

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

Application Reference No. 1/22/9005

Application Type: Full Planning Permission

Proposal: Proposed extension of time of the extraction of sand and gravel until 31 December 2032, subsequent restoration by infilling and ancillary aggregate recycling

Location: Faugh Sand Pit no. 2 (Esk quarry), Faugh, Brampton

Applicant: Eddie Wannop

Date Valid: 19 October 2022

Reason for Committee Level Decision: Objections and representations received

1.0 RECOMMENDATION

1.1 That subject to the applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to require a financial contribution of £25,000 to be paid for the repair/reinforcement of a section of highway at Cairn Bridge, planning permission be granted subject to conditions as set out in Appendix 1.

2.0 THE PROPOSAL

2.1 A planning application has been made to include two main proposals. The first is for the continuation of sand extraction for a period of ten years, to the end of 2032. The existing planning permission required the extraction of sand to end on 31 December 2022. Full restoration of the site will take place by 31 December 2024.

2.2 The second is to allow inert waste/aggregate recycling – this would be tied to the period of extraction and so would cease in 2032. Planning permission has not previously been obtained for this activity, although an application for the recycling of aggregate was submitted in April 2020 but was not determined and was eventually withdrawn in February 2022. Other elements of the scheme include the importation of material to allow restoration of the site and progressive restoration of the site during the operations – restoration on part of the site will begin in 2024. Material will also be brought into the site to allow some of the quarry slopes to be reinforced to make them safe, both in the long term and for the safety of the quarry workers on site.

2.3 This combined planning application has been submitted after discussions with the County Council on how best to regularise the operations and allow the remaining reserve at the site to be worked. To date, there is estimated to be some 240,000 tonnes of reserve at the site which has not been extracted under the existing planning permissions.

3.0 SITE DESCRIPTION

- 3.1 The quarry site is located in a rural location, close to the small village of Faugh and approximately 1.5 miles from the village of Heads Nook. It is a relatively small site, extending in total to about 11ha, with the active working area of the quarry being only around 3.3ha in area. Access for vehicles is via a one-way system, with a sealed access road from the south leading into the site and a sealed road leading out of the site to the north.
- 3.2 The site is screened from Faugh village by steep sloping topography which forms the bowl of the quarry and its main working area. It is accessed by a local network of minor highways, with vehicles following a one-way system and defined inbound and outbound route. The local highway network links to the A69.
- 3.3 Within the site is an office building and adjoining that building is a vehicle workshop and storage area. A weighbridge is located to the eastern part of the site, close to the office building. Part of the site has been restored (the northern part), with the inclusion of a pond and associated habitat creation. The site is not within or close to any European protected sites, however, a County Wildlife site (Faugh Moss), is partly located within the site to its northern part, adjacent to the exit road. A SSSI site is also located about 500 metres to the southwest of the site.

4.0 SITE PLANNING HISTORY

- 4.1 A planning application (1/20/9004) was submitted in April 2020 for consideration of the aggregate recycling operations being carried out at the site at the time - this application was not determined and was withdrawn on 16 February 2022.
- 4.2 The consented scheme (planning permission 1/16/9001), the planning permission under which the quarry operates, required extraction to end on 31 December 2022 and full restoration of the site to be achieved by 30 September 2023.
- 4.3 There are several other planning permissions relating to the site. In 1991, planning permission was granted for an extension to the quarry and extraction until September 2011 (1/90/0992), along with a new access to the quarry. In 2007, a section 73 application was approved to allow importation of material to restore a boundary bank to the site – this permission was not implemented.
- 4.4 There have been two additional section 73 planning permissions since permission was granted in 1991 – these extended the time period for extraction to 2014 and 2022 respectively.
- 4.5 Members of the committee visited the quarry on 10 January 2023 in an organised committee site visit. As part of the visit, members were driven along the route HGVs take to reach the site and the route vehicles take when leaving the site to return to the A69.

5.0 CONSULTATIONS AND REPRESENTATIONS

- 5.1 Carlisle City Council, Environmental Health: Note some previous complaints have been received in terms of noise and dust, however, no formal objection subject to appropriate conditions to limit hours of operation, other measures to mitigate against noise impacts such as unloading or storage of aggregate away

from sensitive receptors and use of white noise alarms on vehicles. In terms of dust, all necessary control measures should be used to minimise spread of dust off the site to include water suppression, wheel wash facilities and covering of dusty materials

- 5.2 Carlisle City Planning Department: No comments received to date
- 5.3 Natural England: Based upon the information submitted with the planning application, no objection to the proposal as it is unlikely to have any significant effects on statutorily protected sites
- 5.4 Cumbria County Council Minerals and Waste policy: No objections – the proposals are in compliance with policy DC9 and considers there is strong evidence for need to extract sand at the site taking into consideration the landbank and evidence from the 2021 Local Aggregates Assessment
- 5.5 Environment Agency: No objection – are content with the hydrological assessment submitted and satisfied ground water will be protected, and no dewatering will be required.
- 5.6 Cumbria County Council Ecology consultant: No objections. Note that two restoration designs have been submitted – considers the MPG ‘Schematic restoration scheme’ should take precedence. Conditions suggested to ensure the site is restored in accordance with the restoration scheme and appropriate aftercare steps carried out
- 5.7 Cumbria local lead flood authority and development management highways: No objection to the scheme based on the transport assessment findings and conditions suggested to maintain the vehicle one-way system and restrict the number of vehicle movements to and from the site. A contribution of £25,000 required to the highway instability works at Cairn bridge. No objections raised in terms of drainage and flood risk.
- 5.8 Wetherall Parish Council: Object to the application – identify concerns regarding noise and vibration and consider that hours of operation should be limited, as should the number of vehicle movements
- 5.9 Hayton Parish Council: Object to the application, on the grounds of highway safety concerns in terms of numbers of vehicles, an increase in traffic and generally safety concerns on the narrow rural roads. Also object on the basis of noise disturbance and suggest noise sensors could be used to assess the level of noise currently generated. Other concerns raised relate to fumes, odour and dust emissions from the quarry and how these will be controlled. Some concerns raised regarding biodiversity and that the submitted ecological assessments concentrate on the effects of restoration rather than the effects on the quarry operations on biodiversity. Some concern raised over contaminated water entering the ponds on site and possible leaking in local water courses. The parish council have tabled a list of conditions in their response, should planning permission be granted. They suggest controls to only allow Wannop vehicles to bring recyclable material to the site, a minimum amount of sand to be extracted annually, financial contribution towards highway repairs and limits on the amount of material than can be exported from the site each year
- 5.10 A large number of individual representations have been received in relation to the planning application, totalling 88 individual objections and a single representation

in support. The main issues raised within these representations are in regard to the impact the associated large number of HGV movements have on the surrounding highway network and on the amenity and safety of local residents and the local community; that there is no specific need for continued extraction at the site and the reserve amount of sand specified in the application does not seem to correlate with what is left on the site, based upon information provided in previous planning applications. Representations also identify the fact that recycling has been carried out on the site without the relevant planning permission for many years and that this location is not suitable or appropriate for a waste treatment and recycling business.

