

**Environment Act 1995 Schedule 13
Review of Mineral Permissions Appeal
High Close Quarry, High Close Farm,
Plumbland, Aspatria, Wigton CA7 2HF**

**Application Ref 2/19/9010
Appeal by Thomas Armstrong (Aggregates) Ltd
APP/ROMP/24/3**

SUBMISSION FROM PLUMBLAND PARISH COUNCIL

03 February 2025

**Main Considerations - Validity of application / appeal and whether there is a relevant
planning permission**

1. **Introduction**

- 1.1. This submission is made pursuant to the Case Management Conference that took place virtually at 1000h on 20 January 2025 and the subsequent Case Management Conference Note (the Note) received from the Inspector on 21 January 2025.
- 1.2. At the date of the preparation of this submission PPC had not been provided with copies of all of the documents submitted by the Appellant as part of the appeal. The Appellant's Statement of Case and associated documents received from the Case Officer on 5 December 2024 did not include the Regulation 22 submission documents. The PPC was subsequently provided with these documents on 31 January 2025.
- 1.3. This submission relates specifically to Main Consideration A as set out at paragraph 8(a) of the Note; namely, the validity of the application/appeal and absence of a relevant planning permission. Main Consideration B, dealing with the appropriateness of the suggested conditions, is proposed to be dealt with separately as part of an additional factual proof of evidence by [REDACTED] (paragraph 12(e) of the Note).
- 1.4. The following documents accompany this submission:
 - 1.4.1. Transfer of High Close Farm TP1 31 May 2019 (Appendix PPC11);
 - 1.4.2. Official copy of register of title number CU295419, edition date 24.05.2016 (Appendix PPC12);
 - 1.4.3. Transfer of High Close Farm TP1 12 May 2016 (Appendix PPC13);
 - 1.4.4. Sales Particulars, High Close Farm (Appendix PPC14);
 - 1.4.5. Official copy of register of title number CU295419, edition date 19.04.2023 (Appendix PPC15);
 - 1.4.6. Memorandum 2 December 1986 [REDACTED] to County Solicitor (Appendix PPC16);
 - 1.4.7. Email 6 September 2010 Senior Planning Officer, Cumbria County Council to the Chair of PPC (Appendix PPC17).

2. **Ownership of site and sale off of part of land**

- 2.1. Thomas Armstrong (Aggregates) Limited acquired the High Close Farm [REDACTED] on 12 May 2016 (Appendix PPC13). The acquisition was a transfer of part of registered title number CU295419. The transfer is recorded in the official copy of the register of title (Appendix PPC12).
- 2.2. Thomas Armstrong (Aggregates) Limited later advertised High Close Farm on the open market, as can be seen by the Sales Particulars for the site (Appendix PPC14).
- 2.3. High Close Farm was then sold by Thomas Armstrong (Aggregates) Limited [REDACTED] on 31 May 2019, again as a transfer of part of registered title number CU295419 (Appendix PPC11). They are recorded as the owners in the up to date official copy of the register of title (Appendix PPC15)

3. **Main Consideration A – Green Area and validity of application / appeal and whether there is a relevant planning permission**

3.1. Both prior to the creation of the First List and thereafter the MPA has never considered that the Green Area comprised an extant or relevant planning permission.

3.2. In his memorandum addressed to the County Solicitor on 2 December 1986 (Appendix PPC16), ██████████ states that it is his opinion that the planning permission for the Blue Area is still valid. This is consistent with his email to ██████████ on 21 August 2017 (Appendix PPC10), in which he agrees with his opinion on the dormant planning permission at the appeal site. The opinion of ██████████ referred to in ██████████ email is that the conclusion reached by ██████████ in 2001 (that the Blue Area was included in the First List) was correct.

3.3. From the process of the compilation of the First List onwards the MPA's concern has been solely with the Blue Area and it has never been its the intention to list the Green Area as a Dormant Site and thereafter all parties have proceeded on that basis.

