



**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

NOTICE OF PLANNING PERMISSION

To: Tata Steel UK Limited

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the development described in your application and on the plans attached thereto received on 30 November 2018.

viz: Section 73 application to vary and remove conditions of planning permission [3/06/9011](#) to provide an extended timeframe for the completion of restoration operations and revised restoration scheme.

Shapfell Limestone Quarry, Hardendale, Shap, Penrith, CA10 3LH

Subject to due compliance with the following conditions:

Time Limit

1. This permission shall be for a limited period only expiring on 31 December 2036, by which date all buildings, plant and machinery, including foundations and hard standings shall have been removed from the site, and the site shall have been restored in accordance with the approved scheme.

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. Planning Statement Rev.01 – dated February 2019;
 - b. Restoration Plan – Drawing No. 661739_04_02 - Rev.07;
 - c. Phasing Plan – Drawing No. 661739_04_05 - Rev.06;
 - d. Bund Movement Plan – Drawing No. 661739\04\10\01-Rev.00;
 - e. Landscape Restoration Sections – Drawing No. 661739\04\08 - Rev.01;
 - f. Air Quality Management Plan – dated November 2018;
 - g. Construction Noise and Vibration Management Plan – dated November 2018;
 - h. Drainage Management Plan – Document Reference No. 881258-R2(02) – dated November 2018 (*in particular Section 7: Construction Drainage Plan*);
 - i. Great Crested Newt Method Statement – Rev.02 – dated February 2019;
 - j. Stability Assessment – dated 22 November 2018;
 - k. Transport Statement – Document Reference No: 065787-CUR-00-XX-RP-TP-001 - V02 – dated 29 November 2018;
 - l. Water Monitoring Plan – dated 29 January 2019;

REFERENCE No. [3/18/9004](#)

- m. Restoration and Aftercare Management Plan – Document Reference No: RSK/M/P661739/04/04/01 (Rev01) – dated 4 February 2019;
- n. Restoration Material Balance Report – dated 22 November 2018;
- o. Biodiversity Monitoring Strategy – Rev.02 – dated November 2018;
- p. Topographical Survey dated 22 February 2018;
- q. Response to Point of Clarification Sought Post Submission – dated January 2019;
- r. Letter dated 28 January 2019 from Turley re response to consultation comments received;
- s. The details or schemes approved in accordance with the conditions attached to this permission.

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

Availability of Permission and Approved Scheme

3. A copy of this permission including the approved scheme documents shall always be available on site for inspection during normal working hours when undertaking restoration operations. 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.

Submission of Further Information

Scheme for Geological Interpretation

4. Within 18 months of the date of this permission, a Geological Interpretation scheme shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall provide for at least two interpretation board panels offering discussion on the history and geology of the quarry and shall include details of:
 - a. The design and content of the interpretation panel boards;
 - b. How the interpretation panel boards will be mounted and the design detail (size and material specification) of the structures they will be mounted on;
 - c. The siting of the boards;
 - d. Timeframes for the provision of the boards;
 - e. Provision to provide access to quarry faces in the working void to geologists by prior arrangement during the restoration and aftercare period.

Once approved, the scheme shall be implemented in full in accordance with the approved details.

Reason To provide interpretation of the geodiveristy (i.e. range of rocks, minerals, fossils, soils and landforms) of the area in order to enhance the understanding and enjoyment of the environment in accordance with Cumbria Minerals and Waste Local Plan 2015-2030 (CMWLP) Policy DC22.

Operational Restrictions

Prohibition of Mineral Working

5. No mineral working shall take place on site.

Reason The application proposes to extract no further mineral and to restrict operations to restoration works only. Consequently the application has been assessed and found to be acceptable upon that basis. In the interest of amenity and nature conservation in accordance with CMWLP policies SP15, DC2, DC16, DC18, DC20 and DC22.

