordance with DC Policy 1 of the MWDF Generic Development Control Policies.

11. No HGV leaving the site shall enter the public highway unless it is in a condition which will not cause material to be deposited on the highway.

**Reason:** In the interests of highway safety and to prevent mud or other material from being deposited on the public highway, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

**Control of Noise**

12. The equivalent continuous noise level attributable to the approved operations shall not exceed the following limits at the following noise sensitive properties, between the operational hours of 07:00 to 17:00:

<table>
<thead>
<tr>
<th>Property</th>
<th>Limit (dB(A) LAeq free field)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gratone Bungalow</td>
<td>50</td>
</tr>
<tr>
<td>Beech Garth</td>
<td>45</td>
</tr>
<tr>
<td>Rigging Gill Farm</td>
<td>42</td>
</tr>
</tbody>
</table>
Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

13. The equivalent continuous noise level attributable to the approved operations shall not exceed 42dB(A) LAeq, 1h (free field) between the operational hours of 06:00 to 07:00 at any of the following noise sensitive properties: Gratone Bungalow, Beech Garth and Rigging Gill Farm.

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

14. No development shall commence until a detailed scheme for the monitoring of noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

   a. the establishment of long term monitoring points at Gratone Bungalow, Beech Garth and Rigging Gill Farm, including an 8 figure Ordnance Survey grid reference for each monitoring point;
   b. a method statement for compliance monitoring exercises;
   c. a procedure for investigating and responding to noise complaints whether received directly from a member of the public or via Cumbria County Council or Allerdale Borough Council;
   d. provision for periodic compliance monitoring;
   e. provision for reports to be submitted to the Local Planning Authority following compliance noise monitoring and complaint investigation. Should exceedance of limits (set out in Condition 12 and 13) be recorded the report shall include mitigation actions to be agreed in writing with the Local Planning Authority, with a timescale for implementation.

The approved scheme and any mitigation actions following reported exceedance of limits shall be implemented in full.

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

15. All vehicles under the site operators’ control, including plant hired or contracted in on a short term basis, that are fitted with reversing alarms shall use a ‘white noise’ type.

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

16. 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 noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Development Control Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

**Control of Dust**

17. The Dust Mitigation Measures set out in Section 8 of the *Air Quality Assessment Report* undertaken by QEM (dated 5 August 2015; ref TQL/CBP/AQA/07/15) shall be adhered to at all times when the batching plant is operational, for the duration of the permission.

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

**External Materials**

18. No development shall take place on site above foundation level until all samples of external materials and finishes to be used on the concrete batching plant building have been submitted to and approved in writing by the Local Planning Authority. The approved materials and finishes shall be applied in accordance with the approved documents.

**Reason:** In the interests of landscape and visual amenity, in accordance with Development Control Policies 2 and 12 of the Cumbria MWDF Generic Development Control Policies.

**Control of Artificial Lighting**

19. All artificial lighting units installed on the site shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

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

**Safeguarding of Watercourses and Drainage**

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

**Reason:** To safeguard local surface and groundwater resources, in accordance with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

21. Any facilities for the storage of oils, fuels, lubricants, chemicals or other potential pollutants shall be sited on impervious bases and surrounded by impervious
bund walls within an impermeable container with a sealed sump and capable of containing 110% of the largest tank or container or if there is more than one tank or container, 110% of the combined value of all the tanks or containers. All filling points, vent gauges and sight glasses must be located within the bund. The drainage system to the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall set to discharge downwards into the bund, and the storage vessel, impermeable container and pipes shall be maintained for the life of the operations hereby permitted.

**Reason:** To safeguard local surface and groundwater resources, in accordance with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

22. No development shall commence until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full.

**Reason:** To safeguard local surface and groundwater resources, in accordance with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

23. Neither surface water nor land drainage shall discharge to the public sewerage system either directly or indirectly.

**Reason:** To safeguard the public sewerage system.

**Nature Conservation**

24. No development shall commence on site until a scheme detailing Reasonable Avoidance Measures relating to Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the timing of works, habitat clearance, checking protocols and consequent actions in the event that any Great Crested Newts are found within the development site. The approved scheme shall be implemented in full.

**Reason:** To ensure compliance with the Local Authorities ‘biodiversity duty’ under the Natural Environment and Rural Communities Act 2006 and the Conservation of habitats and species regulations 2010 (as amended), and to accord with Policy DC 10 of the Cumbria MWDF Generic Development Control Policies.

