

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
28 February 2023
A report by the Executive Director for Economy and Infrastructure

Application Reference No. 1/22/9006

Application Type: Full Planning Permission

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

Location: Land adjacent to Cardewmires Quarry, Cardewlees, Dalston, CA5 6LF

Applicant: Thomas Armstrong (Aggregates) Ltd

Date Valid: 17 November 2022

Reason for Committee Level Decision: Objections received from representees.

1.0 RECOMMENDATION

1.1 That 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 for a lateral extension to the east of Cardewmires Quarry, Cardewlees, Dalston to win and work approximately 105,000 tonnes of sand and gravel. Extraction of this mineral resource is anticipated to be completed in under twelve months. As such, taking into account lead-in times, the application seeks to tie the working and restoration of this proposed eastern extension into the current permitted time periods for the existing site – that is to say for extraction to cease by 31 December 2025 with completion of restoration by 31 December 2026.

2.2 The red line planning application area encompass approximately 4.45ha of land outside the current quarry site boundary. Within this additional land mineral extraction is proposed to take place over approximately 0.65ha of previously undisturbed land. The proposal would also result in mineral working to a lower level and slightly greater footprint than currently allowed for within the confines of the existing permitted site. Mineral extraction would take place down to a maximum depth of 22m AOD (i.e. up to 14m below existing ground level). The water table at the site sits around 33m AOD, so much of the mineral will be wet worked.

2.3 Site establishment and preparation operations would involve:-

- the removal of approximately 20 existing, mostly young, trees (comprising Ash, Crack Willow, Silver Birch & Rowan) over an approximately 0.1ha area;
- provision of native woodland and scrub mitigation planting over an approximately 0.3ha area to the far north-eastern side of the application site;
- installation of a new land conveyor with feed hopper;
- excavation of soils and storage in a 2m high 8m wide temporary storage mound to the north-eastern side of the conveyor and hopper.

- 2.4 Sand and gravel would initially be excavated by long reach excavator. To access deeper deposits below the water line a dragline or the site dredger may also be used. No pumped dewatering is proposed as part of extraction activities. Extracted mineral would be loaded into a feed hopper and transported by conveyor to the existing fixed processing plant on site.
- 2.5 It is proposed that the extended working area would become part of the large existing eastern lagoon/lake on the site that forms part of the existing approved restoration scheme for the quarry. The restoration works for this eastern extension application proposal would involve replacing stored soils on the margins of the newly formed area of extended lake and planting native wet woodland species along its north-eastern side. It is proposed marginal aquatic vegetation and reed beds would be allowed to naturally establish along the waterbody edge. It is proposed to install rock-armour along the southern edge of the waterbody so as to ensure Gill Beck and the railway line are protected from any wave action related erosion. The conveyor area is proposed to be restored to pre-development contours and re-established as agricultural grassland. This application proposes that the land conveyor would be removed and the area used for this and for soils storage would be returned to agricultural grassland.
- 2.6 This application has come about as the volume of permitted reserves remaining at Cardewmires Quarry are very limited. The submitted supporting information explains that demand for sand and gravel in the local market area served by Cardewmires (which covers the Carlisle and Allerdale local council areas) has been, and remains, particularly strong; resulting in extraction taking place at Cardewmires at a greater pace than originally envisaged when the site was acquired by the applicant in 2014.
- 2.7 Land to the south of Cardewmires Quarry is allocated as an area of search for mineral extraction in the Cumbria Minerals and Waste Local Plan 2015 – 2030 (CMWLP) as Site Allocation Ref. M8. This proposed small eastern extension seeks to provide continuity of mineral supply whilst an application for the larger southern extension is prepared and determined.

3.0 SITE DESCRIPTION

- 3.1 Cardewmires Quarry is situated in a rural valley bottom between the villages of Thursby and Dalston, some 4.5km south-west of Carlisle. It is situated in a lowland agricultural landscape with undulating rolling topography and regular shaped medium to large pasture fields that are predominantly delineated by hedgerow boundaries. The existing quarry site is predominantly bounded by agricultural land. The exceptions to this are some small copses / belts of trees and the south-eastern side of the site which adjoins a section of the Cumbria Coast Railway Line where it is on embankment.
- 3.2 Access to/from the public highway is achieved via an approximately 300m long private track that connects onto the U1133 Barras Brow (aka Cardewlees) road opposite the recently expanded premises of a haulage and warehouse storage business. This private track's junction with the U1133 is approximately 435m east from the A595. Due to no-right turn restrictions being in place from the eastern end of the U1133 onto the A595 and from the A595 onto the U1133, traffic bound or originating from the north/east of the site, and traffic originating west of the site access the quarry via the U1134 arm of the A595 Orton Grange Roundabout. The U1134 runs past the Dobbies Garden Centre and Westwood Nurseries. The

U1134 forms part of the Reivers Cycle Route.

- 3.3 The quarry effectively forms the headwater of the River Wampool, which drains north westwards to the Solway Firth. The Wampool itself has been diverted from the centre of the site to the southern edge of the western lake to remove it from the permitted extraction area. The eastern lake drains directly to the diverted course of the Wampool. The western lake only drains to the Wampool in heavy rainfall conditions (doing so further downstream via a weir). Gill Beck (which is classed as main river and part of the Wampool by the Environment Agency) flows into the eastern lake from the south-east passing through a culvert beneath the railway line before flowing westward along a straight section of channel. The proposed extended working area extent would be approximately 15m north of this channel.
- 3.4 The proposed extension area is predominantly agricultural grassland that is species poor and poorly drained. A slim belt of young woodland currently forms the eastern boundary to the existing permitted working area. Overhead electricity power lines run across the red line planning application area (between the proposed extended extraction area and the proposed native woodland planting area). An underground high pressure gas transmission pipeline lies approximately 125m outside of the application site boundary.
- 3.5 The application land lies approximately 1.6km to the west of the River Caldew, which is designated as part of the River Eden Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), but does not fall within the Caldew/Eden catchment. Orton Moss SSSI lies approximately 3.3km north from the quarry. The site lies at least 8km from the eastern boundary of the low-lying plains of the Solway Coast Area of Outstanding Natural Beauty (AONB) and 10km from the northern boundary of the Lake District National Park. The site is over 5.5km outwith the visual impact zone of the Hadrian's Wall UNESCO World Heritage site. The Cardew Hill Scheduled Monument (a former settlement that is 460m south-east of Cardew Hill) lies approximately 1.1km south of the site. The nearest listed buildings to the extension area are those associated with Cardew Hall which are Grade II listed and lie just over 750m to its south.
- 3.6 Cardewmires Quarry is situated within a rural area with a dispersed distribution of housing beyond the confines of Thursby and Dalston. The extension area land ranges from approximately 36m AOD to 47m AOD. The nearest residential dwelling to the extension is the farmhouse of Cardewlees Farm (Hewitt) which lies approximately 350m north-north-east from the existing quarry boundary and its proposed extension and stands at approximately 57m AOD. Farm buildings, mature treed hedgerows and a small copse stand between this dwelling and the site. At their nearest points, the recently established Camping at Cardewlees site measures approximately 150m from the proposed extended footprint of extraction activity – with the nearest holiday pod building currently present measuring approximately 170m from this area and sitting at approximately 52m AOD.
- 3.7 There are no Public Rights of Way (PRoW) within, around or in close proximity to either the existing quarry or the proposed eastern extension area. The nearest lengths of non-motor-vehicular PRoW to the proposed extension area lie over 750m to its east.

4.0 PLANNING HISTORY

- 4.1 Planning permission for sand and gravel extraction at Cardewmires Quarry was first granted in 1967 (Ref. [BA3935](#)). A number of further permissions for extraction and the erection of sand and gravel processing plant were granted in 1971 (Refs. [BA3935B](#), [WA3947](#) & [BA3935A](#)). In August 1986 permission was granted for an approximately 23ha western extension which involved the diversion of a reach of the river Wampool (Refs. [1/85/0475](#) & [2/85/0396](#)). New planning conditions for the site were agreed as part of the 1995 Environment Act mineral site review process in November 2001 (Refs. [1/01/9010](#) & [2/01/9021](#)).
- 4.2 In December 2009 planning permission was granted to extend the operational life of the site – permitting extraction to 31 December 2025 with restoration required by 31 December 2026 (Refs. [1/09/9014](#) and [2/09/9005](#)). In 2009 it was estimated that 1.7m tonnes of permitted sand and gravel reserves remained to be worked over an approximately 11.2ha area of the approximately 42.4ha site. These 2009 permissions form the extant approved scheme. The approved restoration concept is to leave two lakes, separated by a feature referred to as “the permanent causeway” which runs approximately south-east to north-west. The smaller western lake is proposed to be maintained as a nature reserve area while the larger eastern lake is proposed to be used for recreational leisure (fishing and sailing). The current extant permissions include planning conditions that restrict the hours of working from 06.30 to 18:00 Mondays to Fridays and 06.30 to 13:00 on Saturdays and provide controls over dust and noise - including establishing noise limits of 55dB(A) (LAeq, 1 hour free field) for regular operations and 70 dB(A) (LAeq, 1 hour free field) for temporary earthworks).
- 4.3 In August 2022 the County Council adopted a screening opinion which concluded that, having had regard to the characteristics of the proposed eastern extension, the environmental sensitivity and size of geographical areas likely to be affected by it and the characteristics of potential impact and their significance, both singularly and cumulatively, that the proposal does not constitute development requiring an environmental impact assessment (EIA) (Ref. [SCR-1/22/31](#)).
- 4.4 Some land-use change has recently occurred to the north-east of the existing quarry that is of pertinence to the consideration of this application. On 30 May 2018 Carlisle City Council granted planning permission for the change of use of an agricultural field to the south of Cardewlees Farm for the stationing of 7no. wheel mounted timber clad holiday pods (Ref. [18/0245](#)). This land parcel lies, approximately, at least 150m from the north-eastern corner of the existing quarry site. To date three of the permitted pods have been installed. These are sited at the northern end of this land parcel. It is noted that the supporting statement for the above application set out that land adjacent to the east of the proposal has been utilised as an exempted camping and caravanning club site (i.e. a site used for less than 28 days a year). In June 2020 Carlisle City Council received a retrospective application for the change of use of the aforementioned field for the provision of 15no. touring stances and their permanent all year round use (Ref. [20/0379](#)). Full planning permission was granted 29 July 2021. On 22 August 2022 Carlisle City Council granted planning permission (Ref. [22/0396](#)) for a retrospective application for the formation of three crushed stone aggregate tracks at least one of which would improve access to the existing campsite facility.