Removal of Permitted Development Rights for Minerals Development

6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any other order revoking and re-enacting that order), planning permission shall be sought and obtained from the Mineral Planning Authority, before any buildings, structures, erections, plant or machinery (other than those permitted by this permission) are erected on the site or on any ancillary mining land.

Reason The application proposes to extract no further mineral and to restrict operations to restoration works only. Consequently the application has been assessed and found to be acceptable upon that basis. In the interest of amenity and nature conservation in accordance with CMWLP policies SP15, DC2, DC16, DC18, DC20 and DC22.

Restoration Landform and Afteruse

7. The site shall be restored to the landform contours shown on the *Restoration Plan – Drawing No. 661739_04_02 - Rev.07* and made suitable for the agricultural and amenity (nature conservation) after-uses shown on this drawing and specified within the *Restoration and Aftercare Management Plan – Document Reference No: RSK/M/P661739/04/04/01 (Rev01) – dated 4 February 2019*.

In doing so restoration materials shall be placed and graded as to ensure that the site can be adequately drained and will; after replacement of soils and after settlement; conform with the approved scheme.

Reason To secure the proper restoration of the site.

Protection of the Terrestrial Environment and Local Amenity

Restoration Materials

8. No materials other than the restoration materials specified in section 2 of the *Restoration Material Balance Report – dated 22 November 2018* shall be used in the restoration of the site.

Reasons: To ensure that no waste materials that could adversely affect protected habitats and the ecological nature conservation value of the site are brought onto the site so as to safeguard the environment in accordance with CMWLP Policies SP15 and SP16. To safeguard local residential amenity in accordance with CMWLP Policies DC1 and DC2.

Hours of Operation

9. No operations hereby permitted, shall take place on site outside the hours:

07:00 to 17:00 hours Mondays to Fridays

07:00 to 13:00 hours on Saturdays

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

This condition shall not, however, operate so as to prevent the carrying out, outside these 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 and nearby properties in accordance with CMWLP policies DC2 and DC3.

Access and Traffic

10. All vehicular access to the site shall be from the Shapfell Works via the existing private haul road.

Reason To avoid vehicles entering or leaving the site by an unsatisfactory route and to ensure the proposals do not have unacceptable impacts on highway safety and fabric, the convenience of other road users, and on community amenity in accordance with CMWLP policy DC1.

Control of Noise: Plant and Machinery

11. All plant, machinery and vehicles used on site shall be effectively silenced in so far as is practicable and shall be maintained in accordance with the manufacturer's specification at all times.

Reason To safeguard the amenity of local residents by ensuring that the noise generated is minimised and does not constitute a nuisance outside the boundaries of the site in accordance with CMWLP policies DC2 and DC3.

Noise Limit

12. Except for the temporary operations referred to in condition 13 below, the equivalent continuous noise level of restoration operations shall not exceed 50dB(A) LAeq 1 hour (free field) as measured at any noise sensitive properties adjoining the site.

Reason To safeguard the amenity of local residents and nearby properties in accordance with CMWLP policies DC2 and DC3.

Noise Limit for Temporary Operations

13. For the temporary operations listed below, the Equivalent Continuous Noise level shall not exceed 70dB(A) LAeq 1 hour (free field) as measured at any noise sensitive properties adjoining the site.

- a. the excavation of topsoil, subsoil and other overburden that is bunded or mounded around the perimeter of the quarry void;
- b. creation of any intermediary stacks or bunds for the storage of soils or overburden;
- c. the removal/restoration of the haul road;
- d. restoration operations within 50m of the existing boundary fencing and walls shown on the Topographical Survey dated 22 February 2018.

Reason To safeguard the amenity of local residents and nearby properties in accordance with CMWLP policies DC2 and DC3.

Noise Monitoring

14. Noise monitoring shall be undertaken by the operator at the discretion and instruction of the Mineral Planning Authority. Instruction shall take the form of a written request for noise monitoring to be undertaken within a specified timeframe.