5.11 The local County Councillor has also made an extensive representation objecting to the planning application. Within this written objection, a number of points are made, covering the following areas;

- Health concerns and impacts as a result of silica dust and proximity of the quarry to residential properties
- The reserves of sand at the quarry will make little difference to the landbank and calculations of when the landbank will be exhausted are based party on estimated sales demand
- More capacity for aggregate recycling is not required in Cumbria
- The location of the quarry is not appropriate due to the proximity to residential properties and the inadequate road network to serve the operations at the site
- The site is not a suitable location for aggregate recycling as it is too close to housing and served by a poor highway network. The site is also remote from the main sources of waste it would accept, therefore not reducing road miles and would be unsustainable in such a location
- The waste managed at the site will not be managed in an environmentally sensitive way
- The road infrastructure used to access the quarry is not suited to HGVs and it is clear they are causing damage to the highway (especially at Cairn Bridge). There is also a significant safety concern given the conflict between road users (HGVs, cyclists, cars and pedestrians)
- Erosion of planning control over the long planning history of the site
- The operator has a poor history of compliance with planning conditions and other regulatory controls and little or no monitoring by the regulatory authorities
- The operator has not carried out any meaningful consultation with the local community about the proposals for the site

5.12 A petition objecting to the application has been received – this contains 260 signatures. The petition urges people to sign up and includes a statement that residents have suffered from the effects of the quarry for long enough – permission should not be given for another extension of time of the quarry operations. The petition goes onto to identify unacceptable environmental

impacts through noise, dust, vibration and the unknown material and waste being brought to the site for processing. Concerns are also raised in regard to importation of waste material to the site and the lack of proper monitoring of the site, particularly in relation to the waste being brought to site. The petition encloses some extracts from comments made by local residents.

- 5.13 A number of other considerations and objections have been made. A recurring theme is the issue of what type of waste is being transported to and processed at the site and allegations that waste other than inert waste is being received at the site. Health issues and implications of continued working have also been raised in a number of representations. These concerns focus on silica dust, a known substance that can lead to lung damage with prolonged exposure and the fear this will affect the health of local residents.
- 5.14 There has also been criticism of the operator in terms of the level of public engagement offered in terms of the proposal to continue operations and aggregate recycling.
- 5.15 Noise is also an issue identified – particularly the noise of the aggregate recycling operations involving crushing and screening, over and above the level of noise emanating from the quarry operations.
- 5.16 Other objections and concerns raised include the following;
- Deposit of dust and sand on properties and vehicles, particularly in dry, windy weather
 - Lack of action to restore the site and assurances given by the operator that extraction would end before the end date of planning permission 1/16/9001 (31st December 2022)
 - Potential harm to local watercourses and wildlife
 - Reports of unsheeted vehicles using the local highways and potentially dropping material onto the highway
 - The site will become a landfill site due to the type of waste being brought to the site and buried within it
 - The site is not a suitable location for recycling operations, there are many better located sites close to sources of waste and on better highway networks
 - The aggregate recycling activity is not ancillary to the extraction activities at the site and the scale of this activity is unclear
 - Allegations that many of the surveys carried out in support of the application are unreliable and use flawed methodologies

6.0 PLANNING POLICY

- 6.1 [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.

6.2 The [Cumbria Minerals and Waste Local Plan 2015-2030](#) (CMWLP) was formally adopted on 6 September 2017. The key policies from the CMWLP relevant to the determination of this planning application are considered to be:

- Policy SP1 - Presumption in Favour of Sustainable Development
- Policy SP2 - Provision for Waste
- Policy SP4 - Transparent Decision Making
- Policy SP7 – Minerals provision
- Policy SP13 - Climate Change Mitigation and Adaptation
- Policy SP14 - Economic Benefit
- Policy SP15 - Environmental Assets
- Policy DC1 - Traffic and Transport
- Policy DC2 - General Criteria
- Policy DC3 - Noise
- Policy DC5 - Dust
- Policy DC6 - Cumulative Environmental Impacts
- Policy DC9 - Criteria for Waste Management Facilities
- Policy DC12 – Criteria for non-energy minerals developments
- 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

6.3 The [Carlisle District Local Plan 2015-2030](#) (CDLP) - adopted 8 November 2016. Policies:

- Policy SP1 – Sustainable development
- Policy IP2 – Transport and development
- Policy IP5 – waste minimalisation and recycling of waste
- Policy IP6 – Foul water drainage on development sites
- Policy CC4 – Flood risk and development
- Policy CC5 – Surface water management and sustainable drainage systems
- Policy GI3 – Biodiversity and Geodiversity

[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 of the NPPF are considered to be relevant to the determination of this application:

- Section 2: Achieving sustainable development
- Section 4: Decision making
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed places
- Section 17: Facilitating the sustainable use of minerals

7.0 PLANNING ASSESSMENT

A screening opinion was adopted by the County Council on 8 September 2022 prior to the submission of this planning application – the opinion concluded that the proposed extension of time for sand and gravel extraction and aggregate recycling operations did not constitute EIA development. I consider there is no need to revisit this screening opinion given that the project the subject of this application is substantially similar to that upon which the screening opinion was based.

I consider the key materials planning considerations relevant to this planning application are;

7.1 Is there a need for continued extraction of sand and gravel at the site?

7.2 Many of the representations received from the local community focus on the issue of need, that continued extraction at the site is not justified and that the level of known reserve remaining in the site seems to be high given previous information about reserves at the site. The contention is that the site operations should end and the site restored in accordance with the 2016 planning permission, so restoration should be completed in 2023.

7.3 Dealing with the second point first, the application is supported by a recent topographical survey and borehole investigations on site to give an informed picture of the potential remaining viable material left on site. The surveys have shown that, to protect groundwater with a suitable standoff from extraction operations (1 metre in this case), the extraction area can yield an estimated reserve of 240,000 tonnes. I have no reason to question this conclusion or the methodology of the survey. Estimates of reserves at the site were made on previous planning applications. However, these were most likely made without the benefit of detailed site surveys and borehole investigations and would have been based on desktop surveys, which appear to have underestimated the level of material left to extract from the site.

7.4 In terms of the first point raised by a number of individual representations in terms of the need for continued extraction at the site, The National Planning Policy Framework (NPPF) is clear, at paragraph 213(f), that a landbank of at least 7 years for sand and gravel is maintained by minerals planning authorities throughout their local plan period. In the case of the Cumbria Mineral and Waste Local Plan (CMWLP), this period runs from 2015-2030. In other words, at least a 7 year landbank should exist in 2030 in order to meet the requirements of maintaining an adequate supply of sand and gravel. It should also be noted that whilst a minimum of a 7 year landbank is required, planning practice guidance makes it clear there is no maximum landbank limit to be achieved and even if a landbank of more than 7 years remained, this is not a reason to refuse planning permission of itself.

7.5 The National Planning Policy Framework (NPPF) is also clear at paragraph 213(e) that local authorities 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.

7.6 The 2022 Local Aggregates Assessment (LAA) has recently been published and based upon 2021 figures, permitted reserves of sand and gravel were 5.63

million tonnes (Mt), which, based on average sales figures, results in a landbank of 7.12 year. In order to maintain a landbank of at least 7 years throughout the local plan period, a further 7.01 Mt of reserves will be required. Furthermore, the data in the 2022 LAA is based less on estimates as a higher proportion of operators returned surveys and so the trend in increasing sales figures is considered to be reliable evidence upon which to base the LAA provision rates.

