

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
15 July 2022
A report by the Executive Director - Economy and Infrastructure

Application Reference No. 2/22/9001

Application Type: Section 73 Planning Application

Proposal: Section 73 Application to planning permission 2/12/9013 for extraction of sand and gravel and concrete batching plant to vary condition 2 to extend time limit for operation to allow the restoration of the site for a further period of five years.

Location: Aldoth Quarry, Aldoth to the C2012, Aldoth, Silloth, CA7 4NB

Applicant: D A Harrison

Date Valid: 28 March 2022

Reason for Committee Level Decision: Objection received from representee

1.0 RECOMMENDATION

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

2.0 THE PROPOSAL

2.1 Section 73 Application to planning permission 2/12/9013 for extraction of sand and gravel and concrete batching plant to vary condition 2 to extend time limit for operation to allow the restoration of the site for a further period of five years (2027) and to allow the existing concrete plant to continue until 31 December 2023.

Condition 2 reads:

This permission shall be for a limited period only expiring on 31 March 2022, by which date the operations hereby permitted shall have ceased, all plant and machinery, including any foundations and hardstandings, shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

Reason: To ensure proper restoration of the site.

2.2 Aldoth (2/22/9001) and Dixon Hill (2/22/9002) Quarries are two quarries which adjoin each other, Dixon Hill Quarry is also on this agenda. Access to Dixon Hill is through Aldoth Quarry. Whilst these are two different permissions, they are connected due to the vehicular access arrangements. Although planning permission expired on 31st March 2022, this application to was received before the expiry date and so can be dealt with the normal way.

2.3 Aldoth Quarry has operated since the early 1970's and was later extended into Dixon Hill (planning permission 2/22/9002). These two quarries are linked and

seen as one operation, but operate under two different planning permissions. Aldoth Quarry and Dixon Hill produced sand and gravel during their working lives., They have now ceased operations and progressive restoration is being undertaken to return both sites to agriculture with significant areas of biodiversity improvements, which includes ponds and wildlife habitat. There has been no extraction of sand from Aldoth or Dixon Hill Quarries for a number of years. Aldoth Quarry is now in the process of being progressively restored back to agriculture and nature conservation use.

- 2.4 The restoration works are progressing and the southern part of the site has been restored and is back into agricultural use with livestock grazing on it. The northern part of the site has partly been restored and there is a well established pond and reed beds. The middle part of the site, which houses the concrete batching plant, is the final part of the overall restoration of Aldoth and Dixon Hill Quarries to be restored, this area also provides the access/haul road to Dixon Hill Quarry.
- 2.5 The concrete batching plant is to be temporarily retained as a back up plant for D A Harrison's (Atlas) Silloth batching plant for a maximum time of 18 months. The new batching plant on Silloth Airfield (Atlas Concrete) has been established and the majority of concrete is mixed here. However, this has been prone to occasional failures. Aldoth Quarry is currently only used as a back up when the Silloth plant breaks down and these pours of concrete become critical i.e. if part way through a batch job. They also have concrete plants at Workington and Carlisle.
- 2.6 Restoration soils and infill material are currently stockpiled on Dixon Hill, which will be moved as and when required. Additional restoration material will be sourced and transported from D A Harrison inert soil recycling facility on Silloth Airfield, approximately 10km north of Dixon Hill Quarry.
- 2.7 D A Harrison is one of the largest employers in the area currently employing over 200 local people along with numerous indirect jobs for contractors and specialist services at their numerous plants in north-west Cumbria. The range of businesses include the extraction and processing of aggregates, the manufacture of concrete and concrete products, haulage, covered storage, skip hire, waste recycling, the importation and distribution of farm supplies and animal feed, plus farming on a significant area of farmland in north-west Cumbria.

