

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 12**

Between 21/12/2021 and 11/02/2022

**Appn Ref No:**

20/9005

**Applicant:**

Lakeland Minerals

**Parish:**

Farlam

**Date of Receipt:**

16/06/2020

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Brampton & Fellside

**Location:**

Kirkhouse Quarry, Kirkhouse, Brampton, CA8 1JS

**Grid Reference:**

356400 560100

**Proposal:** Variation Of Conditions 1 & 2 Of Planning Permission 09/9015/CTY To  
Extend The Expiry Date Of Operations To 30th November 2032 &  
Approved Documents & Variation Of Conditions 32 & 34 To Allow  
Revised Restoration Scheme To Be Completed By 30th November 2033

### REPORT

**Case Officer:** Richard Maunsell

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection

**Date:** 30/06/2020

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

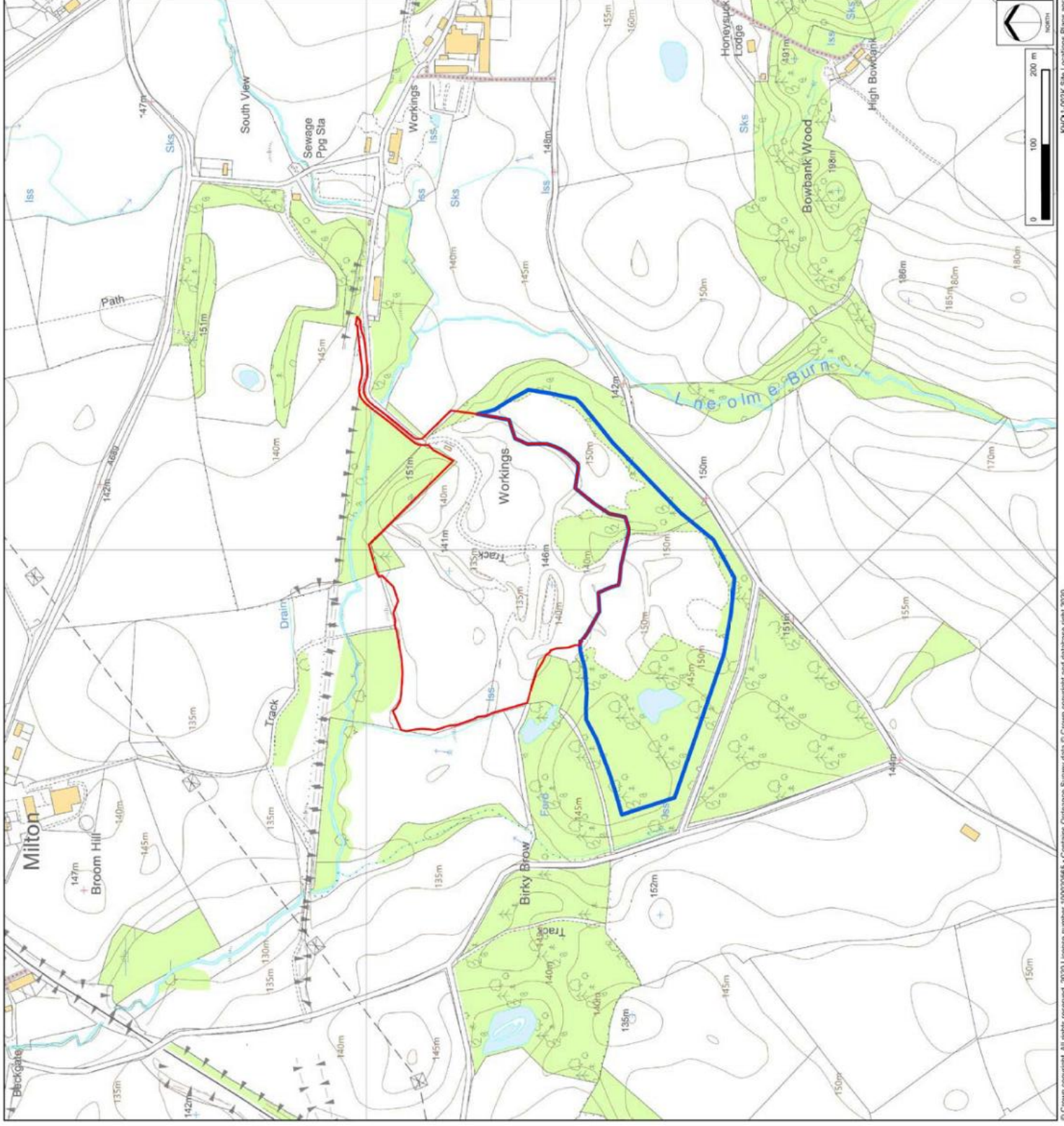
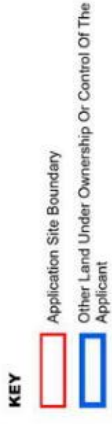
**Date:** 20/01/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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# KIRKHOUSE QUARRY