- 7.7 The reserve at this site is included in the landbank figures and so, if an extension of time to extract the remaining reserve was not approved, this reserve would be sterilised and lost to the landbank, further reducing the available landbank during the local plan period.
- 7.8 In addition, a number of planning permissions at other sand and gravel sites are due to expire within the local plan period and, if these permissions are not subject to time extensions, the reserve in these sites will be lost to the landbank, resulting in a further reduction of an already inadequate landbank. The situation would then be more stark, with sand and gravel needing to be sourced from new or extended sites to meet the County's need for sand and gravel.
- 7.9 Whilst I can understand how local residents might have concluded that there is a sufficient supply of sand and gravel and therefore no need to grant planning permission for a further extension of time, it is clear by 2029 those reserves will be exhausted, unless further planning permissions are granted for time extensions on existing sites. I weigh this against the strong evidence that exists for a need to allow continued extraction of sand and gravel at the site, as outlined above. Policy DC12 of the CWMLP is also of relevant as it relates to proposals for non-energy minerals and includes time extensions for existing sites. Where such sites fall outside the preferred areas (as Esk Quarry and most other sites do), a number of criteria should be satisfied in order for such proposals to be supported. I consider criteria (a) of this policy is satisfied as proposals for non-energy mineral extraction should be assessed in relation to a number of criteria, of which (a) relates to the need for that particular mineral – I am satisfied that there is strong evidence of a need for sand and gravel.
- 7.10 I conclude therefore that the need for further extraction at the site is strong and that the extension of time for a period of ten years for extraction to continue would be in full compliance with the relevant local and national planning policy.
- 7.11 Having established there is a clear need for the continuation of the extraction of sand from the site, the environmental impacts of the proposals must be considered and will be considered later in this report, however, under policy DC12 of the CMWLP, there is a requirement to consider the economic considerations of the proposals, as policy DC12 is applicable to time extensions for existing sites.
- 7.12 In the case of this site and the operations of the quarry, there are economic benefits to allowing the continuation of operations for a further period of ten years. The proposal would allow the direct employment of 20 people and would also retain links to indirect employment in the minerals sector and through the supply chain and construction industry. I consider this to weigh in favour of the proposals as a clear positive economic impact. In addition to policy DC12, these benefits are recognised in policy SP14 of the CMWLP where it is specifically identified that issues such as direct and indirect employment and the support the proposals can give to other industries and developments are important. I consider, therefore, there are defined economic benefits to the proposals.

7.13 Is there a need for aggregate recycling and is the location acceptable?

- 7.14 As with the issue of the need for further extraction at the site, concerns have been raised through representations received from the local community concerning the recycling operations at the site. Whilst those concerns identify that the activity has been carried out for some time without the benefit of planning permission, it is suggested in addition to this that the site is not a suitable location for the recycling of inert waste, owing to the harm this has on the amenity of the local community and the severe strain this causes to the local highway network, which they consider inadequate to cope with the associated vehicle movements. The representations cite issues such as the type of waste being accepted at the site, excessive vehicle movements and associated noise and disturbance.
- 7.15 The National Planning Policy for Waste and policies of the CMWLP and the Waste Management Plan for England (2021), promote the use of secondary aggregates and driving waste up the waste hierarchy. In terms of the policy context and considerations for the proposed aggregate recycling operations, such operations are supported in broad terms - they allow the reuse of inert waste to form secondary aggregates which helps to drive waste up the waste hierarchy and reduces the need for such waste to be sent to landfill. It also reduces to some degree pressure on the available landbank of minerals, derived from land won minerals. In the case of this site and the recycling operations, I note that a product of this operation would be grit sand building sand, which will make a contribution to the County's sand and gravel supply.
- 7.16 In the light of the above, I consider that the recycling operations find policy support in principle. There is no requirement for the applicant to demonstrate a market need for the recycling operations since the activity is in accordance with an up-to-date local plan (the CMWLP is considered to be up to date having recently been the subject of its 5 year review). The National Planning Policy for Waste is clear on this point, where it states '*waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan*'.
- 7.17 The recycling element of the proposal also finds some support from policy DC9 of the CMWLP, which states '*proposals for waste management facilities for all waste streams excluding radioactive, will be permitted subject to the locational and other criteria set out in the table below. Proposals on other locations, or those that do not meet the key criteria, would need to be justified under policy SP1. Criteria (f) in the table referred to in policy DC9 identifies active quarries as being suitable locations (together with industrial estates) for 'construction and demolition, mineral or excavation waste recycling activities', provided the duration of the use is limited to the lifetime of the quarry. In this case, it is clearly intended that the recycling activity will take place from within the well-established confines of the existing quarry. Moreover, the recycling operations will only subsist at the site for the period of activity of the quarry and will stop after this time (i.e., after 31 December 2032).*
- 7.18 Policy DC9 does however, further require waste management proposals to not compromise good operational standards or the restoration scheme. In this case, the recycling operations would not prejudice good operational standards for the quarry as they would not adversely affect the extraction activities on the site and would be carried out to high standards. It is noted the existing recycling activities

are also controlled by a permit issued by the Environment Agency, minimising environmental impacts and being compatible with the sand extraction activities at the site. Similarly, the continued operations would not prejudice the restoration scheme in any significant way.

- 7.19 Having confirmed that the recycling operations are acceptable in principle at this site in policy terms, it is now necessary to consider the environmental impacts of any continued extraction and waste recycling at the site.
- 7.20 **Would the extension of time for extraction of sand, combined with aggregate recycling have any unacceptable impacts on the local highway network?**
- 7.21 The existing quarry has operated for a number of decades via the local highway network. After the 1991 planning permission was granted, a new one-way system was introduced to attempt to manage quarry traffic and avoid the need for vehicles to travel through Faugh village which is the nearest settlement to the quarry.
- 7.22 The issue of vehicle movements, safety on the highways, the ability of the highways to support the number of vehicle movements and the general effect the vehicles have on the amenity of local residents are significant themes that run through most of the representations received.
- 7.23 The application is supported by an independent Transport Assessment (TA) which provides an analysis of the potential traffic generation from the proposed combined operations of further sand and gravel extraction and aggregate recycling and provides information on the existing site traffic generated. As part of this analysis, the traffic generation from the existing operations, under planning permission 1/16/9001, have been analysed and a survey of the highway network undertaken to determine the level of vehicle movements generated. A survey was carried out between 22 and 28 April 2021 and found that on average, over that period, there were 16 HGV movements per day at the site (8 into and 8 out of the site), with a daily maximum of 20 HGV movements (10 in and 10 out of the site). The survey also analysed other vehicle movements (such as private cars and vans) and showed there were, as a maximum, 28 movements into and 28 out of the site (56 total movements) each weekday – the average figure was 42 movements (21 in and 21 out). The quarry therefore generated a maximum trip generation of 76 in and out movements per day, with the average being 58 in and out movements. It should also be noted that, as a proportion of overall traffic on the highway network, HGV movements from the quarry represent a very low proportion, between about 1 and 5% and only represent about a third of all HGV traffic using the local highways. This in my view, should form the baseline position for the site, as, although planning permission 1/16/9001 has now expired, the site continues to be in operation until the determination of this application and, as the application has been submitted partly to extend the time period for operations, a direct comparison of the existing and proposed operations should be made.
- 7.24 The TA also contains information from a survey carried out at the unstable section of highway at Cairn Bridge to better understand the impacts of the operations at this part of the road network – this survey also supported planning application 1/20/9004 for aggregate recycling at the site, this application being withdrawn in February 2022 to allow the submission of a combined planning application for the extension of time of sand extraction and aggregate recycling.