5.0 BACKGROUND IN RESPECT OF EXISTING QUARRYING OPERATIONS

- 5.1 Cardewmires Quarry is unusual within Cumbria as it is primarily wet-worked in order to access the approximately 12m deep sand and gravel deposit present.

Historically areas of the site have been first worked with excavators and dumper trucks prior to the working area becoming submersed. When operated by its previous owners, Tarmac, submersible pumps would be used to locally reduce water levels by up to 4m in order to expose a 3 metre high sand and gravel face to be mostly dry worked by a wheeled loading shovel. The remaining mineral was then 'wet worked' by long reach excavator, floating grab and dragline excavator. The applicant does not undertake pumped-dewatering as part of their extraction operations. Over the last five years the applicant has also made use of a dredger to extract material. Dredged material is pumped from the dredger into a settlement lagoon where a tracked heavy duty cycle crane crawler with dragline bucket is used to lift sand and gravel into a hopper above the field conveyor system. The conveyor transports the mineral to the processing plant area which is sited at the central northern end of the site where the sand and gravel is separated and sorted into differing grades via a series of screens, a cyclone and crushers.

- 5.2 Cardewmires Quarry works river terrace/alluvial deposits. Sand extracted from the site is relatively clean to slightly silty, medium and coarse grained, with common grit suitable for coarse building applications (within mortars, renders and plasters) and concrete production. The sharp grit sand produced at the site is notably well used within the county within limestone mortars used in association with local building stone applications and for levelling paving stone. The gravel extracted is used to produce 40mm, 20mm and 10mm grades of general aggregate. The split in production at the site currently stands at approximately 60% gravel and 40% sand. The applicant's supporting statement sets out that since they took over the site, extraction has been taking place at a rate of approximately 160,000 to 180,000 tonnes per annum.
- 5.3 Just over a third of the site (an approximately 16.3ha area to its north-western side) falls within the current local government administrative boundary of Allerdale Borough Council. This area contains half of the western lake and the majority of Phases 2, 3 and 4 (which work the western side of the eastern Lake). The remainder of the site, including the currently active Phase 5 working area and the processing plant area, are situated within the Carlisle City Council area. This proposed eastern extension proposal falls solely within the Carlisle City Council area.
- 5.4 Cardewmires Quarry was taken over by Thomas Armstrong Aggregates Ltd from Lafarge Tarmac Ltd in 2014.

6.0 CONSULTATIONS AND REPRESENTATIONS

- 6.1 Carlisle City Council Planning Department: No objection. Acknowledges that there is a need for the release of further sand and gravel reserves to maintain sufficient supply of this resource. Consider that the proposed eastern extension is modest in size, sympathetically designed and would appear to have negligible landscape and visual impact. Comment that the existing site operates well and does not appear to adversely affect amenity in the local area. Highlight that they have received two objections from the members of the public raising concerns that noise from the proposal would affect both local residents and businesses. Notes that a noise impact assessment has been submitted in support of the application, appears that the proposed extension would comply with CMWLP Policy DC3. In light of the above and in line with the Carlisle District Local Plan Policies SP6 and CM5, should the application be approved, it is suggested that a condition is to be included within the decision notice to ensure that the existing

noise limits set out in Conditions 18 and 19 of the permission for the existing site (Ref. 1/09/9014) shall not be exceeded.

- 6.2 Carlisle City Council Environmental Health Department: No objection. Recommends that a condition is included to require the applicant to investigate any noise complaints that may arise and, if necessary, agree a scheme for further noise mitigation.
- 6.3 Allerdale Borough Council Planning Department: No response received.
- 6.4 Dalston Parish Council: [No observations](#).
- 6.5 Environment Agency: No objection in principle subject to the imposition of conditions to monitor and help mitigate any ecological impacts on Gill Beck and the River Wampool. Note that this application proposal concerns a small extension to extensive existing works which have already had a significant ecological impact on the aquatic environment. Consider the potential additional impact of this proposed eastern lateral extension is likely to be minimal.
- 6.6 Natural England: No objection. Consider that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 6.7 Network Rail: No objection subject to the imposition of conditions to secure i.) submission and agreement of a Risk Assessment & Method Statement (RAMs) for works in proximity to the operational railway and ii.) the proposed provision of rock armour to the south side of the extension of the waterbody as they consider this to be an essential mitigation. Explain that they have no specific concerns regarding the current tree planting proposal but wish to highlight that should any additional tree planting be undertaken then any new trees planted close to the railway should be positioned at a distance from its boundary which exceeds mature tree height.
- 6.8 Cumbria County Council (CCC) Local Highway Authority (LHA) & Lead Local Flood Authority (LLFA): No objection.
- 6.9 CCC Historic Environment Officer: No objection.
- 6.10 CCC Ecological Consultant: No objection. Observes that the relatively small parcel of farmland that would be impacted has low ecological value. Comments that they are satisfied that an appropriate level of ecological survey and impact assessment has been carried out. Initially raised concern that the loss of scrub habitat was not adequately mitigated. Satisfied that this was subsequently adequately provided for in revised plans submitted. Considers that the planting mixes for the proposed new native dry and wet woodland and scrub contain a good range of species that are locally appropriate for the site and that they have been specified in locations that extend and bolster the value of existing habitats. Notes that no DEFRA Metric has been submitted but, in view of the small size of the site and the good range and quantity of mitigation habitats proposed to replace an area of pasture, is content that the proposal would meet current policy requirements in respect of achieving a biodiversity net gain. Recommends a condition to secure details of all soft landscaping for site restoration and aftercare.
- 6.11 Electricity NorthWest: No response received.

- 6.12 Northern Gas Networks: Withdrew their initial holding objection in light of the distance of their asset from the proposal.
- 6.13 United Utilities: No response received.
- 6.14 Civil Aviation Authority: No response received.
- 6.15 Carlisle Lake District Airport: No response received.
- 6.16 Cumbria Constabulary Crime Prevention Design Advisor: Offer no observations or comments.
- 6.17 The application site falls within the County Council electoral division of Dalston & Burgh ED. The councillor representing this division, Mr Trevor Allison, has been notified of this application.
- 6.18 Fourteen representations have been received all of which object to the application proposal. Five came from individuals directly associated/engaged with the Camping at Cardewlees enterprise (a number of which are also associated with Cardewlees Farm – including the owner of the application land). Six originate from visitors who have used the campsite (three of which live, respectively, in the Dalston, Carlisle, & Brampton areas). One hails from a business owner and resident in Dalston. Another hails from a local Dalston resident who regularly walks the local lanes. One representation is penned by the Managing Director of the Cumbria Guide magazine and website which promotes local enterprises with a particular focus on tourism businesses.
- 6.19 The bulk of representations express the fear that this extension proposal would adversely impact the campsite business as a result of associated noise, dust and visual impact marring the peace, tranquillity and scenic qualities of the area that draw visitors to the site. Multiple representees set out that the quarry can be heard presently and consider that its encroachment further towards the campsite would intensify noise levels. The campsite owner sets out that the site currently has one full time member of staff and that they anticipate the need to employ more from Easter. Concern is also expressed that local businesses in Dalston, Carlisle and further afield in the County that have benefitted from the visitor draw of the campsite would experience a fall in trade if the popularity of the campsite decreases or if it closes. The campsite owner explains that their camping operation is a farm diversification enterprise and that if it was to cease trading it could adversely affect the future of the farm. A representee expresses the view that the application proposal would be detrimental to the overall tourism offer of an area with a shortage of more affordable holiday accommodation and to the local economy. Another representee expresses the view that tourism should be supported and not undermined.
- 6.20 Other views/concerns expressed within representations that are relevant to planning include that the proposal would result in:
- Adverse landscape impact that would be detrimental to the outstanding beauty of the area.
 - Potential for greater noise impact at nearby residential dwellings resulting in an unacceptable impact on living conditions.
 - Adverse impact upon fresh air in the locality.

- Habitats of animals and the local ecosystem will be further destroyed.
 - Greenspaces and wildlife being disturbed, changed and spoilt.
- 6.21 A number of points are raised that are not relevant material considerations. This includes visual impact from private agricultural land, and legal obligations relating to funding schemes.
- 6.22 The owner of the land subject to this application objects to quarrying moving nearer to his family's homes and "ruining" the campsite business, flagging visual impact as a particular concern.

7.0 PLANNING POLICY

- 7.1 [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.
- 7.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) (CMWLP) was formally adopted on 6 September 2017. The key policies relevant to the determination of this planning application are considered to be:
- Policy SP1 - Presumption in Favour of Sustainable Development
 - Policy SP13 - Climate Change Mitigation and Adaptation
 - Policy SP14 - Economic Benefit
 - Policy SP15 - Environmental Assets
 - Policy SP16 - Restoration and Aftercare
 - Policy DC1 - Traffic and Transport
 - Policy DC2 - General Criteria
 - Policy DC3 - Noise
 - Policy DC5 - Dust
 - Policy DC6 - Cumulative Environmental Impacts
 - Policy DC8 - Renewable Energy Use and Carbon Reduction on Existing Minerals and Waste Sites
 - Policy DC12 - Criteria for Non-Energy Minerals Development
 - Policy DC16 - Biodiversity and Geodiversity
 - Policy DC17 – Historic Environment
 - Policy DC18 - Landscape and Visual Impact
 - Policy DC19 - Flood Risk
 - Policy DC20 - The Water Environment
 - Policy DC21 - Protection of Soil Resources
 - Policy DC22 - Restoration and Aftercare
- 7.3 The [Carlisle District Local Plan 2015-2030](#) (CDLP) - *adopted 8 November 2016* also sets out planning policies for the area covered by this application. The following thematic and area based policies of the CDLP are considered of some relevance to this application proposal:
- SP1 - Sustainable Development.
 - SP8 - Green and Blue Infrastructure.
 - IP2 - Transport and Development.
 - CC3 - Energy Conservation, Efficiency & Resilience.
 - CC4 - Flood Risk and Development.

