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PUBLIC

To: Members of Regulatory - Planning Committee

Thursday 2 May 2024

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 13 May 2024** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for Absence
To receive apologies for absence (if any)
2. Declarations of Interest
To receive declarations of interest (if any)
3. Declarations of Significant Lobbying
To receive declarations of significant lobbying (if any)

4. Petitions

To receive petitions (if any)

5. Minutes

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 6 November 2023

To consider the non-exempt reports of the Executive Director - Place on:

6. Section 119 of the Highways Act 1980 - Proposed Diversion of Public Footpath No 9 (Part) - Parish of Holmesfield
7. Application for the Development of a Lateral Extension to the South-West of the Existing Permitted Operations to Provide the Winning and Working of Minerals, Associated Ancillary Operations and Amended Restoration Scheme at Slinter Top Quarry, Cromford, Derbyshire - Applicant: Slinter Mining Company Limited - Planning Application Code No: CM3/0817/40
8. Erection of a Portal Frame Attenuation Housing to Existing Oxygen Generation Plant and (Retrospective) Erection of a Retaining Wall - Applicant: Ecobat Resources Ltd - Planning Application Code No. CW3/1123/40
9. Change of Use of Part of a Commercial Transport Yard to Accommodate an Inert Material Recycling and Storage Facility at Bridgehouse Garage, Sheffield Road, Barlborough, S21 3WA - Applicant: Mr David Johnson - Planning Application Code No. CW5/1023/32
10. Current Enforcement Action
11. Outstanding Application List
12. Current Appeals/Called in Applications
13. Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers
14. Departmental Management Performance Monitoring

PUBLIC

MINUTES of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 6 November 2023 at Committee Room 1, County Hall, Matlock, DE4 3AG.

PRESENT

Councillor M Ford (in the Chair)

Councillors R Ashton, L Grooby, G Hickton, R Mihaly, D Murphy R Parkinson, D Wilson and M Yates.

Apologies for absence were submitted for Councillor P Niblock.

25/23 DECLARATIONS OF INTEREST

Councillor M Ford declared a personal non prejudicial interest in Agenda item 6 (Minute 29/23 refers) as local member for the area, and having attended events at the Marina and visited many times since its opening.

26/23 DECLARATIONS OF SIGNIFICANT LOBBYING

There were no declarations of significant lobbying.

27/23 PETITIONS

RESOLVED (1) to receive the under-mentioned petition:

LOCATION/SUBJECT	SIGNATURES	LOCAL MEMBER
Objections to application by Valencia to erect a materials Recycling Facility at the Erin Landfill Site, Markham Lane, Duckmanton, Derbyshire, S44 5HS (Code no: CW2/0623/14.	281 on paper & 71 online as part of the same petition	Councillor A Hayes

(2) that the contents of the petition would be considered and referred to by the Executive Director, Place, when preparing a report for a future meeting of this Committee in respect of Application CW2/0623/14.

28/23 MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 31 July 2023 be confirmed as a correct record.

29/23 THE PROPOSED INSTALLATION OF AN ABOVE GROUND PIPE LOCATED ON THE HIGHWAY VERGE OF THE ROAD BRIDGE, APPROXIMATELY 40M NORTH-EAST OF THE ROAD ACCESS POINT INTO MERCIA MARINA, FINDERN LANE, WILLINGTON, SOUTH DERBYSHIRE, DE65 6DW - APPLICANT: SEVERN TRENT WATER LIMITED - PLANNING APPLICATION CODE NO. CW9/0723/16

An application had been received from Severn Trent Water Ltd for the installation of an above ground pipe crossing at Findern Lane, required as part of Severn Trent Water's operational improvements.

A report on the application by the Executive Director – Place, had been published with the agenda and included details of the site, planning history and the proposed works. The pipework was required above ground level on the highway, on a verge on the canal crossing road bridge at Findern Lane. A kiosk was also proposed, to house a valve along the pipework on the verge.

The report also included details of the consultation process, publicity, objections, observations, comments received and commentary on the planning considerations. The application was considered to be in accordance with national and local planning policy and was recommended for approval subject to conditions.

Eight written statements of concern had been received from business owners at Mercia Marina, after the Agenda and papers had been published. They had been circulated to members of the Committee to form part of their considerations for deciding on the application.

The interim leader of the Development Team gave an oral summary of the main aspects of the proposal, including a presentation of slides showing plans and views of the site.

Tom Warden, Development & Commercial Manager Mercia Marina attended the meeting and made a three minute presentation in which he claimed that the traffic management controls that the works would involve as having a devastating effect on the marina and the businesses that traded there if they were carried out in the lead up to Christmas. He mentioned, difficult trading conditions having been experienced during 2023, and how he believed the traffic management controls that would affect foot fall and trade at the Marina. He requested that any works

should be suspended until after the Christmas period.

Max Griffiths, Fisher German (Agent acting on behalf Severn Trent Water Ltd) attended the meeting and outlined their support for the officer's recommendation. He explained that Severn Trent had a statutory obligation to carry out these works as part of an overall project in a timely manner. He indicated that every effort would be made to mitigate the impact on businesses at the Marina during the Christmas period. and it was confirmed that the installation work that this application referred to was programmed to commence on 2 January 2024 and run until 22 January 2024.

Members made a number of sympathetic comments regarding the concerns of businesses at the Marina that trade over the Christmas period. would be adversely affected and asked questions which centred on exploring what measures might be required to mitigate those impacts. Some points of clarification regarding timing of the works were provided by the Agent and the representative from Severn Trent. It was confirmed that the installation work that this application referred to was programmed to commence on 2 January 2024 and run until 22 January 2024 The interim leader then indicated that he would find it justifiable in the circumstances if the Committee was to decide to approve the application subject to conditions which included an extra condition to prohibit commencement of works before 2 January 2024.

RESOLVED that planning permission for the development proposed under Application Code No. CW9/0723/16 be granted subject to the conditions detailed in the Executive Director's report with the addition of an extra condition to prohibit commencement of works before 2 January 2024.

30/23 **CURRENT ENFORCEMENT ACTION**

RESOLVED to receive the report on current enforcement action.

31/23 **OUTSTANDING APPLICATION LIST**

RESOLVED to receive the list on decisions outstanding on 25 October 2023 relating to eia applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

32/23 CURRENT APPEALS/CALLED IN APPLICATIONS

Barden Farm, Smalley – Appeals against Enforcement Notice issued 27 June 2023.

1. APP/U1050/C/23/3325868 – Start Date – 29 August 2023 – To be considered by the Written Representations procedure.

2. APP/U1050/C/23/3326922 – Start Date – 12 September 2023 – To be considered by the Hearing procedure

33/23 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR - ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS

RESOLVED to note the applications that had been approved by the Executive Director – Place under delegated powers as detailed in the report.

34/23 DEPARTMENTAL MANAGEMENT PERFORMANCE MONITORING

RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 01 July 2023– 30 September 2023.

The meeting finished at 11.00 am



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

13 May 2024

Report of the Executive Director - Place

Section 119 of the Highways Act 1980 – Proposed Diversion of Public Footpath No 9 (Part) – Parish of Holmesfield

1. Divisions Affected

1.1 Dronfield West and Walton.

2. Key Decision

2.1 This is not a Key Decision.

3. Purpose

3.1 To seek authority for the Director of Legal and Democratic Services:

- a) to make a Diversion Order for the permanent diversion of part of Footpath No. 9 Holmesfield Parish under the provisions of Section 119 of the Highways Act 1980 in the interests of the owners and occupiers of the land; and
- b) should objections be received to the making of the Order that cannot be resolved then the matter be forwarded to the Secretary of State for determination.

4. Information and Analysis

4.1 The Council has received an application for the permanent diversion of part of Footpath No 9 Holmesfield Parish, in the interests of the landowner, to enable the curtilage of a barn, which has now been

converted to a dwelling, to be secured and to increase privacy for the residents. The proposed diversion would take the path away from land close to the barn to pasture fields to the east and north-west.

4.2 If the proposed diversion takes effect, it will divert approximately 172 metres of that part of the footpath, shown as a bold solid line between points **A** and **B** on the attached plan. The proposed alternative would be approximately 182 metres long, shown as a bold broken line between points **A**, **C** and **B**. It would have a recorded width of 2 metres commencing from Point **A** on a short length of tarmac and rolled stone then into a grass field fenced on both sides, over a ditch crossing with one handrail at Point **C** and then across another pasture field with fencing on the south side of the path to Point **B**.

4.3 An informal consultation was undertaken on 26 October 2022. The Local Member, Councillor Angelique Foster, and North East Derbyshire District Council were consulted and offered no objections to the proposal. However, objections were received from Holmesfield Parish Council, as follows:

“The Parish Council object to the diversion as it creates a precedent and they would prefer that the historic route of footpaths remain unaltered.”

4.4 In assessment of the Parish Council’s objections:

- a) The Parish Council’s contention that the diversion proposal would ‘set a precedent’ is not valid, because legislation exists that enables public rights of way to be diverted legally and this is a routine matter. In this case, the Council would use powers contained in Section 119 of the Highways Act 1980 and consideration has been given to the legal tests detailed in the Act in Appendix 1 (Legal).
- b) Investigations indicate that the existing and proposed routes for Holmesfield Footpath No 9 are in the ‘Woodthorpe and Fanshawe Gate Conservation Area’ as designated by North East Derbyshire District Council. This is described as scattered farm groups connected by paths within a rural landscape in the Holmesfield Parish. Footpath No 9 is one of those paths and it seems that it has existed for at least a century, but the long-standing existence of a public footpath is not a valid reason for it not to be diverted. Also, the diversion would not disrupt the connection of paths to the scattered farm groups or stray outside of the Conservation Area.

4.5 In conclusion, none of the grounds for objection appear to be valid in this case.

4.6 In investigating the application, the following criteria were considered:

Whether it is in the interests of the owner of the land or of the public that the path should be diverted:

There are four applicants for this application and between them, they own all the land concerned with the existing and proposed diversion routes at the location of Fanshawe Gate Hall and surrounding land. Planning permission was received from North East Derbyshire District Council, to convert their Grade II listed barn and outbuildings to a residential dwelling (Planning Application No. 18/00959/LB). The proposed diversion would enable the curtilage around the barn conversion to be secured and provide privacy for the for the residents.

Whether the diverted path will (or will not) be substantially less convenient to the public:

The diverted path will be substantially as convenient because the change of use of the barn from agricultural to a dwelling has altered the nature of the existing route. It now passes through the curtilage of the barn conversion. Members of the public may be uncomfortable walking through this residential space and may feel like they are infringing on the privacy of the residents. Also, they are likely to encounter vehicular traffic accessing and egressing the barn conversion. These issues would not occur on the proposed diversion, because it passes through pasture fields and whilst it is 10 metres longer than the existing route, this would not be significant on a rural walk.

The effect that the path would have on the public enjoyment of the path as a whole:

The diversion would provide a route across pasture fields where there will be no restrictions such as stiles or gates, whereas there is a stile on the existing route. The path will be near to Fanshawe Gate Hall and the converted barn, thus enabling the public to continue to have views of these buildings and the surrounding countryside. The connections with other paths in the Conservation Area will not be disrupted, so the public enjoyment of the path as a whole should not be affected by this diversion.

The effect which the coming into operation of the Order would have as respects other land served by the existing public rights of way:

No issues are anticipated in this regard.

