Application No: 5/16/9011

District: South Lakeland District Council

Applicant: Aggregate Industries UK Ltd
Aggregate Industries UK Ltd
High Roads

Parish: Holme Parish Council

Received: 3 August 2016

PROPOSAL: Section 73 Planning Application to vary Planning Condition No.2 of Planning Permission Reference No. 5/90/3339 dated 11th January 1991 for the purposes of aligning the permitted hours of operations at the Ready Mixed Concrete Plant with all other operations at Holme Park Quarry, Cumbria

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

1.1 That subject to the applicant first entering into a Section 106 Agreement regarding vehicle routing to ensure that HGVs, associated with the operation of the RMC Plant, enter and leave the Holme Park Quarry site and the RMC Plant itself from a northerly direction along the A6070 to avoid Burton-in-Kendal, and to secure compliance by such HGV drivers with a Hauliers’ Code of Practice, planning permission be Granted subject to the conditions set out in Appendix 1 to this report.

2.0 THE PROPOSAL

2.1 Planning permission is sought to align the working hours of the Ready Mix Concrete (RMC) Plant with the operating hours of the quarry so that they are consistent. The RMC plant is located within the quarry, immediately off the site access road.

2.2 The quarry is currently operated under a planning permission issued on 11 August 2000 (ref 5/96/9005). The RMC Plant is operated under a separate planning permission issued on 11 January 1991 (ref 5/90/3339). The quarry and the RMC plant are operated by the same operator.

2.3 Condition 2 of the RMC Plant planning permission states:

‘The operation of the plant shall be restricted to between 7:00am to 7:00pm Monday to Friday and 7:00am to 3:30pm Saturdays with no working on Sundays or Bank Holidays, unless in exceptional circumstances as agreed with the County Planning Officer.’

2.4 The proposal is to amend the hours of operation to the same that apply to the quarry operations, as set out in Condition 14 of the planning permission for the quarry. Condition 14 of the quarry permission states:

‘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.’

2.5 The quarry permission also requires as part of a Section 106 legal agreement, that all HGVs leaving the site turn right out of the site entrance and travel north along the A6070 and return to the quarry using the same route, so avoiding the village of Burton-in-Kendal. This agreement further requires that HGV drivers adhere to a Haulier Code of Practice, which requires drivers to comply with a set of rules to ensure good and courteous driving practices both on and off site. These requirements do not currently apply to HGVs associated with the RMC Plant. As part of this application, the applicant is proposing to enter into a legal agreement to require all HGV drivers associated with the operation of the RMC Plant to adhere to the same arrangements.

2.6 The current quarrelling permission requires that quarrelling operations cease on 31 December 2023. As well as submitting this planning application to vary the RMC Plant’s operational hours, the applicant has submitted a planning application to extend quarrelling operations beyond the current expiry date of 2023 by a further 20 years, to 2043 (planning application reference 5/16/9010) and which is reported elsewhere on this agenda.
2.7 Condition 5 of the RMC Plant permission states:

‘On the cessation of quarrying activities at Holme Park Quarry this consent shall expire and the plant shall be removed and the site restored to the satisfaction of the County Planning Authority.’

2.8 Consequently, if planning permission is granted for the proposed extension of time for the operation of Holme Park Quarry, the permission for the RMC Plant would expire at the same extended time.

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 Home and due north of Burton-in-Kendal villages, on the eastern side of the M6 Motorway, approximately 3.5km south of Junction 36. The RMC plant is located immediately to the west of the processing plant within the operational quarry site close to the quarry entrance.

3.2 The hamlet of Clawthorpe lies immediately adjacent to the south western corner of the site. There are several properties which lie around 100-220m from the quarry boundary. A single property, Cunwen Woods, lies approximately 135m from the quarry boundary adjacent to the RMC plant, and a few further properties at Holme Park Farm, lie approximately 420m to the north west of the quarry boundary.