- CC5 - Surface water Management & Sustainable Drainage Systems.
- CM5 - Environmental and Amenity Protection.
- HE2 - Scheduled Ancient Monuments and non-designated Archaeological Assets.
- HE3 - Listed Buildings
- G11 - Landscapes.
- G13 - Biodiversity & Geodiversity.
- G16 - Trees and Hedgerows

7.4 Neighbourhood Plans also form part of the statutory development plan once it has been made (brought into legal force) by the local planning authority. The [Dalston Parish Neighbourhood Plan 2015-2030](#) (DPNP) was adopted April 2018 and covers the full Dalston Parish Council area. Policy DNP-E1 (Landscape Habitats and Rural Character) of the DPNP is considered to be of some relevance to this application proposal.

7.5 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form in July 2021. The national online [Planning Practice Guidance](#) (PPG) suite was launched in March 2014 and is continually updated. Both 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:

- Section 2 - Achieving sustainable development: Paragraphs 7, 8, 9, 10, 11 & 12
- Section 4 - Decision making: Paragraphs 38, 47, 55 & 56
- Section 6 - Building a strong, competitive economy: Paragraphs 81, 83 & 84.
- Section 9 - Promoting sustainable transport: Paragraph 111.
- Section 11 - Making effective use of land: Paragraphs 119 & 120.
- Section 14 - Meeting the challenge of climate change, flooding and coastal change: Paragraphs 152, 154, 167
- Section 15 - Conserving and enhancing the natural environment: Paragraphs 174, 180, 183, 184, 185, 186, 187 and 188.
- Section 16 - Conserving and enhancing the historic environment: Paragraphs: 189, 199, 200, 201, 202
- Section 17 - Facilitating the sustainable use of minerals: Paragraphs 209, 211 and 213.

8.0 PLANNING ASSESSMENT

8.1 The key planning issues relevant to this application proposal are considered to be matters of need; potential for adverse impact upon the nearby campsite and dwellings as a result of noise and dust emissions; landscape and visual impact; and biodiversity.

Need: Is there a need to release further sand and gravel reserves?

8.2 Aggregate minerals such as sand and gravel underpin the construction sector, providing a critical raw material for built development, other construction, manufacturing and the maintenance of infrastructure; and therefore confer great benefits to the economy and wider living standards. Geographical imbalances in the occurrence of suitable natural aggregate resources have been managed in England over the last 45 years through the Managed Aggregate Supply System (MASS). The underpinning concept behind the MASS is that Mineral Planning Authorities (MPAs) which have adequate resources of aggregates make an

appropriate contribution to national as well as local supply, while making due allowance for the need to reduce environmental damage to an acceptable level. The National Planning Policy Framework (NPPF) thus requires MPAs to plan for a steady and adequate supply of aggregates by maintaining landbanks.

- 8.3 Paragraph 213 requires MPAs to maintain a landbank of at least 7 years for sand and gravel. Policy SP7 of the Cumbria Mineral and Waste Local Plan (CMWLP) echoes the NPPF, seeking a landbank of *“at least seven years’ sales for sand and gravel... to be maintained throughout the Plan period”*. Both the CMWLP and NPPF are clear that a landbank of at least 7 years for sand and gravel needs to be maintained throughout a local plan period. The CMWLP covers the time period 2015-2030. As such it seeks to ensure that a landbank of at least 7 years is still present for sand and gravel in 2030. It should also be noted that whilst a minimum of a 7 year landbank is required, the planning practice guidance makes it clear that there is no maximum landbank limit.
- 8.4 The NPPF is also clear at paragraph 213(e) that MPAs should use the aggregate landbanks as the principal indicator of the security of aggregate minerals supply and to identify any additional provision that needs to be made. Mineral landbanks in the county are monitored and reviewed on an annual basis through the [Cumbria Local Aggregates Assessment](#) (LAA). The most recently published LAA report is dated 2022 and factors in data derived from the calendar year 2021. It sets out that, at 31 December 2021, reserves of sand and gravel stood at 5.63Mt (Million tonnes). The LAA uses 3-year average sales figures (currently 0.79Mt) to calculate landbank provision requirement. Based on this landbank reserve and this three year average sales rate it calculates that, as of 31 December 2021, there was a sand and gravel landbank of 7.12 years. Using these figures it gauges that the sand and gravel landbank would be completely exhausted by early 2029, unless new reserves are made available. It further calculates that in order to maintain the required minimum 7 year landbank throughout the Plan period an additional 7.01Mt of new sand and gravel reserve is required; with new reserves needing to have come on stream by no later than 2022 to prevent the landbank diminishing below the 7 year minimum supply figure this year.
- 8.5 The remaining reserve within the existing permitted extent of Cardewmires Quarry is included in the landbank figure. It is also noted that a number of planning permissions at other sand and gravel sites within the county are also due to expire within the local plan period and, if these permissions are not subject to time extension applications which are subsequently approved, the reserve in these sites will be lost to the landbank, resulting in a further reduction of an already inadequate landbank.
- 8.6 It is acknowledged that site allocations have been made within the CMWLP in order to provide for the additional reserves that were calculated as being required over the local plan time horizon at the time the CMWLP was produced. However, the sand and gravel resource in those areas cannot be considered to count towards any landbank of permitted reserves until a planning application is approved for their extraction. To date, of the six allocated sand and gravel sites within the county, only one planning application has been submitted and determined (*Ref. 2/18/9010*). This application was granted planning permission in January 2019 and allows for a 3.9ha lateral extension of High House Quarry into the 20.56ha Area of Search M6 (Land between Overby and High House Sand Quarries, near Abbeytown, Wigton). This permission has been taken into account within the LAA. No other planning applications have been submitted to date in

respect of allocated sand and gravel sites. Although it is duly noted that requests for EIA screening opinions have been recently lodged in respect of site allocations M8 (Land south of Cardewmires Quarry) and M15 (Land adjacent to Peel Place Quarry). In respect of the latter, it is noted that the site allocation covers 24.15ha but that the screening opinion request indicates that only approximately 6.5ha of the allocation is proposed to be brought forward. The lodging of screening opinion requests suggests that planning applications may be forthcoming in respect of these allocated sites within the next couple of years. From the above it would appear unlikely that the site allocations for sand and gravel will be sufficient in quantity, nor likely to come forward in a sufficiently timely fashion, to arrest the perilously diminishing landbank.

- 8.7 Whilst the precise landbank levels and average sales figures will change with each annual LAA that is published, the case stands that we cannot currently demonstrate a minimum 7-year landbank for sand and gravel reserve in Cumbria throughout the Plan period and there is a pressing need to release additional sand and gravel reserves to achieve this.
- 8.8 The NPPF seeks the planning system to provide for the maintenance of landbanks of aggregate minerals, as far as is practical, from outside of protected designated assets such as National Parks, AONBs, World Heritage Sites, Scheduled Monuments and Conservation Areas. Cardewmires Quarry and its proposed eastern extension are not within, in close proximity to, nor contain any such designated assets. As such this application proposal would help stave off any hypothetical pressure for sand and gravel extraction within or adjacent to such designated areas/assets.
- 8.9 CMWLP Policy DC12 sets out that favourable consideration may be given to mineral development proposals that can be demonstrated to be more sustainable than any available alternative – including areas already subject to minerals extraction where the additional working will enable comprehensive exploitation of the reserves. In terms of this latter aspect, it is observed that this eastern extension proposal would lead to more comprehensive exploitation of a known high quality mineral resource. With reference to the sustainability aspect, Cardewmires is the nearest sand and gravel quarry to Carlisle and is thus well situated to minimise mineral miles and support the economic and housing growth agenda of the County's only city which is enshrined within the [Carlisle District Local Plan 2015-2030](#) (CDLP) and encapsulated within the St Cuthbert's Garden Village (SCGV) project which seeks to realise a southern urban extension of Carlisle of around 10,000 houses with associated community facilities and new employment premises supported by a new 8.1km Southern Link Road (CSLR). The CSLR is currently programmed to commence construction work in spring/summer 2023. The CSLR and SCGV projects are likely to place increased demand on already dwindling sand and gravel mineral reserves within the next three years.
- 8.10 In light of the above I consider that strong evidence exists that there is an urgent need to release additional sand and gravel reserves in order to contribute toward maintaining a minimum seven year landbank throughout the plan period. I also duly note that paragraph 211 of the NPPF directs that "when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy" and that the site is well-situated to minimise mineral miles in meeting demand for sand and gravel aggregate within the Carlisle City Region.

- 8.11 At its outset policy DC12 of the CMWLP directs that proposals for non-energy minerals development outside of site allocations, whether a physical lateral extension to an existing site or a new site, will be considered on their individual merits. It stipulates that, beyond the issue of need, key criteria that need to be taken into account are economic considerations, positive and negative environmental impacts and land stability.

Economic Considerations: What positive and negative economic effects could the application proposal have?