The effect which the new public right of way created by the order would have as respects other land served by the existing public rights of way:

No issues are anticipated in this regard.

Whether it is expedient to make the Order:

It is considered that the proposed diversion is in the interests of the owners. It would not be substantially less convenient to the public and would not have an adverse effect on the public enjoyment of the route as a whole or adversely affect the land over which the diversion would run, or adversely affect land served by the existing right of way. The Department for Environment, Food and Rural Affairs (DEFRA) guidance, from August 2023, states that where public paths pass through private dwellings, their curtilages and gardens, farmyards and industrial or commercial premises, if the proposal satisfies the relevant legislative tests the order-making authority should be predisposed to make an order (full details can be obtained on [this](#) link). It is therefore concluded that it is expedient to make the Order.

5. Consultation

5.1 If an order is made it will be subject to a Statutory 28-day consultation.

6. Alternative Options Considered

6.1 Option 1 - Refuse the application and leave the path on its existing route. This is not recommended as the application appears to satisfy the criteria set out in the legislation and the objections do not appear to be valid.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 Diversion application form dated 27 April 2022.

8.2 Applicants map dated 27 April 2022.

8.3 Correspondence with the applicants and agent dated 16 April 2020 to 18 May 2022.

8.3 Land Registry documents dated 20 July 2020 and 19 September 2023.

- 8.4 Assessment by the Director of Legal and Democratic Services dated 16 May 2022.
- 8.5 Informal consultation letter and map dated 26 October 2022.
- 8.6 Consultation responses and related correspondence dated 26 October 2022 to 20 March 2023.
- 8.7 North East Derbyshire District Council's Planning Decision Notice for listed building consent 'for change of use and conversion of redundant barn and outbuildings to dwelling with installation of a small package treatment plant '(Application No. 18/00959/LB) dated 11 January 2019.
- 8.8 North East Derbyshire District Council's response to the proposal to divert Holmesfield Footpath No 9 dated 23 August 2023.
- 8.9 North East Derbyshire District Council plan showing 'Woodthorpe and Fanshaw Gate Conservation Area'.

9. Appendices

- 9.1 Appendix 1- Implications.
- 9.2 Appendix 2 – Plan of proposed diversion.

10. Recommendations

That:

- a) The Director of Legal and Democratic Services be authorised to make the necessary order for the permanent diversion of part of Footpath No 9 in the Parish of Holmesfield under the provisions of Section 119 of the Highways Act 1980.
- b) Should objections be received to the making of the Order that cannot be resolved then the matter be forwarded to the Secretary of State for determination.

11. Reasons for Recommendations

- 11.1 The proposal meets the statutory criteria.
- 11.2 This is a required step in the statutory process, unless the order is to be abandoned.

12. Is it necessary to waive the call in period?

12.1 No.

Report Author: Laura Summers

Contact details: laura.summers@derbyshire.gov.uk

**Chris Henning
Executive Director - Place**

Implications

Financial

- 1.1 In line with the corporate charging policy fees relating to this footpath diversion must be paid in full prior to works taking place. This alleviates the risk to the Council of non-payment of debt.
- 1.2 A full and accurate cost of works must be presented to the customer and once agreed and invoice raised, after payment of which the works may start. The customer should be made aware that they are liable to cover any cost overruns that occur that are not the fault of the authority.

Legal

- 2.1 Derbyshire County Council may make an order under Section 119 of the Highways Act 1980:
 - 1) Where it appears to a council as respects a footpath or bridleway in their area that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—
 - (a) create, as from such date as may be specified in the order, any such new footpath or bridleway as appears to the council requisite for effecting the diversion, and
 - (b) extinguish, as from such date as may be specified in the order the public right of way over so much of the path or way as appears to the council requisite as aforesaid.
 - 2) A public path diversion order shall not alter a point of termination of the path or way—
 - (a) if that point is not on a highway, or
 - (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
 - 6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path or way as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

2.2 The Director of Legal and Democratic Services is satisfied that, on the basis of the information contained in this report, it is expedient to make an Order under section 119 of the Highways Act 1980.

Human Resources

3.1 The Rights of Way section, in conjunction with Legal staff have sufficient resources to process the application.

Information Technology

4.1 None.

Equalities Impact

5.1 There is a stile on the existing route whereas the new route would not have any stiles or gates. Also, the ditch crossing will be widened to the legally required 2 metres walkable width and the existing handrail will be replaced. These features will improve access for those with restricted mobility.

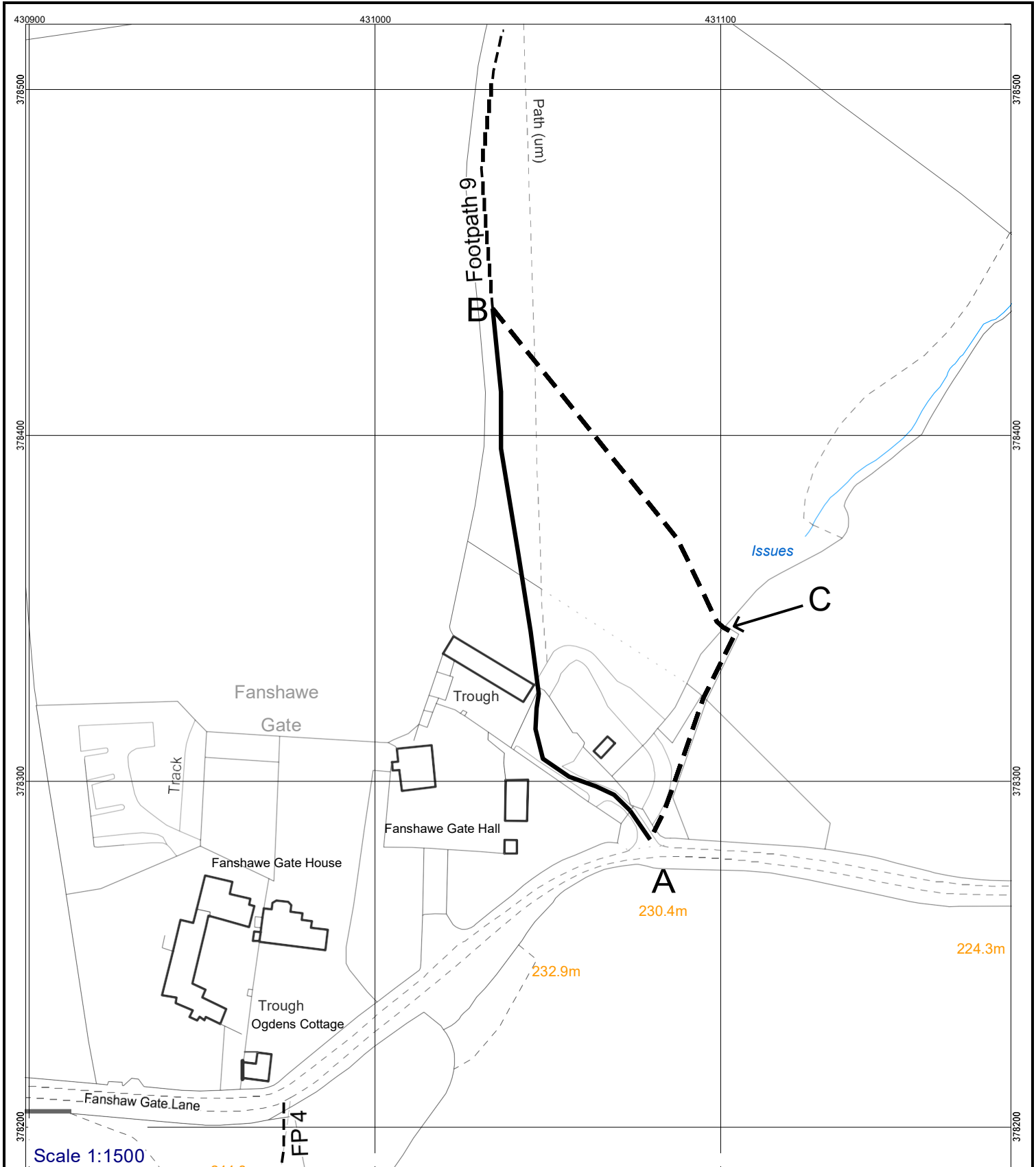
Corporate objectives and priorities for change

6.1 The proposal does not conflict with objectives and priorities set out in the Council's Rights of Way Improvement Plan.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

Environmental

7.1 The new route will provide a more pleasant route and environment for the public, because it will take the path from the curtilage of the barn conversion and the built environment of Fanshaw Gate Hall to the pasture fields nearby, which will provide views of the surrounding countryside and closer contact to nature.



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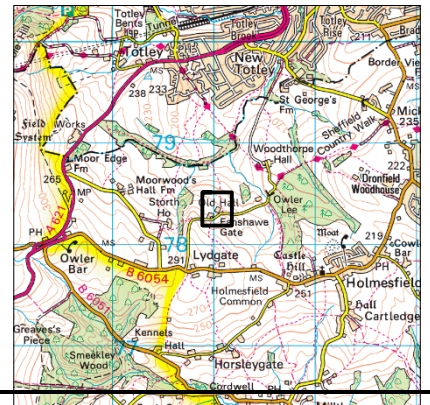
Ref: LS/X4450/Cttee/2023
 Date: 25 September 2023



Chris Henning
 Executive Director - Place
 Derbyshire County Council
 County Hall
 Matlock
 DE4 3AG

Highways Act 1980, Section 119
Proposed diversion of Public
Footpath No. 9 (Part)
- Parish of Holmesfield

- Key:
- Path to be diverted (A-8)
 - Alternative footpath (A-C-8)
 - Other footpaths



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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

13 May 2024

Report of the Executive Director of Place

Application for the Development of a Lateral Extension to the South-West of the Existing Permitted Operations to Provide the Winning and Working of Minerals, Associated Ancillary Operations and Amended Restoration Scheme at Slinger Top Quarry, Cromford, Derbyshire

**Applicant: Slinger Mining Company Limited
Planning Application Code No: CM3/0817/40**

3.114.23

1. Introductory Summary

- 1.1 This application seeks permission to extend Slinger Top Quarry into 3.9 hectares of land (extraction area 2.5 hectares) immediately south-west of the existing quarry. The proposed extension would involve the extraction of approximately 1.320 million tonnes of mineral and extend the mineral working operations to 2033 with restoration of the whole site completed in 2037. The extension would be worked as a series of benches over four extraction phases using blasting, excavators and a pecker (mechanical hammer), with mobile crushing and screening plant operating within the quarry void.
- 1.2 The existing quarry has permission for the extraction of vein minerals and crushed rock for aggregates, together with the infilling of the void with inert waste material, with extraction required to end in 2021 and restoration required to be completed in or before 2032. It is proposed to amend the restoration of the existing part of the site and to reduce the amount of imported inert waste to accommodate the restoration of the extension area. The final restoration phase would see the completion of

infilling and the return of the existing quarry area to agricultural use whilst the extension area would be restored to nature conservation.