3.0 SITE DESCRIPTION

- 3.1 Aldoth Quarry is located between Aikshaw and Abbeytown in the small hamlet of Aldoth, which is a mixture of isolated farmsteads and residential properties. The Quarry has good highway access along the C2012 (Aikshaw to Abbeytown road), this links onto the B5301 at Aikshaw and B5302 at Abbeytown. Both roads connect onto the A596 at Aspatria and Wigton, which connects on to the A595(T) at Thursby and A689 at Carlisle, which connects onto the M6 motorway.
- 3.2 To the north of Aldoth Quarry is the hamlet of Aikshaw, to the south are agricultural fields with the odd isolated farmstead, to the east are agricultural fields and to the west are agricultural fields. Aldoth Quarry is approximately 5km east of the Solway Coast Area of Outstanding Natural Beauty. There are a number of County Wildlife sites in close proximity to Aldoth Quarry, the nearest being Tarns Dubb 3km north west and Cockley Moss and Meadows 3.1km south west.

3.3 Aldoth Quarry is approximately 9ha in site area and has been used for the quarrying of sand and landfill purposes. The site ceased working around 2015 and progressive restoration has taken place since this time. The boundaries of the site are defined by a well established hedgerow. There is also a pond and wet land area to the north adjacent to the entrance, this is well established with thriving habitat. The southern part of Aldoth Quarry has been successfully restored and is back into agricultural use for grazing of sheep.

4.0 SITE PLANNING HISTORY

4.1 The site has a history of working from the early part of the 1970's. Firstly for the removal of sand and gravel and then in the late 1970's, part of the site was used as a landfill site. The landfill site closed in around 2009, due to the changes in Waste Management Licences and has since been restored. A concrete batching plant has been on site since 1977.

4.2 The batching plant has been run on a number of temporary permissions. The last permission was in 2012, which expired on 31 March 2022 and required the site to be fully restored by 31 March 2023. D A Harrison have requested that the batching plant remains for a further 18 months. It will then be removed from Aldoth Quarry to allow the final stages of the restoration to be undertaken.

5.0 CONSULTATIONS AND REPRESENTATIONS

5.1 **Allerdale Borough Council Planning Department:** No objection.

5.2 **Allerdale Borough Council Environmental Health Department:** No objection.

5.3 **CCC Highway Authority:** No objection.

5.4 **CCC Lead Local Flood Authority:** No objection.

5.5 **Environment Agency:** No objection.

5.6 **Natural England:** No comments to make. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

5.7 **Cumbria CC Ecology (external):** I am content that the restoration measures are appropriate for this site and will provide a good range of habitats to add diversity to the landscape. The species mixes and methods appear suitable to delivering the restoration plan. I recommend a condition on restoration being included in the granting of any planning permission.

5.8 **Holme Abbey Parish Council:** No response received.

5.9 **Councillor T Markley, Solway Coast** has been consulted but no reply had been received when this report was prepared. In the event a reply is received in advance of Committee this will be reported to Members on the update sheet.

5.10 One representation has been received relating the *“batching plant operations starting before 0700 hrs. Ready mix concrete lorries are entering the site after 1800 hrs. The contractor will want to operate the batching plant well in excess of 5 years and probably past my lifetime”*.

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](#) 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 DC5 - Dust
 - Policy DC6 - Cumulative Environmental Impacts
 - Policy DC16 - Biodiversity and Geodiversity
 - Policy DC18 - Landscape and Visual Impact
 - Policy DC21 - Protection of Soil Resources
 - Policy DC22 - Restoration and Aftercare
- 6.3 Allerdale Local Plan Part 1: Strategic and Development Management Policies 2014-2029 (ALP Part 1) - adopted July 2014;
- Policy S24 – Green Infrastructure
 - Policy S30 – Reuse of land
 - Policy S33 – Landscape
 - Policy DM14 – Standard of Good Design
- 6.4 [The National Planning Policy Framework](#) (NPPF) was published in a revised and updated form on 20 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:
- Paragraph 8 – Achieving sustainable development
 - Paragraphs 11-14 – Presumption in favour of sustainable development
 - Paragraph 38 – Decision making
 - Paragraph 47 – Determining applications
 - Paragraph 81 – Building a strong competitive economy
 - Paragraph 119 – Making effective use of land
 - Paragraph 152 – Meeting the needs of climate change, flooding and coastal change
 - Paragraph 174 – Conserving and enhancing natural environment
 - Paragraph 179 – Protect and enhance biodiversity and geodiversity
 - Paragraph 209, 211, 213 and 214 – Facilitating the sustainable use of

