

**To: The Chair and Members of the Development Control and Regulation Committee**

# Update Sheet

Dear Members

## **DEVELOPMENT CONTROL AND REGULATION COMMITTEE**

Please find attached the Update Sheet for the meeting of the Development Control and Regulation Committee to be held as follows:

Date: Tuesday 28 February 2023  
Time: 10.00 am  
Place: Council Chamber - County Offices, Kendal, LA9 4RQ

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TO: The Chair and Members of the [Development Control & Regulation Committee](#)  
FROM: The Executive Director - Economy and Infrastructure

## **PLANNING APPLICATIONS**

### **Agenda Item 7** (Pages 37 - 64 of the Agenda Pack)

Reference	Site Location / Proposal Description
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<a href="#">1/22/9005</a>	Esk Quarry, Sand Pit Number 2, Faugh, Brampton, CA8 9EG
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Extension of the end date of extraction to 31st December 2032 for the continued working of a known mineral reserve, subsequent restoration infilling and ancillary aggregate recycling.

## **UPDATES**

### **Response from Network Rail**

A response to the application has been received from Network Rail. Initially some concern was expressed on the impact the volume of HGV traffic could have on the rail line crossing at How Mill as it is part of the exit haul route used by HGVs. However, they note the limits on HGV movements proposed by a condition and consider they would not be able to achieve a reasonable condition to further protect the rail crossing and its surface. As such, they have not further comments to make on the application.

### **Comments on the issue of public health have been received from Cumbria County Council's Director of Public Health.**

There is little evidence to suggest an increase in risk, other than in industrial settings – this has been discussed with the UK Health Security Agency and they are similarly minded. The Director has not seen any evidence of direct respiratory health impacts that is strong enough to withstand any appeal against a decision to reject the application.

### **Wetheral Parish Council**

A communication has been received in relation to the consultation response from Wetheral Parish Council on the planning application, advising that at a subsequent meeting of the Parish Council held on 14 December 2022, that an addendum statement to the parish council's consultation response would be provided to the County Council. No further statement has been received by the County Council from the parish council, however, the minute extract explains that the parish council object to the application, and that the site should be returned to agricultural use by 2023 in line with the current planning permission relating to the site. It goes on to say the conditions in the objection will only be considered if the council approves the application.

### **Further comments received from a member of the public, in addition to an objection received to the planning application**

The comments received are as follows:

#### **1) Sand Martin Wood**

The application states that "There are no statutory rights of way currently within, or, in the immediate vicinity of the Site's boundaries." Whilst this is true, neither the application nor the report mention that a large area of land directly adjacent to and sharing a boundary with the quarry is owned by Co2balance.com who have always permitted public access for quiet enjoyment of their land. Please see the attached map for reference.

## UPDATE SHEET

### – DEVELOPMENT CONTROL & REGULATION COMMITTEE SITTING [28 FEBRUARY 2023](#)

- Published 27 February 2023 at 13:00

The company have repeatedly erected signage at the entrance to what is known as Sand Martin Wood specifying that "Walkers and responsible dog walkers are welcome", however this signage has unfortunately been torn down and removed each time. I checked with Co2balance.com at the end of last year as to whether they are still happy to allow public access and this was confirmed. They told me that they have plans to erect a more permanent sign in the future to make it clear as to whom the land belongs and that the company are happy for the community to have access to the land within their conditions (no shooting or hunting).

Locals have welcomed the permission to have access to this land as it is one of the few spaces where it is possible to walk and exercise away from the ever-increasing dangers of our local roads. To have such a space within walking distance of homes is invaluable as access to green spaces is essential for wellbeing.

Enjoyment of this site is however very compromised or even at times prevented by the proximity to Esk Quarry. The working area of the site can be viewed from many parts of Sand Martin Wood and this blights what would otherwise be an attractive landscape. In addition to the visual impact, the very loud noises, especially generated by the crushing and sorting aggregate but also of vehicles loading and reversing, as well as the frequent bad smells and airborne dust, all together create an unpleasant atmosphere.

*Officer comment: The reports and studies submitted in support of the application demonstrate the potential impacts on sensitive receptors and the officers' reports considers these impacts.*

#### 2) Light pollution

The security flood lights installed around the buildings on the application site have blighted the night sky for some time now but recent, even brighter, additions have made the problem a good deal worse. These lights are on all night and not turned off at the end of the working day and consequently are a troubling and considerable source of light pollution in what would otherwise be an intrinsically dark rural landscape.

The result is that the site is not as "invisible" or "well screened" as portrayed, the lights can be seen from multiple positions on both the How Mill road and the Castle Carrock road, as well as from Sandy Lane that runs off the Flatt Farm road, and from the public footpath which connects Faugh to Heads Nook. There will be other locations that I have failed to recall or observe. The lights create a severe glare in contrast with the surrounding blackness. In addition, on cloudy nights, the light pollution can be viewed from much further afield as a result of "sky glow".

