Application No:  5/16/9010

Applicant:  Aggregate Industries (UK) Ltd

Received:  28 June 2016

PROPOSAL:  Section 73 Application to vary Conditions 1, 2 and 3 of Planning Permission 5/96/9005 for the purposes of extending the timescales to complete quarrying operations at Holme Park Quarry until 2043 and to vary the phasing and restoration schemes

LOCATION:  Holme Park Quarry, Burton-in-Kendal, Carnforth, Cumbria, LA6 1NZ
1.0 RECOMMENDATION

1.1 That having first taken into consideration the environmental information as defined in the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 submitted in connection with the application and subject to:

i. the applicant (Aggregate Industries), the land owner (Camas), Natural England and Cumbria Wildlife Trust first entering into a Section 106 legal agreement with the County Council to ensure the long term management by Cumbria Wildlife Trust of the National Nature Reserve and Local Nature Reserve adjacent to and within the quarry complex, and financial contributions (comprising an endowment lump sum and annual contributions) from the applicant to secure the delivery of this;

ii. the applicant first entering into a Section 106 legal agreement with the County Council regarding vehicle routing to ensure that HGV’s entering and leaving the Holme Park Quarry site do so from a northerly direction along the A6070 to avoid Burton-in-Kendal; to ensure compliance by such HGV drivers with a Hauliers’ Code of Practice, and to secure the implementation of a drainage scheme to improve drainage at Holme Park Quarry site entrance where the site access adjoins the A6070;

iii. the applicant first entering into a Section 59 legal agreement with the County Council to deliver an annual contribution towards highway maintenance/improvements for extraordinary damage caused by Holme Park Quarry related HGV traffic to the part of the public highway between the quarry entrance and the Auction Mart roundabout on the A6070;

planning permission be GRANTED subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Holme Park Quarry is an active, 71 hectare limestone quarry which produces a range of aggregate products and high quality concrete grade products.

2.2 On 11 August 2000 planning permission was granted for a lateral extension and deepening of the quarry, for the refurbishment of the processing plant/structures and for the implementation of landscaping and restoration schemes (planning ref 5/96/9005). Condition 1 of this permission requires all operations to cease and the site be restored by 31 December 2023. Currently, approximately 13.79 million tonnes of permitted reserves remain within the quarry. Assuming that production levels would continue at around 500,000 tonnes per year, the operator anticipates that approximately 10 million tonnes of reserve would remain by the end of the current permission. The purpose of this planning application is therefore to extend the life of the quarry for a further 20 years, until 2043, in order to enable completion of quarrying operations provided for by the current planning permission. The operator is also proposing revisions to the working and restoration phasing plans previously submitted and approved under Conditions 2 and 3 of the current permission.

2.3 The planning application is accompanied by an Environmental Statement (ES) which assesses impacts of the proposed time extension on landscape and visual receptors; ecology; noise; air quality; vibration; hydrogeology; traffic and access; rights of way and recreation, and the considers socio-economic implications and
cumulative impacts. The ES is accompanied by Non-Technical Summary and a Planning Supporting Statement.

3.0 DESCRIPTION AND LOCATION OF THE SITE

3.1 Holme Park Quarry is located approximately 15km to the south of Kendal, due east of Holme and due north of Burton-in-Kendal villages, on the eastern side of the M6 Motorway approximately 3.5km south of Junction 36. The quarry is directly accessed from the A6070.

3.2 There are several residential properties at Clawthorpe which are in close proximity to the south western boundary of the quarry. These include a small group of properties along Pipers Lane, one of which is Woodlands, the closest property to the site which is approximately 150m from the site extraction boundary. Other properties immediately south of the quarry include Farleton Rise and Rawley Copse situated approximately 185m and 200m from the site extraction boundary. There are also a couple of isolated dwellings at Holme Park Farm which is in reasonable proximity (around 400m to the site boundary) to the north west of the site.

3.3 There are three public rights of way in the immediate vicinity of the site. One (Byway No 533010) runs from Holme Park Farm west to east along the northern boundary of the quarry to join the Clawthorpe Road to the east of the site. One (Footpath No 533009 adjoining Footpath No 507019) runs from the A6070, south of the quarry site access, in a south easterly direction along the south western edge of the site and joins the unnamed road north of Clawthorpe. One (Footpath No 533008) runs from the A6070, north of the junction with the B6384, and runs in a south easterly direction before joining up with Pipers Lane in Clawthorpe, again to the south of the quarry.

3.4 The site falls within a landscape area defined as Sub type 3a Open Farmland and Pavements, around Farleton Knott, as defined in the Landscape Character Guidance and Toolkit (Cumbria County Council; March 2011). This type of landscape is found on Lower Carboniferous limestone with calcareous brown soils, and is characterised by steep scarp limestone slopes; limestone pavement or other rocky outcrops; grazed land with stone wall field boundaries; rough pasture as open common or high fell in higher areas; sporadic scrub and woodland on steep scarp slopes, and extensive open and uninterrupted views from high ground.

3.5 The site is located within the western foothills of the limestone crags that form the upland areas of Farleton Fell, Newbiggin Crags, Holme Park Fell, Dalton Crags and Hutton Roof Crags. The latter form the highest point of the range reaching some 274m AOD some 1.5km to the south east of the site. Land surrounding the site towards the north east varies from 51m AOD at the site entrance onto the A6070, and reaching a maximum height of around 145m AOD along the edge of Holme Park Fell. Farleton Knott rises to 274m AOD some 1.3km to the north of the site. The landform to the west falls away gradually towards the floodplain of the River Bela at an average height of 23m AOD. This plain consists of extensive areas of moss and fenland and many small drumlin type features reaching up to 40m AOD, with larger features (drumlins up to 120m AOD) to the west of the floodplain separating this area from the coastal plain and marshes associated with Morecambe Bay.

3.6 An unworked ‘island’ lies within the central part of the quarry which is designated
as part of the Clawthorpe Fell National Nature Reserve (NNR) and forms part of the Farleton Knott Site of Special Scientific Interest (SSSI) and Morecambe Bay Pavements Special Area of Conservation (SAC) which both lie immediately to the north east and western boundaries of the site. The SAC also extends to the south west. Holme Park Quarry Local Nature Reserve (LNR) is located immediately south of the quarry void and Hutton Roof Crags SSSI lies to the south west of the site, occupying the same area as the SAC.

4.0 SITE PLANNING HISTORY

4.1 The first recorded planning permission for mineral extraction at Holme Park Quarry was 1949. Since then, several permissions have been granted. The site currently operates under a planning permission, which applies to the whole of the 71 hectare site including the processing plant granted in 2000 (ref 5/96/9005). A concrete batching plant, also operated by the quarry operator is located within the 5/96/9005 planning permission boundary, but operates under a separate permission (planning ref 5/90/3339).

4.2 The 5/96/9005 permission was granted subject to a Section 106 legal agreement which revoked without compensation all other extant permissions (except 5/90/3339); secured a voluntary HGV routing agreement; secured the establishment of National and Local Nature Reserves; and provides for an extended aftercare period and safe pedestrian access to the National Nature Reserve once restoration is complete. Aggregate Industries also entered into agreements to deliver a number of highways improvements and to make annual financial contributions towards the maintenance of the part of the A6070 used as the HGV route for quarry traffic.

4.3 Under the terms of the Environment Act 1995, the current 5/96/9005 permission was due for periodic review on 11 August 2015. The County Council agreed to postpone the review until 11 August 2020, as the current conditions were considered satisfactory and were made aware that this current application to extend the time period of working was pending.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning & 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.

5.2 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
- Paragraphs 109 – Environment water and air quality
- Paragraphs 17, 18, 19, 28 – Economic Sustainability
- Paragraph 118 – Environment – Nature Conservation
- Paragraph 120 – Local Amenity, Traffic, Transportation
- Paragraph 144, 145 – Sustainable Development and Supply of Minerals
Delivering Sustainable Development

- Section 1 - Building a strong, competitive economy
- Section 3 - Supporting a prosperous rural economy
- Section 4 - Promoting sustainable transport
- Section 7 - Requiring good design
- Section 8 - Promoting healthy communities
- Section 10 - Meeting the challenge of climate change, flooding and coastal change;
- Section 11 - Conserving and enhancing the natural environment.
- Section 12 - Conserving and enhancing the historic environment
- Section 13 - Facilitating the sustainable use of minerals

5.3 The following sections of the PPG are also of relevance:

- Assessing environmental impacts from minerals extraction
- Restoration and aftercare of minerals sites

5.4 The relevant development plan for this proposal comprises the Cumbria Minerals and Waste Development Framework’s (CMWDF) Core Strategy 2009-2020 (CS) and Generic Development Control Policies 2009-2020 (GDCP) both adopted in April 2009. The key policies within these relevant to the determination of this planning application are considered to be:

- Policy CS 1 Sustainable Location and Design
- Policy CS 2 Economic Benefit
- Policy CS 3 Community Benefits
- Policy CS 4 Environmental Assets
- Policy CS 5 Afteruse and Restoration
- Policy CS 6 Planning Obligations
- Policy CS 13 Supply of Minerals
- Policy CS 14 Minerals Safeguarding
- Policy DC 1 Traffic and Transport
- Policy DC 2 General Criteria
- Policy DC 3 Cumulative Environmental Impacts
- Policy DC 6 Criteria for Non-Energy Minerals Development
- Policy DC 8 Applications for New Conditions
- Policy DC 9 Minerals Safeguarding
- Policy DC 10 Biodiversity and Geodiversity
- Policy DC 11 Historic Environment
- Policy DC 12 Landscape
- Policy DC 13 Flood Risk
- Policy DC 14 The Water Environment
- Policy DC 15 Protection of Soil Resources
- Policy DC 16 Afteruse and Restoration
- Policy DC 17 Planning Obligations

5.5 The emerging Cumbria Minerals and Waste Local Plan 2015-2030, which will eventually replace the CMWDF, was submitted to the Secretary of State for examination by an independent Inspector on 9 September 2016. Hearing sessions for the examination were held between 29 November 2016 and 16 December 2016. Following this, a ‘Table of Main Modifications to the Plan’ was prepared and issued for a six week public consultation from 27 March until 5 May 2017. The Inspector is now in the process of finalising her Report to the County
Council on changes necessary to ensure that the Local Plan is sound and legally compliant. As the emerging plan progresses, greater weight can be attached to it in the decision making process.

5.6 There are no currently adopted minerals and waste Site Allocations in Cumbria, as the previously adopted Site Allocations Development Plan Document was quashed by the High Court and therefore is not a material consideration.

5.7 South Lakeland Core Strategy, adopted 20 October 2010, and South Lakeland Local Plan Land Allocation Development Plan Document Policies, adopted 17 December 2013, also form part of the development plan in this instance. The key policies of relevance within this document are as follows:

- Policy CS1.1 Sustainable Development Principles
- Policy CS8.1 Green infrastructure
- Policy CS8.2 Protection and enhancement of landscape and settlement character
- Policy CS8.4 Biodiversity and geodiversity
- Policy CS8.6 Historic environment
- Policy CS8.8 Development and flood risk
- Policy CS8.9 Minerals and waste
- Policy CS9.2 Developer contributions
- Policy CS10.2 Transport impact of new development

5.8 The saved policies of the South Lakeland Local Plan - adopted September 1997 and altered 2006 are also relevant and should be referred to until the Development Management Policies Development Plan Document (DPD), which is currently being progressed, has been adopted. These include the following:

- Policy C6 Sites of International Importance
- Policy C7 Sites of National Interest
- Policy C9 Landscape Features of Major Nature Conservation Importance
- Policy C8 Sites of Regional or Local Nature Conservation Importance
- Policy C10 Protected Species
- Policy C22 Flood Risk
- Policy C24 Watercourses and Coastal Margins
- Policy L10 Rights of Way
- Policy Tr10 Travel Plans
- Policy S1 Planning Obligations and Planning Briefs
- Policy S3 Landscaping

5.9 Other material considerations include the Cumbria and Lake District National Park Third Joint Annual Local Aggregates Assessment 2015. This document sets out sales and reserves information for each quarry within the County and assesses the balance between the demand for and supply of aggregates in order to plan for a steady and adequate supply of aggregates for the County.