minerals

Planning Policy Guidance : Minerals

Paragraph: 001 Reference ID: 27-001-20140306

Paragraph: 007 Reference ID: 27-007-20140306

Paragraph: 010 Reference ID: 27-010-20140306

7.0 PLANNING ASSESSMENT

7.1 The key planning issues relevant to the proposed schemes are considered to be:

- **Is there a need for the continued restoration programme and retention of the concrete batching plan?**
- **Would there be any additional impact on the public highway?**
- **Would there be any landscape and visual impacts from the extended restoration timescale**
- **Is the restoration programme acceptable with regards to biodiversity enhancement?**
- **Would the workings have any impacts on the environmental amenities?**
- **What are the concerns of the local resident?**

Is there a need to extend the expiry date to complete the restoration works and retention of the concrete batching plan?

7.2 Cumbria MWLP Policy DC22 requires proposals for minerals extraction, or for temporary waste facilities such as landfill, shall be accompanied by restoration and aftercare proposals with sufficient detail to clearly demonstrate that the overall objectives of the scheme are practically achievable, including a vision for overall restoration of the site, and to include proposals for appropriate afteruse and the means to achieve it. The level of detail required will depend on the circumstances of each specific site including the expected duration of operations on the site. In all cases, restoration schemes must demonstrate that the land is stable and that the risk of future collapse of any mine workings has been minimised. After-uses that enhance biodiversity, geodiversity and the environment, conserve soil resources, conserve and enhance the historic environment, increase public access, minimise the impacts of global warming and are appropriate for the landscape character of the area, will be encouraged. These could include: nature conservation, agriculture, leisure and recreation, green infrastructure and woodland.

7.3 Aldoth Quarry has been undergoing restoration works for a number of years in hand with the adjoining Dixon Hill Quarry. Overall, this is a very large area in excess of 16ha (9ha Aldoth Quarry and 7.1ha Dixon Hill Quarry). The restoration works have progressed well and those already undertaken are well established. Restoration does take time as it relies on restoration materials being available. These are not all stored on site and sourcing these can be on an adhoc basis, hence it has taken longer than originally anticipated. A lot of restoration soils are stored on the adjacent Dixon Hill Quarry, but some material is still required to

be imported from the operator's Silloth Airfield site. One of the added complications on this site is that Aldoth Quarry is the final part of the restoration of Dixon Hill and Aldoth Quarries, as this provides the access route onto C2012 from Dixon Hill Quarry, so this cannot be restored until the adjoining Dixon Hill is fully restored.

- 7.4 The concrete batching plant is proposed to be retained until 31 December 2023, this is to ensure a back up facility is available for the new plant at Silloth Airfield (Atlas Concrete). There have been a couple of occasions when this plant has been required due to failures at the Silloth plant. It is not anticipated that the batching plant will be required for much longer, but 18 months gives the applicant assurance that the plant in Silloth is fully operational and running without fault and allows for the restoration of the adjoining Dixon Hill Quarry to work its way into this final area.
- 7.5 The restoration program is to return both Aldoth and Dixon Hill Quarries to agriculture with naturally regenerated areas to add ecological and biodiversity interest by including two ponds with reed beds, wildflower meadows and agriculture. To the north east and south of the concrete batching plant area, these have been successfully restored and have naturally regenerated to scrub, woodland and waterbody. These areas have established themselves well and the south area is grazed by livestock.
- 7.6 Restoration schemes do take their time to complete and it is essential that this is undertaken in an appropriate manner and to the approved scheme.
- 7.7 The restoration scheme is coming along at a slower pace than anticipated, but what has been undertaken has been successful. There is a clear need for the continuation of the restoration scheme to fulfil the approved scheme and to ensure that the land is successfully restored to the appropriate contours and scheme. The timescale of five years for completion is the worst case scenario i.e. possible delays in restoration materials or another pandemic, for Aldoth and Dixon Hill Quarries. It is anticipated that the final restoration works will be completed well within these timescales, but the period of five years allows for contingency such as due to pandemic or lack of restoration material being available.
- 7.8 I consider the additional five years for restoration of Aldoth and Dixon Hill is acceptable due to the combined size of the quarries and the need to ensure this is carried out to a high standard. The retention of the concrete batching plant until 31 December 2023 is acceptable, as this will take time to demolish and prepare the ground for restoration.