**FIGURE 1**  
Site Location Plan





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

**NOTICE OF PLANNING PERMISSION**

To: Lakeland Minerals Ltd  
Unit 5A  
Wavell Drive  
Carlisle  
Cumbria  
CA1 2ST

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/drawings attached thereto received on 12 June 2020.

**viz: Section 73 variation of Conditions 1 and 2 of planning permission 1/09/9015 to extend the expiry date of operations to 30th November 2032 and approved documents and variation of conditions 28 and 30 to allow revised restoration scheme to be completed by 30 November 2033**

**Kirkhouse Quarry, Hallbankgate, Brampton, CA8 1JS.**

Subject to due compliance with the following conditions:

**Time Condition**

- 1 This permission shall be for a limited period only expiring on 30 November, 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 30 November 2033.

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

**APPROVED OPERATIONS PROGRAMME**

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 5 June 2020
  - b. Supporting Statement – 5 June 2020
  - c. Plans numbered and named:
    - i) Site Location Plan
    - ii) Drawing KHQ.4.04C
    - iii) Drawing KHQ.4.05C
    - iv) Drawing KHQ.4.06C – Phase 1
    - v) Drawing KHQ.4.07C – Phase 2

- vi) Drawing KHQ.4.08C – Phase 3
- vii) Drawing KHQ.4.09C – Phase 4
- viii) Drawing KHQ.4.10C – Restoration Scheme
- ix) Drawing KHQ.4.13C – Cross section
- x) Drawing KHQ.4.14 – Cross section

*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 In the event that mineral working permanently ceases, a revised scheme to include details of the restoration and timescale for the completion of the restoration works, shall be submitted to the Mineral Planning Authority for approval in writing. Such a revised approved scheme shall be adhered to and the site restored within 12 months of approval in writing by the Mineral Planning Authority.

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

- 4 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 Local Planning Authority, before any buildings, structures, or erections, plant or machinery (other than those permitted by this permission) are erected on the site or on any ancillary mining land.

*Reason: To maintain control over additional built development upon the site in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 5 The areas identified as areas to be temporarily reseeded to reduce visual impact as identified on drawing no. KHQ.4.05C shall be seeded and maintained until the area is stripped as part of the phase 4 development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 6 The screening bund as shown on drawing no. KHQ.4.05C shall be maintained at the height shown on the approved plan until its removal in phase 4 of the development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 7 Topsoil imported to the site for blending with sand to produce compost shall only be stored, mixed and screened within the working area of the quarry. No topsoil, subsoil or soil making material stripped from the site or already stored on site shall be used for this purpose.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## HOURS OF WORKING

- 8 No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

07.00 to 18.00 hours Mondays to Fridays  
07.00 to 12.00 hours on Saturdays.

No operations of quarry plant or loading or transportation of minerals, shall take place on Sundays or on Bank or Public Holidays.

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

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## ACCESS AND TRAFFIC

- 9 The access road from the site to the public highway shall, for the life of the operations hereby permitted, be maintained in a good standard of repair and kept clean. This shall remain as the sole access to and egress from the site.