- 1.3 Objections have raised concerns in relation to the mitigation of ecological and biodiversity impacts, and also in relation to noise and visual amenity impacts in Bonsall and the adverse effects such impacts could have on tourism and associated local businesses, and on the Peak District National Park. Latterly, with the introduction of Biodiversity Net Gain (BNG), as a means of evaluating the impacts of development on ecology and biodiversity, concerns have also been raised in this regard.
- 1.4 As detailed in the report below, having considered the issues raised, and having regard to the information set out in the application, including the proposed mitigation measures, I am satisfied that the proposed development could be carried out without causing unacceptable impacts on the environment and local amenity. I also consider that it would provide socio-economic benefits through contributing to the supply of nationally important mineral resources, continued employment and economic contributions to the wider local economy. The application is therefore considered to represent sustainable development and is recommended for approval subject to the recommended conditions set out at the end of the report.

2. Divisions Affected

- 2.1 Wirksworth.

3. Purpose

- 3.1 To enable the application to be determined by the Regulatory - Planning Committee.

4. Information and Analysis

The Site

- 4.1 The existing quarry occupies 5.97 hectares (ha) of land on the hillside west of Cromford, with Middleton by Wirksworth to the south, and Bonsall to the north across the valley of the Via Gellia. Access to the quarry is off the B5036 (Cromford Hill). This access is shared with Dene Quarry so that vehicles have to pass through Dene Quarry to reach Slinter Top.

- 4.2 The proposed extension area land (the site) is immediately south-west of the existing quarry workings, parcelled into small fields by drystone walls, and is used for grazing.
- 4.3 The nearest groups of residential properties lie approximately 450 metres (m) to the west of the site (at Cromford) and at a similar distance to the north (at Bonsall). A number of other properties, mainly commercial, are located along the valley bottom of the Via Gellia 200m – 400m north of the site.
- 4.4 The Via Gellia Woodlands and Rose End Meadows Sites of Special Scientific Interest (SSSI), and the Peak District Dales Special Area of Conservation (SAC) all lie in close proximity to the site. The quarry is in the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS), and is 150m from the DVMWHS, and the Cromford Conservation Area which contains a significant number of listed buildings. Bonsall Conservation Area is, at its nearest point, 600m from the site. The quarry is also visible from areas of the Peak District National Park (PDNP).
- 4.5 Around Slinter Top Quarry and across the surrounding open countryside, there are a number of public rights of way. Footpath No.13 from Cromford has been diverted temporarily (for the duration of the existing quarry operations) around the eastern outer edge of the site and re-joins its permanent route on the northern side. The surrounding landscape is characterised by dry stone walls enclosing small rectilinear fields, some of which contain remnants of historic mining and quarrying activity. Trees have established intermittently along these boundaries and are visually prominent in the landscape.

Planning History

- 4.6 Quarrying has taken place at Slinter Top Quarry from over 50 years ago, with the quarry having been worked under a series of time limited permissions. Initially undertaken as a vein mineral working operation, the quarry has also produced limestone for use as aggregate. The existing quarry has now been excavated to its full lateral extent. Inert waste materials are imported for restoration of the quarry void by infilling, the materials are deposited under an Environmental Permit issued by the Environment Agency.
- 4.7 In 1997, planning permission CM3/496/5 consolidated all previous permissions. A further time extension was approved in 2005 under planning permission CM3/901/76. At the same time, retention of a temporary access road and remedial quarry face stabilisation works were approved by planning permission CM3/1203/163, and the operator

also relinquished part of the previously consented extraction area to compensate for the additional stone won as a result of the stabilisation works. In 2013, planning permission CM3/0507/30 granted an extension of time to 2021 for the completion of the quarry development and to 2032 for the infilling and restoration. This is the current controlling permission for the quarry.

- 4.8 In 2017, approval reference PD17/3/63 was granted under Part 17C of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a scheme of emergency stabilisation measures to make safe an area where the quarry face and land beyond had subsided and slipped into the quarry void. The stabilisation works are ongoing, covering an area of approximately 0.59ha, and involve the development of a quarry access ramp (within the current planning boundary), a temporary haul road for soils, stripping and storage of soils, and development of a top bench. In total, approximately 30,000 – 40,000 tonnes of material (overburden, vein minerals and limestone) will be removed during these works. The current extension application states that if it is unsuccessful, an application will be submitted for a more comprehensive mitigation scheme for the slippage area.

Proposed Development

- 4.9 The existing quarry is now close to being worked out (notwithstanding the current emergency stabilisation works), and the operator proposes to extend into 3.9ha of land (extraction area 2.5ha) immediately south-west of the existing quarry workings. The proposed extension, as revised in 2020, would yield approximately 1.320 million tonnes of mineral for sale, and export and extend the mineral working operations up to 2033, with infilling and restoration of the whole quarry being completed in 2037. Mineral extraction would be carried out as a series of benches over four extraction phases, using blasting, excavators and peckers, and processed with mobile crushing plant within the quarry void, with a fifth phase for the completion of infilling and restoration with habitat management for 30 years under a Compensation and Enhancement Strategy (including a five year aftercare period).
- 4.10 The quarry would continue to be accessed from Cromford Hill via Dene Quarry. The landfilling, with imported inert waste currently taking place in the existing quarry void, would not be extended into the proposed extension area. To maintain the physical separation required for this, a wall of rock would remain unquarried, providing a bund between the existing quarry and the extension. Consequently, the volume of the area, currently expected to be restored by infilling, would be reduced by approximately 10% of the remaining permitted volume, which corresponds to around 100,000 fewer tonnes of imported material. Part

of the infill in the area would be profiled to slope down towards the bund instead of the area being filled to surrounding ground levels.

- 4.11 Phase 1 would take approximately one year to complete and would incorporate the remaining safety works. Initially, a 2.5m high screening bund would be constructed, soils and subsoils would be stripped, and an access ramp, from the existing quarry processing area, constructed. This would then be followed by commencement of extraction within the extension area to 230m above ordnance datum (AOD). Restoration of the upper benches (above 245m AOD) would follow extraction and be completed during this Phase.
- 4.12 Phase 2 would take between one year and two years and would see the removal of the screening bund/rock wall and the opening of the 230m AOD bench to the existing quarry. Restoration of the extension area to 230m AOD would also be completed in this phase.
- 4.13 Phase 3 would take approximately two years with extraction progressing to 230m AOD.
- 4.14 Phase 4 would take approximately eight years with final extraction at depth, in the extension area to 190m AOD, and in the existing quarry to the permitted depth of 160m AOD.
- 4.15 Phase 5 would be the restoration phase and would cover the remaining four years. It would see the completion of infilling of the main quarry void with inert waste, replacement of soils, and the final of the restoration of the site.

Environmental Statement

- 4.16 The application is accompanied by an Environmental Statement (ES), which has been prepared to comply with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The ES includes background information on environmental impact assessment methodologies, descriptions of the site and surrounding area, local geology, and the proposed development, together with a summary of what the applicant considers to be the relevant local and national policies relating to the proposal. The ES has been supplemented by post application submissions which are referred to below. The ES (as supplemented with these submissions) sets out the potential effects of the development, in terms of landscape and visual impact, ecology, geology/geotechnics, hydrology/ hydrogeology, archaeology/cultural heritage, noise, blasting and vibration, dust, transport and access, socio-economic, and cumulative effects.

Post Application Submissions

- 4.17 In August 2018, the applicant submitted further and additional information comprising a Hydrological Risk Assessment Report, an Archaeological Evaluation Report, and an Assessment of the potential Landscape and Visual Impacts of the development on the setting of the PDNP. In December 2018, the applicant submitted an amended Figure 1.2 correctly showing the vehicle access, and an additional Figure 1.4 Quarry Void and Access Corridor, and wrote a letter providing clarification on issues raised during the consultation process.
- 4.18 In June 2020, following a request by the MPA under regulation 25 of the EIA Regulations, the applicant submitted further and additional information comprising an ES Addendum which includes a Revised Scheme of Working, a further Noise Assessment, and an Addendum to the Landscape and Visual Impact Assessment.
- 4.19 In January 2023, following another request by the MPA under regulation 25 of the EIA Regulations the applicant submitted further and additional information comprising an ES Addendum which includes a Revised Scheme of Working, a further Noise Assessment, and an Addendum to the Landscape and Visual Impact Assessment.
- 4.20 In February 2024, following another request by the MPA under regulation 25 of the EIA Regulations the applicant submitted a revised Botanical Survey and Biodiversity Gain Assessment Report.
- 4.21 The potential significant environmental effects of the proposals are discussed in more detail in the 'Planning Considerations' section below.

Consultations

Local Member

- 4.22 Councillor Murphy (Wirksworth) has been notified.

Derbyshire Dales District Council - Planning

- 4.23 Derbyshire Dales District Council (DDDC) has advised the County Council to have full regard to the impact of the quarry extension on the open countryside whilst taking into account the economic benefits associated with the development.

Derbyshire Dales District Council – Environmental Health Officer

- 4.24 The Environmental Health Officer (EHO) provided several responses. The final response concluded that a Noise Management Plan be required by condition and that all bunding structures and soundproofing be in place when work is in progress and be maintained throughout the

development. It is also recommended that noise monitoring takes place, soon after commencement, to ensure that the noise limits set out in the application are observed.

Cromford Parish Council

- 4.25 Cromford Parish Council has not objected. It has, however, expressed reservations about the feasibility/stability of the 1 in 2 slope within the extension area of the restoration scheme, and wishes to see a formal agreement between the owners/operators of Slinger Quarry and Dene Quarry to ensure the continued availability and use of a wheel-wash for the site.
- 4.26 The applicant has provided the Mineral Planning Authority (MPA) with copies of its existing agreements with the owners of Dene Quarry.

Bonsall Parish Council

- 4.27 In response to the first consultation, Bonsall Parish Council (BPC) had no objection. However, following the second consultation, BPC provided comments criticising the application and communication with the public by both the applicant and the County Council.
- 4.28 In August 2020, BPC provided a further response which focused on the ES Addendum. These reiterated its earlier concerns whilst also acknowledging changes to the application which it considered to be beneficial.
- 4.29 In response to the 2021 consultation, BPC provided a critique of the Sharps Acoustics Ltd (SAL) assessment, carried out for the County Council, of the applicant's noise management scheme and its supporting calculations. BPC pointed out criticisms made by SAL and also quoted information from a 2001 assessment, also carried out for the quarry operator in support of a previous application. BPC concluded that the data from 2001 suggests that noise levels at Church Lane would be higher than those predicted by the applicant's assessment.
- 4.30 In early 2022, BPC provided a critique of the Biodiversity Assessment and Translocation Strategy and information on the amounts of vein mineral won at the existing quarry and the lack of any assessment of the resource in the proposed extension area.
- 4.31 In 2023, BPC reiterated its conclusions from the SAL report and on BNG.
- 4.32 In 2024, BPC provided a critique of the revised BNG metric calculations which made some specific points in relation to the translocation of

Lowland Meadow, the delay in habitat creation, rural trees, and the likelihood of poor management of the restored site.

Middleton by Wirksworth Parish Council

4.33 Supports the proposals as revised.

Peak District National Park Authority

4.34 The Peak District National Park Authority (PDNPA) has provided extensive comments on the history of the quarry, the nature of the mineral resource within the existing quarry and the proposed extension area, mineral planning policy, and the landscape and visual impact of the proposal on the Peak Park. The most recent comments welcome revisions provided by the applicant to the proposed phasing, rollover design and timescale, and final restoration, and conclude that the proposed development would not have a significant visual, landscape or other environmental impact on the setting of the PDNP.