Would there be any additional impact on the public highway?

- 7.9 Cumbria MWLP Policy DC1 states proposals for minerals and waste developments should be located where they: are well related to the strategic route network as defined in the Cumbria Local Transport Plan, and/or minimise operational "minerals and waste road miles" where practicable.
- 7.10 Aldoth Quarry and Dixon Hill currently have a limit on the number of HGV's which can access and leave the site each day, this is 30 in/30 out. Over a 12 hour working day, this equates to 6 HGV movements per hour that is 1 every 10 minutes. Aldoth Quarry is accessed from the C2012 (Aikshaw to Abbeytown road), this links onto the B5301 at Aikshaw and B5302 at Abbeytown, both roads

connect onto the A596 at Aspatria and Wigton, which connects on to the A595(T) at Thursby and then the A689 at Carlisle, which connects onto the M6 motorway approximately 40km east.

- 7.11 Whilst the connection onto the motorway may seem a fair distance, this is a relatively a short distance in terms of HGV transport movements. The majority of movement's from Aldoth Quarry are local movements, generally being within a 10 mile radius of the quarry, for the transferring of restoration material. However, this shouldn't be restricted to the one source of supply material as material could become sparse and may need additional sources from further afield. I consider the close proximity of the main source of waste complies with Cumbria MWLP Policy DC1 as it contributes to reducing waste miles.
- 7.12 Travelling east towards Abbeytown, HGV's pass around 20 residential properties. These properties are mainly set back from the road by around 11m but there are some terrace properties that abut the highway taking these to within 2m of the highway carriage. There would be a very minor disturbance to receptors while HGV's are passing their properties. The road is heavily used by farm traffic and delivery wagons, which are not controlled. HGV's from the Quarry are controlled by condition. Travelling to the west there are six properties mainly set back from the C2012 by more than 6m. The C2012 is not at capacity levels and CCC Highways have raised no objection to the continued restoration operations at Aldoth Quarry.
- 7.13 I consider the impact on the public highway for the next five years during restoration operations and the closing down of the concrete batching plant would have a minimal short term impact on local receptors along the C2012. The condition controlling HGV movements would remain for the life of the restoration operations. CCC Highways have raised no objection to the continuation of restoration operations at Aldoth Quarry. I therefore consider the scheme complies with Cumbria MWLP Policy DC1.

Would there be any landscape and visual impact impacts from the extended restoration timescale?

- 7.14 Cumbria MWLP Policy DC18 states proposals for development should be compatible with the distinctive characteristics and features of Cumbria's landscapes and should avoid significant adverse impacts on the natural and historic landscape; in appropriate cases, use the Guidelines for Landscape and Visual Impact Assessment to assess and integrate these issues into the development process; ensure that development proposals avoid significant adverse visual impacts and consider the effects on: locally distinctive natural or built features; scale in relation to landscape features; public access and community value of the landscape; historic patterns and attributes; and openness and remoteness.
- 7.15 Allerdale Local Plan Policy S33 states the landscape character and local distinctiveness of the Plan Area shall be protected, conserved and, wherever possible, enhanced. An assessment of the impact on the landscape character will be required for all major residential, commercial and industrial developments and may also be required for any other development which the Council considers may impact upon the landscape, particularly within sensitive or protected areas ...
- 7.16 NPPF paragraph 174 states planning policies and decisions should contribute to

and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland and preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans ...