- 7.25 The TA goes onto to analyse the trip generation likely from the combined activities on the site – continued extraction together with aggregate recycling. Overall, the predicted level of maximum trip generation at the site is 40 HGV vehicles movements (20 into and 20 out of the site) per day, based on the maximum of 220 HGV vehicles movements per week (over a 5.5 day working week) – this is 110 in and 110 out of the site). However, a higher daily limit is also proposed which takes account of campaign working and market variation – this would increase the trip generation to 60 HGV movements per day (30 in and 30 out of the site per day). It should be noted that the weekly limit of 220 movements would not be exceeded, and the higher daily rate is highly unlikely to be reached regularly but would give some allowance to the operator for the complex variation in working activities at the site.
- 7.26 The survey from April 2021 found only around 16-20 HGV movements per day in connection with the existing operations, but this is in the context that the extraction rate was less than the maximum 30,000 per tonnes per annum allowed under the 2016 planning permission. Given this, the planning permission would allow higher numbers of vehicle movements than the survey suggests if the extraction rate increased to the maximum permitted. Furthermore, the 2016 planning permission does not place any restriction on vehicle movement numbers by planning conditions, only on the maximum extraction rate, and so, there is no restriction on the number of vehicles entering and leaving the site. As a result, the transport assessment concludes that the proposed limit on weekly vehicle movements (220 per week) is not considered to be materially different from those that could be generated under the existing operations.
- 7.27 That said, and in line with a worst-case scenario, the analysis does show that, for limited periods, the proposals could increase the traffic trip generation at the site from 20 HGV (10 in and 10 out of the site) movements per day, as existing, to 60 HGV movements (30 in and 30 out of the site) per day (the highest daily limit proposed). However, even in this worst-case scenario, this would only equate to an additional 3 to 4 HGV movements on the highways each hour (or one vehicle every 15 minutes) during a typical working day. Such an increase in traffic would not be considered significant or especially noticeable to other road users, according to the conclusions of the Transport Assessment. In addition, this upper limit of 60 movements per day would rarely be reached and would not be sustained for any significant period of time – it is simply to accommodate the complex variations which are the result of contracts and market demand. The weekly limit would continue to apply and would prevent no more than 40 HGV movements (20 in and 20 out of the site) per day. It is entirely possible that similar situations could arise as a result of existing operations with the same variations of traffic arriving and departing the site, however, there are no controls in place at present to place a limit on the number of vehicle movements.
- 7.28 I recommend a planning condition be attached to any planning permission granted to control the numbers of HGV movements at the site. This would be in line with the response from the highways authority and with statements made by the applicant's planning consultants in the documentation for the planning application. I consider also that such a condition is very important, particularly given the concerns raised by local residents in terms of the volume of traffic, especially HGVs and will allow a greater control of this impact of the proposal than was previously the case. Such a condition would stipulate two separate limits – the highest daily limit of 60 HGV movements per day and also a weekly limit of 220 HGV movements. This condition would give certainly to both the

operator and the planning authority in terms of the maximum number of vehicles movements permitted in connection with the proposed operations. A condition controlling HGV movements would be enforceable and reasonable, with the operator under the obligation to provide vehicle movement records upon request.

- 7.29 I appreciate the genuine concerns of local residents, but the highways authority do not object to the planning application proposals and consider that the local network has the capacity to accommodate the number of HGV movements proposed. However, they request and consider a single payment is required to contribute to the highway stabilisation works required at Cairn Bridge, on the approach to the site. This is because quarry traffic, including HGVs, must travel through this section of highway where the bank supporting the highway is unstable, and, with the potential for fully laden vehicles to be using this section as a result of the recycling operations, it is possible that this could contribute to further problems with the highway in this location due to increased loading. This is not an impact that would occur to the same extent if only extraction were being carried out at the site as HGVs would be empty and much lighter when using this part of the highway. The financial contribution would need to be secured by a planning obligation – most likely a unilateral undertaking. The operator has confirmed their agreement to this contribution. A planning condition to secure this would not be lawful as planning conditions cannot be used to secure financial contributions or payments.
- 7.30 The use of a planning obligation is only appropriate if the key tests are satisfied, namely, the obligation *'is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development'*. I consider these three tests are met in terms of a section 106 obligation – the main additional impact that would result from the combined operations on the site would be the fully laden vehicles which would use the highway to access the site and may result in additional stress to the fabric of the highway. I consider the financial contribution would be directly related to the scheme proposed. I am satisfied that the obligation is proportional to the harm that would be caused to the highway and is reasonable in scale and kind.
- 7.31 I have no reason to take a contrary view to the local highway authority – it is acceptable to impose a condition, should planning permission be granted, to control the number of vehicle HGV movements arriving and departing from the site, with an absolute upper limit of 110 movements into and out of the site per week (220 total movements). This would give more certainty and more control than the planning permission under which the site has operated, without any form of control on the maximum number of vehicles movements permitted.
- 7.32 I concur with the TA that the impact on the local highway network as a result of the proposed combination of activities would not be unacceptable and would not justify a refusal on the grounds of *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'* as stated in paragraph 111 of the NPPF. I consider that neither of the tests as identified in paragraph 111 would be contravened, particularly compared with the current situation, and with appropriate conditions controlling the maximum vehicles movements and the single payment for the contribution to the highway stabilisation works, the impacts are considered acceptable. The proposals are therefore also in compliance with policy DC1 of the CWMLP which

supports minerals developments which do not result in *'unacceptable impacts on highway safety and fabric, the convenience of other roads users and on community amenity'*

- 7.33 Of course, perception or fear of safety implications, effects upon amenity and nuisance are material considerations and can relate to the potential impact in terms of local highways. This is a theme identified in many of the representations received. The route of the quarry vehicles includes rural sections of the highway, but also includes using the main highway through the village of Heads Nook, which requires negotiation of a narrowed highway due to parked vehicles, houses in close proximity to the highway edge and a children's play area close to the road.
- 7.34 The TA makes reference to highway safety in its assessment of impact and pulls data from Cumbria County Council's accident record data base. The accident record for the previous 5 years (covering the period from July 2017 to July 2022) confirms that none of the accidents or collisions recorded involved HGVs. The number of collisions reported was also low – 6 personal injury collisions were recorded during this period with 4 being 'slight severity' and 2 were recorded as serious. This would indicate that the surrounding local highway network is operating in a safe manner.
- 7.35 Whilst I attribute some weight to the safety concerns raised by local objections, I cannot identify any significant safety issues in connection with the operation of the highway network which would give me cause to consider that the proposed operations would lead to significant highway safety implications or adversely affect the safe operation of the local highways, with the levels of traffic that could be generated by this proposal.

What environmental impacts will result from the extraction of sand and gravel and recycling of inert waste for a further period of ten years?