4.35 The PDNPA has no objection to the planning application, subject to the revisions and the imposition on any approval of suitable planning conditions for:

- the implementation of the development in an environmentally sensitive manner;
- the protection of the landscape setting to the National Park; and
- to secure the implementation of the significantly improved restoration and landscaping proposals in this Revised Phased Quarry Development Scheme to the extent that those proposals have been negotiated and agreed by or may otherwise be specified by your Authority.

Environment Agency

4.36 The Environment Agency (EA) noted that the proposal would not affect the footprint of the existing permitted landfill area and had no objections subject to the imposition of conditions relating to dewatering and the protection of the underlying principal aquifer.

Derbyshire Wildlife Trust

4.37 Derbyshire Wildlife Trust (DWT) advised that conditions be imposed in relation to protected species and ecological and landscape management and mitigation and that these should be supported by a legal agreement as necessary.

The Highway Authority

4.38 The County Council, as the local highway authority, has no objections to the proposal. It notes that the proposal does not intensify the scale or

volume of vehicular movements related to the site and states that it is unlikely that there will be any notable traffic related effects.

Severn Trent Water

- 4.39 No objection but recommended a condition to control surface water drainage and foul water be attached to any permission.

Natural England

- 4.40 Natural England (NE) advised that the decision should be guided by national and local planning policy, together with the advice of the PDNPA. NE did not advise that a Habitats Regulations Assessment/Appropriate Assessment would be required.

Historic England and County Council as Lead Local Flood Authority

- 4.41 No comments to make.

Western Power and Cadent Gas

- 4.42 No response received.

Publicity

- 4.43 The application was publicised by site notices and a notice in the Matlock Mercury, with an opportunity for observations to be submitted to the Authority up to 17 September 2017. Successive submissions by the applicant of further information to comply with the EIA Regulations were also publicised with opportunities for observations to be submitted to the authority up to 1 October 2018, 10 January 2019, 25 June 2020, 17 January 2022, 10 February 2023 and 25 March 2024 respectively.

- 4.44 Approximately 50 representations have been received in response to the publicity, all but one of which raise objections. The issues raised in the objections can be summarised as follows:

- Unacceptable noise and dust impacts in and around Bonsall from the quarrying operations (including the emergency stabilisation works).
- Noise monitoring carried out in inappropriate locations in the Via Gellia and Bonsall area
- The BNG Assessment is flawed and does not follow best practice.
- Adverse visual impacts in the Bonsall area from the extension to the quarry.
- Visual and noise impacts affecting users of some public rights of way around Bonsall, including the Limestone Way.
- Adverse effects on amenity and tourism in Bonsall including the tourist economy, particularly around the Clatterway.
- Adverse impacts on the PDNP.

- Claims that there is not a need for the limestone that would be quarried from the extension.
- Concerns regarding disturbance by noise to people living nearby understood to be retired or working from home.
- Impacts on mental health.
- The extension area does not contain vein minerals.
- The proportion of the tonnage of mineral extracted from the existing quarry that is vein mineral is very low.
- The application and subsequently submitted further information are hard to understand.
- Lack of effectiveness in consultation meetings involving the applicant; official publicity not effective.

4.45 The matters raised under consultations and following publicity, so far, as they are material planning considerations, are addressed in the following sections of the report.

Planning Considerations

4.46 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted Derby and Derbyshire Minerals Local Plan (DDMLP), the adopted Derby and Derbyshire Waste Local Plan (DDWLP) and the adopted Derbyshire Dales Local Plan (DDLPL). The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are also material considerations.

Development Plans

4.47 The Development Plans comprises saved policies of the:

- Derby and Derbyshire Minerals Local Plan (2002);
- Derby and Derbyshire Waste Local Plan (2005); and
- Derbyshire Dales Local Plan (2017)

4.48 Other material considerations relevant to the determination of this planning application include:

- National Planning Policy Framework (NPPF) (last amended December 2023).
- National Planning Practice Guidance (PPG).

- Emerging Derbyshire and Derby Minerals Local Plan – Pre-submission Draft Plan (January 2023).

Derby and Derbyshire Minerals Local Plan

4.49 Relevant planning policies from the DDMLP include:

- MP1: The Environmental Impact of Mineral Development.
- MP2: The Need for Mineral Development.
- MP3: Measures to Reduce Environmental Impact.
- MP4: Interests of Acknowledged Environmental Importance.
- MP5: Transport.
- MP6: Nature Conservation – Mitigation Measures.
- MP7: Archaeology – Mitigation Measures.
- MP10: Reclamation and After-Use.
- MP14: Disposal of Non-Mineral Waste in Association with Mineral Development.
- MP16: Maintenance of Landbanks.
- MP18: Extensions to Sites.
- MP19: Additional Sites.
- MP23: Crushed Rock for Aggregates.
- MP33: Vein Minerals.

Derby and Derbyshire Waste Local Plan

4.50 Relevant planning policies from the DDWLP include:

- W5: Identified Interests of Environmental Importance.
- W6: Pollution and Related Nuisances.
- W7: Landscape and Other Visual Impacts.
- W8: Impact of the Transport of Waste.
- W9: Protection of Other Interests.
- W10: Cumulative Impact.
- W11: Need for Landfill.
- W12: Reclamation and Restoration.

Derbyshire Dales Local Plan

4.51 Relevant policies from the DDLP include:

- S1: Sustainable Development Principles.
- S4: Development in the Countryside.
- PD2: Protecting the Historic Environment, Biodiversity and the Natural Environment.
- PD5: Landscape Character.
- PD8: Flood Risk Management and Water Quality.
- PD9: Pollution Control and Unstable Land.
- EC1: New and Existing Employment Development.

4.52 Relevant paragraphs in the National Planning Policy Framework (amended July 2021) include:

Chapter 2: Achieving sustainable development.

Chapter 4: Decision making.

Chapter 6: Building a strong, competitive economy.

Chapter 11: Making effective use of land.

Chapter 12: Achieving well-designed places.

Chapter 13: Protecting Green Belt land.

Chapter 17: Facilitating the sustainable use of minerals.

4.53 The relevant parts of the Planning Practice Guidance include:

- Air Quality
- Noise
- Minerals
- Green Belt
- Travel Plans, Transport Assessments and Statements

Emerging Derbyshire Minerals Local Plan – Proposed Draft Plan (December 2021)

4.54 The NPPF, at Paragraph 48, states that MPAs may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to the relevant policies and their degree of consistency with the NPPF. The more robust the relevant policies are in these respects the greater weight they can be given.

4.55 The most recent stage in preparation of the Draft Mineral Local Plan (Draft MLP) took place early in 2023, when the County Council published and received representations on its Pre-submission Draft Plan. The relevant draft policies are SP7: The Supply of Aggregate Crushed Rock, SP8: Helping Reduce Quarrying in the Peak District National Park and SP14: Supply of Vein Minerals.

National Planning Policy Framework

4.56 The NPPF was revised most recently in December 2023. It maintains the threads of the earlier statements and importantly, recognises the statutory requirement that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. It maintains that the purpose of the planning system is to help achieve sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined in the NPPF, but it does indicate

that it can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. It also reiterates that achieving sustainable development means that the planning system has overarching economic, social and environmental objectives.

- 4.57 The economic aspect of sustainable development is stated as contributing to the economy by providing sufficient land of the right type, in the right place and at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment, using natural resources prudently, minimising waste and pollution, and adapting to climate change, including moving to a low carbon economy.
- 4.58 With regard to facilitating the sustainable use of minerals, the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs and recognises that minerals are a finite resource that can only be worked where they are found and that the best use needs to be made of them to secure their long term conservation.
- 4.59 The NPPF includes advice to MPAs concerning the role of planning policies. Of particular relevance to this proposal are that these should:
- Provide for the extraction of mineral resources of local and national importance.
 - Take account of the role that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary minerals, whilst aiming to source minerals supplies indigenously.
 - Set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality.
 - When developing noise limits, recognise that some noisy short term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate mineral extraction.
 - Ensure that land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare on mineral sites takes place.
 - Ensure that large landbanks bound up in very few sites do not stifle competition.

- 4.60 The NPPF states that when determining applications for mineral development, MPAs should give great weight to the benefits of mineral extraction, including to the economy. It states also that, in considering proposals for mineral extraction, MPAs should (of relevance to this proposal):
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
 - ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits from extraction in proximity to sensitive properties; and
 - provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.
- 4.61 The NPPF also indicates that bonds or other financial guarantees to underpin planning conditions should only be required in exceptional circumstances.
- 4.62 The NPPF at Paragraph 172 highlights that National Parks have the highest status of protection in relation to conservation and enhancement of landscape and scenic beauty.

Planning Practice Guidance

- 4.63 The PPG was first published in 2014 and is updated periodically. It reiterates much of the policy guidance of the NPPF, in terms of the need for and how to plan for mineral extraction. It recognises the contribution of minerals to our economy and overall quality of life, but also acknowledges that they are a finite resource and need to be used prudently to ensure their continued availability for future generations. It recognises that mineral can only be worked where they naturally occur but that the means of obtaining them can have economic, social and environmental impacts which need to be balanced. The advice on how to plan for a steady supply of aggregates repeats the guidance in the NPPF referred to above.
- 4.64 The Minerals Section of PPG (Paragraph:010 Reference ID:27-010-20140306 Revision dated 6 March 2014), states that the suitability of

each proposed site, whether an extension to an existing site or a new site, should be considered on its individual merits, taking into account issues such as:

- need for the specific mineral;
- economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure);
- positive and negative environmental impacts (including the feasibility of a strategic approach to restoration); and
- the cumulative impact of proposals in an area.

Need for the Development

- 4.65 The DDMLP sets out that need considerations vary according to the type of mineral concerned. For vein minerals, special emphasis is given to their importance as a national resource, the availability of alternative sources of the mineral and the environmental impact of the development. For aggregates, need is assessed by considering current ongoing demand.
- 4.66 The issue of need is addressed in the Supporting Statement submitted with the planning application. Following advice from the MPA, and taking into account the scale of the existing aggregates landbank, it states that the additional limestone, which would be quarried as a result of this proposal, would not significantly increase the overall landbank in Derbyshire. It considers that it would result in a significantly improved scheme of working and restoration, bring about significant net environmental benefits, allow the extraction of a nationally important vein mineral, and bring about socio-economic benefits.
- 4.67 Focusing on the need for vein minerals, the Supporting Statement refers to the quarry having supplied a nearby processing facility (at Cavendish Mill – not operational at the time of writing this report) with 80,000 tonnes of vein mineral since 1978, and how indigenous supplies of vein minerals are scarce and are currently only extracted in Derbyshire (including PDNP). It considers that there is a ready market for these minerals and that the quarry has the right infrastructure, together with a workforce with the necessary skills and expertise, to undertake the extraction of the mineral in a sustainable and environmentally acceptable way. It states that the continuation of extraction operations into the proposed extension would prevent the effective sterilisation of nationally important vein minerals, and at the same time would allow the continued supply of aggregate to local and regional construction projects. It also states that approval would also result in the continuation of local direct and indirect employment and investment into the local

economy, the continuation of traditional skills and experience in mineral extraction and ensure that the quarry can continue to make a positive contribution to the economy of the local area.