- 8.12 Paragraph 8 of the NPPF tasks the planning system with contributing to help build a strong, responsive and competitive economy by making land available in the right place at the right time to support growth and productivity. Paragraph 81 of the NPPF directs that significant weight be placed on the need to support economic growth and productivity, while paragraph 211 of the NPPF instructs that great weight should be given to the benefits of mineral extraction including to the economy. Policy SP14 of the CMWLP sets out that proposals for physically extended mineral sites should demonstrate how they would realise their potential to provide economic benefit, explaining that this may include such matters as the number of jobs directly or indirectly created or safeguarded and the support that proposals give to other industries and developments. It also sets out that relevant adverse economic impacts on other industries, will be weighed against the overall economic benefits of the proposal. CDLP policy EC9 seeks to support and protect the tourism offer of the district.
- 8.13 This proposal would secure sufficient mineral supplies to allow for the continued operation of this quarry at current staffing levels for the current permitted duration of the site – thus securing the employment of the six staff based at the quarry and the 8-10 drivers involved in its supply-chain in the short-term. It is reasonably presumed that those employed to operate, maintain and service the site (including hauliers) will make use of some nearby local businesses and thus result in some year-round downstream benefits to elements of the service sector economy. The applicant's agent highlights that the additional mineral reserve sought to be released would ensure continuation of sufficient aggregates for local businesses and construction projects which may otherwise be prejudiced by having to seek supplies from further afield.
- 8.14 The proposal does have some potential to negatively impact on the nearby tourism business. It is noted that the new camping enterprise provides vital income to the owner's farming business, has generated one full time job to date and has the potential to generate some further seasonal part-time employment. It is also noted that its' tourist draw has also brought wider trickle down benefits to the local economy. However, it is also noted that it has operated to date in the context of the existing operational site, albeit it is acknowledged that this proposal would bring operations closer to the campsite. Furthermore, the applicant indicates that the winning and working of mineral in this small eastern extension area would be completed within the current permitted lifetime for mineral working at the existing quarry (i.e. by 31 December 2025). Should planning permission be granted at this committee meeting, then this would allow mineral working to take place over a period of no greater than 33 months (i.e. 2.75 years), although the applicant anticipates that mineral extraction in the extension area would be completed in under 12 months from its commencement.
- 8.15 Further to the short overall operational duration of this application proposal, the applicant has agreed to minimise their hours and days of working within the

extension area in order to further minimise potential for disturbance to campsite users. As such they only proposed to undertake operations in the extension area on weekdays between 07.30 and 16:30. The applicant also seeks to only allow working on Saturdays as a contingency (in the event that a major equipment breakdown disrupts productivity) and has thus agreed that weekend working be limited to no more than 5 Saturdays in a calendar year - with working hours on such days restricted to 07.30-13.00). The existing quarry site is permitted to work 06.30-18:00 hours weekdays and 06.30-13:00 hours on all Saturdays. It is understood that Friday and Saturday night stays generally form the weekly peak in demand for campsites and as such the reduced hours proposed would not prejudice this weekly window of peak demand/usage. These measures would serve to help protect the nearby tourism enterprise during the short operational life of the proposed eastern extension. The potential additional visual, noise and other amenity impacts on this business that would arise from this proposal are discussed further in the relevant latter sections of this report.

- 8.16 I am satisfied that the application has demonstrated the economic benefits of the proposal as sought by CMWLP policy SP14 and consider that the proposal strongly aligns with the economic directives of the NPPF. Accordingly I consider that the economic benefits of this proposal should be attached great weight and am minded that these benefits would outweigh any residual short-term negative economic effects the proposal would have upon the local economy as a result of the limited impact the proposal would have upon the recently established camping business.

Noise: Would the proposed eastern lateral extension result in an unacceptable additional noise impact upon nearby dwelling houses or the campsite?

- 8.17 The existing quarry site operates subject to planning conditions that establish maximum noise limits at any noise sensitive property of 55dB(A) (LAeq, 1 hour free field) for 'day to day' operations and a 70 dB(A) (LAeq, 1 hour free field) for temporary earthwork activities (such as soil/overburden stripping and the construction of screening mounds). CMWLP Policy DC3 continues to apply these maximum limits. The County Council has, to date, not received any noise related complaints associated with the operation of the existing site. Although it is noted that some representations received in connection with this application make reference to the audibility of operations. When on site the dominant source of noise from operations tends to be the fixed mineral processing plant. Noise from this plant is progressively less audible with progression away from the site up the northern hillside.
- 8.18 The applicant has submitted a Noise Impact Assessment (NIA) in support of their application. It notes that beyond the quarry operation the local noise climate at nearby receptors is predominantly dominated by traffic noise from the A595 and Barras Brow. It observes that key noises detectable from existing quarrying operations at sensitive receptors emanate from the processing plant and passing HGVs serving the site. It sets out "worst-case scenario" prediction of sound levels based on combinations of plant working at the closest point to each receptor. It sets out that this may occur intermittently over the lifetime of the site, but longer-term noise levels perceived outside of the site boundary would normally be significantly less. The NIA includes a BS4142 Noise Assessment (which includes a number of character correction penalties where noise may become distinctive against the residual acoustic environment) the result of which are replicated

below:

Location	Predicted Worst Case Specific Sound Level dB $L_{Aeq,1h}$	Acoustic Character Correction (dB)	Rating Level (dB)	Background Noise Level $L_{A90,1h}$	Initial Estimate Excess over background sound level (dB)
Cardewlees Campsite	48	3	51	43	+8
Beech Holme	52	3	55	49	+6
Cardewlees Farm	53	3	56	52	+4
Joran	36	0	36	32	+4
Nook Lane Foot	41	0	41	37	+4
Oak Hill Cottage	47	0	47	39	+8

8.19 The NIA concludes that the BS4142 assessment demonstrates that any potential adverse impacts from the proposed development are unlikely to be significant.

8.20 To estimate the potential difference in the noise climate due to the proposed lateral eastern extension the NIA undertakes additional calculations to compare existing noise levels attributable to quarry operations with the previously calculated worst-case noise levels from the proposed development. The result of this are set-out below.

Location	Predicted Noise Level from Existing Operations dB $L_{Aeq,1h}$	Predicted Worst-case Noise Level from Proposed Operations dB $L_{Aeq,1h}$
Cardewlees Campsite	47	48
Beech Holme	52	52
Cardewlees Farm	53	53
Joran	35	36
Nook Lane Foot (Dalston)	40	41
Oak Hill Cottage	47	47

8.21 The above results indicate that this application proposal is unlikely to change the attributable quarry noise levels at the closest receptors, with a +1dB(A) increase predicted in the worst-case at three of the six assessment locations considered. This change in noise level is not considered to be significant and would remain below the maximum noise limits established by CMWLP Policy DC3 and contained in the Mineral Section of the PPG. The NIA appears sound and Carlisle City Council's Environmental Health Department have raised no issues with its methodologies, calculations or conclusions.

8.22 Since the NIA was undertaken, I have worked with the applicant to further minimise potential for noise impacts by moving the conveyor feed hopper further away from the campsite and extending the temporary soil storage bund so that it is present between the hopper and the campsite. The applicant has also agreed

to 'reduced' working hours in the lateral extension area.

- 8.23 Despite these measures and conclusions, as extraction operations would progress closer to some sensitive receptors, in particular the campsite, I consider it appropriate to attach conditions to any permission to limit and control noise levels in line with those applied to the planning permission for the current operational site and to require the undertaking of noise monitoring to ensure compliance with these limits.
- 8.24 In summary, the NIA demonstrates that the proposed extension can be implemented by the operator whilst adhering to the noise standards contained within CMWLP policy DC3 and the PPG. The overall noise impact of the proposed development is therefore considered to be in line with local planning policy and national planning guidance which both seek to prevent and avoid any significant or unacceptable adverse noise impacts and, where necessary, mitigate and reduce to a minimum, other adverse noise impacts.

Dust: Would the proposed eastern lateral extension result in unacceptable dust emission impacts off-site?

- 8.25 Policy DC5 of the CMWLP seeks applications for expanded mineral operations to evidence that they will not result in a demonstrable impact on amenity as a result of fugitive dust. A dust management plan and monitoring scheme has been produced and submitted in support of the application. This sets out a wide range of practical and effective best practise measures for minimising the generation and mobilisation of dust. Furthermore, it is noted that the majority of mineral prospected would be wet-worked. This means it would be damp when extracted and would have less propensity for dust migration than that present at exclusively "dry" worked sites. It is also observed that the temporary soil bund has been sited so as to shelter and contain material transported on the conveyor along the site edge and that this and the extraction areas would also be largely screened from the closest dust sensitive receptors by the higher surrounding topography. The retention of existing areas of hawthorn scrub to the north-east of the working area and early delivery of the dry native woodland would serve to provide further containment in the event any windblown dust did arise. It is therefore considered that, subject to the imposition of conditions to ensure dust is controlled, that fugitive dust emissions are highly unlikely to occur and that if they did occur that they would be highly unlikely to result in any demonstrable adverse impact on any nearby sensitive receptors. As such I consider that the proposal complies with CMWLP policy DC5.

Landscape and Visual Impact: Would the proposal have an unacceptable landscape or visual impact?

- 8.26 CMWLP policy DC18 seeks development proposals to be compatible with the distinctive characteristics and features of the County's landscapes and directs that proposals should avoid significant adverse landscape or visual impacts. CDLP policy G11 sets out that all landscapes '*will be protected from excessive, harmful or inappropriate development, particularly those areas less able to accommodate significant change*'. While Dalston Neighbourhood Plan Policy DNP-E1 sets out that proposals must demonstrate they will not significantly detrimentally affect the Parish's landscape, wildlife habitats, rural character, green spaces and ecosystems.
- 8.27 The proposed eastern extension area is not within, or in close proximity to, a

designated protected landscape. It lies over 8km from the eastern boundary of the low-lying plains of the Solway Coast Area of Outstanding Natural Beauty (AONB) and over 10km from the northern boundary of the Lake District National Park (which is also a UNESCO World Heritage site). The site is also over 5.5km outwith the visual impact zone of the Hadrian's Wall UNESCO World Heritage site. The proposed extension area and the vast majority of the existing quarry site is in a landscape characterised by the [Cumbria Landscape Character Guidance and Toolkit](#) (CLCGT) as type 5a Lowland - Ridge and Valley. The CLCGT indicates that this landscape character type has moderate capacity to absorb development and that undeveloped areas of ridge tops and valley rims are sensitive to new development. The proposed extension would be at a low-point and is visually contained by existing topography and land cover from publicly accessible viewpoints.