6.0 CONSULTATIONS AND REPRESENTATIONS

6.1 South Lakeland District Council (SLDC) – Planning: No objection to the application, provided the revised planning conditions in respect of the hours of site operation and noise generation are fully considered so as to continue to safeguard the residential amenity of occupants of nearby dwellings during the periods of site operation, and that existing traffic management and routing schemes/agreements are retained for the periods of operation and restoration of
6.2 South Lakeland District Council – Environmental Health (SLDCEH): Believe the one private water supply in the area, at Rowley Copse, to be a rainwater supply only. If this is still the case, the proposed dust control measures will safeguard this water supply. If the supply has since changed to a spring or borehole, they request that the applicant demonstrates there would be no impact from the extended quarry operation.

6.3 SLDCEH accepts the Environmental Scheme and asks that certain existing planning conditions relating to hours of working, blasting, artificial lighting, access and traffic are retained; and that new conditions requiring the implementation of the Environmental Scheme as far as it relates to blasting, noise and dust are added.

6.4 Burton-in-Kendal Parish Council: No objection in principle to the proposed time extension, but considers the application in its current form to be unacceptable because it fails to recognise the growth and changing expectations of the community in which the quarry operates. The Parish Council states that Burton-in-Kendal has grown and is planned to grow much more in the next 20 years, so the impact of extended operations will affect a much larger population than envisaged in the original application.

6.5 The Parish Council requests that the planning committee visits the quarry, the local community and the nature reserves prior to making a decision.

6.6 The Parish Council has the following specific comments to make:

6.7 HGV Traffic: The most far reaching effects of the quarry for most residents is the number of HGV movements, and it is disappointing that reductions and further measures to mitigate the effects of HGV traffic are not considered in the application. The Parish Council considers that the voluntary agreement currently in place that restricts HGV movements through Burton-in-Kendal should be replaced with an absolute ban of all HGV traffic, including that associated with the on-site cement works (the subject of planning application ref 5/16/9011). The impacts of HGV traffic should be analysed in the context of the rapid growth of recreational cycling on the A6070, particularly at weekends, and the increased use of the road by pedestrians following for example the Limestone Link recreational trail, which requires walkers to walk on the A6070 for several hundred yards where there are no pavements – yet the applicant refers to the ‘non-existent’ pedestrians.

6.8 Given the reduced rates of operation at the quarry, serious consideration should be given to stopping Saturday working altogether. This would improve the recreational use of the A6070 and have little effect on quarry output.

6.9 If a time extension is approved then a condition should be that a footway alongside the A6070 for the Limestone Link should be provided and maintained by Aggregate Industries.

6.10 There are areas of the A6070 where standing water/flooding is a problem after heavy rain, particularly at the junction between the quarry access road and the A6070. The cause of the problem is unclear but it is getting worse. The Parish Council and residents expect that the County Council and Aggregate Industries will ensure that sufficient provision is made in any new planning agreement for
6.11 **Quarry Blasting Effects:** The effects of blasting are of great concern with residential properties lying so close to the quarry. The applicant has demonstrated that they can keep the ground vibration effects of blasting well below the currently permitted levels. This presents an opportunity to offset the adverse effects of blasting by placing a reduced limit on permitted ground vibration effects. Could the current maximum ppv of 6mms for 95% of blasts be reduced to 4mms and the never exceeded figure of 12mms reduced to 6mms? For blasts closer to or likely to affect local properties, the levels could be further reduced. The company should also look at increasing the stand-off distance from residential properties where future blasting is likely to most affect residents. It is recommended that no further quarrying should take place in the south eastern and south western internal corners of the quarry as it is understood that these areas are likely to cause the most problems. These areas should then be allocated for early restoration and possibly added to the Local Nature Reserve.

6.12 The limits on and effects of air-overpressure are mentioned in several places in the application; however, there is no definition of the maximum acceptable level or how the level is to be limited and the effects mitigated.

6.13 The Parish Council refers to points of detail in Technical Appendix D which appears to be inaccurate and not related to this quarry, which does not provide confidence that the company have given much attention to trying to mitigate the effects of blasting on the local community.

6.14 The Parish Council made several comments in response to the scoping consultation, many of which were reflected in the County Council’s Scoping Opinion but not reflected by the proposed application.

- **Local Residents.** The existing Liaison Committee should continue to provide a vehicle for formal liaison between the company, the County, District and Parish Councils and local residents. The requirement to regularly consult with the local community should be part of the application, particularly with regard to landscape and visual impact, noise, blasting and vibration, transport, ecology and artificial lighting.
- **Restoration.** An ongoing or rolling programme of restoration of the site should be given more serious consideration. The whole site would be restored under the current planning permission by 2023. If a time extension is to be considered it would be appropriate that a large part of the site would still be restored by this date.
- **Local Nature Reserve.** Whilst it is recognised that the County Council may not be able to fulfil its responsibility for oversight of the Local Nature Reserve, the application should make it clear that the LNR will continue to be supported by Aggregate Industries for the extended life of the quarry.
- **Boundary Hedges and Walls.** A programme for the maintenance of boundary hedges, fences and particularly dry stone walls should be included.

6.15 Holme Parish Council: No objection and is supportive of the application.

6.16 CCC Local Highway Authority: Have concerns about the lack of drainage at the access into the site. If this is not addressed, the problem would continue for the duration of the proposed time extension and would perpetuate current road safety issues. This would be unacceptable and they would be unable to support the application in its current form.
6.17 It is also noted that the visibility splay to the left of the access (south of the access) is obstructed by the neighbouring hedge. This must be corrected and maintained at a safe height to ensure that vehicles can access and exit the site in safety.

6.18 CCC Local Lead Flood Authority (LLFA): Consider that there is an issue with drainage on the public highway at the junction with the site which may be affected by drainage from the site. An investigation should be carried out to establish the cause of the problem and what measures should be implemented in order for it to be addressed. They also request that detailed plans are provided to show the location of drainage channels on the access road and to explain how these will be managed and maintained. The site entrance marks a low spot on the highway which will be an ongoing maintenance issue, and, if left, would perpetuate existing highways safety issues and access implications for the quarry. Further detailed information should be provided to address these matters.


6.20 Natural England: The County Council as competent authority should have regard to any potential impacts the proposed development could have on the designated Morecambe Bay Pavements SAC by carrying out a Habitat Regulations Assessment. Natural England considers that it is not possible to conclude that the proposal will not result in adverse effects on site integrity as a result of the delay in restoration, and therefore advises that a number of conditions would have to be met in order to avoid an adverse impact on site integrity.

6.21 Natural England does not agree with the conclusion in the ES that the extension of time would be beneficial for the designated sites during the extension period, as the current permission would secure restoration of the wider area 20 years earlier than the current application proposes. Natural England would therefore assess the impacts as minor negative for the duration of the time extension due to the delay in completing restoration of the quarry both for priority habitats and the statutory designated site.

6.22 Natural England concurs with the conclusion within the ES that the main significant effect is the long delay in restoration of the internationally important site for nature conservation. They believe that the time extension, without adequate mitigation/compensation over and above that already within the current permission, would have an adverse effect on site integrity and the designated features of interest. As a result, Natural England believes that it is necessary not only to retain the mitigation/compensation from the existing planning permission, but also to enhance this to off-set the delay of 20 years to the restoration.

6.23 Natural England welcomes the improved restoration plan and amended aftercare plans, particularly the aim of progressive restoration and early commitment to restoring the land bridge to suitable calcareous habitat, and the removal of the eastern conifer block, but believes that these only go some way to off-setting the impacts of the delay in restoration.

6.24 Natural England requests that an extension of the current NNR/LNR agreements is put in place states that this would simply extend the status quo for another 20 years and not provide any extra conservation gain to compensate for the 20 year delay in restoration. Natural England points out that currently, the designated sites are having to be managed in isolation in order to maintain their habitat and species interest until restoration of the quarry, which once restored would allow
for greater mobility of species across the site as a whole and within the wider landscape. To mitigate for the delay in restoration and to offset the need to extend this management requirement, Natural England advises that there should be provision for management costs and resources for the ongoing practical conservation tasks that would be required.

6.25 Natural England has no objection to the proposal provided the following conditions are met:

- There is no land-take or impact on the existing SAC/SSSI/NNR.
- The restoration and aftercare proposals set out in the planning application and EIA are conditioned within the planning consent.
- A new NNR lease is sought with Natural England or an approved conservation body under s35(1)c of the Wildlife and Countryside Act 1981 for the period of the time extension. The Local Nature Reserve (LNR) agreement would also need to be extended.
- The delay in restoration is adequately mitigated/compensated. Natural England would welcome specific provision for NNR and LNR funding within the new lease to offset the delay is restoration.

6.26 The National Trust: The Trust owns and manages 120 ha of land at Holme Park Fell, immediately to the north east boundary of the site. The land is ‘open access’ land and includes a large tract of limestone pavement, and is remarkable for its botanical and geological interest as well as its sense of wilderness and remoteness. The land is designated as within the Farleton Knott SSSI and as part of the Morecambe Bay SAC, and is protected by a Limestone Pavement Order.

6.27 The Trust considers that the application raises a number of issues and concerns, and asks that these are taken into account, as follows:

- Duration of extension. The continuation of quarrying activities well beyond the approved time limit represents further disruption to the local area over a much longer period. If the Council is minded to approve the application, every effort should be made to secure gains to the local community and the environment in the short to medium term whilst quarrying operations are ongoing.
- Progressive restoration. The Trust has concerns regarding the adequacy of the restoration proposals and the possible implications delay will have upon wildlife at the site and on adjacent designated sites. Local Planning policy is unequivocal in its requirement that best practicable measures are employed to secure full advantage of a site’s potential and that restoration should be progressive. The Scoping Opinion issues by the County Council (May 2015) advises that it would be necessary to consider on-going mitigation to off-set the impacts of the delay. Reference is made to restoration being continual. Works must be firmly programmed to correspond with the phasing of extraction to secure some relatively early benefits within the next 10-15 years. The implementation of a Section 106 agreement to include a trigger mechanism to enable mineral extraction to proceed in accordance with the proposed phasing, upon completion of works from earlier phases, is entirely appropriate.
- ‘Bridge’ from NNR Island. The Trust is pleased to see that the proposed ‘bridge’ linking the Clawthorpe Fell NNR island with Holme Park Fell has been retained as part of the current proposals, and that it will now be actively
managed to create a calcareous grassland community that will facilitate the movement of species from the island to similar habitats outside the boundary of the site. However, there is a lack of clarity over when the bridge will be completed. Continued isolation from adjacent habitats presents a significant threat to the genetic health and diversity of the species currently present on the island. It is essential that the restoration proposals provide certainty that the bridge will be completed as soon as practicable. A deadline of 2025 would be reasonable and realistic. Assurance is sought that the bridge and the island beyond will remain accessible for management and monitoring purposes both throughout the life of the quarry and beyond. It is critical that access to the NNR is maintained in order to undertake various operational tasks necessary to safeguard the quality of habitats.

- Management bodies. The NNR is currently held under lease by Natural England who manages the site as part of the lease agreement. It is worrying to note that arrangements for the management of the NNR beyond the existing consented period have not yet been agreed. This is central to the integrity of the restoration proposals and should be resolved prior to any decision on the current application. Similarly, the favourable ecological status of Holme Park LNR must be secured as part of the current proposal. The proposal indicates that management could be transferred to an appropriate conservation organisation prior to completion of the current LNR agreement, and continue for the remainder of the proposed extension. The County Council should secure appropriate assurances that important features will be protected and enhanced.

- Aftercare. The Trust is generally satisfied that the proposed aftercare scheme set out in the Ecological Impacts assessment will improve biodiversity at the site through appropriate management. One aspect not covered, however, is proposed boundary treatments. The Trust requests that appropriate boundary treatments, including adequate signage, continues to be provided as part of the aftercare scheme in order to protect those using the rights of way which crosses National Trust land beyond the north east boundary of the site. The Trust considers that it will also be vital to ensure the integrity of the boundary treatments so that grazing animals on the adjacent National Trust land do not have access to the quarry site, including after its final restoration. The stock in question is essential to maintaining the Favourable Status condition of the Holme Park Fell SSSI.

6.28 Cumbria Geo-conservation Group: No objection to the proposed time extension, but is unhappy with the restoration schemes, ongoing and final. They acknowledge that full consideration is given to biodiversity, but consider it to be disappointing that geodiversity is largely overlooked in the planning application.

6.29 CCC Ecology: The conclusions of the ES as far as ecology is concerned are comprehensive and robust. CCC Ecology comments that the details for the future management of the nature reserves have not been presented up front prior to determination of the application, but considers that given the parties involved in drawing up the legal agreement to secure this, the necessary measures would be secured and compensation for the extended 20 year period would ultimately prove satisfactory.