Any such noise monitoring shall be carried out in accordance with the monitoring regime set-out in Section 8 of *Construction Noise and Vibration Management Plan – dated November 2018* and with measurements being taken at a point at least 3.5m in front of the facade of any noise sensitive property facing the quarry restoration operations. Any measurements taken to check compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

For the purpose of this condition, and conditions 12 and 13 above, a 'noise sensitive property' means any building associated with Hardendale and Oddendale used, before 22 February 2019, as a dwelling or for any other purpose where the occupants are likely to be adversely affected by operational noise levels.

Reason To enable the Mineral Planning Authority to ensure compliance with the above noise limits in the event that a noise complaint that is considered to warrant further investigation is received. To safeguard the amenity of local residents and nearby properties in accordance with CMWLP policies DC2 and DC3.

Control of Dust

15. 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, working areas, plant area and stockpiling areas with water to satisfactorily suppress dust in order that it does not constitute a nuisance outside the site.

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 CMWLP policies DC2 and DC5.

Artificial Light

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

Reason To safeguard local amenity and nature conservation interests in accordance with CMWLP policies SP15, DC2, DC16 and DC18.

Protection of the Water Environment

Prohibition of Pumping of Water from the Quarry Void

17. No pumping of water from the waterbody in the quarry void shall take place without the prior written consent of the Mineral Planning Authority.

Reason To safeguard local watercourses (and associated habitats and species) and drainages; avoid the pollution of any watercourse or groundwater; and minimise flood risk in accordance with CMWLP policies SP15, SP16, DC16, DC19 and DC20.

Water Monitoring

18. Water monitoring shall be undertaken for the duration of this consent in

accordance with the approved Water Monitoring Plan dated 29 January 2019.

Reason In order to monitor water levels so as to safeguard the water environment and its associated ecology and minimise flood risk in accordance with CMWLP policies SP15, DC19 and DC20.

Safeguarding of Watercourses and Drainage

19. 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, avoid the pollution of any watercourse or groundwater and minimise flood risk in accordance with CMWLP policies SP15, DC19 and DC20.

Water Collection, Treatment and Disposal

20. Satisfactory provision shall be made for the collection, treatment and disposal of all water entering or arising on the site, including an increased flow from the land, to ensure that there shall be no pollution of watercourses by the approved operations.

Reason To safeguard local watercourses and drainages, avoid the pollution of any watercourse or groundwater and minimise flood risk in accordance with CMWLP policies SP15, DC19 and DC20.

Control of Liquid Substances

21. Any chemical, oil or diesel storage facilities on the site shall be provided with secondary containment that is impermeable and resistant to the substance contained. The minimum volume of the secondary containment shall be at least equivalent to the capacity of the tank plus 10%.

Reason To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater and minimise flood risk in accordance with CMWLP policy DC20.

Environmental Stewardship

Soil Handling

22. The movement and re-spreading of soils shall be restricted to occasions when the soil is in a dry and friable condition, 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.

All topsoil, subsoil, soil-making material and other overburden shall be stacked separately and prevented from mixing prior to placement for restoration.

Reason To ensure the proper replacement of soils in accordance with CMWLP policy DC21.

Soil Retention for Reuse

23. All topsoil and subsoil shall be retained on the site and none shall be sold off or removed from the site.

Reason To ensure the retention of locally appropriate soils for use in the restoration

: of the site in accordance with CMWLP policies DC21 and DC22.

Control of Weeds

24. All non-cropped areas of the site and all topsoil, subsoil and overburden stacks shall be kept free from noxious agricultural weeds and all necessary steps shall be taken to destroy such weeds at early stages of growth to prevent seeding.

Reason To properly manage the site by preventing the spread of weeds onto adjacent land in accordance with CMWLP policies SP15, DC2, DC18 and DC21.

Care of Boundaries

25. The operator shall maintain and make stockproof all the existing and proposed fences, walls and gates around the perimeter of the quarry void until the restoration and aftercare of the site has been completed.

Reason To safeguard the occupation of adjoining land.