*Reason: To ensure that no material from the access road is carried on to the public highway in the interests of highway safety in accordance with Policies DC 1 and 2 of the Cumbria Minerals and Waste Development Framework.*

- 10 No lorry leaving the site shall enter the public highway unless it is in a condition that will not cause sand, mud or other material to be deposited on the 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 Cumbria Minerals and Waste Development Framework.*

- 11 The total number of laden heavy goods vehicles leaving the site daily shall not exceed 30 on weekdays and 15 on Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record shall be provided to the Local Planning Authority within 14 days of request.

*Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## CONTROL OF NOISE

- 12 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## CONTROL OF DUST

- 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 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 Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 14 All vehicles used to transport material from the site shall be sheeted before leaving the site so that no mineral shall be deposited onto the public highway.

*Reason: To ensure that mineral is not released into the air or deposited on to the public highway in the interests of highway safety and local amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## SAFEGUARDING OF WATERCOURSES AND DRAINAGE

- 15 Groundwater levels shall be recorded on a monthly basis and corresponding records maintained for the life of the operations. These records shall be provided to the Local Planning Authority within two weeks of a written request for them.

*Reason: To protect groundwater resources, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 16 No working shall take place below 0.5m above the highest recorded natural ground water level recorded in relation to condition 15. In any case, no working shall take place below 135m AOD.

*Reason: To ensure that no working takes place below the water table and thus prevent the derogation of local groundwater resources and/or groundwater features, and to prevent the restored land becoming waterlogged or flooded in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.*

- 17 Throughout the period of working, restoration and aftercare, the operator 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 and avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 18 Any 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 avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

## **STRIPPING, STORAGE AND USE OF SOILS AND OVERBURDEN**

- 19 At least 48 hours prior notice shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of the soil stripping operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

*Reason: To allow the Local Planning Authority to monitor the soil handling operations.*

- 20 All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part).

*Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable damage to the structure of the soils.*

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

*Reason: To prevent any avoidable damage to the structure of the soils.*

- 22 All available topsoil, subsoil and soil making material shall be stored separately and retained on the site, in accordance with the scheme submitted under Condition 20. No topsoil or subsoil shall be sold off or removed from the site.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## **CONTROL OF WEEDS**

- 23 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 and to prevent the spread of weeds onto adjacent land.*

## **CARE OF BOUNDARIES, HEDGES AND WALLS**

- 24 The operator shall maintain and make stockproof until the restoration is completed all the existing hedges, fences and walls including gates around the perimeter of the workings, throughout the period of operations until the restoration and aftercare of the site has been completed. Where an operational boundary does not coincide with an existing stockproof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stockproof fencing with gates or cattle grids at every opening and which shall thereafter be

maintained until that part of the site's full restoration and aftercare of the site has been completed.

*Reason: To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.*

## **REPLACEMENT OF HEDGES AND WALLS**

- 25 Hedges, walls, fences, gates and stiles if 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 by the Local Planning Authority.

*Reason: To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **TREE AND SHRUB PLANTING**

- 26 All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. 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 with the Local Planning Authority.

*Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **RESTORATION AND AFTERCARE**

- 27 The site shall be restored to a mix of agricultural, forestry and nature conservation uses as shown on plan no. KHQ.4.10C (Jan 2009). Prior to the commencement of any works within phase 2 as shown on plan no. KHQ.4.06.C, the operator shall submit a detailed restoration and aftercare scheme for the approval of the Local Planning Authority. The scheme shall detail:- methods and timing of soil placement; the thickness of different soil layers (in light of volumes of material in storage); methods to minimise and alleviate compaction of the soil profile; a method for assessing whether or not additional drainage works will be necessary and methods for carrying out such works if required; timings of soil analysis to inform fertiliser & lime application rates; seed mixes and method of sowing; species mix and methods of planting; and how the wetland and nature conservation habitats will be created.

*Reason: To secure the proper restoration of the site to agricultural and nature conservation use and its subsequent aftercare, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework.*

- 29 A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site.

*Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.*



Dated 20 January 2022

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

## NOTES

- The local planning authority has worked with the applicant/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: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9005>
  - 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.
-

## **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 Building Control and 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. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. 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.
5. 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](https://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.