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 PLANNING HISTORY

4.1 Planning permission for the RMC Plant was granted on 11 January 1991 (ref 5/90/3339).

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 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 10 Biodiversity and Geodiversity
- 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

5.5 The emerging Cumbria Minerals and Waste Local Plan 2015-2030 was subsequently submitted to the Secretary of State for examination by an independent Inspector on 9 September 2016. Hearing sessions for the examination were held between on 29 November and 16 December 2016. Following this, a Table of Main Modifications to the Plan was prepared and consulted on between 27 March and 5 May 2017. The Inspector is now in the process of finalising her Report 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 **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 CS8.8 Development and flood risk
- Policy CS8.9 Minerals and waste
- Policy CS10.2 Transport impact of new development

5.7 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 L10 Rights of Way
- Policy S3 Landscaping

6.0 CONSULTATIONS AND REPRESENTATIONS

6.1 South Lakeland District Council (SLDC) – Planning: No objection provided the revised planning conditions in respect of 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 period of operation and restoration of the site.

6.2 South Lakeland District Council – Environmental Protection (SLDCEP): No objection. Seek the applicant’s confirmation that there are no residential properties within 300m of the plant, as restricted hours of operation would apply (in line with those of the quarry) if there are. If this can be confirmed then SLDCEP propose conditions to control noise, lighting and dust and be consistent with other permissions. SLDCEP would also like an additional planning condition to restrict the number of HGVs visiting the RMC Plant daily, as is the case with the quarry, and for details of exact numbers to be agreed with the operator, and welcomes the application of the traffic routing arrangements to the RMC associated HGVs as well as those associated with the quarry.

6.3 Burton-in-Kendal Parish Council: No objection in principle to a variation in the concrete plant hours of operation, but has a number of comments which are consistent with their representations made on the extension of time application (ref no 5/16/9010). The Parish Council considers that:

- Both applications fail to recognise the growth and changing expectations of the local community, and so consider the impacts will affect a much larger population than the applications envisage;
- Residents are entitled to expect that the operator will do all it can to limit the adverse effects of the operations at the quarry, and ask that the Planning Committee undertakes a site visit to the quarry, the local community and the nature reserves before making a decision;
- The most far reaching effects of the quarry operations for most local residents is the number of HGV movements, and consider that it is disappointing that reductions and more measures to mitigate the effects of so many HGVs are not considered in the application;
- The restriction of HGV traffic through the village is referred to as ‘voluntary’ throughout the application, subject to a separate agreement; that a complete ban on HGV traffic passing through the village of Burton-in-Kendal should be imposed on all HGV traffic going to or departing from the quarry; that this ban should be an absolute and binding condition of the planning application; that the ban and how it will be enforced should be clearly written within the application, and that the extension of the ban of HGV traffic through the village to include cement lorries is welcomed, but the Parish Council asks
why it has not already been imposed as a voluntary arrangement;

- The rapid growth of recreational cycling and the need for walkers completing the Limestone Link to walk on the A6070 for several hundred yards should have been considered in the analysis of the effects of HGV traffic; that, given the reduced rate of operation of the quarry, Saturday working should be stopped altogether, to include the movement of HGVs, which would significantly improve the growing recreational use of the A6070, and supports the suggestion by a local resident that a footway alongside the A6070, for the Limestone Link walkers, should be provided at the applicants’ expense, a requirement that should apply to this as well as the extension of time application;

- There are stretches of the A6070 where standing water is a problem after heavy rain, particularly at the junction between the quarry access road and the A6070; that the problem to be worsening, and that there is an expectation that the County Council and will ensure sufficient provision for any new agreement or variation to the existing agreement for maintenance of the A6070.

6.4 Holme Parish Council: No objection or comments.

6.5 CCC Highway Authority: No objection provided the routing arrangements and conditions controlling hours of operation and HGV traffic, contained in the original planning permission for the operation of the quarry, remain in place.