- 7.17 Aldoth Quarry lies within Cumbria Landscape Classification Type 5B Low Farmland, which consists of undulating and rolling topography; intensely farmed agricultural pasture dominates; patchy areas of woodland provide contrast to the pasture; woodland is uncommon west towards the coast; fields are large and rectangular and hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape.
- 7.18 Aldoth Quarry was originally used as a landfill the contours of the site stand at 43m AOD on restoration, where the land abutting Aldoth Quarry would stand between 24-29m AOD. Directly to the north is the Abbey Town Ridge, which stands at its highest point at 52m AOD. Abbey Town Ridge forms a prominent feature of the landscape and has two working quarries, High House Quarry and Overby Quarry.
- 7.19 The southern part of Aldoth Quarry has been fully restored and the northern part of the site requires the time extension for restoration operations. The approved restoration scheme hasn't changed and the crest would stand at 43m AOD. This is already insitu and won't be changing.
- 7.20 The continued restoration activities would not alter the approved landscape contours. When viewed from the south this is an existing view which has been successfully restored, when viewed from the north this can only be seen when passing the entrance, this is a glancing view due to the contours and landscaping which are at the front of Aldoth Quarry, which have already been restored.
- 7.21 I consider the extension of time for a further period of five years for completion of restoration would have a minimal amount on landscape and visual impact and would allow Aldoth Quarry restoration scheme to be completed to a high standard, which has already been demonstrated on the sections which have been completed. I consider there would be no additional landscape and visual impacts from what is existing and the proposal complies with Cumbria MWLP Policy DC18, Allerdale Local Plan Policy S33 and NPPF paragraph 174.

Is the restoration programme acceptable with regards to biodiversity enhancement?

- 7.22 Cumbria MWLP Policy DC16 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.

- 7.23 Allerdale Local Plan Policy S35 states conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected. Nationally and internationally protected sites and species will be afforded the highest level of protection. A high priority is also given to the protection of locally identified biodiversity or ecologically valuable assets. The Council will seek positive improvements to the quality of the natural environment through sustainable development resulting in net gains for biodiversity across the Plan Area.
- 7.24 Aldoth and Dixon Hill Quarries are working to the approved restoration scheme agreed under planning permission 2/12/9013, there are no proposed changes to the agreed restoration scheme.
- 7.25 The majority of Aldoth Quarry and 70% of Dixon Hill Quarry has been restored to agriculture, areas to the north and south of the concrete batching plant have naturally generated to scrub, woodland and waterbody. These areas are to be retained and untouched during the final restoration stages and have already added significant ecological and biodiversity interest. The approved restoration scheme will significantly increase biodiversity over and above what has already been achieved through the pond and native wet woodland in the northeast is to be retained and covers an area of 12,179m² and naturally regenerated area. In total the restoration scheme for Aldoth and Dixon Hill Quarries include scrub vegetation: 9,287m², native wet woodland: 1,012m², native woodland: 17,984m², meadow grassland: 50,292m², marginal aquatic meadow grassland: 7,679m² ephemeral pond and marginal aquatic vegetation: 7,580m² as well as the agricultural grassland (including the current restored agricultural grassland): 71,687m².
- 7.26 On completion of restoration activities both Dixon Hill and Aldoth Quarries will be put into a five year aftercare programme. This ensures the site is monitored and restored to the approved scheme. The five year aftercare management process would include annual meetings with the Mineral Planning Authority, the operator/landowner and the land owner's agent if appropriate. The annual review would manage and monitor the restoration undertaken and also plan the aftercare works required for the coming year. Each meeting an annual aftercare report would be prepared a month prior to the annual meeting and circulated to all parties. The report would document the aftercare carried out over the previous 12 months and highlight the proposed operations, for agreement at the meeting. The report would include a photographic record of the development of the site and include an annual proposals plan, based upon current survey data.
- 7.27 The biodiversity mix on both Aldoth and Dixon Hill Quarries provides an enhancement to both areas providing a mix of agricultural, woodland and meadow grassland. It has provided two aquatic areas, both establishing themselves well in an area which has limited ponds the nearest being Tarn Dubs 1.7km north west. The applicant has specifically ensured the site is restored to a working environment as well as providing enhanced biodiversity needs to the area. I consider the additional five year timescale for completing the restoration of the site is essential to ensure the appropriate high standard of restoration is achieved. I consider this complies with Cumbria MWLP Policy DC16 and Allerdale Local Plan Policy S35.