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26. Any walls, fences, gates and/or stiles damaged or destroyed in the course of the approved operations shall be repaired or restored on their original lines or replaced on such lines as may be agreed between the developer, the Mineral Planning Authority and the persons who, for the time being, have an interest as owners, lessees or occupiers (excluding tenants for a month or any period less than a month) in the land originally bounded by such walls or fences.

Reason To safeguard the occupation of adjoining land.

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Monitoring Requirements

Ecological Monitoring Requirements

27. Botanical and breeding bird surveys must be implemented and reported upon to the Mineral Planning Authority as specified in Section 4 of 'Biodiversity Monitoring Strategy - Rev02 (November 2018)'.

Reason To ensure compliance with BS42020:2013 and CMWLP policies SP15, SP16, DC16, DC18 and DC22.

Monitoring of Restoration and Aftercare Progress – Annual Reports

28. Written reports detailing the restoration and aftercare activities undertaken over the previous calendar year, and including a programme of proposed restoration works and aftercare management for the year ahead, shall be submitted to the Mineral Planning Authority for approval in writing by 31 January each year.

Reason To enable the Mineral Planning Authority to monitor the sites' compliance with the planning conditions and progress in terms of restoration of the site.

Monitoring of Restoration Progress and Approved Restoration Plan Compliance – Topographical Surveys

29. An up-to-date topographical survey of the site shall be submitted to the Mineral

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Planning Authority triennially and shall clearly show the areas of the site that have been infilled and restored to final levels. The first survey shall be submitted by 30 September 2022.

Reason To enable the Mineral Planning Authority to monitor the sites' compliance with the planning conditions and progress in terms of restoration of the site.

Aftercare

Aftercare

30. Upon certification in writing by the Minerals Planning Authority that restoration of a phase has been completed to approved levels and to an acceptable standard, the relevant phase of the site shall be subject to aftercare under the provisions of Section 72(5) of the Town and Country Planning Act 1990 for a period of 5 years. Aftercare of the site shall ensure that the site is left in an acceptable condition for the proposed agricultural and amenity afteruse. Aftercare must be undertaken in accordance with the following:

- a) The Restoration and Aftercare Management Plan – Document Reference No: RSK/M/P661739/04/04/01 (Rev01) – dated 4 February 2019;
- b) In each year of the aftercare period for any phase, a meeting shall be held to review the aftercare of the site. The review meeting shall include representatives of the Mineral Planning Authority, the site operator, their agent, and any other specialist advisors considered necessary by these parties. The landowner (or their agent) and Natural England shall also be invited to the review meetings.

Reason To secure the proper aftercare of the restored land.

INFORMATIVES

Legal Agreement: This planning permission has been issued following the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act between the applicant and the council. This agreement secures:

- a) the prompt removal of redundant mineral processing infrastructure from the Shapfell Works site alongside landscape planting works; and
- b) the replacement of the existing Section 33 Legal Agreement relating to the Shapfell Works so as to:
 - i) require the submission of a restoration plan for the Shapfell Works by the end of 2036 (or a date otherwise agreed) [the specified period] and the restoration of the site in full within two years of the specified period;
 - ii) require the sheeting of all vehicles used to transport limestone and limestone products from the Shapfell Works site.

Registered Common Land: The erection of any fencing/walling or the retention of any fencing or haul road/access track on any registered unit of common land following the completion of restoration and aftercare may require an application to be made to the Secretary of State (SoS) under Section 38 of the Commons Act 2006.

Public Rights of Way: The undertaking of the restoration works around the quarry entrance area that will affect the course of the public right of way crossing this will require an application (or applications) to be made for a temporary diversion of part of this public right of way. The restoration works in this area should not be undertaken

until the temporary diversion order has been made and confirmed.

Dated 19 June 2019



Signed: Angela Jones
Acting Executive Director - Economy and Infrastructure
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant and their agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: planning.cumbria.gov.uk/Planning/Display/3/18/9004
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
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APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.
4. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: Planningportal.gov.uk/pcs
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.