- 8.28 A Landscape and Visual Appraisal (LVA) has been submitted in support of the application. This identifies the primary components that could give rise to potential landscape and visual effects during the operational phase comprise the removal of existing trees and soil stripping, mineral extraction via dragline, provision of a feed hopper and conveyor and the creation of 2m high temporary soil storage mounds. It considers that the operational effects of the proposal would be short-term and partially reversible due to the proposed restoration scheme. The LVA judges landscape character type (LCT) 5a to be of medium/low sensitivity. It observes that *"the operations would change the landscape character of the site from a pasture field to active wet working quarrying operations"* and continues that: *"whilst there would be a small loss of tree cover along the waterbody edge this would be barely discernible from the wider landscape and the hedge bound landscape pattern would remain unchanged. The upper parts of the dragline... would be a new feature within the landscape, however it would be in keeping with other vertical structures, such as pylons in the wider landscape and would not be more prominent in the context of these existing structures and large scale farm buildings. Beyond the site itself the scale of change would be small within circa. 1.2km to the south. Overall there would be a Small scale of change, experienced over a limited extent of LCT 5a, resulting in a Negligible magnitude of change. Given the Medium/Low sensitivity of this landscape, temporary operational effects on landscape character would be Minor/Negligible to Negligible in significance and adverse in nature"*.
- 8.29 The proposed restoration scheme would result in some permanent loss of existing landscape fabric with part of the extension area becoming subsumed into the existing waterbody that forms part of the approved restoration scheme for the existing site. The provision of interspersed native woodland clumps would be in-keeping with the character of the landscape. I thus concur with the LVA's view that, from the wider landscape, there would be little noticeable change within the application area as a result of the proposed restoration scheme.
- 8.30 In terms of visual impact, the LVA judges that terrain and built form greatly limit views from Dalston and most parts of the highway network (A595, Barras Brow/Barras Lane, National Cycle Network Routes, Cumbria Way, Other Public Rights of Way) resulting in negligible visual effects at these potential visual receptors. The LVA identifies two main visual receptor groups/clusters that are likely to experience more than negligible visual effects:- 1. users of the Cumbrian Coast railway line and 2. The Cardew Hall area – including the nearby sections of a public footpath (*Public Right of Way No. 114005*) which lie circa 0.7km south of the site.

- 8.31 The railway line runs on embankment in relative close proximity to the extension area and the LVA judges rail passengers to be of medium sensitivity. It observes that visibility would be limited to glimpses on a short circa 200m section of track as trains pass adjacent to the site. It considers the operational effects of the proposal would result in a medium scale of change over a very limited extent over a short timescale – resulting in a slight magnitude of change that would be adverse in nature but minor in significance. The LVA judges the visual effect of the restoration on users of the railway to be minor/negligible and neutral in nature.
- 8.32 The LVA considers the Cardew Hall area receptor group to be of High/Medium sensitivity due to the perceived high susceptibility of the viewer to the proposed change and local community value of views. It observes that *“intervening landform, a small vegetated embankment along the railway line and coalescence of tree and hedgerow vegetation... largely restricts views of the proposed development for this receptor group”* and therefore considers that *“during the initial operations tree removal would be barely noticeable. Only some initial vehicular movement and the upper part of the dragline would be visible in glimpsed views along the minor road U1132 (Viewpoint 2 at Cardewhall Bridge) and from the more elevated section of Footpath 114005 (Viewpoint 4). Although visible the upper parts of the dragline would not be prominent and would be in keeping with other vertical structures such as wind turbines and pylons in the wider view. The proposal would give rise to a small scale of change over a limited extent, in the short term, resulting in a negligible magnitude of change”*. It subsequently concludes that the temporary operational visual effects would be adverse but minor to Minor/Negligible in significance. In terms of restoration the LVA judges that the proposed new tree cover would assimilate well with the wider landscape and that there would be little distinguishable change to views from the baseline.
- 8.33 In light of the distance of residential dwellings from the extension area and the highly limited visual relationship between the nearest dwellings and the extension area due to existing topography, I am satisfied that an unacceptable impact upon residential visual amenity would not occur. Further to this it is noted from representations that part of the appeal of the nearby campsite is the perceived tranquillity of the area and its open uninterrupted views towards the northern fells of the Lake District from its elevated vantage point. The NIA indicates that the proposal would not greatly alter the existing noise environment at the campsite. Due to the profile of the hillside there is considered to be negligible scope for visibility of the extended quarry footprint from this site. The proposed temporary soil storage bund along the conveyor minimises potential for visibility of activity along this route. The main visual presence of the proposal from the campsite would likely be upper elements of the drag-line when the far eastern part of the excavation footprint is being worked. This would be seen in the context of the nearby electricity pylons that sweep along and up this valley and would appear highly unlikely to disrupt the open views toward the Lakeland hills available from the site. As such I consider that the visual and landscapes effects of this application proposal would not detrimentally affect the role that landscape character and views play within the campsite business to a significant degree.
- 8.34 The LVA employs an appropriate methodology and follows appropriate best practise and guidance. I concur with its conclusions on effects and impacts. I am satisfied that the working and restoration schemes have been thoughtfully and sensitively designed to minimise landscape and visual impacts and reflect the

distinctive characteristics of this area. I consider that the landscape and visual effects of the application proposal would be very limited and that it complies with CMWLP policy DC18, CDLP policy GI1 and DPNP policy DNP-E1.

Biodiversity: Would the proposed extension have an unacceptable effect upon biodiversity?

- 8.35 Paragraph 174 (d) of the NPPF directs that proposals should minimise impacts on, and provide net-gains for, biodiversity, whilst paragraph 180 (d) of the NPPF sets out that “*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity*”. Policy SP15 of the CMWLP directs that proposals should achieve net gains in biodiversity resources by protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources and encouraging the conservation and expansion of the ecological fabric elsewhere. Policy DC16 of the CMWLP sets out that where adverse impacts on biodiversity resources cannot be avoided or mitigated for, that appropriate compensatory measures should be identified and secured; and that all mitigation, enhancement or compensatory measures are compatible with the characteristics of, and features within, Cumbria. Similarly, Policy GI3 of the CDLP seeks proposals to conserve and enhance biodiversity by incorporating and integrating wildlife corridors and other habitats in and around development sites. Policy GI6 of the CDLP seeks proposals to provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. The Environment Act 2021 introduces a requirement for development to deliver a mandatory biodiversity net gain of at least 10% with habitat created secured and managed for at least a 30 year period. This requirement is due to come into force in winter 2023. These requirements cannot be mandated ahead of these provisions coming into force. Despite this it is recognised that there is a reasonable impetus for a measurable net gain of 10% to be aspired toward on new applications for full planning permission.
- 8.36 A preliminary ecological appraisal (PEA) has been undertaken and submitted in support of the application. This observes that the application site principally constitutes (and involves the loss of) improved species-poor grassland which it judges to be of no ecological significance. It notes that the narrow strip of mostly young broadleaved trees lining the current eastern edge of the waterbody has some utility for breeding birds and assesses that the quarry waterbodies are of district level ecological significance for birds. The PEA notes that quarrying operations will remain at the same scale as at present and that these do not appear to unduly disturb birds on the lagoons or their surrounding vegetation. The oak at the north-eastern corner of the water body is a mature veteran tree with bat potential and some landscape value and we have negotiated for it to be retained and appropriate tree protection installed. Some areas of remnant hedgerows and scrub present to the north and east of the proposed extraction area would be retained as would the tree line running along the northern side of the waterbody. It is proposed to remove up to 30 trees, most of which are situated along the current eastern edge of the eastern waterbody. Of the 30 trees proposed for removal three are dead and seven are recommended to be removed due to significantly impaired condition. Of the remaining 20, 16 are classified as retention Category C (low quality trees of limited merit) whilst the remaining 4 are sited at the south-eastern corner of the waterbody and assessed as Category B3 trees (moderate quality). For assessment purposes, the

application has made the worst case scenario assumption that all these B3 trees will all require removal. Planning conditions are proposed to secure the implementation of tree protection measures and ensure site preparation works avoid harm to breeding birds.

- 8.37 The proposal would result in the removal of trees and woody vegetation over an approximately 1,400m² area. It is proposed to mitigate this loss from the outset by establishing dry native woodland over an area of 2,450m² with an additional native scrub/shrub vegetation edge covering 620m². This would more than double the area of habitat lost and provide for replacement tree planting at an exponential ratio. Upon final restoration of the site it is proposed to establish native wet woodland planting along the north-eastern edge of the extended waterbody (over a circa 120m length) and to allow for aquatic vegetation and reed beds to establish on the waterbody's shallow margins. The proposed rock-armour to the southern side of the waterbody would also create further diverse habitat. In light of this I am satisfied that the proposal would ultimately result in a substantial biodiversity net-gain.
- 8.38 The application has identified the biodiversity assets the proposal would affect and has sought to retain and minimise impact upon the most high quality/value assets. Moreover I consider that it provides for suitable mitigation, enhancement and compensatory measures that are compatible with the characteristics and features of the area and that would also greatly expand the biodiversity value of the application site. In light of this I am satisfied that the proposal would have an overall positive impact upon biodiversity and comply with CMWLP policies SP15 and DC16 and policies GI3 and GI6 of the CDLP.

Other Material Considerations

Climate Change/Carbon Emissions

- 8.39 The existential threats posed by climate change are recognised and it is duly considered that it should be attributed significant weight as a material consideration in the planning process. However, the carbon emissions of the winning and working of the amount of additional mineral reserve sought to be released is considered to be de-Minimis in terms of its contribution to the UK's Carbon Budget. It is also noted that a proposal such as this involving extending an existing site that benefits from the presence of fixed mineral processing plant is arguably more sustainable and less carbon intensive than establishment of a new site without or with new processing plant. It is also noted that this site is sustainably located in proximity to a key market and the strategic highway network and would thus reduce the carbon impact of mineral miles as compared to alternative sites. It is acknowledged that the proposal would result in the loss of the circa 30 young trees as they are about to enter their nominal peak period (ages 16-25) for sequestering carbon. However a substantial amount of new tree planting is proposed to be provided for that would provide some greater additional sources of carbon sequestration on site in the long-term.

Heritage/ Archaeology

- 8.40 CMWLP Policy DC17 seeks minerals developments to preserve and enhance the County's heritage assets and their settings. There are no designated heritage assets within or in close proximity to the site. An Archaeological Desk Based Assessment has been submitted in support of the application. It sets out that, from the available evidence the application site appears to have historically been undeveloped heathland prior to becoming reclaimed farmland from at least the post-Medieval period onwards. It continues that its topography suggests that the

site would not have been suitable for settlement or agricultural purpose prior to the post-Medieval period when the ability to suitably drain this land was more easily attained. It therefore considers there to be low potential for hitherto unknown significant archaeological remains to be present within the application site. The County Council's Historic Environment Officer has reviewed the assessment and has no objection to this application proposal.