Vein Mineral Assessment

- 4.68 The term 'vein mineral' refers to a distinct sheet-like body of crystallised mineral within a host rock and can be applied to a wide variety of minerals. In Derbyshire, the most common vein minerals are Fluorspar, Barytes and Calcite. All are used as raw materials in a variety of industrial processes and in the production of a diverse range of products from solar panels to paper. Vein minerals are recognised by the NPPF as a resource of national importance because current national demand is mostly met by imports. Because vein minerals occur in association with limestone, extraction almost always necessitates the removal of a substantial amount of the host limestone. In some cases, such as at Slinger Top, the limestone has also been sold as an aggregate.
- 4.69 Policy MP33 Vein Minerals of the DDMLP states that proposals for the working and processing of vein minerals will be permitted only where:
1. the duration and scale of the operations is limited to the minimum necessary to meet a proven need for the vein mineral;
 2. the development can be carried out in an environmentally acceptable way and the least damaging means of production are employed;
 3. the proposals are designed to avoid damage in the form of subsidence or landslips; and
 4. the waste disposal arrangements are acceptable, particularly in relation to slurry from processing plants.
- 4.70 Criterion 1 relates to meeting an identified need. The information set out in the MPA's Background Paper Vein Minerals (2017) illustrates that, whilst some of the industrial uses of vein minerals are in decline, overall demand significantly exceeds the domestic supply and, as a consequence, there is a heavy reliance on imports. Despite this being the situation, economic and practical constraints remain for the extraction of domestic vein minerals and, as a consequence, production is limited.
- 4.71 In recent years, nationally the extraction of vein minerals has primarily been from within the PDNP where permitted reserves are more than 2 million tonnes. The reserves found so far at Slinger Top have historically produced around 250 tonnes per year. Should permission for the extension area be granted, this may change, and possibly increase, but even if it were to do so, it would not be a significant tonnage when set against the scale of those permitted reserves. However, the two existing

permitted sites in the PDNP are underground mining operations that have been worked only intermittently in recent years and the extent to which the reserve in the PDNP is currently being worked is not known. In an earlier consultation response, the PDNPA questioned the applicant's calculation of the vein mineral reserve in the proposed extension and offered an alternative, if unsubstantiated, calculation. In its final response the PDNPA had no comments on the vein mineral resource.

- 4.72 The timescale proposed for extraction appears to be governed by the quarry operator's established business model and level of resources: plant, equipment, workforce, together with the constraints of working a relatively small quarry site, and the demands of the local market. Taking into account the historic rates of extraction, method of working and constraints of the site, I am satisfied that this is not an unreasonable timescale for the extraction of the mineral.
- 4.73 I am satisfied that there is a proven need for the vein mineral from the site, in as much as the operator has found markets for vein minerals won at the site for many years. However, I also acknowledge that the contribution to meeting the national need for vein minerals would be relatively small. Neither the development plan nor the NPPF provide a production threshold below which the contribution of a particular site to meeting the national need for vein minerals should not be considered significant, therefore even a modest rate of production is still considered significant. Consequently, I am satisfied that the proposal meets Criterion 1 of MP33.
- 4.74 Criterion 2 relates to the environmental acceptability of the proposal, which is considered in the discussion of the ES below. Criterion 3 is adequately addressed in the design of the operations and Criterion 4 is not relevant to the determination of this proposal because the vein minerals from Slinter Top would be processed elsewhere.

Aggregates Assessment

- 4.75 Policy MP23: Crushed Rock for Aggregate from the DDMLP provides the development plan policy approach to considering any aggregate production at the site. The policy states that:

"Having regard to national and regional guidance on aggregates and the level and availability of permitted reserves, proposals for the extraction of crushed rock from new sites will not be permitted except where they are required to meet a proven need which would not otherwise be met and their impact on the environment is acceptable. Proposals for extensions or variations to the boundaries of existing operations will be

permitted only where they would result in significant net environmental benefits without significantly increasing the level of permitted reserves.”

- 4.76 The issue of need, in terms of the current circumstances, data available and national guidance, has moved on significantly since the DDMLP was adopted. The latest information available relating to market need for aggregates is set out in the current Local Aggregates Assessment (LAA), from 2023, and is considered below. The requirement within Policy MP23 for the provision of significant net environmental benefits is not set out in the part of the NPPF that concerns this issue and so is not echoed directly in current national policy. However, the environmental effects of mineral development are considered in other paragraphs of the NPPF, as well as other policies of the DDMLP.
- 4.77 The PPG and Policy MP2: The Need for Mineral Development of the DDMLP consider wider criteria in relation to need, and whilst it also makes reference to the (now out of date) local and national demand criteria, it also considers:
- the availability of alternative sources of supply or alternative minerals;
 - the nature and extent of the mineral deposit and the necessity for the mineral to be worked in that location; and
 - the implications for employment, investment and economy, and for providing other relevant benefits to the community.
- 4.78 The NPPF expects a landbank of permissions for aggregate crushed rock that may be predicted to be sufficient for at least 10 years to be ‘maintained’ by a MPA at all times. The current permitted reserve of crushed rock for aggregate at active sites in Derbyshire outside the PDNP is estimated to be 459 million tonnes.
- 4.79 The County Council has prepared the LAA in collaboration with Derby City Council and the PDNPA. The LAA sets out an assessment of the current and future situation in Derbyshire, Derby and the PDNPA, with regard to all aspects of aggregate supply, in particular, setting out an amount of land won aggregate that the area would need to provide to meet demand. The most recent LAA was published in 2023.
- 4.80 The LAA is part of the current Managed Aggregate Supply System (MASS) which sets out the current position regarding aggregate demand and supply and is reviewed on an annual basis. The Derbyshire and Derby LAA 2023 reports that Derbyshire and the PDNP produced annually an average of 12.19 million tonnes of aggregate grade crushed rock for the three years from 2020 - 2022, and that if

production were sustained at such a level, the landbank for aggregate at active sites would last for approximately 42 years.

- 4.81 Derbyshire and the PDNPA are working together to reduce aggregate extraction from the National Park. The supply aggregate grade rock from quarries in Derbyshire can be expected to increase as a proportion of the overall total as time progresses.
- 4.82 The proposed extension would see annual production at Slinter Top continue at around 100,000 tonnes, which equates to less than 1.5% of the LAA annual total for Derbyshire. The total of 1.3 million tonnes from the proposed extension would equate to an increase of 0.2% in the assessed total aggregate landbank reserve for Derbyshire. The NPPF states that MPAs should use landbanks of aggregate minerals reserves principally as an indicator of the security of supply, and as an indicator of the level of need to make further supply provision. It also states that the existence of large landbanks (as is undoubtedly the case with the Derbyshire aggregate landbank reserve, according to the LAA) should not be allowed to stifle competition.
- 4.83 The NPPF does not preclude the approval of new applications or extensions simply because a substantial landbank of permitted aggregates exists. Therefore, the benefit of the aggregate element of the application must also be taken into account accordance with the criteria set out in the NPPF and Policy MP2 of the DDMLP.
- 4.84 The LAA monitors the ongoing demand/need for aggregates, and Slinter Top Quarry has an established but relatively modest role in supplying aggregate to local markets. I have no reason to believe that this role would not continue. I therefore consider that the aggregate element of the proposed mineral extraction would be supplying a need in accordance with the relevant parts of Policy MP2 of the DDMLP and the NPPF.

Other Policies of the Derby and Derbyshire Minerals Local Plan

- 4.85 In terms of other saved policies of the DDMLP, the site would, as an extension to an existing working site, accord with the provisions of Policy MP18 of the DDMLP which gives preference to such sites over new ones, provided they can be accommodated in an environmentally acceptable manner. Whilst the NPPF does not prioritise extensions over new sites, PPG does set out a number of mineral related criteria which relate to consideration of applications on their own merits.
- 4.86 The proposal involves use of plant which would be retained within the existing established site for the processing of extracted mineral, as well

as mineral transportation to the public highway at the B5036 via a route through the existing established site (and Dene Quarry). The proposed development would therefore become the main part of a single working mineral quarry complex featuring the remaining working element of the existing site, together with the new extraction site.

- 4.87 The proposal also accords in principle with the requirements of Policy MP10 of the DDMLP which states that mineral development will only be permitted where satisfactory provision is made for appropriate reclamation and after-uses as soon as practicable. The restoration scheme would see part of the site being returned to agricultural use on a progressive basis with the remainder restored to nature conservation. The use of the existing access/egress arrangements onto the B5036 also means that the proposal accords in principle with the requirements of Policy MP5 of the DDMLP.

Environmental Effects

- 4.88 A description of the site and the potential environmental receptors are provided earlier in the report; the ES sets out the main environmental impacts relevant to this proposal. These include impacts on the amenity of the local residents through the effects of noise and dust, landscape and visual impacts, and impacts on the cultural heritage, ecology and biodiversity, hydrology and flood risk, which have been considered in depth in the ES and are addressed below.
- 4.89 Policies MP1 and MP3 of the DDMLP support development proposals where their environmental effects are considered acceptable and where any adverse impacts can be eliminated or reduced to an acceptable level. These factors, as specified in the policies, include noise, dust, vibration or other pollution or disturbance; effects on agricultural interests; visual effects; effects on landscape quality and character; effects on biodiversity, archaeology and the built environment, transport implications, effects on public rights of way and recreation, and effects on the water regime. Measures to be taken into account which reduce impacts include mitigation proposals, duration of the development, the efficient use of materials, reclamation and after-use proposals and wider environmental benefits. Policy PD9 of the DDLP also sets out a series of similar requirements in relation to the environmental effects of development.
- 4.90 The NPPF emphasises that MPAs should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.91 The following sections address individual topics in the order they are reported in the ES.

Landscape and Visual Assessment

4.92 In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the DDLP which, through Policy D4, seeks to preserve and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the PDNP, and protect the Outstanding Universal Value of the DVMWHS and its buffer zone.

4.93 The assessment of the landscape and visual effects associated with the proposals acknowledges that the direct impacts on the fabric of the landscape within the extension area would be major adverse. It recognises that it lies within a landscape of high sensitivity as a consequence of its defining characteristics and proximity to the PDNP, and that it would result in a large magnitude of change. The assessment concludes that on restoration, these adverse effects would reduce to a moderate level.

4.94 The existing quarry void would continue to be infilled with waste and then reinstated as pasture enclosed by walls and including areas of neutral grassland to help increase the ecological potential of the site. The extension area would not be infilled and so would remain as a void. The most visually prominent upper areas would be restored by a rollover slope to the 230m AOD level to soften the quarry margin and help to integrate the site with the surrounding landscape.

4.95 I consider that the overall combination of the landfill restoration and the rollover would, in the fullness of time, reinstate the greater part of the quarry back to viable end uses that would be consistent with the established character of the landscape. A void area would remain within the extension site with the floor of the void restored to ephemeral wetland/grassland. The restoration scheme constitutes a considered response to the identified adverse visual and landscape effects associated with extending the quarry into this area of agricultural land and is appropriate to the character of the surrounding landscape. Subject to a condition requiring the submission of a detailed planting scheme, I am satisfied that the proposed restoration of the site would be in accordance with the character of the local landscape.