3.4. In addition to the submission from PPC, submitted to PINS on 19 December 2024, in which evidence is set out confirming that the Green Area was not included in the First List of Dormant Sites and Active Phase I and II Sites, additional documentary evidence has come to light that further validates this aspect of the PPC's case.

3.5. In an email from the Senior Planning Officer, Cumbria County Council, to the Chair of PPC dated 6 September 2010 (Appendix PPC17), the Senior Planning Officer states:

“Researching the history of High Close reveals that planning consent in 1954, gave permission in principle for quarrying to take place within a defined area and that it is a valid planning permission. The same area was included by the County Council as a dormant quarry in the first list of sites prepared under the Environment Act 1995 Minerals Review process, with an expiry date of 22 February 2042.

Condition 2 of the planning permission requires the submission of full details on the working and restoration of the site and a new scheme of planning conditions would be required prior to commencement of quarrying at the site.

Thomas Armstrongs own the mineral rights and are currently considering the potential for the future development of the quarry within the consented boundary.”

Initial discussions have taken place and it is acknowledged that there are constraints/considerations affecting the design including the presence of designated woodland, the existing farmhouse, an area of former landfill, a gas main and highway related issues.” (underlining is added for emphasis)

3.6. At no time has the matter of the Green Area been raised. This is because it was accepted by all parties that given that the correspondence went specifically to the question of what planning permission was extant, the absence of any mention of the Green Area is compelling evidence that it was no longer considered to be extant.

3.7. Furthermore, the following additional highly relevant evidence is also provided by the Senior Planning Officer in the same email:

3.7.1. Confirmation is provided that only the area that benefited from permission in principle, which is the Blue Area, was the same area that was included as a dormant quarry in the First List (Appendix PPC17, para 2);

- 3.7.2. It is confirmed that it is only the land within the consented boundary, which is the area which was the subject of planning consent in 1954 for permission in principle only (the Blue Area), that Thomas Armstrongs was considering for development of the quarry (Appendix PPC17, para 3);
- 3.7.3. High Close Farmhouse was identified as a constraint and/or consideration affecting the design of the development (Appendix PPC17, para 3).
- 3.8. There is not only no reference to the Green Area in the reported findings but also no suggestion that the Green Area was also included (or should be considered to have been included) in the First List. The email provides further confirmation that the area included in the First List was only the area that was the subject of the permission in principle. This counters any suggestion that may be made by the Appellant that the Blue Area included in the First List in 1996 somehow intentionally encompassed the Green Area that was, in 1954, afforded a relevant planning permission.
- 3.9. The Senior Planning Officer also confirms that "Thomas Armstrongs" was considering development of the consented area, the consented area being the Blue Area, which was the area that was granted permission in principle. This confirmation is entirely consistent with, and further validates, the case set out in the PPC submission dated 19 December 2024; namely, both the MPA and Appellant were in complete agreement between 2001 and 2017, as previously evidenced in the PPC submission, that the scope of the CA49 planning permission was then restricted to the Blue Area.
- 3.10. This position was confirmed by [REDACTED] (SH) in his email to [REDACTED] (MPA) dated 21 August 2017, referred to at paragraph 3.2 above, in which he states:
- "Thank you for your email with your opinion in respect of the dormant planning permission at High Close with which I completely agree and which is welcomed.*
- Our clients and I have no concerns about the status of the site and as mentioned, Thomas Armstrong Ltd. has been working towards re-opening the site for a number of years – initially from 1996".*
- (Appendix PPC10, paras 1 & 2)
- 3.11. The above supports the PPC's previous submission which demonstrates beyond doubt that the Green Area does not comprise a relevant planning permission and therefore the ROMP application/appeal must fail. The PPC case that the Blue Area does not have a relevant planning permission as required to legitimise a ROMP application is also conclusive and is set out in the PPC Statement of Case, dated 24 October 2024.

[REDACTED]

Plumbland Parish Council Working Group

3 February 2025