- 8.41 The nearest designated heritage assets to the proposed eastern extension area are a former settlement situated to the east of Cardew Hill which is designated as a scheduled monument and lies approximately 1.1km south of the application site and the Grade II listed Cardew Hall which lies just over 750m to the south of the application site. In light of their distance from the site and the intervening topography and land cover it is considered that this development proposal would not result in any setting impacts on these designated heritage assets.
- 8.42 In light of the above I am satisfied that there are no heritage constraints that indicate that planning permission should be withheld.

Flood Risk

- 8.43 CMWLP policy DC19 seeks mineral developments to be located, wherever possible, in areas with the lowest probability of flooding. [Paragraph: 030 \(Reference ID: 7-030-20220825\) of the PPG](#) recognises that mineral deposits have to be worked where they geologically occur and that sand and gravel extraction is defined as 'water-compatible development' by Annex 3 of the NPPF (and is thus appropriate in all fluvial flood risk zones) in the acknowledgement of the relationship of such mineral deposits with river systems. The NPPF requires that where development is necessary in areas at risk of flooding that it should be made safe for its lifetime without increasing flood risk elsewhere.
- 8.44 A small part of the proposed lateral extension extraction area is within fluvial flood risk zone 3b (functional flood plan). The majority of the application site falls within flood risk zone 1 (FRZ1) which has minimal risk of fluvial flooding. This proposal seeks an extension to an existing wet-worked site extracting a known good quality sand and gravel deposit which occurs along part of the valley bottom and is partly below the water table. Thus there is inevitably a degree of flood risk associated with any working or extension of this site and it is accepted that it is not possible to guide all sand and gravel extraction activity here to areas at the lowest risk of flooding.
- 8.45 A Flood Risk Assessment (FRA) has been submitted in support of the application. This considers that the main potential form of flood risk relevant to onsite activity is that associated with fluvial processes – namely flooding upon Gill Beck / the eastern lagoon and the lateral expansion of the eastern lagoon. For water compatible development in the functional flood plain the NPPF requires demonstration that the components of the proposal that are most vulnerable to flood risk are located in areas at lowest risk of flooding (unless there are overriding reasons to prefer a different location). The most vulnerable aspects of the application site are considered to be the fixed mineral conveyor and route of access, both of which are entirely within FRZ1. The FRA considers that the proposal would not significantly increase existing on-site flood risks and provides a Flood Emergency Plan to manage/reduce the operational flood risks.
- 8.46 The FRA also considers fluvial mechanisms to be the main form of potential offsite flood risk as the proposal would alter existing flood plain storage and could potentially affect flood flow routes. The FRA provides discussion of these

mechanisms. In respect of flood plain storage this takes into account the interplay of ground lowering with groundwater levels and concludes that the proposal will result in no reduction in flood plain storage, noting some potential for a small, but not significant, increase in flood storage. It considers that flood flow routes from the eastern lagoon would not change, with flows entering the lagoon from Gill Beck and its catchment being spread across the lagoon's full extent, then being transmitted to the downstream reach of the River Wampool. The FRA therefore concludes that the proposal would not exacerbate off-site / downstream flood risk.

- 8.47 I consider the submitted FRA to be comprehensive, clear and logical and note that the Environment Agency raise no issues with its analysis or conclusions. Consequently, I am satisfied that the application proposal has appropriately taken into account flood risk considerations and that the proposal would not increase flood risk outside of the site and therefore complies with CMWLP policy DC19.

Land Stability

- 8.48 CMWLP Policies DC2 and DC12 require that minerals proposals must, where appropriate, demonstrate that issues of ground stability have been addressed. Paragraph 174 of the NPPF sets out that planning decisions should prevent new and/or existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of land instability. The planning supporting statement explains that the application proposal has been informed by land stability considerations in order to ensure both the stability of the extraction slopes and to ensure that the assets of Network Rail are not affected. It continues that the quarry design has incorporated the recommendations of a geotechnical stability assessment in respect of stand-off distances and slope gradients. The stability assessment has been submitted in support of the application and I am satisfied that it has been undertaken by an appropriately qualified geotechnical specialist and reaches sound reasoned judgements. As such I am satisfied that the application proposal has taken into account ground stability considerations and would not present any unacceptable land stability risks. As such I consider that the proposal conforms to the aspects of CMWLP Policies DC2 and DC12 that cover land stability and paragraph 174 of the NPPF.

Rail Infrastructure:

- 8.49 Gill Beck lies between the railway embankment and the proposed lateral extension area. The southern edge of the beck stands approximately 11m from the top of the railway embankment, while the proposed southern extraction limit lies approximately 11.5m from the northern edge of Gill Beck. In light of this separation and the proposed provision of rock-armour along the southern waterbody edge Network Rail have no objection in principle. The provision of the rock armour to the south side of the waterbody can be secured by making the plans the armour is shown upon part of the approved scheme. No new tree planting is currently proposed on this margin of land. A condition is proposed to secure submission and agreement of the Risk Assessment Method Statement (RAMs) requested by Network Rail so as to secure oversight of the finer detail of the scheme design and operational procedures for works occurring in proximity to the railway line in order to ensure any risks to railway infrastructure are sufficiently minimised.

Restoration

- 8.50 CMWLP Policies SP16 and DC22 set out that restoration and after-uses that enhance biodiversity and the environment, and are appropriate for the landscape character of the area are encouraged. A mixed restoration of agriculture and amenity (nature conversation & leisure) is proposed. The proposed restoration is substantially similar to that for the existing site, with the key difference being the addition of a notable area of dry native woodland and scrub at the expense of some low grade agricultural land. I am of the view that the proposed restoration scheme is achievable, safe, and provides for a beneficial mixed afteruse. I therefore consider that the proposal is compliant with CMWLP SP15, SP16, DC16, DC18, DC19 and DC22. Further detail of restoration and aftercare can be appropriately secured via planning condition at an appropriate juncture.

Soils

- 8.51 CMWLP Policy DC21 seeks to protect soil resources. The land subject to this application is denoted by the Agricultural Land Classification as Grade 3. No detailed survey has been undertaken to determine whether it comprises sub-grade 3a (Good Quality) or 3b (Moderate Quality). The soil strata along the valley bottom is understood to be a quite clayey and peaty. From visits to the site, it is evidently relatively poorly drained with some visual evidence of rush and weed infestation and is used primarily for grazing. The planning supporting statement subsequently infers that this would suggest a lower classification. As such I consider it unlikely that it would constitute Best and Most Versatile (BMV) agricultural land. Even if it were to constitute BMV land it would result in a negligible loss to the total resource of such land in this area.
- 8.52 The applicant sets out that all stripped soils would be retained on site and used in its restoration. Conditions are proposed to ensure this is the case and that the soil resource is appropriately handled and managed so as to best conserve and maintain its condition and reduce potential for carbon sequestered within it to be released. Subject to these conditions it is considered that the application proposal would comply with CMWLP Policy DC21.

Traffic and Transport

- 8.53 CMWLP Policy DC1 seeks minerals developments to be well related to the strategic route network, have potential to make use of sustainable modes of travel and to minimise operational mineral miles. Cardewmires Quarry is situated in close proximity to the A595 (and in-turn the A596 and A689 CNDR), is in a walkable distance of Dalston and its train station and is the nearest sand and gravel quarry to the city of Carlisle which is a key market for aggregate within the County and an area prescribed for future growth (and would thus serve to help reduce mineral miles). The proposed extension would make use of the existing quarry site access. The planning supporting statement sets out that it is anticipated that levels of traffic generated by the continued operation of the site would be similar to the current level of output experienced at the site, where the average number of HGVs leaving the site daily is between 28 and 30. This level of traffic has not resulted in any significant impacts upon highway safety or the convenience of other road users due to the site's proximity to the strategic route network. The Local Highway Authority has no objection. It is therefore considered that that the proposal is compliant with CMWLP policy DC1.

Water Environment:

- 8.54 CMWLP Policy DC20 requires proposals to demonstrate that they would have no unacceptable quantitative or qualitative adverse effects on the water

environment. A hydrological and hydrogeological assessment has been undertaken and submitted in support of the application. This assessment has considered potential primary effects upon groundwater levels and flows, surface water levels and flows, groundwater quality, surface water quality and flood risk, along with potential associated secondary effects. The Environment Agency has no objection to the submitted hydrological and hydrogeological assessment and its conclusions.

- 8.55 The assessment anticipates that the proposal would have an additional impact on the groundwater levels, to a maximum depth of approximately 30cm, and that this zone of impact is expected to extend over a 360m length of Gill Beck upstream of the site and that this may result increased incidences of the lower reaches of this beck (which have been historically heavily modified when the railway line was originally constructed) drying-out. A technical note subsequently submitted by the applicant's hydrological consultant in respect of this provides refined assessment as to the degree of impact upon the Gill Beck based upon more detailed survey information. This concludes that the influence of this proposal for a small eastern extension on flows is highly localised, affecting a minor reach of Gill Beck only. It observes that Gill Beck's flow regime on this reach is heavily influenced by flows from its substantial upstream upland catchment (which are principally rainfall derived surface water runoff) and that the dependence of this reach on locally sourced groundwater baseflow is minimal. Observes that this reach of Gill Beck currently loses flows to groundwater the vast majority of the time and assesses that any incremental increase in loss arising from this proposal would be minor and not anticipated to result in any significant impact upon the flow regime of the Gill Beck, or the number of days per year it will run dry (as already commonly occurs in dry conditions). Given this refined analysis the proposal would appear likely to have negligible adverse additional impact.
- 8.56 Given the existing hydrological regime and submitted specialist technical hydrological and hydrogeological assessment, I agree with the Environment Agency's proposition that conditions can be appropriately applied to secure further details to further reduce risks, monitor impacts and secure mitigation. A condition is proposed to secure a more detailed silt management plan and schemes for hydrometric monitoring and geomorphological mitigations. A further aspect requested by the Environment Agency to be controlled by condition is a rehabilitation scheme for a 10m corridor of the straightened stretch of Gill Beck. It is noted that this stretch of straightened watercourse falls outside the red line planning application area and land under the ownership/control of the applicant. It is considered that details for restoration of the land between the beck and the watercourse can be secured via a condition requiring a detailed restoration and aftercare scheme.
- 8.57 In light of the above I am satisfied that the proposal would not have any unacceptable quantitative or qualitative adverse effects on the water environment and would comply with CMWLP Policy DC20.