6.30 CCC Archaeology: No objection.

6.31 CCC Countryside Access: Two public rights of way exist immediately adjacent to the development site (BW 533010 and FP 533009/507019). Care must be taken
to ensure that these remain open and unaffected by the proposed development at all times.

6.32 In accordance with the County Council’s Statement of Community Involvement (January 2006), the applicant carried out pre-submission publicity and consultation with the local community in May 2016. When submitted, the application itself was advertised in the local press and by site notice on the site; neighbouring properties were notified by individual letter, and the local member representing that division was notified.

6.33 15 letters of representation have been received. Of these, four state that they object to the proposed extension of time, and the remainder raise concerns. The issues raised are summarised as follows:

- **Duration of time extension.** This is considered disproportionate and excessive. The 10 year land bank has been exceeded and there is no justification for a time extension of the duration proposed. A time extension to 2033 or 2030 would be more appropriate. Residents were expecting completion by 2023 and then the opportunity to enjoy the nature reserve, considered the ‘trade off’ to the extension permitted in 2000.
- **The current permission states that it will expire on 31 December 2023.** There is no reason to vary the terms of this highly contested permission which took 5 years to negotiate. It has been noticeable that the applicant has been quarrying at a lesser rate in recent years. It is questioned whether this is a deliberate strategy with a hidden agenda which necessitates a time extension of incredible length to fit the applicant’s commercial interests.
- **It is unacceptable that the date of the quarry keeps being allowed to be set back.** Enough time has been given for this site, and it is time for the applicant to commit to the promise made to fully develop it into a nature reserve for the good of the area, environment, natural habitat and the community. It is considered that the residents of Clawthorpe have suffered enough from the noise, blast vibration and dust associated with the operation of the quarry.
- **The assumption that conditions that applied at the time of the last permission 16 years ago remain the same and will suffice for the next 27 years.** The applicant seems to have given little/no attention to improving mitigation of the adverse effects on the community or environment.
- **Blasting and Air Over-pressure.** This is a matter of greatest concern to local residents and many report incidences of disturbance as a result. Despite the duration of the proposed time extension, there is no proposal to reduce or ameliorate current levels of blasting impact. The quarry management have successfully reduced levels of ground vibration. It is questioned whether the limits specified in the conditions can be amended to reflect this by requiring ground vibration to not exceed a ppv of 4mms (instead of 6) for 95% of all blasts and for no individual blast to exceed 6mms, instead of 12, and could blasting in the future exclude Saturday mornings as this does not appear to be needed. It is also questioned whether quarrying activities could not start until after 7.30am and be finished by 8.30pm. If any time extension were to be granted, updated restrictions on blasting levels allowed as well as reduced frequency and hours of blasting to reflect more sophisticated blasting techniques and current practice at the quarry should be imposed.
- **Blasting activity undertaken in the south west corner of the quarry adjacent to the LNR is problematic;** the most sensitive and concerning issue for residents, and past working in this area has caused most of the complaints
by residents. The confining effects of blasting in a corner cause difficulty and always leads to complaints. The most effective strategy would be to undertake no further quarrying in this corner and create a buffer zone between quarry operations and the adjacent residents. This would substantially reduce the effects of blasting on local residents and enable early restoration of this part of the quarry, which could and should commence immediately. The loss of aggregate from this part of the quarry, and therefore the amount that would be sterilised as a result, would be minor considering the scale of the application. A representative from the Clawthorpe Hall Business Centre has also made the same request in order to minimise disturbance to users of the centre. The centre houses 25 units, each with an average of 4 members of staff, a children’s nursery, with over 150 children attending throughout a month, and a conference centre which can hold 30 delegates per day.

- General concern expressed should quarry blasting move closer to residents, particularly in the south eastern corner of the quarry, as present levels of vibration are currently felt at nearby properties, and would be extremely concerned if the quarry was permitted to increase the strength of blasts.

- The A6070 and Transport. Traffic on the A6070 has increased since 2000 and in the summer the number of cyclists and walkers using the road has significantly increased (part of the Lands End to John O’Groats route). There is a pedestrian route for about 400 m on the A6070 as part of the Limestone Link footpath from Arnside to Kirkby Lonsdale, and there is little room for pedestrians when HGVs are passing. There is a need for an off highway footway to be created alongside the A6070 to facilitate the Limestone Link footpath, and established and maintained by Aggregate Industries. If extraction is to be extended over a longer period, there is no longer a need for the peak vehicle movements to be permitted. A reduction to current levels would be of benefit to all road users.

- It is important that the applicant continues to prevent HGVs going through Burton-in-Kendal, and a blanket ban of HGVs through the village should be implemented as a condition of any approval; that any contributions set aside by the applicant for the maintenance of the A6070 should be safeguarded and used for this purpose, and that a record is made of this expenditure and presented in a transparent manner to the Liaison Committee at least on an annual basis.

- Local Nature Reserve. The continued financial support of the LNR by the applicant is supported. Tribute is paid to the current management of the quarry and the applicant to the support of the LNR. An efficient and effective annual cycle of maintenance of the LNR has been established with support for continuing the management of the LNR by a group of local residents with guidance by Cumbria Wildlife Trust and continued funding by the applicant. The applicant should be asked to make a commitment to maintaining and funding the LNR, including the maintenance of the bund throughout the life of the quarry and the restoration support period. In the longer term, as the area of the LNR expands, it would make sense for management of the LNR to pass to Cumbria Wildlife Trust who has the experience to manage what will be a large, varied and potentially dangerous area.

- Hours of working. Any time extension should lead to a reduction in intensity of quarrying activity and could therefore be accompanied by a reduction in hours of working. Currently hours of working Monday to Saturday start at 6am. It would improve local amenity if this was changed to a 7am start.

- Light pollution. The quarry is a considerable source of light even after operational hours. This issue appears not to have been addressed in the
Application boundary. It is questioned why all the maps and drawings accompanying the application show the application boundary cutting through the LNR.

Quarry boundaries. Some of the quarry boundaries are in need of attention, particularly the dry stone wall on Clawthorpe Lane.

Current management at the quarry. Relationships between the quarry management and local residents have improved over the years at this site and this is appreciated. There is a need to tackle some of the issues raised through this application now rather than relying on good will which may not be present in the future.

Consider the operation by the applicant to be unsafe and a danger to life following an incident where a car was showered with stone from a quarry lorry on the A6070.

7.0 PLANNING ASSESSMENT

7.1 Planning permission is sought for a time extension of the existing quarrying operations until 2043 and to vary the phasing and restoration schemes. The key planning issues raised by this proposal are the need for the development in the context of the supply of minerals; the implications of the continued long term operation of the site in terms of nature conservation and ecology, landscape and visual amenity, water resources and flood risk, traffic, transportation and rights of way, and the impacts on local amenity in terms of blasting and vibration, noise and dust; and the benefits of the proposal and consideration of alternative options to that proposed by this application.

Need for the Mineral

7.2 Core Strategy Policy 13 of the adopted Minerals and Waste Development Framework (MWDF) states that provision will be made which takes account of Cumbria patterns of quarries and areas of supply, and to identify areas sufficient to maintain a landbank of permitted reserves for supply areas for at least 10 years for general aggregate crushed rock. Development Control Policy DC6 of the adopted MWDF states that proposals for non-energy minerals outside of Preferred Areas (which this site is) will only be permitted if the landbank of reserves with planning permission is below the required level, and there is a need for the proposal to meet the levels of supply identified in the Core Strategy, and the proposals do not conflict with other policies of the Plan.

7.3 The emerging Minerals and Waste Local Plan (Draft Minerals and Waste Local Plan Regulation 22, Submission Version; published August 2016), which is a material consideration in the determination of this application, reiterates the above policy approach (Policies SP7 - Minerals Provision and Safeguarding) and Policy DC12 – Criteria for Non-Energy Minerals Development). Policy DC12 specifically mentions that proposals, whether for a physical or time extension to an existing site, will be considered on their individual merits, and criteria to be considered include the need for the mineral; economic considerations; and positive and negative environmental impacts.

7.4 According to the Cumbria and the Lake District Third Joint Annual Local Aggregates Assessment, published October 2015, which incorporates the latest 2014 figures, permitted reserves of crushed rock in Cumbria and the Lake District National Park stood at 137.06 million tonnes, which with a 10 year average annual sales of 3.25 million tonnes, represents a landbank of 42.17 years. The
Aggregates Assessment (Paragraph 5.8) suggests that the County is self-sufficient with respect to crushed rock, producing nearly five times more than is needed for its own use.

7.5 The County’s landbank includes the permitted crushed rock reserves at Holme Park Quarry. The current permitted mineral reserve at Holme Park Quarry stands at approximately 13.79 million tonnes of crushed rock for general aggregate use. Assuming that production levels continue as existing (around 500,000 tonnes per year), the applicant anticipates that 10 million tonnes of reserve would remain at the end of 2023, the expiry of the current planning permission. This amounts to approximately 3 years of the County’s total crushed rock supply (based on the 10 year average sales set out in the Local Aggregates Assessment), and 15% of the total annual sales in Cumbria and the Lake District, based on the average of 500,000 tonnes of crushed rock extracted from Holme Park Quarry each year, which reflects the importance of this quarry to the County. This planning application proposes an extension of time to facilitate the extraction of the 10 million tonnes of mineral, over an additional 20 years, which would otherwise remain within the quarry and be effectively sterilised.

7.6 There are currently 17 operational crushed rock quarries in Cumbria, providing limestone, igneous and sandstone rock. The nearest quarry to Holme Park, and the only other crushed rock quarry in South Lakeland, which supplies crushed limestone for general aggregate purposes, is Sandside Quarry. Planning permission expires at this site in 2020, which could have implications on Holme Park and the supply of crushed rock in South Lakeland district in general. Consideration of local supply areas is therefore important. If planning permission were not to be extended at Holme Park, supply in the South Lakeland area would effectively cease by 2023, when the current planning permission at the site ceases.

7.7 In terms of other supply areas outside Cumbria, the Yorkshire Dales National Park (YDNP) lies immediately to the east of South Lakeland district. The recent extension of the National Park by a further 25% could further restrict the supply of reserves within this extended boundary, given that the NPPF states that when determining planning applications, planning authorities should provide for the maintenance of landbanks from outside National Parks as far as practicable. Permitted reserves of crushed rock in the YDNP have declined by 50 million tonnes over the past 10 years, and the extent to which these will be replenished as current reserves are worked out is unknown at present. There are currently 5 operational crushed rock quarries in the YDNP which, in the absence of new permissions being granted, will cease during the plan period with the exception of a quarry at Horton. This reinforces the importance of maximising the recovery of reserves at sites outside National Parks, such as Holme Park.

7.8 A Joint Local Aggregate Assessment for Lancashire, Blackburn with Darwen and Blackpool Local Authorities was prepared in April 2015. This document states that in 2013 there were 59 million tonnes of permitted limestone reserves, held in 6 quarries, which represents a landbank of 28 years (based on the 10 year average sales). It considered that if the number of quarries reduces during the monitoring period, the rate at which the remaining quarries would be worked out would be affected and so the availability of supplies to the market. Imports and exports of crushed rock within the three Lancashire Authorities were also considered. Imports in 2009 were approximately 24% of the crushed rock production and sales figure. It stands to reason then that if particular quarries in
neighbouring authorities, such as Holme Park, were to cease production there could be impacts upon the market in adjoining plan areas and consequent affects upon the rate of consumption of permitted reserves at particular quarries.

7.9 It should be borne in mind that the 10 year landbank specified by the NPPF (and reiterated in the MWDF) is guidance or indicative only and the NPPF does not set out a maximum or ceiling level for aggregate landbanks. The proposed extension of time at Holme Park Quarry accords with the general thrust of extant and emerging Local Plan policy and national guidance in that it would contribute substantially to the maintenance of the crushed rock landbank of at least 10 years. The above also demonstrates the significance of the reserve at the quarry not only to Cumbria’s landbank of reserves but also potentially, in the future, to those of the neighbouring and adjacent local authorities. If an extension of time were not permitted at this site, a significant quantity of high quality Carboniferous limestone would effectively be sterilised, which could ultimately result in the need to identify and develop a ‘greenfield’ site for a new limestone quarry in South Lakeland vicinity.