4.96 The Landscape and Visual Impact Assessment assesses the potential for adverse visual effects from eight locations around the site representing a range of visual receptors. Overall, I am satisfied that these represent the main locations from where views of the site would

be obtained. The site is generally well screened by existing vegetation, especially the extensive woodland that runs along the Via Gellia Dale to the north of the site. Views from the south are generally screened by the landform so that the main direction of views is from the north-west, north and north-east. The majority of locations identified in the Landscape and Visual Impact Assessment are medium to long distance viewpoints and, over these distances, it is assessed that the main visual impacts are likely to occur in the Phases 1 and 2 of the proposed development and would be no worse than moderate adverse.

- 4.97 In this context, the most noticeable changes, and therefore the greatest visual effects, are likely to be from viewpoints 4 (Masson Hill) and 6 (Starkholmes), where the current site presents a fairly limited visual intrusion in these particular views, which would increase progressively as the south-west extension developed. However, when the site was progressively restored, these impacts would lessen accordingly so that a very narrow working rock face would be visible.
- 4.98 Overall, there would be some significant adverse effects on landscape character in the short term as the full lateral extension is developed, but these effects would diminish over time as the rollover slope is created and the existing quarry void is infilled. There would be some long term adverse effect on landscape character as a result of the final void that would remain on completion of the works. However, this effect would be localised and limited to the immediate area adjacent to the remaining void. Visually, there would be some short term increase in the visual impacts associated with the quarry, although short range views are very limited. The magnitude of change in viewpoints at 4 (Masson Hill) and 6 (Starkholmes) is likely to increase as the extension area develops and the visual footprint of the site increases, but on final restoration, I am satisfied that the majority of these adverse effects would be mitigated as a result of the restoration scheme which is considered to be consistent with the site's landscape context.
- 4.99 I consider it appropriate to maintain controlling conditions on the locations of plant, cabins and mineral stockpiles in order to ensure that their visual and landscape impacts are minimised.
- 4.100 In considering all the factors referred to above, I am satisfied that the proposals meet the requirements in relation to landscape and visual impacts of policies MP3 and MP4 of the DDMLP, and Policy PD5 of the DDLP.

Ecology

- 4.101 In addition to Policies MP1 and MP3 of the DDMLP, other relevant policies for this issue are included in the DDLP which, through DDLP Policy PD3, seeks to ensure that development proposals will not result in harm to biodiversity or geodiversity interests and that appropriate conservation and mitigation measures are provided, with no net loss and wherever possible net gain for biodiversity.
- 4.102 The ES contains a comprehensive chapter on ecology and the applicant has subsequently submitted a report providing further details in a Botanical Survey Report, Biodiversity Gain Assessment & Biodiversity Strategy. I am satisfied that the suite of ecological surveys undertaken are appropriate to this proposal in this location, and that surveys have been undertaken by appropriately qualified and experienced individuals, to suitable standards and methodologies. I am also content that the Ecological Impact Assessment (EclA) process has also been undertaken in accordance with best practice guidance and am content with its judgements and conclusions.
- 4.103 The most significant ecological impact arising as a result of the proposals is the loss of approximately 2.8ha of species rich neutral grassland from within the site. This grassland is not only of value in its own right, but also as habitat for invertebrates and as a foraging resource for various other species including mammals and birds. In considering the value and importance of this grassland, it is necessary to consider its context, surrounded by the Rose End Meadows SSSI and associated grasslands, with the Via Gellia Woodlands SSSI and other ecological receptors also nearby. The EA suggests that the loss of this grassland would be adequately compensated for through the creation of neutral/calcareous grassland within the restored site. Other impacts include the loss of a small number of trees and impacts on invertebrates and potentially birds foraging bats and reptiles, principally through habitat loss. Again, site restoration is intended to deliver mitigation and compensation for these impacts.
- 4.104 Given the location of this site, surrounded by and in close proximity to a number of statutorily designated sites, the issue of the potential for impacts on designated sites is significant. However, the EclA concludes that with the implementation of mitigation and compensation measures, the designated sites should not experience any significant adverse effects. I am content with this assessment.
- 4.105 The assessment in the Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy could be summarised as:

- If the existing planning permission site restoration was implemented, it would deliver 17.2 biodiversity units while the untouched extension area supports 32.69 units. If no further permission was granted, the consented scheme, together with the undeveloped extension area fields would support 49.89 units.
- The proposed restoration scheme for this application, covering the same areas, would deliver 65.37 units. In addition, habitat enhancement on the 'extra fields' yields a further 12.06 biodiversity units, such that collectively, the proposals under consideration would deliver 77.42 biodiversity units.

4.106 Regarding the concerns raised by the critique on behalf of BPC that is mentioned above, it is critically important that in determining this application, members are aware of the context for the consideration of biodiversity in this application. In particular, the application significantly pre-dates, and is not subject to, the new statutory requirement for BNG. Consequently, none of the specific requirements associated with mandatory BNG – including, but not limited to the requirement for a mandatory 10% net gain in biodiversity, or the requirements to use a specific version of the metric – apply to this application.

4.107 As an application that predates the introduction of mandatory BNG, the continuing NPPF policy context for this application, in respect of biodiversity, is that (in the absence of other local plan requirements) the development should strive to deliver no net loss, and ideally a net gain for biodiversity. At the time of submission of the application in 2017, the first iteration of the biodiversity metric was not in widespread use and it was normal practice for applicants to seek to establish no net loss of biodiversity using other means. However, during earlier consideration of the application, to seek clarity regarding the no net loss contention that had been put forward with the application, the applicant through its ecologists voluntarily assessed the proposal using the version of the metric available at the time. Whilst this is not the most recent version, it is nevertheless considered to be a useful tool for examining the contention and other to biodiversity issues relating to this application.

4.108 Turning briefly to the other issues raised in numbered points in the latest Bonsall PC document:

1. Meadow translocation is an accepted approach: habitat translocation and re-creation are seen as cornerstones of mandatory BNG. Furthermore, we have evidence of a highly successful grassland translocation scheme at the neighbouring Dene Quarry, which is an example of the maintenance of biodiversity and has resulted in

species abundance at the receptor location over many years of monitoring following translocation.

2. The metric assessment has been applied in a non-standard way, to provide a workable solution to assess a site to allow BNG issues to be considered at this site where:
 - a. the existing quarry site has been cleared of ecological interest many years ago – consequently a standard ‘baseline’ is not possible
 - b. in the absence of a new application, the quarry would be restored in the future, to an existing approved scheme
 - c. the extension area will be opened and restored concurrently with restoration of the existing permitted area and wider site. The approach taken has been informed by dialogue between the applicant and ecological consultees to address these issues. It is consistent both with the principle of voluntarily applying the metric in a situation where BNG is not mandatory, and with the concept that the metric is to be used as a tool to aid the assessment of a site, rather than a rigid approach that replaces professional judgement. Consequently, consideration of the ‘delay in starting habitat creation’ in isolation neglects to factor in the absence of habitats in the current working area, and the commencement of phased restoration across the wider site following the start of work on the extension area.
3. The biodiversity metric assessment has been scrutinised by multiple ecological advisors, none of whom have raised this issue.
4. Concerns that the applicant may fail to manage habitats appropriately are not a reasonable planning consideration. As with all planning applications, all applicants are taken at their word, and planning authorities have recourse to enforcement action if required.

4.109 Regarding the concern that the submitted ecological appraisals are no longer up to date, (with this being a very long-lived application) the County Council has requested additional survey information where this has been considered necessary – see for example Slinter Top Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy (December 2022/June 2023)

4.110 Neither the County Council’s ecologist nor the DWT have identified any residual causes for concern or issues that would preclude the determination of this application.

- 4.111 I am satisfied that the applicant has demonstrated by reference to the metric that the proposals would lead to no net loss, and some net gain for biodiversity following development although it would not be appropriate to reach a conclusion regarding what size of the net gain to expect in percentage terms as this application predates such a requirement.
- 4.112 Provided that the ecological compensation and mitigation measures, including the translocation of high value grasslands, site restoration, and enhancement of the 'extra field' areas are all undertaken in accordance the Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy, I see no ecological issues or reasons that would prevent the determination of this application. These measures should be secured by conditions in order to meet the requirements in relation to ecology of policies MP3 and MP4 of the DDMLP, and Policy PD3 of the DDLP.

The Water Environment - Geology and Geotechnics, Hydrology and Hydrogeology

- 4.113 In addition to policies MP1 and MP3 of the DDMLP, other relevant policies for this issue are included in the DDLP which, through Policy PD8, seeks to manage flood risk and maintain water quality.
- 4.114 The assessments included in these sections of the ES state that the site is within Flood Zone 1 (least risk of flooding), as defined on the EA's Flood Map with no significant risk of a flood event associated with the proposed extension. It states that the existing quarrying and landfill operation have not had any adverse impact on the water environment and that the extension would be operated in the same way as the existing quarry and therefore, there is no reason that it would be likely to have any adverse effects on ground water or the prevailing hydrogeological conditions as the excavations would be well above the level of the local aquifer.
- 4.115 Paragraphs 155 - 165 of the NPPF set out the Government's policy that inappropriate development in areas at risk of flooding should be avoided. The accompanying PPG sets out a checklist for a Site-Specific Flood Risk Assessment that should be applied in relation to flood risk when considering new proposals.
- 4.116 The applicant has carried out an assessment to consider the impact of the proposals on surface and groundwater. A study of the local water environment produced a baseline description of the surface and subsurface water regimes, and the inter-relationship between them. The assessment concluded that the proposed mineral working and

restoration would have no noticeable effect upon groundwater-supported features, including available water resources, existing abstractions, surface water flow and water related habitats.

4.117 A Hydrological Risk Assessment concluded that the conceptual site model for the site demonstrates that there is no potential for the water table to be intersected by the base of the proposed development. It is also concluded that the current groundwater monitoring regime is considered suitable and adequate for the environmental sensitivity of the site setting in relation to both the current operations and the proposed extension.

4.118 I consider that the risks to the water environment, associated with the proposals, are very low and that the existing and proposed monitoring and mitigation measures are appropriate. Therefore, I am satisfied that the proposals meet the requirements in relation to water resources of Policy MP4 of the DDMLP and Policy PD8 of the DDLP.

Cultural Heritage and Archaeology

4.119 The NPPF sets out that the impact of proposed developments on the significance of the setting of a World Heritage Site should be considered and that any harm to, or loss of significance, should require clear and convincing justification. World Heritage Sites are internationally recognised to be of Outstanding Universal Value and are an irreplaceable resource, and therefore should be conserved in a manner appropriate to their significance.

4.120 Policy PD2 of the DDLP seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character and appearance of the built and historic environment. It promotes protection of designated and non-designated heritage assets and their settings, including inter alia, listed buildings, Conservation Areas and archaeological sites or heritage features.

4.121 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, 'special regard' is had to 'the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.'

4.122 Paragraph 201 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of

a heritage asset). Paragraphs 203 to 214 set out a range of criteria to be considered in this regard.