Procedural Matters

- 8.58 The application as originally submitted was accompanied by Certificate A. This was queried with the applicant's agent and they subsequently issued Certificate B and notified the relevant landowner. It is noted that the landowner had been issued a neighbour notification letter and has submitted a representation of objection (summarised at paragraph 6.22) in respect of the application.

Consequently, the landowner has not been unduly disadvantaged as a result of this administrative error by the applicant.

9.0 CONCLUSION

- 9.1 This application seeks a small extension to an existing large sand and gravel quarry to facilitate the winning and working of 105,000 tonnes of mineral over a short duration of time. A number of representees have raised concern that the proposal would negatively impact upon a nearby recently established camping enterprise that has positively contributed to the local economy. It is acknowledged that this proposal would bring mineral working closer to the campsite, however the submitted noise impact assessment (NIA) indicates that the worst case scenario noise impact of the extension would not be noticeably greater than that arising from the existing operational site and this proposal would not extend beyond the current permitted operational life of the existing quarry. Further to the NIA, the applicant has agreed to reduced hours of working in the proposed eastern extension area and to better site and acoustically contain the feed hopper. Furthermore, I consider that the working scheme has been sensitively designed and would result in negligible additional adverse visual impact for those staying at the campsite.
- 9.2 This proposal would enable comprehensive exploitation of a known mineral resource and strong evidence exists that there is an urgent need to release additional sand and gravel reserves in order to contribute toward maintaining a minimum seven year landbank throughout the local plan period. The site is well related to the strategic highway network and well situated to provide a sustainable supply of aggregates to the county and, in doing so, would help underpin the ambitious growth agenda of Carlisle. It would also safeguard jobs directly and indirectly associated with mineral extraction operations at this quarry.
- 9.3 The application proposal addresses land stability considerations; would have a negligible landscape and visual impact; and would provide for an improved restoration scheme that would provide for a substantial biodiversity net-gain. I am also satisfied that, subject to conditions proposed, that risks to the water environment, soil resource and rail infrastructure can be suitably minimised to acceptable levels.
- 9.4 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 than in accordance with the development plan and with the planning conditions proposed, 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 conditions.

Human Rights

- 9.5 The proposal will have a limited impact on the visual, residential and environmental amenities of the area. Any impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1 of the Human Rights Act 1998) would be minimal and proportionate to the wider social and economic interests of the community.

Angela Jones
Executive Director for Economy and Infrastructure

Contact: Mr Edward Page

Electoral Division Identification: Dalston and Burgh ED – Cllr Trevor Allison

Development Control and Regulation Committee – 28 February 2023

Appendix 1 - PROPOSED PLANNING CONDITIONS

Temporary Time Limit of Permitted Operations and Aftercare Period

1. This permission shall be for a limited period only. Mineral extraction shall cease by 31 December 2025, and by 31 December 2026, all plant and machinery, including foundations, any hard standings and ancillary material associated with operation shall have been removed from the site and the site shall be fully restored in accordance with the approved scheme. Aftercare shall continue for a period of five years following the completion of all restoration works.

Reason: To limit the operational period as mineral working is a temporary use of the land and to secure the proper and timely restoration and aftercare of the site following the approved operational period in accordance with [Section 72\(5\)](#) and [Schedule 5](#) of the Town and Country Planning Act 1990 and policies SP16 and DC22 of the Cumbria Minerals and Waste Local Plan 2015-2030 (CMWLP).

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 Minerals Application Form - dated 7 November 2022;
 - b. Planning Statement – Version 2 – dated 7 November 2022;
 - c. Figure 2 – Revision A – Quarry Development Plan: Existing Site – dated November 2022;
 - d. Figure 3 – Revision C – Quarry Development Plan: Proposed Lateral Extension - dated November 2022;
 - e. Figure 3A – Revision C – Quarry Development Plan: Proposed Lateral Extension @ 1:2000 – dated November 2022;
 - f. Figure 4 – Revision B – Quarry Development Plan: Final Restoration – dated November 2022;
 - g. Figure 5 – Revision A – Quarry Development Plan: Sections A & B – dated November 2022;
 - h. Arboricultural Impact Assessment, Tree Protection Plan & Method Statement produced by Cumbria Tree Surveys – dated January 2023 – received 19 January 2023.
 - i. Cardewmires Planting Mix and Methodology contained within email dated 24 January 2023 from Stephenson Halliday Ltd.
 - j. Dust Management Plan and Monitoring Scheme produced by Vibrock – Document Ref. R22.11314/1/JH – dated 13 October 2022;
 - k. Flood Emergency Plan held as Appendix 2 of the Flood Risk Assessment – Version 2 produced by BCL Hydro and dated 2 November 2022
 - l. Hydrological and Hydrogeological Assessment – Version 2 – dated November 2022;
 - m. Noise Impact Assessment produced by Vibrock – Document Ref. R22.11313/1/RK – dated 5 October 2022;
 - n. Outline Silt Management Plan - Version 2 contained within email dated 16 January 2023 from Stephenson Halliday
 - o. Preliminary Ecological Appraisal produced by Rigby Jerram Ecological

- Consultants – dated 16 August 2022;
- p. Stability Assessment produced by DAB Geotechnics Ltd – dated 28 October 2022;
 - q. The schemes approved in accordance with the conditions attached to this permission.

From the commencement of the development to its completion, a copy of the approved scheme shall always be available on site for inspection during normal working hours. The existence and content of the above documents and plans shall be made known to all operatives likely to be affected by matters covered by them.

Reasons: To ensure that the site is worked and restored in accordance with the approved scheme and to avoid confusion as to what comprises the approved scheme. To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.

Preparatory Requirements

Ecological Mitigation – Protection of Nesting Birds

3. No clearance, felling or removal of any trees, remnant hedgerow, scrub or shrub should take place between 1 March to 31 August inclusive in any year. If these works cannot be delayed so as to be taken outside this time period, then a qualified ecologist must first carry out checks to ascertain whether bird nesting is taking place. Should the presence of nesting birds be found, then an exclusion zone shall be set up around any nests and no work shall be undertaken within the exclusion zone until nesting birds have fledged.

Reason: To ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended) because all wild birds are protected by legislation making it an offence to intentionally kill, injure or take any wild bird, its eggs, or nests whilst in use or being built. In accordance with CMWLP Policy DC 16.

Protection and Clearance of Woody Vegetation

4. No trees, remnant hedgerow, scrub or shrub shall be removed beyond those shown and specified for removal within the Arboricultural Impact Assessment, Tree Protection Plan & Method Statement. Notwithstanding this, in line with Figure 3a, Tree No.s T41-T45 (consecutive) shall not be felled until a further review of their potential for retention has been undertaken. Any additional tree protection subsequently identified alongside the tree protection specified and shown within Sections 7 and 8 of the Arboricultural Impact Assessment, Tree Protection Plan & Method Statement shall be implemented in full prior to any earthworks taking place and shall be retained through-out the period of winning and working of mineral and restoration of the site.

Reason: To ensure that key trees, remnant hedgerow and hawthorn scrub on site that contribute to landscape character and provide valuable habitat are retained and appropriately protected in line with CMWLP Policy DC18 and Carlisle District Local Plan 2015-2030 (CDLP) Policy GI6.

Native Woodland and Scrub/Shrub Planting

5. The proposed dry native woodland planting and native scrub/shrub edge planting

shown on Figure 3A and detailed in Cardewmires Planting Mix and Methodology shall be implemented in full within the first available tree planting season from the date of this permission in line with the aforementioned methodology.

The planting works shall be carried out to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice and shall be maintained for a minimum of 5 years after implementation.

Reason: To secure the prompt implementation of the native woodland planting scheme in order to mitigate and enhance biodiversity in line with CMWLP policies DC16 and DC22.

Risk Assessment Methodology Statement (RAMS)

6. No winning or working of mineral shall take place until a Risk Assessment Method Statement (RAMS) detailing the potential impacts of operations on the Cumbria Coast Railway Line and the mitigation measures proposed to protect and prevent any damage or harm to the railway land or services has been submitted to and approved by the Mineral Planning Authority. The RAMS shall consider risks associated with the winning and working of mineral and the restoration of the site.

The development shall be undertaken in accordance with the approved RAMS.

Reason: To afford appropriate protection to transport infrastructure in accordance with policy IP 2 of the CDLP.

Detailed Silt Management Plan and Schemes for Hydrometric Monitoring and Geomorphological Mitigation

7. No winning or working of mineral shall take place until a Detailed Silt Management Plan and schemes for Hydrometric Monitoring and Geomorphological Mitigation have been submitted to and approved by the Mineral Planning Authority.

The detailed silt management plan shall be in broad accordance with the Outline Silt Management Plan - Version 2. The hydrometric monitoring scheme shall cover both groundwater and surface waters and shall be designed to ensure that all potential impacts identified within the Hydrological and Hydrogeological Assessment are appropriately monitored. The geomorphological scheme shall detail measures to ensure no geomorphological impacts to Gill Beck during the operational phases of this development.

The winning and working of mineral and restoration of the site shall be undertaken and monitored in accordance with the approved plan and schemes.

Reason: To afford appropriate protection to the water environment in accordance with policies DC16 and DC20 of the CMWLP.

Operational Limitations

Prohibition of Dewatering

8. No pumped dewatering, or any other form of dewatering, shall be undertaken as part of the mineral extraction activities hereby permitted.

Reason: To prohibit a working methodology the impact of which has not been assessed as part of this application in order to safeguard groundwater resources in accordance with policies DC2 and DC20 of the CMWLP.

Depth of Working

9. No working of minerals shall take place below 22 metres AOD.

Reason: To establish the maximum permitted depth of mineral working in order to minimise risk of land instability and to safeguard groundwater resources in accordance with policies DC2 and DC20 of the CMWLP.