6.6 CCC Lead Local Flood Authority: No objection.

6.7 Highways England: No objection.

6.8 The application has been advertised by site notice, in the press and nearby properties considered to be most materially affected notified by letter. The local county councillor has also been notified. One representation has been received raising the following summarised observations:

- A restriction to prevent HGVs associated with the concrete plant passing through Burton-in-Kendal would be beneficial, but considers that this should be a planning requirement rather than a voluntary agreement and should not be conditional upon the time extension application (ref 5/16/9010) being granted permission by the County Council, and

- The applicant has applied for a 20 year extension to extract the same quantity of limestone as in the original permission due to expire in 2023. The intensity of extraction is therefore reduced and the hours of operation could be reduced accordingly. To improve amenity and disturbance to residents in Clawthorpe, the working hours for the quarry more aligned with those of the concrete plant rather than vice versa, particularly the morning start times changed from 6.00 to 7.00. It is proposed that the proposed start times for both the quarry and the concrete plant would be 07.00 Monday to Friday and from 08.00 to 13.00 on Saturday.

7.0 PLANNING ASSESSMENT

7.1 The proposal is essentially to align the operating hours of the concrete plant to be consistent with those of the quarry for operational reasons. The key planning issues relevant to the consideration of this planning application are the potential impacts of the extended operating hours upon local residential amenity; the highways implications of these proposals, and the extension of the life of the
operations should planning permission for the extension of life of the quarry be granted.

**Impacts on Local Amenity**

7.2 Policy DC2 (General Criteria) of the CMWLP requires minerals proposals to demonstrate that noise levels would be within acceptable limits, and that there would be no significant degradation of air quality from dust and emissions. Policy DC2 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), and dust (Policy DC5).

7.3 Whilst the proposed amendments to the hours of operation for the RMC Plant to be consistent with those of the quarry would enable operations to start one hour earlier on weekday and Saturday mornings and finish three hours later in the evenings during weekdays, operations would cease earlier on Saturday afternoons. There would continue to be no working permitted on Sundays, Bank or Public Holidays. Furthermore, the proposed revision to the condition is to remove the clause that requires adherence to the hours of operation ‘unless in exceptional circumstances’. This would remove any uncertainty or ambiguity relating to hours of operations, from a residential amenity perspective.

7.4 The closest residential property to the plant is Curwen Woods, approximately 135m to the south of the quarry boundary and around 350m from the plant itself set at a higher level than the quarry and is surrounded by woodland. The next closest properties are those at Holme Park Farm, the closest of which is located about 420m to the north of the quarry boundary and around 530m from the actual RMC plant site. The latter properties are located immediately adjacent to the A6070.

7.5 All of these properties fall outside the 300m threshold referred to by SLDCEP’s Officer, within which more restrictive hours should apply in order to be consistent with the quarry operations. Given the distance between the plant site and these properties and the immediate environs of the properties, it is considered that the proposed alterations to the hours of working would have negligible impacts particularly as the plant would be working consistently with the quarrying operations, even if the time extension for the quarry to operate until 2043, proposed by planning application 5/16/9010, were to be granted.

7.6 With regard to representations received, the plant is some considerable distance from Clawthorpe itself, at approximately 720m to the north of Clawthorpe House, the closest property in Clawthorpe to the plant site. The whole village also benefits from a band of woodland which extends immediately south of the plant site along the southern and western boundary of the quarry. There is no history of complaints having been received in relation to the operation of the plant. It is therefore considered that any impacts arising from an increase in plant operational hours, even if the quarry and the plant were to continue operating until 2043, would again be negligible.

7.7 It has been requested that instead of the RMC hours of operation being changed to align with those of the quarry, the operating hours at the quarry be reduced to align with those of the RMC plant, in order to protect the amenity of residents in Clawthope. A current planning condition attached to the quarrying permission affords residents of Clawthorpe in closest proximity to the quarry workings a greater degree of protection by requiring no mineral extraction, processing or
transportation of mineral within 300m of a noise sensitive property in Clawthorpe shall take place outside 08.00 to 17.00 hours Mondays to Fridays. It is proposed that this planning condition is retained as part of considerations relating to planning application 5/16/9010.