- 7.36 **Will there be significant adverse effects as a result of dust generation on amenity and human health?**
- 7.37 A comprehensive and detailed dust impact assessment has been submitted with the planning application and provides an assessment of the potential impacts of dust arising from the combined activities on the site. The assessment considers the potential for dust to be generated and analyses the impacts on the nearest sensitive receptors – in the case, the surrounding residential properties. Overall, whilst the assessment recognises that dust will be generated by extraction activities and screening and crushing of aggregates at the site, most of the dust generation would be during dry weather. There are mitigations which can be put in place to minimise any impacts. These mitigations include imposing vehicle speed limits, regular damping down on the access road and routes in the site and working as far away as possible from the sensitive receptors. The dust assessment concludes that overall, no sensitive receptors will have more than a small likelihood of being adversely affected by dust emissions.
- 7.38 A dust management plan has been provided, informed by the findings of the assessment, and provides a detailed breakdown of measures that can be taken to control dust at the site and contain it on site as far as possible. The detailed set of mitigations which are possible to reduce dust transmission beyond the site boundary include measures such as imposing vehicle speed limits on the site, carrying out dust generating activities in a place on the site as far as possible

from sensitive receptors, regular damping down of vehicle access routes and working areas during periods of dry weather, and regular visual inspections of the site. In addition, certain activities may be suspended if there is a significant risk of dust generation.

- 7.39 I consider that both the dust assessment and dust management plan are comprehensive documents and offer reassurance that the issue of dust at this site can be adequately controlled by the measures suggested in the management plan and in compliance with good practice for dust management. I therefore consider risk and nuisance to the numerous sensitive receptors surrounding the site would be minimised to acceptable levels and that the proposals comply with policy DC5 of the CWMLP which states ‘ *Applications for new minerals and waste development, and for the expansion of existing operations, will only be permitted where the applicant can provide evidence that the proposed development will not have a demonstrable impact on amenity, human health, air quality and the natural and historic environment, with regard to dust emissions. This will include a dust assessment study*’.
- 7.40 Concerns have been expressed by some of the representations received about the human health impact of dust and the more general concern of allowing quarries close to housing. I attach due weight to these concerns, however, evidence is clear that silica dust does not represent a significant health implication for people living close to quarries. Whilst the visible dust particles can be a nuisance, the invisible particles are ones which can be associated with silicosis. These include particulate matter, however, such particulates are present in the environment from a variety of sources. The present evidence is clear that whilst the invisible particles can present a health risk, this is only the case if someone has long term close exposure with no suitable protection – a quarry worker for example. The risk to anyone residing close to a quarry is negligible and no higher than it due to exposure of naturally occurring fine particles.
- 7.41 **Will there be any unacceptable levels of noise generation from the proposed activities?**
- 7.42 A noise assessment has been provided to assess the implications for the surrounding receptors to the site in terms of noise generation. Noise monitoring has been carried out at the site during the period 8-11 July 2022 in conjunction with long term noise monitoring in the form of a sensor/microphone placed on a lamppost in the village of Faugh, to gain a baseline for background ambient noise levels.
- 7.43 The noise survey concludes that the predicted impacts of the operations on the site would not exceed the threshold prescribed in planning practice guidance of a level of 10dB above the background noise levels, or not to exceed 55dB at any sensitive receptors, in line with British Standards 2009, that relates to construction and open sites. Taking into account the combination of activities that would be carried out at the site (extraction, aggregate recycling along with the operation of plant and machinery and vehicle movements through the site), the evidence confirms that the sound levels experienced at the sensitive receptors would not exceed the values above.
- 7.44 However, despite the conclusions above, mitigations should be put in place to further protect the amenity of those close by. These would include a recommendation to limit the operating hours for the site, to those which were

previously controlled through planning permission 1/16/9001, a speed limit on site for HGVs to reduce noise levels, to locate stationary plant as far as possible from sensitive receptors, to ensure noise levels do not exceed 55dB at any noise sensitive receptors (this is appropriate to enforce by a planning condition as per the Planning Practice Guidance), use of quiet reversing alarms on vehicles and to ensure all plant and vehicles are maintained in accordance with the manufacturers specifications to ensure quiet and efficient operation. These mitigation measures are considered appropriate without placing unreasonable burdens on the operator.

7.45 Taking into account all of the above, I am of the opinion that the proposed operations would be in compliance with policy DC3 of the CMWLP and guidance contained in the PPG and NPPF. I have no reason to question the conclusions of the noise assessment as it appears to be conducted to an acceptable methodology and Carlisle County Council Environmental Health department has not identified any issues with the report. As such, the proposed continuation of operations, whilst clearly resulting in some effects on sensitive receptors, would not result in unacceptable impacts or impacts which cannot be adequately mitigated against. The noise assessment submitted confirms that the proposed combined operations can limit noise levels at sensitive receptors to those specified in policy DC3.

7.46 Do the proposed activities result in any unacceptable flood risk impacts?

7.47 Most of the site is located within flood zone 1 as defined by the Environment Agency. Parts of the site access route and some of the area designated for early restoration fall within zones 2 and 3. A Flood Risk Assessment has been provided to support the planning application.

7.48 All of the site areas identified to be worked are located in flood zone 1 where there is a very low risk of flooding and risks to workers would be very low. Due to the nature of the site being composed largely of sand and gravel, surface water runoff rates would be low and the site generally free draining with water sinking through the layers of material. Surface water runoff from the access roads runs to the west to a permeable surface and areas of bunds to the east block the passage of surface water to nearby residential properties. The existing pond on the site acts as attenuation storage for surface water during periods of high precipitation and is fed by drainage ditches. The aggregate recycling operations require a quarantine area which would be impermeable; however, surface water from this platform would feed into the sealed drainage system.

7.49 Overall, the existing drainage regime for the site would not be significantly changed as a result of continued extraction and aggregate recycling operations, with risk to workers, the existing site and surrounding properties from flooding considered to be low. I consider therefore that the proposals are in compliance with policy DC19 of the CWMLP and policy contained in the National Planning Policy Framework (NPPF) and associated annex relating to flood risk.

7.50 Are there any significant risks to groundwater?

7.51 The scheme to extract the remaining reserve at the site is designed around leaving an appropriate standoff from groundwater levels at the site, ascertained by recent borehole sampling. With the standoff proposed (1 metre), groundwater will be protected from contamination risks, with the Environment Agency confirming they concur with the hydrological assessment submitted and that

groundwater will be protected.

7.52 Are there any safety concerns in relation to slope stability?

7.53 A slope stability assessment has been provided to support the application. Three sections of the site were considered in this assessment, with section 3 being located to the rear of the site within the sand working faces, section 2 on the slope south of the existing pond, and section 1 to the slope adjacent to the working sand faces.

7.54 There have been known issues at the site in the past with the stability of the slopes faces to the site, and some works have been carried out to prevent further safety implications from collapse of the slopes. The slope stability assessment indicates some recommendations to ensure long terms slope stability. A recommendation is made to use clay fill, keyed into bench materials to provide long term stability. Working faces should be seeded and vegetated to provide extra stability.

7.55 The assessment concludes overall, that even with relatively conservation interventions, acceptable slop stability can be achieved on the site. Much of the stabilisation works would take place upon final restoration of the site using suitable inert material (engineering fill), with a top layer of sand and gravel from the site to allow the establishment again of acid grassland on this part of the site.

7.56 I consider the land stability report to be comprehensive and undertaken by an appropriate qualification specialist and arrives at a reasonable conclusion. I am therefore of the opinion that the proposal is in compliance with policy DC2 and DC12 (d) of the CWMLP and guidance contained with paragraph 174 of the National Planning Policy Framework (NPPF).