Would the workings have any impacts on the environmental amenities?

- 7.28 CMWLP Policy DC 2 General Criteria, DC 3 Noise, DC5 Dust and DC18 Landscape and visual impact, requires planning applications to consider the impacts of development on the proximity to receptors and how development would affect their quality of life.
- 7.29 **Noise:** noise from the restoration operations and the concrete batching plant will be mainly operational machinery. The nearest residential receptor is 300m north of the batching plant. Noise from the operations would be controlled by appropriately worded conditions and the distance to the nearest residential receptor, there would be very little noise impact on these receptors due to the contours of the landscape and distance.
- 7.30 **Dust:** dust from the operations will be contained within the operational site. Dust suppression will operate on the machinery to prevent dust. Also the quarry operates a bowser which sprays the roads and working areas in periods of dry and windy conditions to prevent dust being a problem from the site. The quarry have also installed a wheel wash which HGV's have to use when leaving the site to prevent dust outside the site.
- 7.31 **Vibration:** vibration would be caused by machinery and HGV's on the site. The proposal would not generate any additional vibration to the current operations. The nearest receptor is 300m north of the operations.
- 7.32 **Staff:** the continued operations would retain one member of staff already operating the concrete batching plant and a couple of staff to operate machinery during restoration works.
- 7.33 Any potential direct environmental impacts relating to noise, dust, vibration and staffing from the restoration works would be contained within the existing quarry boundary. There would be no additional impacts for the additional five years of restoration working.
- 7.34 I consider the continued restoration operations and temporary use of the concrete batching plant for a further 18 months, would not create any additional impacts over and above what is already occurring within Aldoth Quarry. These would be for an additional 5 years. In terms of planning timescales this is a relatively short period of time. I consider the environmental impacts to comply with Cumbria MWLP Policies DC2, DC3 and DC5.

What are the concerns of local residents?

- 7.35 One letter of representation has been received from a local resident who has concerns relating the batching plant operations starting before 0700 hrs and ready mix concrete lorries entering the site after 1800 hrs. The following point is made, *“regarding planning permission, the contractor will want to operate the batching plant well in excess of 5 years and probably past my lifetime.”*
- 7.36 With regards to the batching plant operations this would be controlled under condition 1, which requires operations to cease on 31 December 2023. The reason the batching plant is being retained is to ensure that the recently opened larger concrete plant at Silloth is fully operational and not suffering any breakdowns during concrete pours, which have essential timings to stop these from going off.
- 7.37 The allegation of operations outside the permitted hours, has been investigated

on numerous occasions when the site was being operated as a quarry and the only concrete batching plant that was available to DA Harrison during these times. DA Harrison has a system in place where the site operatives do not attend and open the site until 07.00. Concern has been raised by the complainant of HGV's passing his property just after opening time, it takes 3.27 minutes to travel at 40 mph over 3.7 km to B5302 at Abbeytown. With regards to operating after 18.00, this may occasionally have been exceeded due to timings of concrete pour or the tracker on the HGV, which has meant the driver needed to have their allocated break before returning to Aldoth Quarry.

- 7.38 The allegations of the complainant have always been investigated and it has not been expedient to pursue these as they have been minor operational timings. Officers have visited the site and undertaken out of hours monitoring which included early morning monitoring on the movement of HGV's from Aldoth and Dixon Hill quarries, but nothing was substantiated from these findings. The operator does have a good code of practice in place in the driver's manual.