7.10 Aside from mineral need and landbank issues, the proposed extension of time would help secure and retain the jobs of those already directly and indirectly employed as part of the quarry operations and which contribute to the local economy through wages, business rates, use of local suppliers; and at the national level, to the economy through aggregates levy and other taxation processes. The site employs 15 full time employees directly, of which 14 live locally, and supports many more jobs in terms of management and administrative support roles within Aggregate Industries as well as related occupations and service providers to ensure that the site operates safely. An assessment of the economic benefits of the site indicates that each year approximately £1 million is spent on salaries and maintenance, a proportion of which will be spent locally. The site is an important contributor to the local economy, particularly in this rural location, and the continued operation of the site, through the proposed extension of time, has the potential to input approximately £20 million into the economy over its lifetime. It is evident therefore that this proposed extension of time has the potential to provide considerable economic benefit and therefore complies with Core Strategy Policy 2 (Economic Benefit) of the MWDF.

7.11 Furthermore, whilst aggregate sales have been depressed since the onset of the recession in 2008, reflecting the decline in construction markets, there has been a sustained recovery since mid-2013, driven by the housing sector. According to the Mineral Product Association’s Press Release (July 2015), expectations for construction output and mineral product demand remains positive for 2015 and beyond. In August 2015, the Government published their blueprint for a Northern Powerhouse designed to bridge the north-south economic gap by improving the transport network across the north of England. It is considered that Holme Park Quarry is of regional importance in this context. It produces a high quality product used in the manufacture of ready mixed concrete, concrete products and asphalt throughout the North West Region.

7.12 This growth is reflected in Cumbria and the Cumbria and the Lake District Third Joint Annual Local Aggregates Assessment (October 2015) states that ‘...demand for development and growth in Cumbria is coming from several sources, all of which are likely to require aggregates originating in the County.’ (Paragraph 3.8). As well as the road, rail, transport and flood defence and waste infrastructure projects which have recently been completed or are still ongoing,
there are significant energy projects proposed for Cumbria as well as the need for each of the six District Councils within the County to deliver up to 30,000 new homes through their Local Plans. The *Local Aggregates Assessment* states that Carlisle, Eden and South Lakeland districts have a combined requirement to deliver approximately 19,000 new homes by 2025 (Paragraph 3.17). There is significant development planned for the County and beyond. It is therefore important to ensure a sufficient and predictable supply of the correct type, quantity and quality of minerals, to provide for such projects.

7.13 Whilst the above demonstrates that the proposals are compliant with policy in terms of providing obvious economic benefits and maintaining and securing the long term future of the landbank, the consequent environmental impacts of the proposed significant extension of time extension, both operationally and in terms of delaying the final restoration of the site, must be considered in order to determine the acceptability of this proposal. These are considered below.

**Nature Conservation and Ecology**

7.14 Government guidance through the NPPF (*Section 11*) seeks to protect, maintain, conserve and enhance nature conservation and biodiversity interests. These broad intentions are reflected in Core Strategy Policy 4 (Environmental Assets) and Core Strategy Policy 5 (Afteruse and Restoration), and Policies DC3 (Cumulative Environmental Impacts), DC10 (Biodiversity and Geodiversity) and DC16 (Restoration and Afteruse) of the Cumbria Minerals and Waste Development Framework (MWDF) (April 2009), and Core Strategy Policy CS8.4 (Biodiversity and Geodiversity) of the of the South Lakeland Development Framework (October 2010), and have been rolled forward to the relevant policies of the Cumbria Minerals and Waste Local Plan Submission Version (Summer 2016). In general terms these policies seek to protect species and habitats, and, through restoration, provide replacement and enhanced habitats.

7.15 There are several statutory designations present on or adjacent to the quarry: Morecambe Bay Pavements SAC within and adjacent to the site; Farleton Knott SSSI within and adjacent to the site; Hutton Roof Craggs SSSI, 280m to the south east of the site; Clawthorpe Fell National Nature Reserve (NNR) within and adjacent to the site, and Holme Park Quarry Local Nature Reserve (LNR) within the site adjacent to the southern edge of the working boundary. A number of non-statutory designations are located within 2km of the site, including Sexton Hagg Wood, Clawthorpe Woods, Lancaster Canal, Dalton Plantation and Cut Wood County Wildlife Sites (CWS). The closest of these and both lying to the south of the site area Sexton Hagg Wood and Clawthorpe Woods. The Holme Park Quarry Geological Site includes rock exposures within the whole of the working quarry and there are three Sites of Invertebrate Significance at Clawthorpe Fell, Farleton Knott and Hutton Roof Craggs within and adjacent to the site.

7.16 The most important habitats are limestone pavements and limestone grassland habitats with scattered scrub and semi-natural woodland which are of international and national importance. The broad-leaved and semi-natural woodland at the north end of the site and just outside the site boundary on the western margin and in the LNR is assessed to be of County importance.

7.17 Various surveys over the years have revealed the presence on the site of amphibians (Great Created and Palmate Newts, the Common Toad); invertebrates (butterflies and moths), reptiles, birds, including several of these
various categories on the UK BAP Priority Species listed in Section 41 of the NERC Act 2000, and some registered as Cumbria BAP Species. Almost all of the bird species present are protected under the Wildlife and Countryside Act 1981, however, the peregrine falcon is afforded greater protected under Schedule 1 of the Act. Surveys for other protected species, including bats, badgers, dormice, otters also revealed have also been undertaken. Roosting bats are thought to be present in rock crevices and cracks on the site and foraging bats around the quarry margins; there is evidence of badger presence in the general area; dormouse presence adjacent to the site, and otter presence in the more distant vicinity.

7.18 An Ecological Impact Assessment accompanies this application, the purpose of which is to provide an objective assessment of the ecological effects of the proposed time extension. This Assessment broadly concludes that the only residual impact of the proposed operations relates to the delayed restoration of the quarry for a further 20 years. For the most part, such impacts are predicted to be ‘not significant’. However, there are some exceptions. The delayed restoration would have a minor negative impact upon the Morecambe Bay Pavement SSSI/SPA/SAC designations and the limestone pavement, limestone grassland, broad leaved semi woodland and neutral grassland habitats in particular, but this would not be significant in the long-term. Similar impacts are predicted for invertebrates during this time, and ‘not significant positive benefits’ are predicted for Great Crested and Palmate Newts and Common Toad. By contrast, ‘significant benefits’ are anticipated for limestone pavement, grassland and broad leaf habitats in and ‘significant positive’ impacts would result for most habitats and protected species in the longer term as a result of the revised restoration and aftercare schemes.

7.19 The most significant ecological consideration is the potential impact of the 20 year time extension on the integrity and nature conservation value of the Morecambe Bay Pavements SAC. In order to determine these impacts, the County Council has undertaken a Habitat Regulations Assessment (HRA) as required by the Conservation of Habitats and Species Regulations 2010. The Conservation Objectives of the site are that its Qualifying Features must be maintained or restored to achieve Favourable Conservation Status. Its qualifying features include Carboniferous limestone and limestone pavements, which are a priority feature, calcareous grasslands and fens, semi-natural dry grassland, European dry heaths, specific forests of slopes, screes and ravines, oak woodlands, and the Narrow-mouthed whorl snail.

7.20 The HRA concluded overall that for all habitats and species, the works would cause no significant loss of habitat, reduction in species diversity, community ecosystem function or displacement of species. It further found that the potential impacts upon habitat loss or physical damage or disturbance; changes to soil, water or air chemistry; pollution and in-combination effects with any other projects in the vicinity would not be significant. The HRA concluded that the 20 year time extension will not, either alone or in combination with any other plans or projects, have an adverse effect upon the interest features of the SAC or the tests required for meeting the favourable conditions of the designated site, and that the integrity of the SAC would therefore be maintained. This is provided that any planning permission secures an ongoing commitment to and funding of the necessary management within the Farleton Knott part of the SAC throughout the 20 year extension period.
The conclusions of the Ecological Assessment have been reached and the provisos of the HRA would be met through the applicant’s proposals which are aimed at mitigating the impacts of the time extension upon the ecological interests of the site and not only maintaining and conserving but also attempting to enhance these in the longer term. The company’s commitment to achieving this comprises the following proposed measures:

- Production of a revised and improved restoration scheme, to create calcareous and neutral grassland, bare rock, scattered trees and scrub and several ponds and wetlands within the quarry floor, and the creation of the ‘bridge’ between the ‘island’ and the limestone habitats of the fell to the north east of the quarry. The aim of the plan is to increase the area of habitats for invertebrates of the existing limestone grassland habitats and create habitat connectivity to enable all species, including amphibians and Great Crested Newts in particular, to move around, into and out of the site. The plan is improved as it would achieve more extensive habitat creation; no importation of organic matter, and improved methods for re-seeding and the establishment and future management and monitoring of calcareous grassland.

- Progressive restoration as soon as practicably possible, to include the establishment of the ‘bridge’ to be completed by 2023 (the end of extant quarry permission); the removal of the incongruous block of conifer to the north of the eastern end of the NNR island once all quarry working to the east of the island has been completed, and the early establishment of replacement Great Crested Newt habitat in preparation for the translocation of Great Crested Newts from the Elephant Hole part of the quarry. The revised working and restoration phasing drawings submitted with this application clearly set out when and how the site would be progressively restored.

- Production of a revised and improved aftercare scheme, to take account of the need to carefully monitor the establishment of calcareous grassland, and the proposal to extend the aftercare period for a further 5 years beyond the 5 year statutory period required after the cessation of quarrying. This would be a requirement of the proposed Section 106 legal agreement which would accompany any permission issued. This scheme is similar to the extant scheme except that it would maximise the opportunity for butterfly and moth development; increase the potential for successful calcareous grassland establishment, and compensate for the increased working period and delay to restoration by removing all conifer screening within the first three years of aftercare to reduce detrimental shading caused by the trees.

- Extension of the terms of the NNR and LNR Stages 1 (the current LNR designation immediately south of the quarry void) and 2 (the rest of the quarry floor when quarrying ceases) agreements. It is proposed that this would be achieved by transferring the responsibility for the management of the NNR and the LNR Stages 1 and 2 from Natural England and Cumbria County Council, respectively, those currently responsible, to Cumbria Wildlife Trust (CWT). The transfer of the lease arrangements (currently between Camas as the land owner and Natural England as the lease holder) for the management of the NNR from Natural England to CWT, and the transfer of responsibility from Cumbria County Council to the CWT for the management of the LNR would be secured through the Section 106 agreement. CWT’s responsibilities for the NNR and the LNR Stage 1 would commence with immediate effect from completion of the legal agreement (and therefore the issuing of any planning permission) and CWT would assume responsibility, in
perpetuity, for the management of the LNR Stage 2 upon completion of quarry restoration. In order to secure the implementation of the above terms, Aggregate Industries would make significant financial contributions to CWT in the form of an endowment lump sum for the future maintenance of the NNR and LNR Stages 1 and 2 upon completion of quarry restoration, and two separate annual payments for the maintenance of the NNR and LNR, respectively, each year, for the extended operational life of the quarry. Again, these requirements would be set out in the legal agreement, and it is understood that all parties are in agreement to these terms as far as they can be at this stage of the process.

7.22 It is considered that the above measures together with the applicant's commitment to first enter into legal agreements along with the recommended planning conditions to secure the restoration, aftercare and afteruse of the site address, as far as they can, all of the concerns presented by Natural England, the National Trust, Burton-in-Kendal Parish Council and representees. In particular, it is considered that the transfer of responsibilities to a body with the expertise to manage the respective designations, together with the financial contributions for this purpose by the applicant, would adequately compensate for the 20 year delay to site restoration.

7.23 It is therefore considered that with the applicant's and other bodies' willingness to enter into legal agreements and the recommended planning conditions relating to site restoration, aftercare and afteruse, the proposals would comply with the policies of the development plan. Such measures would ensure that the site’s extensive and complex nature conservation and biodiversity interests would be protected, enhanced and conserved and that the potentially negative impacts of the delays to restoration would be adequately mitigated and compensated.

Landscape and Visual Amenity

7.24 Policy DC12 (Landscape) of the Cumbria MWDF states that proposals should be compatible with the distinctive characteristics and features of Cumbria's landscapes; should avoid significant and adverse effects on the natural and historic landscape, and that development should be directed to less sensitive locations wherever possible, and ensure that sensitive siting and high quality design prevent significant adverse impacts on the principle local characteristics and landscapes. Policy DC18 (Landscape and Visual Impact) of the Draft Cumbria Minerals and Waste Local Plan reiterates this approach and also states that proposals should avoid significant adverse visual impacts. Policy CS8.2 (Protection and enhancement of landscape and settlement character) of the South Lakeland Local Development Framework Core Strategy states that development proposal should, amongst other things, demonstrate that their location, scale, design and materials will protect, conserve and where possible enhance the special qualities and distinctiveness of the area.