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 13**

Between 21/12/2021 and 11/02/2022

**Appn Ref No:**

20/9006

**Applicant:**

Lakeland Minerals

**Parish:**

Farlam

**Date of Receipt:**

16/06/2020

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Brampton & Fellside

**Location:**

Kirkhouse Quarry, Hallbankgate, Brampton,  
Cumbria, CA8 1JS

**Grid Reference:**

356400 560100

**Proposal:** Variation Of Condition 2 Of Planning Permission 09/9016/CTY To  
Extend The Expiry Date Of Operations To 30th November 2033

### REPORT

**Case Officer:** Richard Maunsell

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 30/06/2020

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

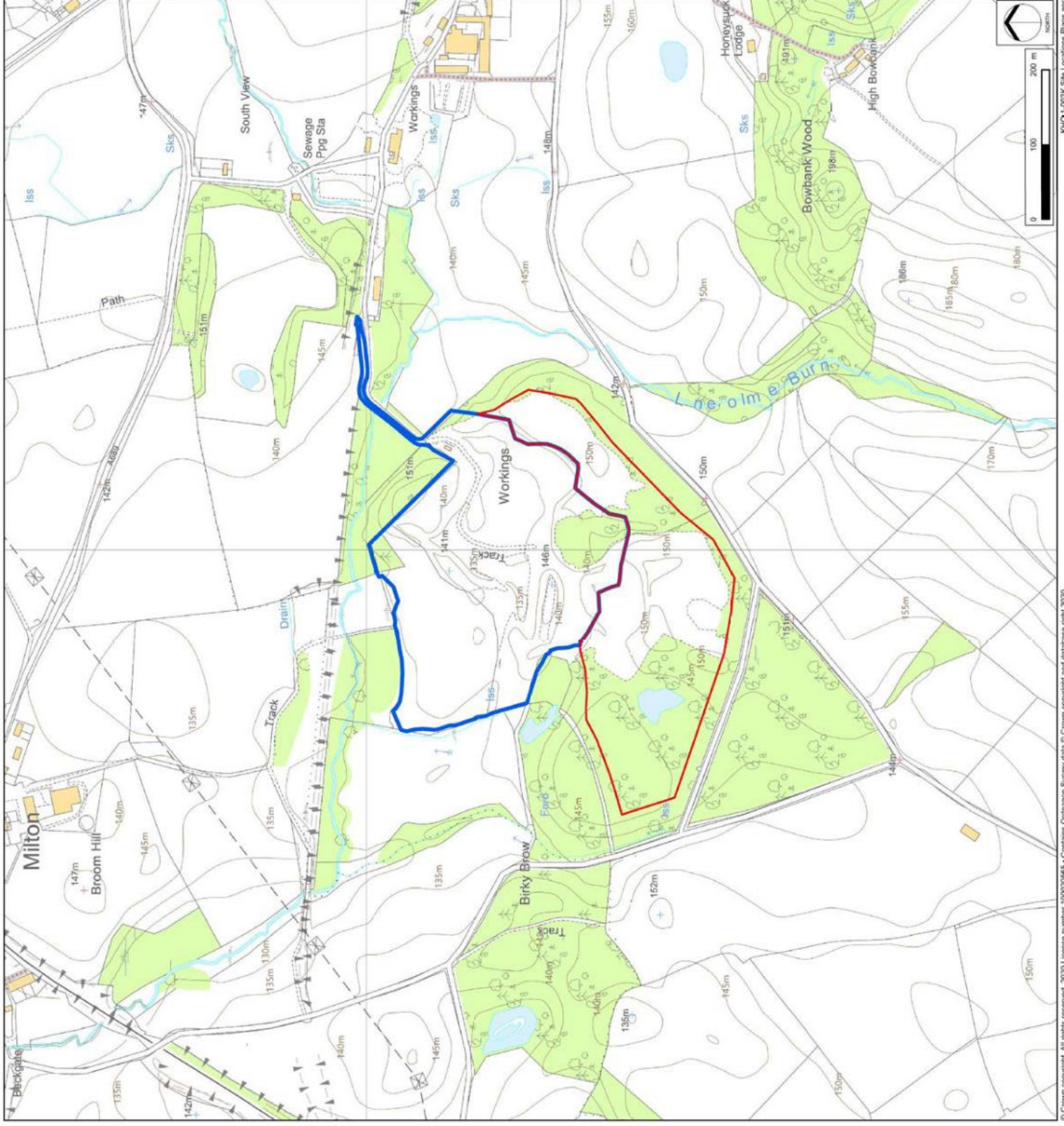
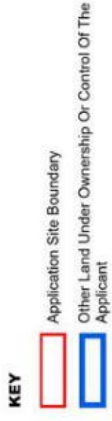
**Date:** 20/01/2022