It is not acceptable for the night sky to be polluted in this way, particularly in this rural location, as not only does it impact on enjoyment of the countryside but, even more importantly, it is well known that artificial lighting at night has devastating impacts on ecology. Wildlife habitat, birds, mammals, insects, amphibians and plants are all adversely affected, with feeding, breeding and hunting behaviours, as well as plant growth all being disrupted.

*Officer comment: The above comments are noted – an additional planning condition could be added to either require a full lighting scheme to be submitted and approved or to require appropriate down lighters to be fitted to lighting units if required to reduce light spill.*

#### 3) Washing of waste aggregates

In the supporting document submitted with this application, it states clearly that there are no proposals to wash waste at the site;

## UPDATE SHEET

– DEVELOPMENT CONTROL & REGULATION COMMITTEE SITTING [28 FEBRUARY 2023](#)

- Published 27 February 2023 at 13:00

3.2 . Mineral washing is included in the proposals, but only for the processing of primary aggregate extracted from The Site, not for the processing of incoming inert waste associated with the aggregate recycling operations.

2.6.1. Inert waste would be brought into The Site to be recycled into secondary aggregates. Waste would not be washed at The Site, it would only be processed by crushing, if necessary, and screening.

However, in the EA EPR Compliance Assessment Report dated 13/07/22 it states

"EW informed me that the wash plant is still only used for quarrying materials and not for waste. However, EW stated that he has asked consultants to begin producing an application for a bespoke permit, to use this facility for waste in future."

Clearly, this is something that should have been included in the planning application as washing of waste aggregates obviously has a far greater environmental impact than washing only primary aggregates. Why has this not been mentioned in the application? It is of utmost importance that this is clarified.

*Officer comment: This falls within the remit of the Environment Agency (EA) to control – the application is clear that washing inert waste is not proposed and is not being carried out at this present time. If washing of recycled aggregates or waste were to be proposed, a bespoke permit would be required to be in applied for and issued by the EA.*

### 4. Abstracting water

In the "slope stability assessment it states "No evidence of groundwater was observed on site other than that held within the lagoons for washing activities. Ground water used within the quarry operations is abstracted from a nearby watercourse known as the Cairn Beck."

Cairn Beck is some distance away and it seems unlikely that water is being abstracted from here. Do they mean the much smaller Trout Beck? In the Hydro-geological Impact assessment it does not state that water is abstracted from either beck; instead, it says that water used for mineral washing is extracted from a borehole located 180 m northeast of the site and that the borehole abstracts from the "glaciofluvial deposits and the St Bees Sandstone."

This conflicting information needs to be clarified.

*Officer comment: it is understood that the operator draws from a borehole located adjacent to the nearby beck.*

### 5. Porosity of quarry floor

The flood risk assessment says there is no risk of flooding as:-

3.1. The Site drains towards the north, though due to the exposed sand and gravel in the extraction area, the majority of surface water soaks into the ground as opposed to running off site over the land.

3.5. Due to the high permeability of the sand and gravel that makes up the majority of The Site's surface, surface runoff rates are not and would not be high.

In the supporting statement it says:

## UPDATE SHEET

– DEVELOPMENT CONTROL & REGULATION COMMITTEE SITTING [28 FEBRUARY 2023](#)

- Published 27 February 2023 at 13:00

2.5.3. The base of extraction would maintain a 1m standoff from the water table to ensure that groundwater would not be affected by the proposals

I fail to understand how it is possible that extraction and subsequent infill to a depth of 1 metre above the water table will not affect the groundwater. As the quarry floor is highly porous then surely any contaminated water will pass easily through to the groundwater below. Introducing waste materials, whether for recycling or infill will absolutely and undoubtedly introduce contamination to the site, regardless of the proposed checks and measures. We have a responsibility to do everything within our power to prevent unnecessary contamination of the groundwater.

*Officer comment: Only inert waste will be dealt with at the site. Inert wastes are non-reactive and do not produce leachate. Furthermore, there is no pollution pathway to groundwater as the recycling area is to be located on hardstanding and impermeable ground. Only inert material would be imported for slope reinforcement work thus no leachate would be formed in connection with this.*

### **Agenda Item 8** (Pages 65 - 99 of the Agenda Pack)

Reference	Site Location / Proposal Description
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[1/22/9006](#)

Cardewmires Quarry, Cardewlees, Dalston, Carlisle, CA5 6LF

Lateral extension to the east of for the quarrying of sand and gravel.

## **UPDATE**

### **Further Response from the Environment Agency**

Confirm that they have reviewed the technical note concerning hydrological impact on Gill Beck and concur with the conclusion that despite the proposed development having potential to derogate the Gill Beck flow along the boundary of the proposed extension, this isn't a significant change compared with the existing situation.