7.25 A number of measures are either already in place or proposed to mitigate against any adverse landscape and visual effects that may result from the proposed extended time period. These include existing advance woodland planting and screening mounds around the site perimeter which reduces impacts in the landscape and helps screen the site from adjacent lower level public rights of way; progressive restoration; the retention of the central island which breaks up views of the quarry; siting of the processing and concrete plants at a lower elevation to maximise screening by surrounding higher ground along with
adjacent woodland planting; the length of the access road to help separate the main quarrying activities from the adjacent road network. Operationally, as well as the proposal to progressively restore the site over the proposed next 26 years, mitigation measures include the fact that the majority of the site has been worked to its full lateral extent with may faces and benches completed with natural regeneration evident; the weathering of faces to a relatively dark and recessive colour; and a restoration scheme that enables natural regeneration together with early sourcing of native seed species to ensure compatibility with the surrounding landscape.

7.26 In terms of landscape impacts, the LVIA concluded that of the seven landscape character areas with the potential to receive effects from the proposals, only two could receive higher levels of effects: Coastal Limestone LT3 (Open Farmland and Pavements LT3a) and Drumlins LT7 (Low Drumlins LT7a). This was due to proximity and the nature of local topographic features, including elevated limestone outcrops, mature woodland blocks adjacent to the site and existing screening by bunding around the site perimeter. The assessment concluded that the greatest degree of direct effects would be on the Open Farmland and Pavements Landscape Type, largely resulting from the presence of the deep quarry void surrounded by high upper faces, as well as the presence of the access road, plant site and ancillary activities, the impacts of which would be moderate adverse during the extended operational life of the quarry and slightly beneficial following final restoration. Similar levels of landscape effects to the north, east and south, up to 1km from the site would be experienced by this landscape type, due to the relatively open aspect from the scarp slopes to the north of Holme Park Fell and Farleton Knott, as well as the byway and Holme Park Farm to the north of the site. In these areas the significance of effects has been assessed as potentially reaching slight to moderate adverse during the extended operational life and slight beneficial effects following final restoration.

7.27 Further afield, primarily to the west and potentially up to 5km from the site, landscape effects on the Coastal Plain; Wooded Hills and Pavements; Low Drumlins; Drumlín Fields; Low Coastal Drumlins; Warton-Borwick, and Docker-Kellet-Lancaster Landscape Types would be greatest, associated with working the eastern margins of the central island creating new unweathered faces, all be them partially masked by existing woodland blocks and the surrounding landform. This aspect of the development would not form a skyline feature, so the effects would be slight adverse during the extended operational life and neutral to slight beneficial following final restoration.

7.28 In terms of cumulative landscape effects associated with the existing and proposed timescales for completion, the nearest large scale wind energy schemes, located at Harlock Hill, Kirkby Moor and Far Old Park north of Barrow-in-Furness, some 28km to the west, are too far away to cause either landscape or visual cumulative impacts. As regards other quarries, the only active quarry within the study area is Sandside Quarry to the south west of Milnthorpe, 4.5km from the site. This is also well hidden with a mature woodland setting and so does not give rise to cumulative impacts. In terms of former quarry sites, the back faces of the restored Middlebarrow Quarry near Arnside some 6.8km from the site are relatively visible in the landscape as they are not particularly weathered. By contrast, however, the upper faces of Holme Park Quarry are generally well weathered and so in themselves do not cause significant landscape impacts. The assessment therefore concludes that the in-combination effects of both quarry faces does not change the landscape character to the
extent that they create a different landscape character type, and as such there are no cumulative landscape or visual impacts associated with the proposed development.

7.29 The assessment of visual impacts analysed the effects according to zones. It found that of those receptors within 2km of the site, those with significant levels of effects are generally associated with Holme Park Farm and the public right of way network to the north and east of the site and the areas of Open Access fells to the north, east and south of the site, all referred to as Zone 1. The impacts on Holme Park Farm itself are assessed as slight to notable adverse significance which would continue at this level throughout the extended life of the site. The adjacent rights of way have been assessed as receiving potentially moderate adverse impacts during this period.

7.30 Receptor Zone 2 was identified as being to the west up to 1km from the site boundary and generally associated with the village of Holme, plus outlying farmsteads, dwellings and the local transport network including rights of way. The assessment concluded that during the extended operational life of the quarry, none of these receptors would experience significant effects and dwellings on the outskirts of Holme would receive up to slight adverse impacts. This is due to the presence of features such as mature woodland along the western and southwestern boundaries, the retention of a rising outer landform and the main processing operations located below original ground levels. These are permanent features which would not alter through the extended life of the quarry and beyond.

7.31 Receptor Zone 3 was identified as generally being to the west between 1 and 5km of the site and generally associated with isolated farms, dwellings, the local transport network including rights of way located within the floodplain of the Bela Valley, or to the west of the A6 corridor associated with Yealand Conyers and Redmayne, Hale and Beetham. The same features that would mitigate visual impacts for Zone 2 receptors would benefit Zone 3 receptors. However, minor lateral extensions within the central island and long the northern boundary of the current void, would become visible in their unweathered state above the surrounding woodland blocks. Despite this the assessment concludes that no receptors in Zone 3 would experience significant levels of effect, with dwellings within Bela floodplain potentially receiving up to slight adverse impacts during the extended operational life of the quarry.

7.32 It is concluded therefore that the proposed development would give rise to only very minor adverse levels of landscape and visual effects within the wider landscape during the proposed additional 20 year operational life. Where higher levels of effect would potentially occur within close proximity to the site, the features present around the site periphery, in combination with the overall depth of workings, generally mitigate against the degree of landscape and visual effects. The proposed extended operations would continue not to cause significant detriment to the landscape character and quality and visual amenity of the immediate locality, and would not give rise to any cumulative impacts when combined with other developments. It is therefore concluded that the proposal complies with the policies of the development plan in terms of potential landscape and visual effects.

**Drainage, Water Resources and Flood Risk**

7.33 The NPPF (Section 10) states that flooding should be avoided by directing
development away from areas at highest risk of flooding and that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere as a result of that development. Policy DC13 (Flood Risk) of the Cumbria MWDF echoes this by seeking to ensure that minerals developments are located, wherever possible, in areas with the lowest probability of flooding (Flood Zone 1). Exceptions will only be permitted if it is demonstrated that the wider sustainability benefits of the development outweigh the flood risk, and the flood risk assessment demonstrates the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. Policy DC14 (The Water Environment) states that planning permission will only be granted for developments that result in no unacceptable quantitative or qualitative adverse effects on the water environment, including surface waters and groundwater resources. These policies are reiterated in the Draft Minerals and Waste Local Plan.

7.34 Policy CS8.8 (Development and Flood Risk) of the South Lakeland Core Strategy states that most new development should be located in Flood Risk Zone 1, and that all new development will only be permitted if it can be demonstrated that it would not have a significant impact on the capacity of an area to store floodwater; measures required to manage flood risk can be implemented; surface water is managed in a sustainable way; provision is made for the long term management and maintenance of any mitigation measures, and the benefits of the proposal outweigh the flood risk.

7.35 A Hydrological Assessment and Flood Risk Assessment (FRA) forms part of the Environmental Statement which accompanies this planning application. The catchment area for the quarry comprises Holme Beck, located 1.5km west of the site and runs south westerly into the River Bela, a left bank tributary of the River Kent. Farleton/Lupton Beck, located 3km north of the beck at the foot of Farleton Fell runs westerly into Peasey Beck, a tributary of the River Bela. The Farleton Fell-Hutton Roof Crags forms the divide between the River Bela catchment and the River Kent catchment which flows southwards into Morecambe Bay at Carnforth. There are several discharge permits (Aggregate Industries has three at the quarry) and licensed surface and ground water abstractions within a 2.5km radius of the site, and there are two registered water supplies and four private water supplies in the vicinity.

7.36 Current practice is that surface water that accumulates in the low lying poorly drained area to the quarry is pumped into the main central lagoon where it is pumped to maintain a water level which does not interfere with quarry activities. Some is pumped directly from the lagoon and used for dust suppression or to the plant area to supply the processing plant and wheel washer. The run-off from the processing plant and weighbridge area is directed into a series of three settlement lagoons adjacent to the weighbridge and then discharged into a purposely constructed soakaway. The excess water from the main central lagoon is pumped into a series of two settlement lagoons from which the decanted water discharges into the ‘Elephant Hole’ in the quarry. There is also a by-pass route to discharge clean water from the quarry workings directly into the second lagoon. The site water management would remain unchanged during the proposed extended operational period. There would be no change to the location of the settlement lagoons, no change to the discharge rate of water from the site to the soakaways, and no significant change to surface water flows.

7.37 The site is located entirely within the Environment Agency designated Flood
Zone 1 (annual flood probability of less than 0.1%). The proposed time extension would not increase the current flood risk vulnerability classification, and it is therefore considered that the continued quarrying activities would be appropriate in this location, in accordance with Policy DC13 (Flood Risk) of the Cumbria MWDF and Policy CS8.8 (Development and Flood Risk) of the South Lakeland Local Development Framework Core Strategy.

7.38 In terms of potential impacts on groundwater, Carboniferous limestone in the area is considered a major aquifer, therefore springs emerging from this or licensed or private water supply boreholes targeting this aquifer have been assessed as having high sensitivity. The magnitude of impact from quarrying activity without mitigation is considered to be high. Without mitigation there is a moderate likelihood of springs, licensed surface water abstractions and private water supplies within the periphery of the site to be impacted during quarrying operations. The potential risks to groundwater are therefore rated as medium to low.

7.39 In terms of potential surface water impacts, Lupton Beck is rated Good Status and therefore highly sensitive and Holme Beck is designated of Medium Status with low sensitivity. The magnitude of impact of quarrying without mitigation for the surface water system is considered to be high. Without mitigation, there is moderate likelihood of springs, licensed surface water abstractions and private water supplies within the periphery of the site to be impacted during quarrying operations. Due to its up-gradient location, it is considered unlikely that Lupton Beck would be impacted without mitigation. The risks to surface water are ranked by the hydrological assessment as medium to low.

7.40 With regard to private water supplies specifically, the applicant is not proposing to change the existing water collection systems used for the suppression of dust, consequently, it is not envisaged that there would be any adverse impacts upon the private water supply at Rowley Copse. This should satisfactorily address the concerns raised by SLDC Environmental Health.

7.41 The Environmental Statement concludes that there would be no significant impact on water resources as a result of the proposed time extension. The operator would continue to undertake best practice and conform with environmental standards, including the bunding of fuel and oil stores; the maintenance of vehicles on designated areas with spillage containment systems; the directing of all run-off to settlement lagoons before being discharged to groundwater via soakaways in accordance with Environmental Permits; maintenance of soils mounds to minimise run-off; and the separation of foul drainage from surface water drainage systems.

7.42 The main issue as regards hydrological impacts of the continued operation of the site relates to surface water and the periodic flooding that takes place at the site entrance where the quarry access road adjoins the A6070. Burton-in-Kendal Parish Council has raised this as an issue, as has the Lead Local Flood Authority (LLFA) who considers the situation to be unacceptable and is unable to support the proposed time extension if the matter is not addressed by this application. Furthermore, this issue has been problematic for several years and is consistently raised by residents as a key concern at the annual Liaison Meeting held by the quarry operator. In order to address the issue the applicant has submitted details of a drainage scheme to be implemented at the site entrance which is designed to reduce the risk of flooding to the A6070. This is generally
acceptable to the LLFA. To ensure its implementation, it would form part of the proposed Section 106 legal agreement whereby any permission for the time extension would only be issued if the details of, and the applicants commitment to deliver, the scheme have been agreed by the County Council.

7.43 The Hydrological Impact Assessment and Flood Risk Assessment have identified and evaluated the impacts associated with the proposed time extension. They conclude the residual risk of impact to be ‘none’ to very low, provided mitigation measures are retained, monitored, assessed and adjusted if required. To date, the assessment points out that there have been no impacts upon the water environment, in terms of potential impacts on the quality and quantity of ground and surface waters, as a result of the actual quarrying operations, including any potential impacts of de-watering. The only outstanding issue is the surface water flooding at the site entrance, for which a drainage scheme is not proposed and is acceptable in principle. Its implementation would be secured via the proposed legal agreement. It is therefore considered that the proposals are compliant with the NPPF and the policies of the development plan.