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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## KIRKHOUSE QUARRY

**FIGURE 1**  
Site Location Plan







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

**NOTICE OF PLANNING PERMISSION**

To: Lakeland Minerals Ltd  
Unit 5A  
Wavell Drive  
Carlisle  
Cumbria  
CA1 2ST

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/drawings attached thereto received on 12 June 2020.

**viz: Section 73 variation of Condition 2 of planning permission 1/09/9016 to extend the expiry date of operations to 30th November 2033.**

**Kirkhouse Quarry, Hallbankgate, Brampton, CA8 1JS.**

Subject to due compliance with the following conditions:

**Time Condition**

- 1 This permission shall be for a limited period only expiring on 30 November, 2033, 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 30 November 2034.

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

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 5 June 2020
- b. Supporting Statement – 5 June 2020
- c. Plans numbered and named:
  - i) Site Location Plan
  - ii) Drawing KHQ.4.04C
  - iii) Drawing KHQ.4.05C
  - iv) Drawing KHQ.4.06C – Phase 1
  - v) Drawing KHQ.4.07C – Phase 2
  - vi) Drawing KHQ.4.08C – Phase 3
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  - ix) Drawing KHQ.4.13C – Cross section

- x) Drawing KHQ.4.14 – Cross section
- d) 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.*

### **APPROVED OPERATIONS PROGRAMME**

- 3 In the event that mineral working permanently ceases a revised scheme to include details of the restoration and timescale for the completion of the restoration works, shall be submitted to the Mineral Planning Authority for approval in writing. Such a revised approved scheme shall be adhered to and the site restored within 12 months of approval in writing by the Mineral Planning Authority.

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

- 4 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 Local Planning Authority, before any buildings, structures, or erections, plant or machinery (other than those permitted by this permission) are erected on the site or on any ancillary mining land.

*Reason: To maintain control over additional built development upon the site in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 5 The areas identified as areas to be temporarily reseeded to reduce visual impact as identified on drawing no. KHQ.4.05C shall be seeded and maintained until the area is stripped as part of the phase 4 development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 6 The screening bund as shown on drawing no. KHQ.4.05C shall be maintained at the height shown on the approved plan until its removal in phase 4 of the development.

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 7 Topsoil imported to the site for blending with sand to produce compost shall only be stored, mixed and screened within the working area of the quarry. No topsoil, subsoil or soil making material stripped from the site or already stored on site shall be used for this purpose.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*



## HOURS OF WORKING

- 8 No operations, including the loading or transportation of minerals or operation of quarry plant, shall take place on site outside the hours:

07.00 to 18.00 hours Mondays to Fridays  
07.00 to 12.00 hours on Saturdays.

No operations of quarry plant or loading or transportation of minerals, shall take place on Sundays or on Bank or Public Holidays.

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

*Reason: To safeguard the amenity of nearby residents, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## ACCESS AND TRAFFIC

- 9 The access road from the site to the public highway shall, for the life of the operations hereby permitted, be maintained in a good standard of repair and kept clean. This shall remain as the sole access to and egress from the site.

*Reason: To ensure that no material from the access road is carried on to the public highway in the interests of highway safety in accordance with Policies DC 1 and 2 of the Cumbria Minerals and Waste Development Framework.*

- 10 No lorry leaving the site shall enter the public highway unless it is in a condition that will not cause sand, mud or other material to be deposited on the 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 Cumbria Minerals and Waste Development Framework.*

- 11 The total number of laden heavy goods vehicles leaving the site daily shall not exceed 30 on weekdays and 15 on Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record shall be provided to the Local Planning Authority within 14 days of request.