7.57 Are there any unacceptable impacts on historic and archaeological features?

7.58 There are no recorded features of historic or archaeology importance within the site. There is a statutory historic asset located outside the boundary of the site – a grade II listed property. I consider impacts on this property are unlikely as it is located some distance to the north of the entrance to the site and is screened from the site by topography and vegetation and so impacts are considered to be minimal. I consider the proposed scheme is therefore in compliance with policy DC17 of the CMWLP.

7.59 What impacts are there in terms of protected species and does the proposal result in a biodiversity net gain?

7.60 The site is not located within or partly within an statutory protected (European) sites, but it is located about 500 metres from a Site of Special Scientific Interest (SSSI) – Cairnbridge Sand Pit. European statutory designated protected sites are located around 3.3km from the site (River Eden SAC and North Pennine Moors SAC). The site itself contains mostly habitats of low distinctiveness.

7.61 Two County Wildlife (CW) sites are located close to the site – in fact one (Faugh Moss County Wildlife Site), is located inside the site to the northern part of it, close to the exit road. Two other CW sites are located close by – Juniper Green and Cairnbridge CW sites.

- 7.62 The proposed scheme is not likely to result in any significant benefits in terms of biodiversity until final restoration of the site. However, the application details that restoration will be progressive and as such, part of the site will be subject to early restoration in 2024 – this will include the create of two additional small ponds close to the existing pond on the site and restoration of the area of the site between the site buildings and the working area. This area is also identified as an area of high distractive habitat – neutral acid grassland.
- 7.63 During the continued operations at the site, working will mostly be restricted to the established working area, identified as areas of low habitat value and distinctiveness and areas of high value, such as the County Wildlife sites and areas of early restoration are unlikely to be adversely affected – this way existing habitats will be protected from the working activities of the site. Early restoration will provide an opportunity for biodiversity net gain, partly as a result of the creation of the new ponds, but also by the translocation of the high value acid grassland habitat that has established itself on the slope face between the site buildings and working area. The translocation of this habitat will be carefully co-ordinated and is required in the early stages of the scheme to allow engineered fill to be used to stabilise this slope face.
- 7.64 The final restoration scheme for the site has been designed to achieve maximum biodiversity net gains through a combination of retention and management of existing habitats on the site, the creation of acid grassland to areas of the site, creation of a varied mosaic of habitats to include hedgerows, management and removal of non-native species to protect the Faugh Moss CWS, retention of the existing pond on the site and retention of both neutral and acid grassland.
- 7.65 The final restoration scheme would also create areas of wet woodland to the eastern boundary of the site, area of mixed scrub would be retained and created, and an area of broadleaved woodland would be planted close to where the site buildings are located. The restoration scheme would be maintained by an extensive aftercare period of seven years to ensure good establishment of the created habitats and to reinforce those habitats found on site.
- 7.66 Policy DC16 of the CMWLP concerns biodiversity and geodiversity and states; *'Proposals for minerals and waste developments, including ones for ROMP applications and time extensions, will be required to identify, where appropriate: any potential impacts on important biodiversity and geological conservation assets, as defined in the Strategic Policies, and on any functional ecological and green infrastructure networks; and, their potential to enhance, restore or add to these resources; and to contribute to national and local biodiversity and geodiversity objectives and targets.* I consider that the information provided in terms of the restoration of the site and its affects during operation demonstrate that the proposed scheme will result in a significant biodiversity net gain over the long term and protect conservation assets during the operational phase. In this case, strategic policy SP15 is not relevant as there are no internationally protected sites which would be materially affected by the scheme. I consider the requirements of policy DC16 are met, together with the wider objectives of paragraph 174 of the National Planning Policy Framework (NPPF).
- 7.67 **Would the proposed continuation of operations have any unacceptable impacts on the landscape of the local area?**
- 7.68 The application is accompanied by a Landscape Visual Impact Assessment to consider the impacts the quarry has on the local landscape. The host landscape

in which the site is located is type 5c (Rolling Lowland), as classified by the Cumbria Landscape Character Toolkit. The LVIA uses a 3km study area to identify landscape impacts of the continued operations and aggregate recycling in the quarry floor. Given the limit of visibility of the quarry site, a limited number of viewpoints were assessed, mostly within 1km of the site.

- 7.69 Overall, the visibility of the site from the surrounding area is quite limited. The majority of the operations would take place in the quarry floor and would not be readily visible from surrounding vantage points. The site also occupies an enclosed and screened position in the landscape which means its overall impact on the character of the landscape type is very low. The site and its operations can be effectively integrated into the surrounding landscape – the site is quite isolated and discreet in its effects on the landscape, and due to limited visibility from its surroundings.
- 7.70 Upon final restoration, the site would be returned to an appropriate end use and landscape appearance which would serve to reinforce the landscape character existing in the locality of the site. As a result, the proposal continuation of operations at the site would not result in any significant landscape harm and will accord with policy DC18 of the CMWLP.

7.71 Site restoration and aftercare

- 7.72 The site would be restored in broad alignment to the restoration scheme approved under planning permission 1/16/9001. The end use of the site will be for agriculture. Due to the extended period of extraction, there would be a need to bring in inert material to the site in order to restore effectively and bring the levels of the site back to a those similar to the original site – the estimate for this is to bring to site around 29,000 cubic metres of material (about 52,000 tonnes). The final restoration of the site would take place over two years, with an extended aftercare period of 7 years. However, progressive restoration of the site will take place over the extraction period with a further proportion of the site outside the working area being restored within the first year of operations.
- 7.73 In my view, the restoration scheme proposed would be an enhancement on that originally approved, with a more varied array of habitats proposed to enhance biodiversity. Apart of acid grassland and agricultural land, there are proposals to create wet woodland, broadleaved woodland and hedgerows to result in an overall biodiversity net gain of more than 10%. The overall landform resulting would be sympathetic to the landscape character of the area. I consider that the restoration and aftercare scheme are sufficiently detailed and achievable and accord with the requirements of policy DC22 of the CMWLP.

7.74 Nutrient neutrality

- 7.75 The site is located within the catchment of the River Eden SAC in terms of its potential impact on nutrient neutrality. However, the proposal would not result in overnight accommodation or any significant increase in workers on site on a 24 hour basis. It is therefore unlikely that any additional nutrient loading would occur from the site to the River Eden SAC and I therefore consider it unnecessary for the applicant to carry out a Habitat Regulation Assessment to determine the potential for additional nutrient loading or to try to achieve a nutrient neutral position.

7.76 **Issues raised by representations not specifically addressed in this report**

7.77 *Types of waste being processed at the site and suggestion that the operator is accepting waste not covered by their Standard Rules Permit.*

7.78 A number of the representations suggest the operator is accepting and processing waste on the site which is not permitted by the permit issued by the Environment Agency. Whilst this is not a material planning consideration as it falls within the remit of the Environment Agency to control, information has nonetheless been requested to ascertain the position on this, including a copy of the most recent EA inspection report for the site. It is clear from the latest report that, although breaches had been previously identified in an earlier inspection, those breaches have now been addressed and the operator is carrying out waste treatment at the site in accordance with the terms of the permit. It should also be noted that paragraph 188 of the NPPF is clear that there should not be duplication of control and that the planning system should assume other regulatory controls are operating effectively.