- 4.123 A small section of the proposed extension area site lies in the DVMWHS Buffer Zone (the site is approximately 150m from the DVMWHS and Cromford Conservation Area). Most of this area would not be excavated but would, instead, be used for the temporary storage of stripped soils from the site to be used in the restoration. The Assessment considers the impact of this aspect of the development on the setting of the DVMWHS and concludes that it would have a slight to moderate adverse effect on that small area of the buffer zone during the operational phase and that this would become a slight adverse effect during restoration. On completion of the restoration and with the reinstatement of drystone wall field boundaries, it considers that the final long term effect on this area would be beneficial. As the restoration of the extension would not return that area to former ground levels, the impact on the adjacent area of the buffer zone is considered to be negative. For the Core Area of the DVMWHS, the Assessment considers it unlikely that there would be any visual impacts as a result of the proposal.
- 4.124 The proposed extension and the existing quarry are located on the shoulder of the high limestone plateau, and I am satisfied that, in this elevated but otherwise unobtrusive location, they are sufficiently separated from the DVMWHS and other local heritage assets, so as to ensure that they would have little or no effect on the significance of these assets.
- 4.125 I am therefore satisfied that any harm to any of these assets would be at or close to the negligible end of 'less than substantial' harm. Whilst giving great weight to the preserving the designed heritage assets their settings and features, and also giving full consideration to the relationship of the proposal with the DVMWHS, I am also satisfied that the public benefits of obtaining a nationally important resource and supporting the local economy and employment can and do outweigh the harm on these assets, which I assess as being less than significant and likely to be negligible. In reaching this conclusion, I have had special regard to the desirability of preservation of the setting of the listed building (as required by Section 66) and having regard to the other impacts associated with the development as referred to in this report.
- 4.126 Having regard to both the Heritage Assessment and the Landscape and Visual Impact Assessment, I am satisfied that the proposal would cause less than substantial harm to the DVMWHS and its setting, Cromford

Conservation Area and the Listed Buildings within it, Bonsall Conservation Area and the heritage assets within the PDNP.

- 4.127 Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 4.128 In addition to policies MP1 and MP3 of the DDMLP, Policy MP7 requires the evaluation of features of potential archaeological importance and where appropriate implementation of mitigation measures. Policy PD2 of the DDLP also supports protection of the historic environment.
- 4.129 The applicant has provided the results of an archaeological evaluation of the site comprising trial trenching of features identified through geophysical survey and wider sampling of the site. The evaluation has identified evidence of activity connected with lead mining, including a possible shaft and areas of tipped spoil, along with some undated post-holes, probably of post-medieval era. The pottery recovered from the evaluation is dominated by 'modern' material but does include small quantities of medieval and post-medieval wares. The archaeology on site can be characterised as of local importance and can, therefore, be managed through a condition requiring archaeological supervision and monitoring during the proposed site stripping operation. This would allow areas of lead mining activity to be characterised and recorded, and any small foci of prehistoric activity to be identified in accordance with the requirements of the NPPF.
- 4.130 I am satisfied that the assessments of the cultural heritage and archaeological impacts associated with the proposal are sufficient. Subject to a condition requiring the submission and performance (as approved) of an archaeological Written Scheme of Investigation that incorporates the measures set out above, I do not consider there would be an unacceptable impact on cultural heritage as a result of the development. Accordingly, I consider that it would then accord with the requirements of policies MP1, MP3 and MP7 of the DDMLP.

Noise

- 4.131 Policy MP1 of the DDMLP permits proposals for mineral development where the effect on local communities and neighbouring land uses, as a result of noise, is acceptable. Policy MP3 of the DDMLP permits mineral development, provided that any adverse effects on the environment, including noise, can be eliminated or reduced to an acceptable level.

4.132 Paragraph 191 of the NPPF states that planning application decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should seek to mitigate and reduce to a minimum potential adverse impact, resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

4.133 The NPPF also states that when determining planning applications, planning authorities should ensure that any unavoidable noise emissions are controlled, mitigated or removed at source, and should establish appropriate noise limits for extraction in proximity to noise sensitive properties.

4.134 PPG instructs that MPAs take account of the prevailing acoustic environment and, in doing so, consider whether or not noise from the proposed operations would:

- give rise to a significant adverse effect;
- give rise to an adverse effect; and
- enable a good standard of amenity to be achieved.

4.135 To keep in line with the Noise Policy Statement for England, and its Explanatory Note, this should include identifying whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

4.136 PPG goes on to set out guidance for MPAs on the assessment of noise of mineral developments. It states that authorities should aim to establish a noise limit to avoid an increase on background noise levels at noise sensitive properties by no more than 10dB(A), subject to an upper limit of 55dB(A). It also contains clarification on potential exceptions, to such an established limit, so as to not place unreasonable burdens on a developer. It advises that exceptional limits of more than 10dB(A) above background may be acceptable but that these should not allow noise levels exceeding 55dB(A) for normal operations during standard working hours (0700 hours – 1900 hours).

4.137 For short term operations, such as soil stripping, the formation of soil storage mounds, and in restoration works, the NPPF states that an increased daytime noise limit of 70dB(A) for periods of up to eight weeks a year at noise sensitive properties should be considered to

facilitate essential site preparation and restoration work, where it is clear that this will bring longer term environmental benefits to the site or its environs.

- 4.138 The NPPF expects MPAs to recognise, when developing noise limits, that some noisy short term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate mineral extraction. However, it also expects MPAs to ensure that any unavoidable noise emissions are controlled, mitigated or removed at source, and to establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- 4.139 A Noise Impact Assessment was submitted as part of the ES. Following reports of noise from the stabilising works affecting amenity in areas of Bonsall, further noise monitoring was undertaken at locations within Bonsall. In 2020, an updated Noise Impact Assessment was submitted, together with, and taking account of, the revised phasing plans. This is the assessment discussed below.
- 4.140 The Noise Impact Assessment, carried out on behalf of the applicant, consisted of day time noise surveys at locations selected to represent noise sensitive premises closest to the site. These were: The Bungalow on the Via Gellia; Duke Street, Middleton; Rose End Avenue, Cromford, Clatterway Cottage, Bonsall and Rose Cottage, Bonsall.
- 4.141 Noise measurements taken at these locations were then used to establish the current ambient noise levels in the area, and to formulate a prediction of noise levels likely to be experienced at these locations from the proposed quarrying activities.
- 4.142 The assessment was undertaken with regard to established standards and guidelines, and a noise prediction model was formulated using worst-case total activity noise levels for each proposed phase of the operations and associated vehicle movements.
- 4.143 The assessment concludes that the maximum predicted noise levels at the nearest noise sensitive receptors, as a result of the proposed activities, would be within the acceptable levels set out in the noise standards for mineral development set out in the PPG.
- 4.144 As set out in the table below, the predicted noise levels at the identified sensitive receptors are less than 10dB(A) above the background levels which is the criteria applied by PPG.

Location	Average Measured Background Noise Level $L_{A90,1h}$ (free-field)	PPG Minerals Criterion $LA_{90} + 10$ dB(A) (to maximum of 55 dB $L_{A90,1h}$)	Predicted Worst Case Site Noise Level dB $L_{A90,1h}$ (free-field)	Difference between predicted Site Noise Level and $LA_{90} + 10$ dB(A) Limit
The Bungalow, Via Gellia	40	50	45	-5
Duke Street, Middleton	35	45	44	-1
Rose End Avenue, Cromford	39	49	44	-5
Clatterway Cottage, Bonsall	43	53	46	-7
Rose Cottage, Bonsall	38	48	43	-5

4.145 Given the significant concerns raised about the noise impacts, some of which relate in part to local experiences of noise during of the temporary stabilisation works being undertaken at the site during the consideration of this application, the County Council commissioned an independent review of the noise assessment submitted with the application and updated in the ES Addendum. SAL was commissioned to carry out the review. SAL considered that the noise surveys and projected noise calculations have been undertaken in accordance with recognised standards for noise assessments and that the conclusions were reasonable.

4.146 SAL undertook computer modelling using LIDAR topographical data, together with the applicant's updated noise assessment and the data on which the assessment was based and concluded that the predicted noise emission levels in the application are accurate within reasonable calculation accuracies. SAL had some criticism of the calculation method used by Vibrock but was able to agree with the assessment findings.

4.147 BPC has drawn attention to the criticisms of the Vibrock report made by SAL. However, the conclusion of the SAL review is as follows:

“The calculations are very simplistic. However, a more detailed computer modelling exercise undertaken by SAL, using LIDAR topographical data, shows that Vibrock’s predicted noise emission levels are accurate within reasonable calculation accuracies. On this basis, SAL is able to agree with Vibrock’s assessment findings. Therefore, SAL can recommend approval of this application.”

4.148 The DDDC EHO has no criticism of the updated Noise Impact Assessment and recommends the development of a Noise Management Plan that incorporates the mitigation measures set out in the Noise Assessment. The applicant has indicated that it is willing to adopt further noise reduction measures including restricting the use of the pecker until after 0900 hours, to not use it at all on Saturdays and to restrict its use only to at or below 230m AOD elevation. In response to comments from the EHO, the applicant would also restrict the use of crushing and screening plant only to at or below 230m AOD, and to construct and maintain bunds around the working plant areas in order to reduce noise emissions.

4.149 I consider that such measures would manage the effects of noise from working of the proposed extension to within satisfactory levels so that noise from the site would be below the noise limits set out in the NPPF. I recommend that these measures be required under appropriate conditions including a Noise Management Plan.

4.150 I am satisfied that the Noise Impact Assessment, submitted as part of the ES Addendum, has provided a competent assessment of the noise that would be generated by the proposed development and that the proposed mitigation measures are consistent with best practice at mineral sites. In considering the proximity of sensitive noise receptors and residential properties to the site, I am satisfied that the noise generated at the site would not have an unacceptable effect on the amenity of the area.

4.151 Whilst it is necessary for the Noise Impact Assessment to identify representative noise sensitive locations, this does not mean that subsequent monitoring must only be carried out at these locations; noise monitoring can be carried out at any noise sensitive location including other locations in Bonsall. Taking into account the concerns relating to the monitoring of noise, particularly in Bonsall, I recommend a condition requiring the applicant also to carry out noise monitoring at any additional location specified by the MPA.

4.152 The policy requirement, set out in the NPPF, is that noise levels from mineral development should be managed and mitigated as much as is

reasonably possible and should not, other than in exceptional circumstances, exceed 10dB(A) above background levels. I am satisfied that the Noise Impact Assessment has demonstrated that this can be achieved. I therefore consider that, subject to conditions to control the effects on surrounding noise sensitive areas, the proposal would be in accordance with the requirements in relation to noise from mineral developments set out in the NPPF and PPG, and would meet the requirements of policies MP1 and MP3 of the DDMLP and Policy PD9 of the DDLP.

Blasting and Vibration Assessment

4.153 The Blasting and Vibration Assessment recommends a continuation of the existing limits for blasting at the existing quarry. It states that vibration would be within the levels set for blast induced vibration and human perception considered to be satisfactory by British Standard Guide BS 6472-2 (2008). It states that ground vibration levels and accompanying air overpressure levels would be very low, if occasionally perceptible at the closest properties.

4.154 I am satisfied that the ES demonstrates that the vibration and air overpressure, associated with blasting undertaken as part of the development, would be within the guidance limits set out in the NPPF and the PPG, and subject to appropriate controlling conditions would therefore not conflict with the provisions of Policy MP1 of the DDMLP.

Air Quality Assessment

4.155 In addition to Policies MP1 and MP3 of the DDMLP, other relevant policies for this issue are included in the DDLP which, through Policy PD9, seeks to protect people and the environment from any unacceptable adverse effects of development, including air pollution. The NPPF requires that MPAs should ensure that any unavoidable dust and particle emissions are controlled, mitigated or removed at source. It also requires proposals to comply with the relevant limits or national objectives for pollutants, taking into account the presence of any Air Quality Management areas.