Stockpiling

10. No sand and gravel shall be stockpiled within the red line planning application area.

Reason: To minimise visual impact and potential for fugitive dust emission, in the interests of local amenity, in accordance with policies DC2, DC5 and DC18 of the CMWLP.

Control of Dust

11. Dust shall be suppressed within the site in order that it does not constitute a nuisance outside the site. The provisions of the Dust Management Plan and Monitoring Scheme shall be adhered to throughout the development hereby approved.

Reason: To safeguard the amenity of local residents, in accordance with policies DC2 and DC5 of the CMWLP.

Hours of Operation

12. All operations within the eastern extension area, including the winning, working, loading or transportation of minerals and restoration works shall be restricted to:

- 07:30 to 16:30 hours Mondays to Fridays
- 07:30 to 13:00 hours for no more than 5 Saturdays in any calendar year.

Notwithstanding the above restrictions on hours of working no operations of quarry plant, including the conveyor, shall take place on Sundays or on Bank or Public Holidays.

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

A record of the dates and duration of Saturday working within the eastern extension area shall be kept by the operator and shall be made available to the Mineral Planning Authority within three working days of a request for such.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents or the nearby Campsite business, in accordance with Policy DC2 of the CMLWP.

Noise Limits for the Working and Conveyance of Mineral

13. Except in the circumstances allowed under Condition 14 of this permission, noise levels attributable to the approved quarrying and any ancillary operations carried out under the terms of these conditions, shall not exceed 55dB(A) L_{Aeq} , 1 hour (free field) as measured at any noise sensitive receptor.

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 Policies DC2 and DC3 of the CMWLP.

Noise Limits for Temporary Earthworks Activities

- 14.** Notwithstanding the requirements of Condition 13 of this permission, the noise levels arising from any temporary activities required for the implementation of this permission (for example, soil/overburden stripping, the construction of screening mounds and site restoration earthworks), shall not be permitted to exceed 70 dB(A) L_{Aeq} , 1 hour (free field) as measured at any noise sensitive receptor.

Any such temporary operations that may give rise to this level of noise shall not be carried out so as to exceed a cumulative period of 8 week in any 52 week period. No such temporary activities shall be carried out outside of permitted working hours.

Reason: To limit the periods within which these noisier operations may take place to protect the amenity of local residents in accordance with Policies DC2 and DC3 of the CMWLP.

Noise Monitoring

- 15.** Noise level monitoring shall be undertaken within two months of the commencement of mineral working at the noise sensitive receptors identified within the Noise Impact Assessment (NIA). The noise monitoring shall duplicate the noise measurement methodology applied in the NIA and the results of the monitoring and shall include LA_{90} and L_{Aeq} noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least two separate durations during the working day and the results shall be submitted to the Mineral Planning Authority within 21 days of the monitoring being carried out.

If the noise monitoring results reveal an exceedance of the relevant noise limits set out in Conditions 14 or 15, then no further mineral extraction activity shall take place in the eastern extension area until a scheme providing for further noise mitigation has been submitted to and approved in writing by the Mineral Planning Authority, and the approved noise mitigation measures have been subsequently implemented. Further noise level monitoring shall be undertaken within one month of the implementation of the further noise mitigation and submitted to the Local Planning Authority within 21 days of the monitoring being carried out. If the subsequent noise monitoring results still reveal an exceedance of the relevant noise limits set out in 14 or 15, then the provisions and process set out in this paragraph shall be repeated until compliance with the noise limits has been achieved.

Reason: To review and validate the findings of the Noise Impact Assessment and provide scope to require and agree further mitigation if required in order to ensure compliance with CMWLP policies DC2 and DC3.

Control and Limitation of Noise – Plant Machinery and Vehicles

- 16.** The conveyor and all mobile plant, machinery and vehicles on the site shall be

operated with no idling, regularly maintained in accordance with the manufacturers recommendations and shall have silencers fitted where these are an available option.

Reason: To minimise noise and prevent nuisance off the site, in accordance with Policy DC2 of the CMWLP.

Removal of Permitted Development Rights

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (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, plant or machinery are erected on the site or any ancillary mining land.

Reason: To maintain control over any possible future additional built development upon the site in the interest of visual, landscape and residential amenity and for the avoidance of doubt, in accordance with policies DC2 and DC18 of the CMWLP.

Soils, Overburden, Land Condition and Planting Scheme Integrity

Retention of Soils and Overburden on Site

18. No soils or overburden material shall be removed from the site.

Reason: To ensure that all the available soils and overburden materials present on site are kept for use in the approved restoration of the site in accordance with policies DC21 and DC22 of the CMWLP.

Soil Handling

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

Reason: To prevent any avoidable damage to the structure of the site soils so as to ensure that the soil resource at the site is maintained in a viable condition so to aid the successful restoration of the site in accordance with Policy DC21 of the CMWLP.

Management of Soils

20. All topsoil and subsoil excavated on the site shall be stored separately from each other and retained for use in restoration of the site. The storage mounds shall be sown down to grass in the first available sowing season after their formation. Records shall be kept of the location and extent of each soil storage mound specifying the type of soil stored there and its approximate amount. Access to this record shall be afforded to the Mineral Planning Authority within 14 days of a written request for such.

Reason: To ensure that available soils derived from site are appropriately stored and recorded so as to facilitate their use in the restoration of the site in compliance with policies DC21 and DC22 of the CMWLP.

Land Condition

21. All areas of the site, including all topsoil, subsoil and overburden stacks, shall be managed so as to promptly and effectively remove any noxious agricultural weeds that may arise.

Reason: To ensure weeds are removed at an early stage of growth to prevent seeding in the interests of visual amenity and preventing the spread of noxious weeds on to surrounding agricultural land in accordance with CMWLP Policy DC2.

Planting Failure Contingency

22. Should any tree or shrub specimen planted as part of the approved scheme die, become seriously damaged or diseased at any point within five years of their planting then they shall be replaced by a specimen of a similar type in the first available planting season (October to March inclusive), unless an alternative plant size and species have been agreed in writing with the Mineral Planning Authority.

Reason: To ensure the proposed mitigation and enhancement planting establishes successfully in the interests of visual amenity as reflected in CMWLP policies SP15 and DC16 and CDLP policy GI3.

Boundaries

Care and Management of Boundary Features

23. The operator shall make stockproof and maintain all fences and gates around the perimeter of the mineral working area throughout the operational life of the site and throughout its period of restoration and aftercare.

Should any fences, gates and/or stiles become damaged or destroyed then they shall be promptly repaired and restored on their original lines; or replaced on such lines as may be agreed in writing by the Mineral Planning Authority.

Reason: To ensure the mineral working area remains appropriately enclosed and that stock do not unwittingly enter the working area.

Restoration and Aftercare

Premature Permanent Cessation of Mineral Working

24. 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 a timescale for the completion of the restoration works shall be submitted to the Mineral Planning Authority, within four months of the cessation of working for approval in writing. The approved scheme shall be fully implemented in accordance with the timetable set out within it.

Reason: To secure the proper restoration of the site in the event that mineral working ceases prior to the full implementation of the approved scheme in accordance with policy DC22 of the CMWLP.

Detailed Restoration and Aftercare Scheme

25. At least three months before the expiry of the permitted period of mineral working specified in condition 1 full details of the restoration and aftercare of the site shall be submitted to the Mineral Planning Authority for approval in writing.

This detailed restoration and aftercare scheme shall reflect the restoration proposals set out on Figures 4 and 5; shall make the site suitable for the agricultural, nature conservation and recreational after uses proposed; and shall include details of:

- a) all soft and hard landscaping finishes;
- b) the use and distribution of different stored soil strata including depth profiles;
- c) all finished ground levels including details of gradients of slopes;
- d) seed mixes to be applied and their rates of distribution;
- e) the method of cultivation of all proposed flora;
- f) procedures for the care and maintenance of flora during the aftercare period.

Once approved the Detailed Restoration and Aftercare Scheme shall be implemented in full.

For the avoidance of doubt, this condition shall not be engaged if a detailed restoration and aftercare scheme has been submitted and approved in accordance with the terms of Condition 24 which concerns the premature permanent cessation of mineral working.

Reason: To secure the proper restoration and aftercare of the site in accordance with CMWLP Policies SP16 and DC22.

Aftercare

- 26.** The restored site shall be subject to a five year aftercare period. Before 30 September of 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 the restored site and to agree a programme of management for the coming year which shall be adhered to by the operator. The parties to be invited to attend this review shall include the mineral operator, the Mineral Planning Authority and owners and occupiers of the land. 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 during the period covered by the review and a proposed programme of management for the coming year.

Reason: To secure the proper aftercare of the restored land and to allow its return to as high a quality as possible in accordance with Section 72(5) of the Town and Country Planning Act 1990 and policy DC22 of the CMWLP.

INFORMATIVES:

Noise

For the purposes of the noise limits established by this permission, Free field shall be defined as a point 3.5 metres in front of the façade of any noise sensitive property or from any camping stance or holiday pod facing the mineral extraction operations. Any measurements to check compliance with noise limits shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Nesting Birds

All wild birds, their nests and eggs are protected by law and it is thus an offence (with certain exceptions) to:

1. Intentionally kill, injure or take any wild bird.
2. Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.
3. Intentionally take or destroy the egg of any wild bird.
4. Have in one's possession or control any wild bird, dead or alive, or any part of a wild bird, which has been taken in contravention of the Act or the Protection of Birds Act 1954.
5. Have in one's possession or control any egg or part of an egg which has been taken in contravention of the Act or the Protection of Birds Act 1954.
6. Use traps or similar items to kill, injure or take wild birds.
7. Have in one's possession or control any bird of a species occurring on Schedule 4 of the Act unless registered, and in most cases ringed, in accordance with the Secretary of State's regulations.
8. Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

Please refer to the legislation for precise wording - the above is a brief summary only. Penalties that can be imposed for criminal offences in respect of a single bird, nest or egg contrary to the Wildlife and Countryside Act 1981 is an unlimited fine, up to six months imprisonment or both. All works on site must be timed/undertaken avoiding causing harm to nesting birds.

Working in Proximity to Railway Land

Network Rail Asset Protection require at least 3-months advance notice of intended commencement to enable sufficient time for project submissions to be reviewed.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