**Traffic and Transportation**

7.44 The NPPF (Section 4: Promoting sustainable transport) seeks to encourage development which accords with the sustainable transport objectives of minimising the need to travel, particularly road journeys, and promoting the efficient delivery of goods and supplies. Key relevant sustainable policy objectives include the encouragement of solutions which support reductions in greenhouse gas emissions and reduce congestion; ensuring that developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes maximised; and exploiting opportunities for the use of sustainable transport modes for the movement of goods or people. The NPPF also states that all developments that generate significant amounts of movements should be supported by a Transport Statement or Transport Assessment and a Travel Plan.

7.45 Core Strategy Policy 1 (Sustainable Location and Design) of the Cumbria MWDF seeks to ensure that minerals developments minimise, as far as practicable, the ‘minerals road miles’ involved in supplying minerals, unless other environmental/sustainability and geological considerations override this aim. Policy DC 1 (Traffic and Transport) states that proposals for minerals development should be located where they relate well to the strategic road network and/or have the potential for rail/sea transport and sustainable travel to work, and are located to minimise operational ‘minerals road miles’. Minerals development not located as such 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; an appropriate standard of access and traffic routing can be provided, and appropriate mitigation can be provided for unavoidable impacts. These policies have largely been rolled forward into the Draft Minerals and Waste Local Plan. The South Lakeland Local Development Framework Core Strategy contains similar policies and policy objectives (Policy CS10.2 - Transport Impact of New Development).

7.46 This planning application is accompanied by a Transport Assessment and a Framework Travel Plan. The Assessment makes clear that the proposed extension in time would lead to no change in current site operations. The current traffic movements associated with the quarry operation are, however, less than
the levels permitted by the planning conditions attached to the current planning permission. The assessment has therefore considered the effects based on the continuation of existing typical traffic movements projected to 2024, which would be the start of any extended time period, and also the traffic impacts of operating at the maximum levels permitted by the existing planning conditions. In addition, the Assessment has considered the impacts of traffic associated with the operation of the quarry, in-combination with the typical traffic associated with the Ready Mix Concrete (RMC) plant which has operated since 1991 at the quarry site. The Assessment has also assumed a proportionate increase in traffic on the local road network during the assessment period to further inform the findings.

7.47 In terms of overall traffic levels, the projected increase in two way traffic as a result of the extension in time based on current levels would, during the 12 hour core time period, be almost 4% on the A6070 rising to just below 10% on the site access/A6070 junction heading north. Based on ‘worst case’ scenario levels permitted by planning condition, this would increase to 8% and nearly 20%, respectively. All other roads would show negligible increases largely well below 2%, and overall the assessment concludes the impacts would be negligible.

7.48 In terms of the impacts of HGV traffic, the increase in two-way traffic as a consequence of the time extension would be negligible for most of the local road network (A65 north and south, A590 and A6070 south), but of potentially major adverse significance on the A6070, at its roundabout junction with the A65 where HGV traffic would increase by 91%, whilst immediately north of the site access on the A6070 the increase would be 230%. The assessment states that whilst this appears to be high, it would be due to the fact that HGV flows on the A6070 to the north of the site are currently relatively low reflecting the rural nature of the locale. Operating at the maximum potential limits established by planning conditions, the anticipated increase resulting from HGV movements on the A590 would be significant (36% increase). The A6070, between the A65 roundabout and the site access, the increase in HGV traffic is anticipated to be 190%, whilst to the north of the site access the increase would be around 480%, again reflecting the prevailing lower levels of traffic on this route, particularly in the vicinity of the site access. These impacts could be considered to be of minor adverse significance on the A590 and of potentially major adverse significance on the A6070.

7.49 Given the anticipated figures above, further assessment of potential effects on these specific sections of the road network during the ‘worst case’ scenario were carried out as part of the Transport Assessment. The potential impacts on the A590 (west of the A65 roundabout) were considered and it was concluded that the impacts on pedestrian delay, pedestrian amenity, and severance would be negligible due to there being no nearby frontage properties or footways and therefore low pedestrian movements. The potential impacts on driver delay and road safety were also assessed as negligible. There would be an increase of total development traffic of only 3% on this section of the A590, and a review of recent road safety data demonstrated a good safety record and no evidence that increased HGV levels would not unduly raise the statistical increased risk of accidents occurring as a result of a general increase in traffic.

7.50 The potential effect on the A6070, south of the A65 roundabout and north of the site access, were also further assessed under the ‘worst case’ scenario. Again, the assessment concludes that the impacts upon pedestrian delay, amenity and
severance would be negligible due largely to the lack of pedestrian infrastructure during this section and the lack of frontage properties and the consequent lack of pedestrian movement. It is, however, acknowledged that the Limestone Link footpath may, over the years, lead to some increase in pedestrian usage of the A6070. Impacts on driver delay and road safety are also assessed as negligible for reasons similar to those explained above and due to the fact that the total development would lead to a maximum increase of traffic on the A6070 to the south of the roundabout junction with the A65 by only 8% and by up to 20% immediately north of the site access, not surprisingly, the most impacted section.

7.51 Overall, the effects of the increase in traffic potentially associated with the proposed time extension are not considered to be significant. As explained above, this assessment has also taken into account the cumulative impacts through the application of a growth factor to take into account projected increase in traffic on the local road network during the time extension period.

7.52 On the basis of the above findings, the assessment concludes that the development would not give rise to any significant effects and accordingly, the impacts would be negligible and there should therefore be no requirement to implement measures to mitigate the effects of traffic associated with the proposed development. Despite these considerations, the applicant has proposed a range of measures designed to minimise the impacts of traffic associated with the continued long-term operation of the quarry. These include the following:

- Commitment to developing a quarry Travel Plan to promote sustainable travel opportunities for staff to encourage minimal use of the private car to access the quarry;
- The continuation of formal measures to minimise the impact of HGV traffic associated with the operation of the quarry on the local road network, to include the voluntary HGV routing agreement which requires all HGVs accessing the site to do so from a northerly direction down the A6070 to avoid Burton-in-Kendal, and adherence to the a Haulier Code of Practice which all HGV drivers must adhere to; and
- The provision by the applicant of annual financial contributions towards the maintenance of the A6070 for the extraordinary damage that would be caused by the continued use of the section of this road by quarry related HGV traffic from the site access to the Auction Mart roundabout on the A6070.

7.53 The above measures are fully supported by the Highways Authority and go some way towards addressing the concerns raised by Burton-in-Kendal Parish Council and individual local residents. They would be secured through a combination of planning conditions and legal agreements. Any planning permission would not be issued until legal agreements to secure the measures identified in the latter two points listed above had been signed, in order to ensure the delivery and implementation of these measures.

7.54 In conclusion, the traffic implications of the proposed time extension have been fully assessed. It is considered that with the recommended planning conditions and the measures identified above secured by legal agreement, the planning application for the time extension would be acceptable and comply with the policies of the development plan as far as the impacts of traffic are concerned.
Rights of Way

7.55 Three rights of way are in the vicinity of the quarry. One lies along the northern boundary of the quarry and two lie to the south west.

7.56 Policy DC2 of the Cumbria MWDF states that minerals proposal must demonstrate that public rights of way are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made. None of the public rights of way in the vicinity of the site would be directly affected by the quarry and there would be no need for any diversions. The LVIA concluded that whilst users of these paths and the Open Access Land between Holme Park Fell Farleton Knott would experience significant levels of effects, these would not be major, substantial or adverse. The proposals are therefore compliant with development plan policy as regards potential impacts on public rights of way.

7.57 Given the necessary use of a section of the A6070 by those following the Limestone Link and the apparent general increased usage of the A6070 by walkers, Burton-in-Kendal Parish Council and residents have asked for the provision of a footway alongside instead of on the A6070. They have requested that this be provided and maintained by the applicant. Efforts were made by the applicant to engage with the landowner to attempt to discuss this matter, however, these proved unsuccessful.

Impacts on Local Amenity – Blasting Vibration, Noise and Dust

7.58 The NPPF (Section 13: Facilitating the Sustainable Use of Minerals), whilst recognising that minerals are essential to supporting sustainable economic growth and our quality of life, also recognises the potential adverse impact quarry operations can have on local communities. It states that when determining planning applications, Local Planning Authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and that appropriate noise limits are established for extraction in proximity to noise sensitive properties. Policy DC 2 of the Cumbria MWLP states that, where appropriate, minerals proposals must demonstrate that noise levels, blast vibration and air over-pressure levels would be within acceptable limits, and that there will be no significant degradation of air quality from dust and emissions. Policy DC 2 (General Criteria) of the Draft Cumbria Minerals and Waste Local Plan reiterates the general thrust of this policy and there are specific policies to control the impacts of noise (Policy DC3), quarry blasting (Policy DC4) and dust (Policy DC5). The noise limits specified in the Draft Policy DC3 and the requirements specified in Draft Policy DC 5 reflect the standards and requirements specified in the National Planning Practice Guidance (updated March 2014).

Blasting Vibration

7.59 There are a number of residential properties in close proximity to the site, especially those at Clawthorpe, as described in paragraph 3.2 of this report. As the lateral extent of the quarry has been worked out and the extended operations at the site would involve working deeper only, the future operations would not extend any closer to the present nearest residential properties. The Environmental Statement accompanying the application therefore considers that the impacts of ground vibration and air overpressure could be suitably controlled within the current limits specified by the existing planning permission.
Several residents have raised concerns over the impacts of blasting, and this appears to be the matter of greatest concern to them. Residents have asked that updated planning conditions are attached to any permission which establish lower permissible maximum blast limits, and that the applicant surrenders the reserves in the south west part of the site closest to Clawthorpe, given their past experiences of this part of the site being worked.

The current planning condition specify the maximum permitted ground vibration levels which must not be exceeded in 95% of all blasts (peak particle velocity (ppv) of 6mm/second) and an absolute limit (peak particle velocity of 12 mm/second) which must never be exceeded. Regular monitoring to date demonstrates that these limits are rarely exceeded. These current limits reflect the recognised industry standards (British Standards Institution) which have been demonstrated to be appropriate in terms of safeguarding residential amenity and well below any risk to the structural integrity of nearby properties. To be consistent with this it is proposed to retain the ppv limit of 6mm/second. Recognising the concerns raised by residents, however, it is proposed to reduce the absolute limit to a maximum ppv of 9mm per second instead of 12mm. Whilst these limits are uppermost limits to be avoided, setting a lower absolute limit would provide the operator with further incentive to constantly refine the blast design to keep ground vibration and therefore the impacts of blasting to a minimum. This lower limit has also been applied more recently elsewhere in the north of England and so reflects contemporary practices.

A planning condition is proposed to require the submission and implementation of a detailed blasting scheme to include a requirement to constantly monitor and review blasting episodes to reflect current good practice to better inform blast design and minimise the impacts of blasting is also recommended. Following SLDC’s Environmental Protection Department’s advice, it is also proposed to retain the existing conditions to control blasting including the condition limiting the hours during which blasting would be permitted.

The site operator was asked to consider and respond to the request by residents to surrender the reserves closest to Clawthorpe. The applicant is of the view that this request would lead to the sterilisation of an estimated 1.8 million tonnes of currently permitted reserves. The company further reiterates that the proposed time extension is necessary to avoid the sterilisation of limestone in order to ensure a steady and adequate supply in the South Lakeland area. Essentially, the premature closure of Holme Park Quarry would bring forward the need for a replacement quarry which could well be on a greenfield site elsewhere in South Lakeland. The section on the Need for the Mineral in this report considers this matter in more detail and explains why this position is considered to be justified. It is further considered that the sterilisation of the reserves in this part of the quarry would have an adverse impact on the restoration of this part of the site and achieving the objectives of the revised restoration scheme, and the development of the LNR. Finally, it should be noted that the top bench of this part of the quarry has already been worked. Future working would take place on the lower benches and so further away from residents. Whilst the concerns of the residents are acknowledged, it is considered that, on balance, there is little justification on amenity grounds for sterilising the limestone reserves at the site.

It is considered that the additional and more stringent controls and specifications required by planning conditions should address any outstanding concerns relating to the impacts of blasting. It is considered that with the mitigating effects
of these, the proposed extension for the continued operation of the quarry would be acceptable and compliant with the policies of the development plan as far as it relates to ensuring that the impacts of blasting would be minimised.

**Noise**

7.65 There are a number of planning conditions attached to the extant planning permission that control noise at the site. These conditions are consistent with the guidance levels specified in the Planning Practice Guidance and development plan policy and the routine monitoring current carried out at the site demonstrates that noise generated by the quarry operations are in accordance with these conditions.