*Reason: To keep to acceptable levels the impact of lorry traffic on the amenity of local residents and other road users, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## CONTROL OF NOISE

- 12 All plant, machinery and vehicles used on site shall be effectively silenced at all times in accordance with the manufacturers recommendations.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

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- 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 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 Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

- 14 All vehicles used to transport material from the site shall be sheeted before leaving the site so that no mineral shall be deposited onto the public highway.

*Reason: To ensure that mineral is not released into the air or deposited on to the public highway in the interests of highway safety and local amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## SAFEGUARDING OF WATERCOURSES AND DRAINAGE

- 15 Groundwater levels shall be recorded on a monthly basis and corresponding records maintained for the life of the operations. These records shall be provided to the Local Planning Authority within two weeks of a written request for them.

*Reason: To protect groundwater resources, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

- 16 No working shall take place below 0.5m above the highest recorded natural ground water level recorded in relation to condition 15. In any case, no working shall take place below 135m AOD.

*Reason: To ensure that no working takes place below the water table and thus prevent the derogation of local groundwater resources and/or groundwater features, and to prevent the restored land becoming waterlogged or flooded in accordance with Policy DC 14 of the Cumbria Minerals and Waste Development Framework.*

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*Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

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*Reason: To avoid the pollution of any watercourse or groundwater resource, in accordance with Policy DC14 of the Cumbria Minerals and Waste Development Framework.*

## **STRIPPING, STORAGE AND USE OF SOILS AND OVERBURDEN**

- 19 At least 48 hours prior notice shall be given to the Local Planning Authority of the commencement and estimated duration of each phase of the soil stripping operations. If the boundary of the area to be stripped is not marked by identifiable features it shall be clearly marked with suitable pegs.

*Reason: To allow the Local Planning Authority to monitor the soil handling operations.*

- 20 All available topsoil and subsoil shall be separately stripped from any part of the site before it is excavated or is traversed by heavy vehicles or machinery (except for the purposes of stripping that part).

*Reason: To ensure that all the topsoil and subsoil is separately removed from the site prior to the commencement of excavations and to prevent any avoidable damage to the structure of the soils.*

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

*Reason: To prevent any avoidable damage to the structure of the soils.*

- 22 All available topsoil, subsoil and soil making material shall be stored separately and retained on the site, in accordance with the scheme submitted under Condition 20. No topsoil or subsoil shall be sold off or removed from the site.

*Reason: To ensure that all the available soils are kept for use in the restoration of the site, in accordance with Policy DC16 of the Cumbria Minerals and Waste Development Framework.*

## **CONTROL OF WEEDS**

- 23 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 and to prevent the spread of weeds onto adjacent land.*

## **CARE OF BOUNDARIES, HEDGES AND WALLS**

- 24 The operator shall maintain and make stockproof until the restoration is completed all the existing hedges, fences and walls including gates around the perimeter of the workings, throughout the period of operations until the restoration and aftercare of the site has been completed. Where an operational boundary does not coincide with an existing stockproof hedge or fence the operator shall provide, prior to the commencement of working in that part of the site, stockproof fencing with gates or cattle grids at every opening and which shall thereafter be

maintained until that part of the site's full restoration and aftercare of the site has been completed.

*Reason: To secure the proper management of undisturbed enclosures on the site and to ensure that stock do not enter the working areas.*

## **REPLACEMENT OF HEDGES AND WALLS**

- 25 Hedges, walls, fences, gates and stiles if 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 by the Local Planning Authority.

*Reason: To secure the satisfactory reinstatement of field boundaries for the management of the land and in the interests of visual amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **TREE AND SHRUB PLANTING**

- 26 All trees and plants planted in accordance with the requirements of this permission shall be protected, managed and maintained until the expiry of this permission. 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 with the Local Planning Authority.