7.8 In terms of potential impacts on rights of way in the vicinity of the site, the closest of these lies immediately south of the quarry access and runs along the southern boundary of the quarry approximately 80m from the boundary of the RMC plant site at its closest point. There may be some benefit of the plant ceasing earlier on Saturday afternoons and extended hours early on weekday mornings and later into the weekday evenings is unlikely to have any negative impact for walkers on the paths. Overall, and in the context of the operation of the site as a quarry, it is considered that impacts on the footpaths would be minimal, even if operations were to be extended until 2043.

7.9 The proposed planning conditions have been amended to reflect the recommendations made by SLDCEP's Officer. As well as controls on hours of operation, direct controls over noise, dust and lighting have also been introduced. As a result, the proposed planning conditions are considered to be more extensive and stringent than the existing controls to reflect modern operational practices and which would be beneficial to mitigating impacts and protecting local amenity.

7.10 It is considered that the proposed changes to operational hours, combined with additional planning conditions to control noise, dust and lighting, would ensure that impacts upon local amenity arising from the continued operation of the RMC plant, even if extended until 2043, would be minimal in the context of the continued operation of the quarry. It is therefore considered that the proposals accord with the policies of the development plan.

Highways Implications

7.11 Policy DC1 (Traffic and Transport) requires proposals for minerals development to 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).

7.12 The applicant has proposed that should permission be granted for the amended hours of operation, they would enter into a legal agreement with the County Council to require all RMC plant HGV traffic to adhere to the same vehicle routing arrangements which currently only apply to quarry HGV traffic. This would, however, be with the exception of local deliveries to Burton-in-Kendal itself which they request should be excluded from these arrangements. The proposal to include RMC plant HGV traffic in these arrangements would be beneficial in terms of reducing the impacts of traffic travelling through Burton-in-Kendal and which is considered acceptable. This is a clause of the existing legal agreement relating to HGV traffic associated with the quarry, and would meet the
7.13 In response to concerns raised about the ‘voluntary’ nature of the routing agreement, the only effective way of securing a routing agreement in this case would be through a legal agreement, as opposed to a planning condition. A planning condition would be unenforceable in this situation as the HGV drivers are not necessarily under the direct control of the applicant. The use of a legal agreement to control HGV traffic associated with the quarry, and the imposition of sanctions by the operator, should the routing arrangements not be adhered to, has operated successfully for several years. It is simply proposed to apply similar arrangements, including the requirement for HGV drivers to adhere to a Haulier Code of Practice, to HGV traffic associated with the RMC Plant. Furthermore, securing this routing agreement would not be conditional upon any permission being granted for an extension of time for the operation of the quarry, which is the subject of planning application 5/16/9010. These are entirely separate planning applications and determination of one must be independent from that of the other.

7.14 It is considered that SLDC Environmental Protection’s request for an additional condition to restrict the number of HGVs associated with the operation of the RMC Plant would be unnecessary. HGV movements have never been restricted since planning permission to operate the plant was granted in 1991; there has been no history of any complaints having been received relating to volumes of HGV traffic since then, and only recently have comments been received relating to traffic routing. The Local Highway Authority has raised no objection, subject to the routing arrangements and conditions controlling hours of operation and maximum permitted HGV traffic numbers associated with the quarry permission itself, remaining in place. There are no proposals to amend or remove these conditions. It is therefore considered that the imposition of a condition limiting the number of HGVs associated with the RMC plant would be neither reasonable nor necessary.

7.15 The proposal to control HGV traffic associated with the operation of the RMC plant to the same routing restrictions as the quarry traffic, would contribute to minimising the impact of heavy traffic in the vicinity of the quarry, in accordance with development plan policy. This would be generally beneficial to local and residential amenity and would assist in mitigating any limited impacts that could arise as a result of the increased hours of operation.

7.16 **Human Rights:** 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.