25. No development shall commence until a scheme for the enhancement of Great Crested Newts habitat in and around Ponds 1, 2, 3, 4 and 5 in the Great Crested Newt Survey Report; dated July 2015, by SK Environmental Solutions Ltd) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

a. Details of remedial actions that will be undertaken to maintain and enhance the ponds and their immediately surrounding habitat, and

b. Details of the feasibility of incorporating surface water drainage from the
Concrete Batching Plant to maintain the ponds.

The approved scheme shall be implemented in full, following the completion of construction of the concrete batching plant

Reason: To enhance the habitat at the Tendley Quarry Receptor site for Great Crested Newts, in accordance with Policy DC 10 of the Cumbria MWDF Generic Development Control Policies.

26. The measures recommended in Part 4 of the Extended Phase 1 Habitat Survey Report (dated July 2015; SK Environmental Solutions Ltd) shall be implemented in full, to protect the interest features of the River Derwent and Bassenthwaite Lake SAC, breeding birds, bats, otters and other mammals.

Reason: To protect the interest features of the River Derwent and Bassenthwaite Lake SAC, breeding birds, bats, otters and other mammals, in accordance with Policy 4 of the Cumbria MWDF Core Strategy and Policy DC 10 of the Cumbria MWDF Generic Development Control Policies.

27. No development shall commence until fencing to protect the root protection zones of all trees to be retained (as shown on Figure 3 Proposed Site Layout, dated September 2015, in the Planning Statement, dated October 2015) has been installed in accordance with BS5837: 2012 Guide for Trees in Relation to Construction Recommendations. The protection measures shall be maintained for the duration of the construction operations.

Reason: To ensure that the Local Planning Authority is compliant with its biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006, and to accord with Policy DC 10 of the Cumbria MWDF Generic Development Control Policies.

28. No development shall commence until a detailed scheme for the creation of the Potential mitigation native tree and shrub planting area shown on Figure 3 Proposed Site Layout (dated September 2015) in the Planning Statement (dated October 2015) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed tree and shrub species mix, plant size and number and protection, and maintenance for a five year period. The approved scheme shall be implemented in full and within 12 months of the completion of the construction operations.

Reason: To offset the loss of habitat; to ensure that the Local Planning Authority is compliant with its biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006, and to accord with Policy DC 10 of the Cumbria MWDF Generic Development Control Policies.

Treatment of Soils, Restoration and Aftercare

29. All available topsoil and subsoil shall be separately stripped from any part of the site before it is traversed by heavy vehicles or machinery (except for the purposes of stripping that part or stacking topsoil on that part). No topsoil or subsoil shall be removed from the site.

Reason: To prevent any avoidable damage to the structure of the soils, and to
secure the retention of soils for restoration, in accordance with Policies DC 15 and DC 16 of the Cumbria MWDF Generic Development Control Policies.

30. The stripping, movement and respraying of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is sufficiently dry to allow passage of heavy vehicles and machinery over it without damage to the soils and the topsoil can be separated from the subsoil without difficulty.

Reason: To prevent any avoidable damage to the structure of the soils, in accordance with Policy DC 15 of the Cumbria MWDF Generic Development Control Policies.

31. No development shall commence until a detailed scheme for the stripping and storage of soils and restoration of the site to a condition suitable for agricultural use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

   a. A method statement for soil stripping and formation of the stripped storage area, including a timescale for its completion;
   b. Details of the grass seed mixes to be applied to the stripped material storage area (shown on Figure 3 Proposed Site Layout, dated September 2015, in the Planning Statement, dated October 2015);
   c. A management plan for the stripped material storage area for the life of the site, including weed control;
   d. A restoration plan showing final levels above ordnance datum at 1m intervals and details of the location and type of permanent field boundaries; and
   e. A method statement for the stripping and replacement of soils during the restoration of the site.

The approved scheme shall be implemented in full in accordance with Condition 2 or Condition 3.

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

32. No development shall commence until a scheme for the aftercare of the restored site for agricultural use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

   a. A soil sampling strategy to determine compaction and soil fertility; objective criteria for determining the need for additional tilling and inputs, such as fertiliser, lime or other materials; weed control; objective criteria for determining the need or otherwise for sub-surface drainage and, if required, the most appropriate method;
   b. Provision for the annual reporting of all aftercare activities undertaken to date and proposed actions for the following 12 months (to be submitted to the Local Planning Authority annually for a period of five years), at least
two weeks before the formal aftercare meeting; and
c. Provision for annual aftercare meetings to be held each year for five
years following the completion of site restoration, to review progress over
the past year and to agree a programme of management for the coming
year which shall be adhered to by the mineral operator. The parties
invited to attend this review shall be agreed in advance with the Local
Planning Authority.

The aftercare scheme shall extend for a period of 5 years following completion
of site restoration, and the approved scheme shall be carried out in full.

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