7.66 Future operations would not extend any closer to the current nearest residential properties and it is therefore considered that the impacts of noise could be suitably controlled by adhering to the limits specified in the existing planning conditions. In order to update these controls and ensure that the quarry would continue to operate in accordance with updated and best practices, further conditions are recommended to specify the use of broadband ‘white noise’ type reversing alarms only on any equipment, plant or machinery, the least intrusive of alarm systems, and to require that noise is monitored, suppressed and exceedances and complaints dealt with in accordance with the Environmental Scheme submitted with this planning application. This document was reviewed and amended to acknowledge recent changes in operational practice, site development, relevant NPPF policy and the recognised good practice set out in National Planning Practice Guidance. It is therefore considered that subject to the recommended planning conditions, the proposed extension of time would comply with the policies of the development plan regarding potential noise impacts.

**Dust and Air Quality**

7.67 The site has been operating in compliance with an existing dust suppression scheme approved by condition back in 2001. Monitoring to date found that the impacts of dust were being adequately mitigated at present and in accordance with this scheme. Recognising the need to update the approved scheme, the Environmental Scheme was reviewed and amended to acknowledge the changes in operational practice, site development, recognised good practice and updated planning policy, and submitted to accompany this planning application. It is recommended that the current planning condition is updated to require dust to be suppressed and monitored and complaints dealt with in accordance with the submitted Scheme in order to minimise any adverse impacts upon air quality.

7.68 Provided dust would be suppressed and monitored in accordance with the requirements of this planning condition, it is considered that any impacts would continue to be mitigated to acceptable levels throughout the proposed extended life of the quarry. It is therefore considered that with the recommended planning conditions, the proposed extension of time would comply with the policies of the development plan.

7.69 Finally, it is proposed to retain the current hours of operation which would continue to control predominantly noise arising from current site operations, specific limitations on the timings for blasting, and the transportation of minerals from the site. Such hours have generated little complaint from adjacent residents and neighbours over the years and also appear not to be compromising the
operation of the site. Furthermore, SLDC’s Environmental Protection department has suggested no changes or alterations.

7.70 In conclusion, it is considered that with the retention of certain conditions controlling hours of operation, blasting vibration, noise and dust, and the addition of further such conditions to ensure contemporary and best practice, the amenity of nearby residents would continue to be protected throughout the proposed extended life of the quarry. It is therefore considered that the proposals would comply within the policies of the development plan.

Benefits of the Proposal

7.71 It is considered important to consider the impacts of the proposed time extension against the benefits, should planning permission be granted. These can be summarised as follows:

7.72 **Need for the Mineral and Socio-economic benefits:** The proposed extension of time would prevent the sterilisation of a significant mineral resource and enable the continuation of supply in the South Lakeland area. The alternative in terms of refusal of permission for an extension of time at the Holme Park Quarry site could ultimately result in the need to identify and develop a ‘greenfield’ site for a new quarry in the South Lakeland area.

7.73 The time extension would have direct and indirect socio-economic benefits at a local as well as national level. Although few new jobs would be directly or indirectly generated by any permission, the continued long term operation of the site would assist in maintaining levels in the area across a range of industries, many of which depend directly upon quarrying, and this quarry in particular, for business. Planning permission would also induce benefits to the local and national economy through a multiplier effect. The overall contribution of the site to the local economy is important and an extension of time would help maintain suppliers of a nationally important primary material and associated jobs.

7.74 **Long Term Management of the NNR and LNRs:** In addition to the proposed improved restoration and aftercare schemes put forward by this application, and the continued commitment to extending the aftercare arrangements at the site, any permission would secure certainty for the long term management and maintenance of the National Nature Reserve (NNR) and Local Nature Reserve (LNR) Stages 1 and 2. Under current arrangements, the Section 106 legal agreement requires that the management and maintenance responsibilities for LNR Stage 1 to transfer to Cumbria County Council, until at least September 2021, but not beyond 31 December 2023, the expiry of the current planning permission. The legal agreement then requires the County Council (now without the in-house ecological expertise) to declare (and manage) the LNR Stage 2 as a Nature Reserve. Should planning permission for the proposed time extension be granted, responsibility for the long term management of both the NNR and LNR Stages 1 and 2 would transfer to the County Wildlife Trust (CWT) who has such expertise and the applicant would make substantial financial contributions in order to secure this. This would be significantly beneficial to the nature conservation and ecological interests of the area.

7.75 **Drainage improvements:** There are significant drainage issues at the junction between the site access road and the A6070. If planning permission were granted for the proposed time extension, the applicant would finance and implement a drainage scheme to resolve the flooding matter. This would be of
considerable benefit to immediate local residents and the wider users of this main ‘A’ Road.

7.76 **Maintenance of the A6070:** It is proposed that if planning permission for the time extension were granted, the applicant would re-commence, with more or less immediate effect, financial contributions towards the maintenance of the A6070 for the ‘extraordinary damage’ caused by the continued and extended use by quarry related HGVs of a section of this road. Contributions would cease upon expiry of any extended planning permission.

7.77 Under the terms of the current permission, then applicant was required to make financial contributions for this purpose for a fixed term only until October 2015, whereupon this obligation ceased. Contributions are therefore no longer being made, yet the current planning permission does not cease until 31 December 2023. There would therefore be obvious benefits to the maintenance of the A6070 with immediate effect and the longer term impacts of use of the A6070 by quarry traffic as a result of any extension of time would be mitigated by further contributions during this extended period.

7.78 **Travel Plan:** Aggregate Industries has volunteered the provision of and adherence to a Travel Plan to encourage minimal use of the private car by quarry staff in travelling to and from the quarry. There is currently no Travel Plan in place at the site, so this would be beneficial to achieving sustainable objectives in the continued operation of the site, should planning permission be granted.

7.79 The above benefits would be delivered largely through legal agreements, but also through planning conditions. To reiterate, any permission for the proposed time extension would not be issued until legal agreements to secure the delivery of these measures had been signed and sealed by all the requisite parties.

**Human Rights**

7.80 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.

7.81 The proposed extension of time would mean that, if permitted, operations at the quarry would continue to have some impact on the visual, residential and environmental amenity for a longer period than anticipated. However, it is considered that satisfactory controls, through the imposition of planning conditions and the requirements of the legal agreements, would continue 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 limited and proportionate to the wider social and economic interests of the community and
could be satisfactorily controlled by planning conditions and legal agreements.

8.0 CONCLUSION

8.1 The proposed time extension would prevent the sterilisation of an already permitted mineral resource at this site and secure the continued long term supply of limestone in the South Lakeland area. Whilst it is acknowledged that any permission would result in a significantly longer period of operation, with consequent impacts upon adjacent land users and occupiers, considerable benefits could be delivered through its continued operation.

8.2 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 otherwise and with the planning conditions proposed, and legal agreements in place, any potential harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance would be limited and outweighed by the benefits of the development. It is therefore recommended that subject to the applicant first entering into the necessary legal agreements set out in the recommendation, planning permission be granted subject to the conditions as set out in Appendix 1 to this report.

Dominic Donnini
Director of Environment & Highways Services

Contact: Mrs Rachel Brophy MA BA(Hons) MRTPI, Kendal,
Tel: 01539 713413; Email: rachel.brophy@cumbria.gov.uk

Background Papers: Planning Application File Reference No. 5/16/9010

Electoral Division Identification: Lower Kentdale ED - Mr RK Bingham
Proposed Planning Conditions

Time limit

1. This permission shall be for a limited period only expiring on 31 December 2043, by which date the operations hereby permitted shall have ceased, all buildings, plant and machinery, including foundations, hardstandings and the access road shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

Reason: To secure the proper restoration of the site and access road following the approved period for this temporary development, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework (MWDF) Generic Development Control Policies.

Approved Operations Programme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents, which comprises the approved scheme:

   a) The submitted Application Form – dated 28 June 2016;
   b) The letter from Heaton Planning Planning Consultants – dated 28 June 2016;
   c) The Supporting Statement by Heaton Planning Planning Consultants – dated June 2016;
   d) The Plans numbered and named:
      - Drawing No. 466/RD4C – Working/Restoration Plan; dated 21 June 1999 (as far as it identifies the noise sensitive properties);
      - Drawing No. 466/RD7C – Proposals for Screening Plant Area; dated 21 June 1999 (as far as it identifies the area where Permitted Development Rights apply);
      - Drawing No 466/SK37 - Working/Restoration Plan; dated 6 April 2000 (as far as it relates to dimensions of access track and safety margins)
      - Drawing No. 466/SK39– Sections; date 9 April 2000
      - Figure 4.1 – Location Plan; Drawing No. M15.106.D.001
      - Figure 6.1 – Existing Situation; Drawing No. M15.106.D.002
      - Figure 6.2 – Phase 1; Drawing No. M15.106.D.004
      - Figure 6.3 – Phase 2; Drawing No. M15.106.D.005
      - Figure 6.4 – Phase 3; Drawing No. M15.106.D.006
      - Figure 6.5 – Phase 4; Drawing No. M15.106.D.007
      - Figure 6.6 – Phase 5; Drawing No. M15.106.D.008
      - Figure 6.7 – Block Phasing Plan; Drawing No. M15.106.D.003
      - Figure 6.8 – Revised Restoration Scheme; Drawing No M15.106.D.009b
   e) All details, schemes or programmes approved in accordance with this
permission, and
f) This Decision Notice.

The existence and content of the approved documents shall be made known to all operatives responsible for the operation, restoration and aftercare of the site.

Reason: To ensure that the site is worked and restored in accordance with the approved scheme, in accordance with Policy DC12 of the Cumbria (MWDF) Generic Development Control Policies.

3. Every five years from the date of this permission, a detailed scheme of working and restoration for the following five years shall be submitted for approval to the Mineral Planning Authority. The detailed scheme shall be compatible with the approved scheme. Such a scheme shall include but not be limited to provision for:

a) Effective measures to protect limestone pavement within designated Limestone Pavement Order areas from damage;
b) The method, direction, sequence, depth and area of working;
c) The angles of excavated slopes and bench heights and widths;
d) The location and construction of haul roads within the site;
e) The location and height of mineral stockpiles;
f) The location, height, size, shape and surface treatment of any overburden and quarry waste spoil heaps, including screening bunds;
g) The separate stripping and storage of topsoil and subsoil, including the location, height, design and treatment of any soil mounds;
h) The construction and maintenance of fences, walls and hedges as appropriate to safeguard the public and livestock;
i) The disposal of water from the site and the drainage of the site during its operation and final restoration;
j) Restoration to provide nature conservation, landscape and recreation benefits, including phasing, treatment of final quarry faces, pedestrian access to the central island, the contouring and treatment of the spoil heaps, the grading and levelling of the quarry floor, the utilisation of the stored subsoil and topsoil, the formation of water features, habitat creation, seeding, and tree and shrub planting.

The approved scheme shall thereafter be implemented throughout the operational life of the site.

Reason: To mitigate the impact on amenity, to safeguard limestone pavement, to reserve for subsequent approval details relevant to the permitted development not submitted with the planning application and to allow for the formal modification of the approved scheme resulting from any changed circumstances that may arise throughout the life of this permission, in accordance with Policy CS4 and Policies DC2 and DC10 of the Cumbria MWDF Core Strategy and Generic Development Control Policies.

4. In the event that mineral working permanently ceases prior to the full implementation of the approved scheme, a revised scheme to include details of the restoration, aftercare and timescale for the completion of the restoration
works shall be submitted for approval to the Mineral Planning Authority, within three months of the cessation of working. Such a revised approved scheme shall be fully implemented.

**Reason:** To secure the proper restoration of the site in the event that operations cease prior to the full implementation of the scheme, in accordance with Policy DC16 of the Cumbria (MWDF) Generic Development Control Policies.

5. In the event that mineral extraction is temporarily suspended for a period exceeding two years, then within 26 months from the suspension of mineral extraction an interim restoration scheme and timetable for its completion shall be submitted for approval to the Mineral Planning Authority. The approved interim restoration scheme shall then be implemented in its entirety.

**Reason:** To secure the satisfactory interim restoration of the site in the event of the temporary cessation of mineral working, in accordance with Policy DC16 of the Cumbria (MWDF) Generic Development Control Policies.

6. If the operations hereby permitted are suspended for a period of three months or more, then the operator shall give written notification to the Mineral Planning Authority of the date upon which the operations were suspended. Written notification shall also be given to the Mineral Planning Authority prior to the resumption of operations following a temporary suspension.

**Reason:** To enable that the Local Planning Authority to determine the extent of any periods when the development hereby permitted is suspended and to seek the interim restoration of the site where appropriate.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking and re-enacting that Order), planning permission shall be sought and obtained from the Mineral Planning Authority, before any buildings, structures, or erections, plant or machinery are erected on the site or on any ancillary mining land, except that this condition shall not apply within the area edged orange on Drawing No 466/RD7C, dated 21 June 1999.