7.17 The proposal would have a limited impact on the visual, residential and
environmental amenities of the area; however, it is considered that those impacts would be insufficient to interfere with the rights of the applicant and satisfactory controls could be imposed on the proposed development to protect the amenities of the most affected residents. The impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) would be minimal and proportionate to the wider social and economic interests of the community and could be satisfactorily controlled by planning conditions and a legal agreement.

8.0 CONCLUSION

8.1 It is considered that the impacts arising from the proposal to extend operational hours at the RMC Plant to align with those at the quarry would be minimal, even if operations were to be extended until 2043, well beyond the life of the current permitted quarry operations. Furthermore, this proposal presents the opportunity for controls to be placed on the routing of associated HGV traffic, which would otherwise have not arisen.

8.2 It is concluded 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 the legal agreement in place, any potential harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development. It is therefore recommended that this application be granted subject to the applicant first entering into the legal agreement controlling HGV routing and subject to the conditions set out in Appendix 1 to this report.

Dominic Donnini
Director of Environment & Highways Services

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Background Papers: Planning Application File Reference No. 5/16/9011

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

Time Limit for Implementation of Permission

1. This permission shall be for a limited period only, and shall expire upon the cessation of quarrying activities at Holme Park Quarry, at which time all operations hereby permitted shall cease; all buildings, structures, plant and machinery, hard standings and access roads shall be removed from the site. A scheme for the restoration of the site which shall compliment the restoration proposals for the surrounding quarry, including a timescale for implementation shall be submitted to the Mineral Planning Authority for approval in writing prior to the removal of any buildings, structures, plant and machinery, hard standings or access roads. The site shall thereafter be restored in accordance with the approved scheme.

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

Approved Scheme

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

a. The submitted Application Form – dated 3 August 2016;
b. The Planning Statement by Heaton Planning – dated August 2016;

   c. Plans numbered and named:
      ▪ Concrete Plant Curtillage Plan – Drawing No 9020-41 – dated 20 July 2016;
      ▪ General Arrangement of Site – Drawing No 1603/02 – dated 9 November 1990;

d. The details or schemes approved in accordance with the conditions attached to this permission.

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

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

Hours of Operation

3. No operation of the RMC plant, including loading and transportation, shall take place outside the hours 06.00 to 22.00 hours Mondays to Fridays and 06.00 to 13.00 hours on Saturdays. This condition shall not operate so as to prevent the use of pumping equipment and the carrying out, outside these hours, of essential maintennace to plant and machinery used on site.

Reason: To ensure that no operations, loading or transportation takes place outside working hours which would lead to an unacceptable impact upon local
Control of Noise

4. All plant, equipment and machinery used in connection with the operation and maintenance of the site shall be equipped with effective silencing or sound proofing 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 Minerals and Waste Development Framework Generic Development Control Policies.

Control of Dust

5. All HGV’s leaving the RMC plant site shall utililise the quarry wheel cleaning facilities before leaving the quarry site and entering the public highway to ensure they leave the site in a clean condition and to prevent the deposit of deliterious material on the access road to the quarry and public highway.

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 Minerals and Waste Development Framework Generic Development Control Policies.

Control of Artificial Lighting

6. 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 property outside the site.

Reason: To safeguard the amenity of local residents and in the interests of highway safety, in accordance with Policies DC1 and DC2 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

External Materials

7. The external cladding of the plant shall be retained and maintained in a dark green colour throughout the life of the plant. Details of any changes to the external finishes or colour of the RMC plant shall be submitted to the Minerals Planning Authority for written approval prior to implementation.

Reason: To minimise landscape and visual impacts of the plant in the interests of local and residential amenity, in accordance with Policy DC2 and DC12 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.

Drainage

8. The site shall be satisfactorily hard surfaced and adequate provision shall be made to contain surface water run-off on the site and to take it to the adjacent

settling lagoon system.

Reason: To prevent any incidence of groundwater or surface water pollution, in accordance with Policies DC3 and DC14 of the Cumbria Minerals and Waste Development Framework Generic Development Control Policies.