8.0 CONCLUSION

- 8.1 I consider that condition 2, of planning permission 2/12/9013 can be duly amended accordingly to allow the changes to the working time limit of the quarry and allow additional time to allow restoration of the site to be undertaken accordingly. The conditions now form condition 1 in Appendix 1 of this report.
- 8.2 There is a clear need for the continued restoration operations at Aldoth Quarry. I consider that this supports continued restoration operations at Aldoth Quarry.
- 8.3 The retention of the concrete batching plant for a further 18 month period is acceptable as this is for a temporary period of time and located on the part of the site in the latter stages of the restoration programme.
- 8.4 Aldoth Quarry is not an operational quarry as this is progressively being restored. The quarry occupies a rural location, close to the highway network. The quarry does have some nearby residential receptors, whose amenity would not be impacted on by the continued restoration operations. I consider the continued restoration of Aldoth Quarry complies with National and Local Planning Policies.
- 8.5 The environmental considerations with regards to noise, dust, vibration, ground water, flooding, biodiversity and traffic have all been considered and the proposal complies with local plan policies DC1, DC3, DC5, DC16 and DC 20.
- 8.6 The objection raised by the Local Resident is noted. Their concern is that HGV's do pass their property outside working hours. These complaints have been investigated but it has not been seen as expedient to pursue enforcement action as these involve isolated HGV's at a time. The road in question is a "C" class road and is acceptable for HGV traffic, which could also be visiting any of the farmsteads or other businesses along the road.
- 8.7 In summary, I consider 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

- 8.8 The proposal would have a no impact on the visual, residential and environmental amenities 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 - Economy and Infrastructure

Contact: Jayne Petersen

Electoral Division Identification: Solway Coast ED

Development Control and Regulation Committee – 15 July 2022

Appendix 1 - PROPOSED PLANNING CONDITIONS

Time Limit for Implementation of Permission

1. The operations at the concrete batching plant shall cease by 31 December 2023. The site as shown on Figure 1 shall be fully restored by 15 July 2027. By the latter date all associated 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.

Reason: To secure the proper restoration of the site following the approved period for this temporary development, in accordance with Policy DC16 and DC22 of the Cumbria Minerals and Waste Local Plan.

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 21 March 2022
 - b. Aldoth and Dixon Hill Planning Statement – dated March 2022
 - c. Plans numbered and named:
 - i) Figure 1 – Site location plan
 - ii) Figure 2 – Indicative site development
 - iii) Figure 3 – End of Phase 5
 - iv) Figure 4 – Final Restoration

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

Hours of Operation

3. No operations, including the accessing of vehicles to the site, loading or transportation of restoration material or use of the concrete batching plant, shall take place on site outside the following hours :

0700 to 1800 hours Mondays to Fridays
0700 to 1300 hours on Saturdays

No operations shall take place on Sundays or on Public Holidays.

This condition shall not operate so as to prevent the use of pumping equipment, the carrying out of essential maintenance to plant and machinery used on site.

Reason: To safeguard local amenity.

Access and Traffic

4. There shall be no vehicular access to or egress from the site other than via the

approved access from Aldoth Quarry. The total number of laden heavy goods vehicles accessing and leaving Aldoth Quarry access for restoration purposes and the concrete batching plant shall not exceed 60 movements (30 in/30 out) on any weekday and 30 movements (15in/15 out) on Saturdays and no vehicles on Sunday or Bank/Public Holidays.

Reason: In the interests of highway safety and local amenity.

5. The access road to the public highway shall be kept clean and maintained in a good standard of repair, free of potholes for the life of the restoration operations.

Reason: In the interests of highway safety and local amenity.

6. No vehicle shall leave the site unless it is in clean condition so as not to deposit material on the highway.

Reason: In the interests of highway safety and local amenity.