*Reason: To secure the satisfactory establishment of the tree planting in the interests of amenity, in accordance with Policy DC2 of the Cumbria Minerals and Waste Development Framework.*

## **RESTORATION AND AFTERCARE**

- 27 The site shall be restored to a mix of agricultural, forestry and nature conservation uses as shown on plan no. KHQ.4.10C (Jan 2009). Prior to the commencement of any works within phase 2 as shown on plan no. KHQ.4.06.C, the operator shall submit a detailed restoration and aftercare scheme for the approval of the Local Planning Authority. The scheme shall detail:- methods and timing of soil placement; the thickness of different soil layers (in light of volumes of material in storage); methods to minimise and alleviate compaction of the soil profile; a method for assessing whether or not additional drainage works will be necessary and methods for carrying out such works if required; timings of soil analysis to inform fertiliser & lime application rates; seed mixes and method of sowing; species mix and methods of planting; and how the wetland and nature conservation habitats will be created.

*Reason: To secure the proper restoration of the site to agricultural and nature conservation use and its subsequent aftercare, in accordance with Policy DC16 of Cumbria Minerals and Waste Development Framework.*

- 28 A copy of this permission including the approved documents and other documents subsequently approved in accordance with this permission, shall always be available on site.

*Reason: To ensure those operating the site are conversant with the approved scheme and are aware of the requirements of the planning permission.*

Dated 20 January 2022

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

## NOTES

- The local planning authority has worked with the applicant/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: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9006>
  - 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.
-

## **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 Building Control and 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. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. 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.
5. 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](https://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.



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**Item No: 14**

Between 21/12/2021 and 11/02/2022

**Appn Ref No:**

21/0002 TEL

**Applicant:**

Hutchison UK Ltd

**Parish:****Date of Receipt:**

29/04/2021 16:01:56

**Agent:**

WHP Telecoms Limited

**Ward:**

Cathedral &amp; Castle

**Location:**Land to the front Of Sainsburys, Church Street,  
Carlisle, CA2 5TF**Grid Reference:**

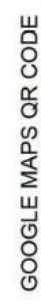
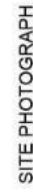
339406 555994

**Proposal:** Installation Of 15 Metre Phase 8 Monopole C/W Wrapround Cabinet At  
Base & Associated Ancillary Works

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**REPORT****Case Officer:** Suzanne Osborne**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 22/12/2021A copy of the Notice of the decision of the Determining Authority is printed following  
the report.

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GOOGLE STREETVIEW - <https://goo.gl/maps/DRJ8iMzaPjFGxnXh8>

1. ALL DIMENSIONS IN MM UNLESS OTHERWISE NOTED.



Version	MSRP 1.1 (15/02)	Project	H3G SG UNILATERAL	Planning	Phase of the task	B
Date	20/05/2021	Scenario / Upgrade Description				
Author	CKN	Pool Height reduced to 15m				
Created	15/02/2021	Project	H3G SG UNILATERAL	Planning	Phase of the task	A
Approved	SD	Scenario / Upgrade Description				
Version	MSRP 1.1 (15/02)	Project	H3G SG UNILATERAL	Planning	Phase of the task	A
Date	16/04/2021	Scenario / Upgrade Description				
Author	CKN	First hour - Site nomination dated TBC.				
Created	DH					
Approved	SD					



H3G Base Station Information line:  
0545 6043000  
Available 8am-8pm Monday to Friday

Design Consultant &amp; Principal Contractor:



Tel: 01133023550  
e-mail: [info@whptelecoms.com](mailto:info@whptelecoms.com)

Site Name:	
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SW AT BRIDGE STREET

Site ID:	
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CAR17512

Address:

BRIDGE STREET,  
CALDEWEGATE,  
CARLISLE, CUMBRIA,  
NORTH WEST ENGLAND,  
ENGLAND, CA2 5TR

Time
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002 SITE LOCATION PLAN

Respect	
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H3G 5G UNILATERAL

Purpose of Issue
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EE C	
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N/A

Master Drawing No.