**Reason:** To maintain control over additional built development upon the site in the interest of amenity, in accordance with Policy CS4 and Policies DC2, DC10 and DC12 of the Cumbria MWDF Core Strategy and Generic Development Control Policies.

8. Any scrap or redundant machinery arising from the development shall be stored for a temporary period only in accordance with the locations shown on Drawing No 9020/8, dated October 2000.

**Reason:** To minimise the visual impact of the development, in accordance with Policies DC2 and DC12 of the Cumbria MWDF Generic Development Control Policies.

**Hours of Working and Transportation**

9. No mineral extraction operations shall take place on site outside the hours 06.00 to 19.00 hours Mondays to Fridays and 06.00 to 12.00 hours on Saturdays.
Reason: To ensure that no mineral extraction operations hereby permitted take place outside working hours which would lead to an unacceptable impact upon local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

10. No mineral extraction operations, mineral processing or the loading and transportation of minerals or mineral products shall take place within 300m of a noise sensitive property in Clawthorpe (as shown on Drawing No 466/RD4C; dated 21 June 1999) outside the hours 08.00 to 17.00 hours Mondays to Fridays.

Reason: To ensure that no operations hereby permitted take place outside working hours which would lead to an unacceptable impact upon local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

11. No soil/overburden removal, replacement or storage activities or bench drilling operations shall take place outside the hours 09.00 to 17.00 hours Mondays to Fridays.

Reason: To ensure that no operations hereby permitted take place outside working hours which would lead to an unacceptable impact upon local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

12. No mineral processing, including crushing and screening operations, or the loading and transportation of minerals or mineral products shall take place outside the hours 06.00 to 22.00 hours Mondays to Fridays and 06.00 to 13.00 hours on Saturdays.

Reason: To ensure that no mineral processing, loading or transportation takes place outside working hours which would lead to an unacceptable impact upon local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

13. Except in the case of emergency, such instances to be notified to the Local Planning Authority, blasting shall not take place more than once each day or outside the hours 10.00 to 16.00 Mondays to Fridays. There shall be no blasting on Saturdays, Sundays, Bank or Public Holidays.

Reason: To restrict the frequency and timing of blasting so that it will cause least inconvenience and disturbance to people living and working in the locality, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

14. No mineral operations, including the transportation of minerals and mineral products, shall take place on Sundays or on Bank or Public Holidays.

Reason: To ensure that no operations hereby permitted take place outside working hours which would lead to an unacceptable impact upon local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

15. Conditions 9 to 14 shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintenance
to plant and machinery used on site.

Reason: To allow pumping equipment to be used and for essential maintenance to be undertaken outside the specified working hours.

Access, Traffic and Travel

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

Reason: To ensure that no material from the access road is carried on to the public highway in the interests of highway safety, in accordance with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

17. No loaded lorries shall leave the site unsheeted.

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

18. Efficient wheel and body cleaning facilities shall be provided on site, used by all commercial vehicles leaving the site and maintained for the life of the operations.

Reason: To ensure that material is not deposited onto the public highway in the interests of local amenity and highway safety, in accordance with Policies DC1 and DC2 of the Cumbria MWDF Generic Development Control Policies.

19. The total number of laden heavy goods vehicles leaving the site shall not exceed 180 on any weekday and 90 on Saturdays. There will be an exception for 50 weekdays and 10 Saturdays in any one calendar year where the number shall not exceed 240 and 120 respectively. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access shall be afforded to the Mineral Planning Authority on request.

Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users and in the interests of highway safety, in accordance with Policies DC1 and DC2 of the Cumbria MWDF Generic Development Control Policies.

20. The operator shall erect and maintain in legible condition, for the life of the operations, a notice directing the drivers of all heavy goods vehicles to turn right when leaving the quarry. The notice shall also display the voluntary routing agreement in operation at the quarry and state that drivers of heavy goods vehicles should abide by the agreement and the sanctions that will be applied if they breach the agreement.

Reason: To inform drivers of heavy goods vehicles of the voluntary routing agreement and to ensure that drivers of heavy goods vehicles turn right when leaving the quarry in the interests of amenity and highway safety, in accordance with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.
21. The access track between the southwest limit of excavation and the screening bund shown edged brown on Drawing No 466/SK37 (dated 6 April 2000) shall not exceed 5m in width and the safety margin on either side of this access track shall not exceed 2.5m in width. This access shall not be used other than to provide vehicular access for quarry management purposes, for emergency services and for the blast hole drilling which is necessary to produce the final exposed face.

**Reason:** In the interests of local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

22. The measures identified in Sections 3 and 4 of the Travel Plan (Axis; Ref. 1741-01-TP01b, dated June 2016) shall be implemented within 6 months of the date of this permission. On an annual basis thereafter and for the duration of quarrying operations at the site, the effectiveness of these measures shall be reviewed against established targets, and, where necessary, modifications made during the following year, in order to achieve the objectives of the Travel Plan.

**Reason:** To aid the delivery of sustainable transport objectives, in accordance with ‘saved’ Policy Tr10 of the South Lakeland Local Plan (adopted September 1997).

### Control of Blasting

23. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm per second in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 9mm per second as measured at vibration sensitive properties. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.

**Reason:** To safeguard the amenity of local residents and to protect the structural integrity of buildings and structures outside the site boundary, by ensuring that blasting vibration does not cause a nuisance outside the site boundary, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

24. For the purposes of Conditions 23, a vibration sensitive property shall be defined as any occupied building, not under the control of the developer, existing outside the site boundary where the occupants of such buildings or the integrity of such buildings are likely to be adversely affected by an increase in vibration levels.

**Reason:** To clarify the meaning of a vibration sensitive building.

25. Within three months of the date of this permission, the operator shall submit to the Local Planning Authority for written approval, a detailed blasting scheme to include but not be limited to:

   a) The establishment and subsequent maintenance and refinement of a regression line blast model for the site to inform blast design/charge weights to ensure that the blast limits set out in Condition 23 are not exceeded;
   
   b) The monitoring of all blasting episodes to improve the accuracy of the
regression line blast model, including the method for accurately establishing the distance the vibrograph is stationed from the blast and the identification of blast monitoring locations;

c) The restriction of blasting events to a maximum of once each day (except in case of an emergency), and procedures in place to ensure that all blasts are preceded by visible and audible warnings and following the last, an audible ‘all clear’ signal to be given;

d) A procedure for recording, investigating and responding to complaints relating to blasting whether received directly or via Cumbria County Council as the Mineral Planning Authority, or South Lakeland District Council;

e) In the event of a complaint, affording the Mineral Planning Authority access to the regression line blast model and associated data;

f) A procedure for reporting the results of blast monitoring and any complaint investigations to the Mineral Planning Authority, and

g) The methods to be employed to minimise the effects of air overpressure arising from blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time.

The approved monitoring scheme shall thereafter be implemented in its entirety and the results submitted to the Minerals Planning Authority on request during permitted operational hours.

Reason: To ensure compliance with the conditions relating to blasting and that air blast overpressure does not cause a nuisance outside the site boundary, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

26. No secondary blasting shall be carried out.

Reason: To protect the amenities of the local environment, in accordance with Policy CS 4 and Policies DC2 and DC10 of the Cumbria MWDF Core Strategy and Generic Development Control Policies.

Control of Noise

27. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing or soundproofing equipment and shall be maintained in accordance with the manufacturers specification at all times throughout the development. Where reversing or other alarms are fitted to equipment, plant or machinery, they shall only be of a broadband “white noise” type.

Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

28. The noise level attributable to the approved operations shall not exceed 53 dB(A) at any noise sensitive properties between the hours of 07.00 and 19.00 Mondays to Fridays or 07.00 and 13.00 on Saturdays or 42 dB(A) outside of these hours.
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 DC2 of the Cumbria MWDF Generic Development Control Policies.

29. Notwithstanding Condition 28 the noise levels arising from temporary operations, such as soil/overburden stripping, replacement and storage activities for a maximum of 8 weeks in any 12 month period shall not exceed 70 dB(A) at any noise sensitive properties.

Reason: To limit the period within which these noisier, but necessary, operations can take place in the interests of local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

30. For the purposes of Conditions 28 and 29:-
   a) The noise level is expressed as a one hour free field LAeq. Free field shall be defined as a point 3.5 metres in front of the facade of any noise sensitive property facing the mineral extraction operations. Any measurements to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.
   b) A noise sensitive property shall be defined as any occupied building, not under the control of the developer, existing outside the site used as a dwelling, hospital, school, place of worship, office or any other purpose where the occupants are likely to be adversely affected by an increase in noise levels.

Reason: To define the meaning of the noise level and of a noise sensitive property.

31. Noise shall be monitored, suppressed, and exceedencies and complaints dealt with in accordance with the procedures set out in Section 2 and Section 5 of the Environmental Scheme by Advance Environmental, dated 5 January 2016.

Reason: To enable noise to be adequately monitored for the duration of the development, and to safeguard local amenity, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Control of Dust

32. Dust shall be suppressed and monitored and complaints dealt with in accordance with the procedures set out in Sections 4 and 5 of the Environmental Scheme by Advance Environmental, dated 5 January 2016.

Reason: To safeguard the amenities of the locality from the effects of dust arising from the development, in accordance with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Control of Artificial Lighting

33. All artificial lighting units installed on the site shall be so sited and shielded as to be incapable of direct sight from the A6070 or residential properties outside the site.

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

Safeguarding of Watercourses And Drainage

34. Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it and shall not impair the flow or render less effective drainage onto and from land adjoining.

Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource, in accordance with Policies DC13 and DC14 of the Cumbria MWDF Generic Development Control Policies.

35. Throughout the period of working and restoration, provision shall be made for the collection, treatment and disposal of all water entering or arising on the site, including an increased flow from the land, to ensure that there shall be no pollution or flooding of watercourses by the approved operations.

Reason: To avoid the pollution of any watercourse or groundwater resource, or flooding, in accordance with Policies DC13 and DC14 of the Cumbria MWDF Generic Development Control Policies.

36. No fixed chemical, oil or diesel storage tanks shall be erected on the worked area. All mobile storage containers must be of the double skinned variety. All fixed facilities for the storage of chemical, oil or diesels within the works area shall be sited on impermeable bases and surrounded by impermeable bund walls. The volume of the bunded compound shall be at least equal to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. There shall be no discharge to any watercourse, land or underground strata. Associated pipework should be above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be designed to discharge downwards into the bund.

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

Retention of Soils

37. All topsoil and subsoil that remain shall be retained on the site; none shall be removed.

Reason: To ensure that all the soils that remain on the site are kept for use in the restoration of the site, in accordance with Policy DC15 of the Cumbria MWDF Generic Development Control Policies.

Control of Weeds

38. All non-cropped areas of the site and all topsoil, subsoil and overburden storage and screening mounds shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

Reason: To properly manage the site and to prevent the spread of weeds onto
adjacent land.

Replacement of Hedges and Walls

39. Hedges, walls, fences, gates and stiles if damaged, destroyed or in need of maintenance during the course of the approved operations shall be repaired or restored on their original lines or replaced on such lines as may be agreed between the operator, the Mineral Planning Authority and the owners, lessees or occupiers of the land bounded by such walls or fences.

Reason: To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity.

Landscaping

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

Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC12 of the Cumbria MWDF Generic Development Control Policies.

Restoration and Aftercare

41. The site shall be progressively restored in accordance with the approved scheme, as described in Section 3.2 Summary of Restoration in the Supporting Statement; dated June 2016 and Section 6.2 Restoration in the Environmental Statement Volume 1, to achieve the restored site as shown on Figure 6.8 Revised Restoration Scheme (Drawing No. M15.106.D.009).

Reason: To secure the proper restoration of the site in accordance with the approved scheme, in accordance with Policy DC16 of the Cumbria MWDF Generic Development Control Policies.

42. The site shall be subject to the details set out in the approved Aftercare Scheme for the Restoration of the Quarry prepared by Marshall Ecology; dated March 2016. This approved scheme shall be carried out for a period of five years from the completion of restoration operations on each phase of restoration.

Reason: To secure the proper aftercare of the restored land in accordance with the approved scheme, in accordance with Policy DC16 of the Cumbria MWDF Generic Development Control Policies.

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

Reason: To secure the proper aftercare of the restored land in accordance with the approved scheme, in accordance with Policy DC16 of the Cumbria MWDF Generic Development Control Policies.