Noise

7. All plant, machinery and vehicles used on site shall be fitted with effective silencers and engine insulation and maintained in accordance with manufacturer's instructions so as to minimise the level of noise generated by their operation.

Reason: In the interests of local amenity.

8. The equivalent continuous noise level (1 hour LAeq) attributable to the approved activities shall not exceed 50 dB(A) at Roundhill Farm. The rating levels for cumulative noise from all plant and machinery during the restoration life of the site shall not exceed 5dB above the existing LA90 background levels and 10 dB above the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142:2014+A1:2019.

Reason: In the interests of local amenity.

Dust

9. The operator shall maintain on site at all times a water bowser or other dust suppression system and during periods of dry weather shall spray the haul roads, site access and working areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

Reason: To safeguard local amenity.

Lights

10. All artificial lighting units shall be so sited and shielded as to be incapable of direct sight from any residential property outside the site.

Reason: In the interests of local amenity and rural dark skies.

Safeguarding of Watercourses and Drainage

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

Reason: To safeguard local watercourses and drainages, to avoid the pollution of any watercourse or ground water resource and to avoid flooding.

12. Provision shall be made for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there shall be no pollution of watercourses or any flooding/land drainage problems caused by the approved operations.

Reason: To safeguard local watercourses and drainages, to avoid the pollution of any watercourse or ground water resource.

13. All chemical, oil or diesel storage tanks on the site shall be sited on impervious bases and surrounded by impervious bund walls; the bunded areas shall be capable of containing 110% of the largest tank's volume and should enclose all fill and drawpipes.

Reason: To safeguard local watercourses and drainages, to avoid the pollution of any watercourse or ground water resource.

Stripping Storage and Use of Soils

14. The movement and respreading of soils shall be restricted to occasions when the soil is in a suitable 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 ensure the proper removal, storage and replacement of soils..

Care of Boundaries

15. All existing hedges, fences and gates around the perimeter of the site shall be maintained in a stockproof condition throughout the period of operations and until the restoration and aftercare of the site have been completed. Undisturbed hedgerows shall be maintained, cut and trimmed at the proper season throughout the period of operations and restoration of the site.

Reason: To safeguard the occupation of adjoining land.

Tree and Hedge Planting

16. The remaining tree and hedge planting required by the approved restoration scheme shall be implemented on a phased basis with planting taking place within the first available planting season following the restoration of the area of land to the approved contours.

Reason: To secure the satisfactory establishment of the hedge and tree planting in the interests of amenity.

17. Details of the remaining trees and hedgerow planting to be undertaken, including layout, ground preparation, numbers and distribution of species, size of plants, spacing, method of planting, fencing and other protective measures shall be submitted to and agreed by the Local Planning Authority prior to planting commencing within the phase of restoration which has been undertaken.

Reason: To reserve for subsequent approval details relevant to the permitted development not submitted with the planning application.

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

Reason: To secure the satisfactory establishment of the hedge and tree planting in the interests of amenity.

19. A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall be available on the Aldoth site for inspection during normal working hours. Their existence and content shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure operatives are conversant with the approved scheme and are aware of the requirements of the planning permission.

Restoration

20. All restoration works shall be carried out in accordance with the detailed submitted in Stephenson Halliday's 'Aldoth and Dixon Hill' planning statement

dated March 2022, as submitted and agreed in principle.

Reason: To ensure the restoration scheme is carried out in accordance with the approved scheme.

Aftercare

21. The aftercare shall be for a period of five years on completion of restoration operations. At least once each year of this five year period there shall be a formal review, to consider the operations which have taken place on each restored phase and to agree a programme of management for the coming year which shall be adhered to by the operator. The parties to be invited to attend this review shall include the operator, the Local Planning Authority and DEFRA. At least 4 weeks before the date of each review the operator shall provide all people attending the meeting with a record of the management and operations carried out on each phase during the period covered by the review and a proposed programme of management for the coming year.

Reason: To secure the proper aftercare of the restored land.

Appendix 2 - PLAN OF SITE LOCATION/EXTENT