CAR17512\_M002



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## Appeal Decision

Site visit made on 30 November 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

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Appeal Ref: APP/E0915/W/21/3279595

Bridge Street, Caldewgate, Carlisle CA2 5TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Hutchison UK Ltd against the decision of Carlisle City Council.
  - The application Ref 21/0002 TEL, dated 22 April 2021, was refused by notice dated 23 June 2021.
  - The development proposed is a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
- 

### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works at Bridge Street, Caldewgate, Carlisle CA2 5TR in accordance with the terms of the application Ref 21/0002 TEL dated 22 April 2021, and the plans submitted with it including plan numbers CAR17512\_M002 Issue B 002 Site Location Plan; CAR17512\_M002 Issue B 210 Proposed H3G Site Plan; CAR17512\_M002 Issue B 260 Proposed H3G Elevation; CAR17512\_M002 Issue B 303 Proposed H3G Antenna Schedule & Line Configuration; CAR17512\_M002 Issue B 305 Equipment Schedule & Support Structure Details.

### Preliminary Matters

2. The principle of development is established by Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely based on its siting and appearance, taking account of any representations received. I have determined the appeal on the same basis.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have nevertheless had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance.

### Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

5. The National Planning Policy Framework 2021 (the Framework) recognises the importance of high quality and reliable communications infrastructure, such as 5G, as being essential to economic growth and social wellbeing. Where new equipment is needed, the Framework requires that it is sympathetically designed and camouflaged where appropriate. The appellant states that the proposed development is required to facilitate the roll out of the 5G network. I also note that alternative sites have been investigated by the appellant.
6. The appeal site is an area of pavement in front of a petrol filling station on the north side of Bridge Street, which is one of the main roads into the city centre. At this point, it is a dual carriageway with slip roads on both sides and traffic light controlled junctions to the east and west of the site. The pavement is wide in the vicinity of the site and to its rear is low level shrub planting with a number of trees behind of around 4m in height. The surrounding area is characterised mainly by commercial properties. These include the petrol filling station immediately to the north with a supermarket car park and store beyond. Uses to the west include a pub, car wash, a motor bike dealership and a number of large-scale buildings associated with a biscuit manufacturer. On the south side of Bridge Street there is a mix of residential and commercial properties. Buildings to the east include a number of blocks of flats of around three to four storeys in height and a number of retail units.
7. The area has street furniture commonly found in such urban locations including street lighting, street signs, an advertisement pole, bus stops and traffic lights. There are also two chimneys to the east and south. The pole would have a relatively simple design and the exposed equipment would not protrude significantly beyond the pole. It would be the minimum needed to provide the 5G technology to the area whilst satisfying the International Commission on Non-Ionizing Radiation Protection standard. However, the pole would be taller and thicker than the majority of other vertical structures in the area.
8. The pole would be seen against the skyline when viewed from many locations given its height. However, it would be viewed in association with other vertical structures in the area, including the two chimneys, and so would not be seen as an isolated vertical element. In many views from the east, the pole would be seen against the backdrop of the large buildings associated with the biscuit manufacturer which would help to reduce its effect.
9. Although there would be a height differential between the pole and many of the existing vertical structures in the area, it would not result in an unacceptably obtrusive or prominent addition within the street scene, given the context of these other vertical features and the backdrop of commercial buildings.
10. The appellant states that the associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval. They are shown on the plans and within the specification and would not be required if it were not for the proposed pole. The scale and design of the cabinets are relatively modest, and they would be seen against the backdrop of the wall and planting to the rear of the pavement.
11. As such, the proposed development would not appear incongruous with the established character and appearance of the area, nor would it harm the street scene or public realm. It would therefore accord with Policy SP6 of the Carlisle



District Local Plan 2015-2030 which sets out 12 principles for securing good design that proposals will be assessed against. These include responding to local context and the form of surrounding buildings, and respecting local character and distinctiveness. It would also accord with the design principles set out in paragraph 134 of the Framework.

#### Conditions

12. The permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2) of the GPDO, which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of five years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
13. The Council has suggested a time limit condition of three years. However, the standard conditions in the GPDO refer to a five year time limit condition. I am satisfied that this is reasonable and necessary.

#### Other Matters

14. I note the comments made by the parties about the pre application enquiry process. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

#### Conclusion

15. For the above reasons, having had regard to all matters raised, I conclude that the appeal should be allowed, and prior approval should be granted.

*F Wilkinson*