7.79 *Lack of community engagement*

7.80 This is not material to the determination of this planning application, and it is open to the operator/applicant to carry out the level of public engagement that is considered appropriate. The operator did carry out some consultation on the proposals prior to the submission of the planning application, however, this was in the form of website displayed for a number of weeks providing information on the proposals.

7.81 *The aggregate recycling operations are being carried out without planning permission*

7.82 The Council are aware of that the aggregate recycling operations do not have planning permission, however, following consideration of this and whether it would have been expedient in the public interest and in regard to the development plan to initiate enforcement action, it was concluded that enforcement action would not have been justified. Furthermore, the operator has submitted this combined planning application whereby the merits of the recycling operation can be properly considered.

8.0 **CONCLUSION**

8.1 The proposal to continue extraction of sand for a further ten years and continuation of aggregate recycling unsurprisingly has generated a lot of local concern and opposition. The expectation from residents close to the site was that activity would end at the site in 2022 and restoration would begin. Such concerns are certainly material considerations in the consideration of this application and important to those who have voiced their concerns.

8.2 Of course, the issues raised must be balanced against the planning judgements to be made when considering relevant planning policy and the material planning considerations. The quarry site is not in an ideal location, being located close to residential properties, however, both national and local planning policy attributes great weight to the extraction of minerals, and, of course, they can only be worked where they occur. This, coupled with the strong evidence that there is an inadequate supply of sand and gravel for the local plan period, weighs in favour of the proposal to extract sand at the site for a further period of ten years.

- 8.3 The case for aggregate recycling is slightly different – unlike minerals extraction, this activity does not need to be located on the site and could potentially be carried out in another location, perhaps nearer to centres of population and robust highway networks. However, again, there is support for this activity in an active quarry in the CWMLP (policy DC9).
- 8.4 There are undoubtedly going to be negative environmental impacts as a result of any continued operations in terms of noise, dust and vehicle movements and there will be some impacts on local residents, particularly given how close the quarry is to those residents. But, it is also clear from the consultants reports supporting the planning application and responses from consultees, that such impacts can be controlled and minimised to an acceptable degree, with the use of appropriate planning conditions as safeguards. This has been the case during the long operational life of the site and, whilst it is true to say some complaints have been received about adverse impacts, those have in most cases been resolved with informal dialogue with the operator to address those concerns raised and have been largely successful in doing so. Perhaps more importantly, though, this proposal also allows an opportunity to review controls at the site and I consider that with the comprehensive nature of the planning application, together with more robust planning conditions, particularly in regard to vehicle movements to and from the site, greater control can be exercised going forward to control activity at the site to protect the amenity of those most likely to be affected. Mindful of the protection of the amenity of those closest to the site, I am proposing an additional condition that a local quarry community liaison group be set up with the operator in order to provide an avenue for addressing any concerns about the operations of the quarry.
- 8.5 Overall, I recognise the concerns, frustrations and fears of the local community and attach weight to these. However, I also consider that the relevant policies applicable to this application are very clear – great weight should be attributed to the extraction of minerals and, together with the compelling evidence of the need for more sand and gravel in Cumbria, I cannot identify any reasons to resist this element of the proposal. In this regard, the proposal is considered to be sustainable development.
- 8.6 The other main element of the scheme – aggregate recycling, is also strongly supported by planning policy and the CWMLP as a means to reduce reliance on primary aggregates and to recycle, rather than landfill, waste which could be successfully transformed to a usable product. The National Planning Policy for Waste (NPPF) also supports the principle of driving waste up the hierarchy, maximising the potential for recycling/reuse and minimising the need to dispose of waste. I accept that the location of the recycling element is not viewed as suitable by the local community as such facilities could be located in more accessible locations, closer to the source of waste to be treated, but the evidence submitted, together with the response by the appropriate consultees do not support this view and I cannot identify any significant harm or impacts on matters of highway safety and impacts, noise impacts and effects of dust which cannot be reasonably mitigated by various site controls which can be enforced by planning conditions. The siting of the recycling facility/use on the active quarry is also more logical and sustainable than siting it in a completed different location, with all the inherent environmental impacts that would create on a new site.
- 8.7 Given all of the above, I recommend that planning permission is granted.

Human Rights

- 8.8 The Human Rights Act 1998 requires the County Council to take into consideration the rights of the public under the European Convention on Human Rights. Article 8 of the Convention provides that everyone has the right to respect for his private life and home save for interference which is in accordance with the law and necessary in a democratic society in the interests of, amongst other things, public safety, the economic wellbeing of the country or the protection of the rights and freedoms of others. Article 1 of Protocol 1 provides that an individual's peaceful enjoyment of his property shall not be interfered with save as necessary in the public interest and subject to conditions provided for by law. For any interference with these rights to be justified the interference needs to be proportionate to the aims that are sought to be realised. The County Council has a duty to consider the policies of the development plan and to protect the amenities of residents as set out in those policies.
- 8.9 The proposal would have limited impacts on the residential amenities in the area and some impacts on environmental amenity of the area but it is considered that those impacts would be insufficient to interfere with the rights of the applicant and satisfactory controls could be imposed on the proposed development to protect the amenities of the most affected residents. The impacts on the rights of local property owners to a private and family life and peaceful enjoyment of their possessions (Article 8 and Article 1 of Protocol 1) would be minimal and proportionate to the wider social and economic interests of the community and could be satisfactorily controlled by planning conditions.

Angela Jones

Executive Director for Economy and Infrastructure

Contact: Mr Richard Cryer

Electoral Division Identification: Hayton and Corby – Councillor Dobson

Development Control and Regulation Committee – 28 February 2023

Appendix 1 - PROPOSED PLANNING CONDITIONS

1. This permission shall be for a limited period only expiring on 31 December 2032, by which date the operations hereby permitted shall have ceased. All buildings, plant and machinery, including foundations and hardstandings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme by 31 December 2034

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

Approved Scheme

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 7 October 2022
 - b. Application form - supplementary
 - c. Non-technical summary
 - d. Supporting statement
 - e. Plans numbered and named:
 - i) Site boundary plan 311-1-5.2
 - ii) Location plan 311-1-5.1
 - iii) Site plan 311-1-5.3
 - iv) Borehole location plan 311-1-5.4
 - v) Restoration plan 311-1-5.5a
 - vi) Phasing plan 311-1-5.5a
 - vii) Pond construction plan 315-1-5.5b
 - viii) Gate detail 311-1-5.5c
 - ix) Rendering of the restoration plan 311-1-5.6
 - x) Flood zones 311-1-5.7
 - xi) Rendering of restoration 311-1-5.7
 - xii) Design to extract remaining mineral reserves
 - xiii) Restoration design
 - xiv) Cross section plan
 - xv) Topographical survey of the quarry – September 2020
 - xvi) Restoration scheme R1.0
 - xvii) Flood risk assessment (1)
 - xviii) Dust management plan
 - xix) Dust assessment
 - xx) Hydrological impact assessment
 - xxi) Noise impact assessment
 - xxii) Landscape Impact Assessment, parts 1, 2 and 3
 - xxiii) Transport Assessment

- xxiv) Great Crested Newt Assessment
- xxv) Biodiversity net gain assessment
- xxvi) Aftercare scheme R1.0
- xxvii) Statement of community involvement
- xxviii) Slope Stability Assessment

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

3. The site shall be worked and progressively restored in accordance with the scheme approved under condition 2 above.

Reason: To ensure the site is worked and restored in accordance with the approved scheme.

4. The hours of operations permitted at the site shall be restricted to between:

0700 to 19.00 on Mondays to Fridays

0730 to 13.00 on Saturdays

Notwithstanding the above restrictions, there shall be no working on Sundays or Public Holidays.

No vehicle engines or generators shall be run outside of these times. However, this condition shall not operate so as to prevent the carrying out, outside these working hours, of essential maintenance to plant and machinery used on site.

Reason: To ensure that no operations hereby permitted take place outside normal working hours which would lead to an unacceptable impact upon the amenity of local residents, in accordance with Policy DC3 of the Cumbria Minerals and Waste Local Plan [CMWLP]

5. No more than 110 HGVs (220 HGV movements) shall enter and leave the site each working week and no more than 30 HGVs (60 HGV movements), shall enter and leave the site on any working day. A record of all laden heavy goods vehicles leaving the site shall be maintained by the operator and produced upon request by the Local Planning Authority.

Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in compliance with policy DC1 of the Cumbria Minerals and Waste Local Plan [CMWLP]

6. All vehicles used to transport mineral and any other material from the site onto the public highway shall be sheeted so as to not deposit any material upon the

highway.

Reason: To ensure that material is not released into the air or deposited upon the highway in the interest of local amenity and highway safety, in accordance with Policy DC1 of the CMWLP

7. No vehicle shall leave the site in a condition that would deposit mud slurry or other material on the public highway

Reason: To ensure that no material is deposited onto the public highway in the interests of highway safety and local amenity, in accordance with Policy DC1 of the CMWLP..

8. Traffic entering the quarry shall only do so solely by the access at the Cairnbridge/ Faugh road junction and shall leave the site solely via the exit to the north of the quarry onto the Faugh/How Mill road (C 1035).

Reason: To ensure that lorry drivers are aware of the agreed vehicle route to and from the site in the interest of highway safety and amenity, in accordance with Policy DC1 of the CMWDF

9. Vehicles leaving the site from the northern exit shall only turn right onto the public highway no. C1035

Reason: To ensure that lorry drivers are aware of the agreed vehicle route to and from the site in the interest of highway safety and amenity, in accordance with Policy DC1 of the CMWLP

10. No more than 30,000 tonnes of mineral shall be transported from the site in any calendar year. A report shall be submitted by 31 January each year detailing annual tonnages for monitoring purposes.

Reason: In the interest of controlling traffic levels to protect the amenity of local residents and other highway users in accordance with Policy DC1 of the CMWDF

11. Noise levels attributable to the approved quarrying and any ancillary recycling operations carried out under the terms of these conditions, shall not exceed 55dB(A) (LAeq, 1 hour free field) as measured at any noise sensitive property.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC3 of the CMWLP.

12. All plant and machinery, that is fitted with reversing alarms, including that hired or contracted in for a short period shall only use a white noise type of alarm.

Reason: To safeguard the amenity of local residents by ensuring that noise generated by the operations hereby permitted does not cause a nuisance outside the boundaries of the site, in accordance with Policy DC3 of the CMWLP

- 13.** The operator shall maintain on site at all times a water bowser or other dust suppression system, together with an adequate supply of water and during periods of dry weather shall spray the access road, haul roads, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust to ensure that it does not constitute a nuisance outside the site. In addition, all mitigation measures and controls, as detailed in the dust management plan ZEWFS2Q, dated 21 September 2022 and prepared by DustScan shall be strictly adhered to.

Reason: To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC5 of the CMWLP

- 14.** The site shall be restored to agricultural use in accordance with the following;

- Minerals Planning Group document 'Restoration Scheme, Faugh Sandpit Site No. 2 Eddie Wannop Ltd', ref: 311/1 Rev 1.1 (Dated 30/09/22)
- Plan reference 'Schematic Restoration Scheme' 311/1/5 – 5,
- Plan reference 'Schematic Restoration Scheme Phasing' 311/1/5 – 5a (30/09/2022)
- Plan reference 'Schematic Restoration Scheme' 311/1/5 – 5b (08/09/22)
- Plan reference 'Schematic Restoration Scheme Gate Details' 311/1/5 – 5c (22/07/2022) and
- Labelled Rendering of Schematic Restoration Scheme' 311/1/5 – 7 (dated 30/09/2022).

Reason: To ensure control over the restoration of the site and to accord with policy DC22 of the CMWLP

- 15.** The restored site shall be subject to a 7-year aftercare period commencing on the completion of the restoration of the site to promote the use of the site for agriculture. This shall be in accordance with the aftercare programme outlined in the Minerals Planning Group document 'Aftercare Scheme Faugh Sandpit Site No. 2 Eddie Wannop Ltd', ref: 311/1 Rev 1.0 (Dated 23/09/22).

Reason: To ensure control over the restoration of the site and to accord with policies DC16 and DC22 of the CMWLP

- 16.** Within two weeks of receipt of a Conservation of Habitats and Species Regulations 2017 derogation Licence issued by Natural England, a copy of this licence shall be supplied to the Local Planning Authority.

Reason: This will ensure the LPA's compliance with The Conservation of Habitats

and Species Regulations 2017 (as amended).

- 17.** Within six months of the date of this decision notice, a biodiversity management plan shall be submitted to the local planning authority for approval. The biodiversity management plan shall specify how biodiversity net gain will be achieved through the restoration of the site, with particular regard to the following; methodology for the translocation of the lowland dry acid grassland and a mitigation strategy for Great Crested Newts.

Reason: To secure biodiversity net gain once restoration of the site upon restoration and to accord with policies policy DC16 of the CMWLP

- 18.** Within six months of the date of this decision notice, a construction ecological management plan (CEMP) shall be submitted to the local planning authority and approved in writing. The CEMP will demonstrate how the operation of the site shall be managed to prevent adverse effects on the surrounding habitats and minimise the risk of affecting protected or notable fauna and shall include specific information on the following;

- A badger mitigation strategy
- Location of biodiversity protection zones or fences
- Soil storage and handling for the restoration proposals
- Dealing with invasive species
- Pre and during clearance ecology checks for protected species
- Protected/notable species method statements where licencing is not required
- Nesting bird management
- Invasive non-native species management plan

Reason: To secure biodiversity net gain on the site upon restoration and to accord with policy DC16 of the CMWLP

- 19.** Within six months of the date of this decision notice, a soils recovery and replacement strategy will be submitted to the local planning authority for approval. The strategy shall include an assessment of the available soil resource on site, a strategy for its use in restoration, details on soil handling techniques and an assessment of the risk of silt runoff.

Reason: To protect soil resources at the site and ensure their use in restoration where possible, and to accord with policy DC21 of the CMWLP.

- 20.** Within six months of the date of this permission the operator shall invite representatives of the Local Planning Authority, parish council and local residents to attend site liaison committee meetings at the site or such other location as may be advised. The functions of the Committee shall include the discussion of site operations, restoration, and traffic movement. The developer shall convene meetings at intervals of three months or as may be agreed with the Local Planning Authority, and shall keep a record of the proceedings and shall distribute copies of that record to each organisation and individual invited to

attend.

Reason: To provide a forum for discussion between the quarry operator, the Local Authority and the local community which will provide an opportunity to identify and remedy any impacts of quarrying on the community.

Appendix 2
Ref No. 1/22/9005

Development Control and Regulation Committee – 28 February 2023

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