4.156 An Air Quality Assessment, submitted as part of the ES, considered the potential air quality impacts of the development, specifically the potential of the development proposals to generate dust and the potential impact of this dust on sensitive residential receptors and environment.

4.157 The assessment recorded dust deposition rates of between 10mg/m² and 42mg/m² per day, and noted that these levels were well below the commonly accepted nuisance level of dust deposition of 200mg/m² per day. The potential for increased nuisance dust impacts at the nearest

existing or proposed residential receptors arising from the continued operation and development of the quarry were considered to be negligible. The assessment also set out a range of measures that could be implemented to ensure effective day to day dust management during extraction, infilling and processing operations, including the temporary cessation of activities in the event of unacceptable dust emissions in the vicinity of sensitive receptors.

- 4.158 The assessment provides an analysis of the potential dust emissions arising from the development and sets out a range of measures that would be implemented to ensure effective day to day dust management during site operations. The proposed mitigation measures include on site speed limits, damping down of haul roads during dry weather conditions and keeping handling operations and drop heights to a minimum. The potential for nuisance dust impacts at the nearest residential receptors arising from the development is considered to be negligible.
- 4.159 I am satisfied that the ES has sufficiently identified all likely sources of dust emissions and acknowledges that the current and proposed mitigation measures are considered best practice, and that they would be able to control impacts associated with dust satisfactorily. In considering the proximity of sensitive ecological sites and residential properties to the site, I am satisfied that dust emissions to air would be relatively low and would not adversely affect the amenity of the area.
- 4.160 I am mindful that the proposal is one where the method of operation would remain the same as those carried out under the existing and previous planning permissions, maintaining the same general rates of production, hours of operations and on-site practices and procedures. Site management procedures for the control of fugitive dust would also continue as at present. I am also mindful that the quarry has been in operation for some years providing a substantial base of monitoring information to support the assessments and conclusions for the current proposal.
- 4.161 Taking these factors into account, and with the provision through a condition of a dust monitoring and management scheme, would ensure the ongoing management and mitigation of dust generating activities at the quarry. I am satisfied that the proposals would be in accordance with the guidance set out in the NPPF and the PPG, and would therefore not conflict with the requirements of policies MP1 and MP4 of the DDMLP and Policy PD9 of the DDLP.

Transport and Access

- 4.162 The transport of minerals from quarries can impact on local amenity, and cause public safety concerns, and environmental problems, such as noise, vibration and air pollution. In addition to Policies MP1 and MP3 of the DDMLP, Policy MP5, which is specifically about transport, is also relevant. It allows for the transport of mineral by road, provided there is no feasible alternative which would be environmentally preferable, the access arrangements would be satisfactory and the highway network is adequate to accommodate the traffic generated and it would not be detrimental to road safety or have an unacceptable impact on the environment. The policy adds that the MPA will seek to use legal agreements to prevent HGVs associated with mineral operations from using unsuitable roads.
- 4.163 The applicant's highways assessment considers that the site access off the B5036, which is shared with Dene Quarry, represents a high standard industrial access connection, has a good safety record and that the geometric layout is suitable to accommodate the HGV traffic accessing and leaving the site. Traffic levels on the local road network were reviewed and found to be acceptable in terms of its safety record and also found to retain significant levels of reserve capacity, including during the peak hours of the day. It was also found that the quarry traffic represents only a small part of the overall traffic and HGV volumes currently travelling along the road network.
- 4.164 The assessment notes that it is not proposed to vary the operating hours, production methods, hourly, daily, monthly or annual traffic movements beyond those currently permitted at the existing quarry. Having established, through the surveys undertaken, that the traffic associated with the quarry represents only a small proportion of the overall daily volumes, the assessment concludes that the traffic and highways impacts associated with the continuation of operations by the quarry extension would not be significant.
- 4.165 The assessment acknowledges that, whilst the proposal would see the continuation of the current levels of HGV traffic for the existing quarry, the existing planning permission requires the cessation of quarrying at the end of 2021, with landfill HGV movements continuing to 2032. Therefore, the proposed HGV movements for the export of mineral after 2021 would be additional to those currently expected after that date under the existing permission.
- 4.166 The assessment analysed data from a typical month of operations at the quarry (November 2016). This recorded average daily HGV movements for the month at 54 (27 in 27 out). From this, it modelled 'Busy Day'

HGV movements for all operations at the quarry. It predicts a total of 78 (39 in 39 out) HGV movements on the busiest days if production increases slightly from current levels, as predicted in the application.

- 4.167 Where possible, the operator employs a 'back-loading' strategy where, after making deliveries of aggregates from the existing quarry, HGVs pick up a load destined for the landfill operations, often from the delivery site. During the survey period, more than 60% of infill material transported to the existing quarry void was transported in 'backloaded' HGVs. In applying this factor to the predicted 'Busy Day' HGV movements, the assessment considers that the total would be reduced to 60 (30 in 30 out).
- 4.168 As there would be a continuation of the current levels of HGV movements associated with the quarry, there are no objections to the proposals by the County Council, as Local Highway Authority, and it is not seeking any limits on overall vehicle movements.
- 4.169 Having considered the analysis set out in the highways assessment, I am satisfied that the proposals would accord with the requirements of policies MP1, MP3 and MP5 of the DDMLP.

Socio-Economic Assessment

- 4.170 The relevant policy to assess socio-economic matters against is saved Policy MP2 of the DDMLP, which provides a range of criteria relating to the need for mineral development. These criteria include the implications for employment, investment and the economy.
- 4.171 Saved Policy MP18 of the DDMLP is also applicable in that it gives preference to extensions to existing sites over new ones, subject to environmental acceptability. The NPPF does not prioritise extensions over new sites, whilst PPG mentions that need for the mineral and economic considerations should be taken into account. Such considerations include being able to continue to extract the mineral, retaining jobs and utilising existing plant and infrastructure.
- 4.172 The applicant's socio-economic assessment identifies three key socio-economic benefits of the proposal. The first relating to employment and investment via the maintenance of 24 jobs (currently all employees live within 5 miles of the site) with associated benefits to the local economy, the maintenance of a local skills base, use of local sub-contractors, and the payment of local business rates. The second relates to the continued supply of local building products, ready mix concrete and asphalt. The third relates to contributing to the supply of nationally important vein minerals.

- 4.173 The applicant considers that the relatively small scale of the quarry, together with its general low level of visibility from surrounding areas, would mean that there are, and would continue to be, very limited amenity or environmental impacts associated with the site, and consequently that the continued operation of the quarry is unlikely to have an adverse impact on tourism or visitors to the area.
- 4.174 Following the noise disturbance experienced in Bonsall from the emergency stabilisation works, concerns have been raised regarding the potentially negative effect of noise, from the development of the extension, could have on tourism.
- 4.175 The NPPF, at Paragraph 205, states that '*when determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy*'. Paragraph 83 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 172 of the NPPF seeks to protect landscape and scenic beauty in areas such as National Parks. Whilst the proposed extension does not lie within the PDNP, some sensitive receptors in the vicinity of the site are within the Park. Therefore, some weight should also be given to any significant negative effects the development would have on the local tourist economy and recreation (together with environmental and landscape effects which are discussed above), and the extent to which such effects could be moderated.
- 4.176 The balancing of the positive and negative economic effects of development is not a well-defined process. Whilst the NPPF under paragraph 205 clearly provides for great weight to be given to the benefits of mineral extraction, there is no policy that advocates any particular method when taking into account revenue, jobs, and other economic factors. The potential negative economic effects of this proposal are closely linked to its negative environmental effects, which are considered above. Assisted by my finding these environmental effects to be sufficiently limited so as to be acceptable (as I have explained above), I consider that in this case, the potential negative socio-economic effects would also be acceptable, and would be likely to diminish over the duration of the development. I am, therefore, satisfied that in terms of socio-economic considerations, the proposal accords with the relevant part of Policy MP2 of the DDMLP, and is considered to accord with the economic and social elements of sustainability as set out in the NPPF.

Cumulative Assessment

- 4.177 The NPPF points out that in considering the socio-environmental impacts of the development, account should be taken of any cumulative impacts from individual sites and/or from a number of sites in the locality.
- 4.178 The applicant has made an assessment of the potential cumulative impacts of the development. The assessment is that there would be no significant cumulative impacts if the proposed development were to take place.
- 4.179 The assessment also considers other existing operational quarries in the area; Dene Quarry, Ball Eye Quarry and Hoptonwoodstone Quarry [of which only Dene Quarry and Ball Eye Quarry are currently operational] and concludes that there would be no significant cumulative effects from these quarries.
- 4.180 Whilst I acknowledge that operations at Ball Eye Quarry have recently become more regular, I concur with the applicant's analysis in that, due to the relatively small scale of the quarry, even with the proposed extension, the quarry would not be likely to have a significant cumulative impact together with other quarry sites.
- 4.181 The analyses of the potential environmental effects associated with the development, such as noise and dust emissions, have demonstrated that these effects are individually within accepted limits. Therefore, I do not consider there to be any significant potential for a combination or accumulation of these effects to be unacceptable.
- 4.182 I am satisfied that there would not be any unacceptable cumulative effects associated with the proposed development.

Conclusion

- 4.183 I consider that the proposal represents an efficient means of obtaining mineral resources including scarce vein minerals, and the benefits which that supply entails. I do not consider that there are any material considerations that would outweigh the benefits.
- 4.184 I acknowledge that there are some unavoidable medium term impacts on landscape and visual amenity and negligible impacts on heritage assets, and I also note the concerns in relation to the potential effects of noise. However, I am satisfied that the measures set out in the ES, together with the requirements of the relevant proposed conditions, would ensure that the environmental effects of the development on

nearby sensitive receptors would not be unacceptable. I am satisfied that the proposed extension could be worked in an environmentally acceptable manner, subject to full adherence to the requirements detailed in this report.

4.185 I am mindful of the great weight that must be afforded to the impacts on the setting on the natural environment and heritage and landscape assets, and I am also equally mindful of the great weight that must be given to the benefits of mineral extraction. In balancing these significant policy requirements, I must also consider the ongoing and proposed further mitigation of the effects of the development, including the limited timescale and the complete restoration of the extension area. In doing so, I conclude that the adverse effects of the development would be acceptable, and therefore that the development would comply with the requirements of the saved policies of the DDMLP and the DDLP and represents a sustainable form of development that would support sustainable economic growth in accordance with the requirements of the NPPF.

4.186 I do not consider there would be any other material considerations that would be likely to outweigh the policy considerations, and subject to the requirements for a legally binding agreement and conditions set out below, it is recommended for approval.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers File No. 3.114.23

6.1 Application documents received from the applicant's agents dated 31 July 2017, and submissions of further information collated under covering letters and emails dated 19 June 2018 and 3 December 2018, June 2020, 2 December 2021, 9 January 2023 and 13 February 2024.

6.2 Email from the Derbyshire Dales District Council Environmental Health Officer dated 14 February 2019 and 24 July 2020.

6.3 Letters from Derbyshire Dales District Council dated 7 August 2020 and 23 January 2023.

6.4 Emails from the Clerk to Bonsall Parish Council dated 20 September and 23 November 2017, 20 September 2018, 16 January 2019, 22 August 2020, 19 January 2022, 22 February 2023 and 29 April 2024.

- 6.5 Letters from Historic England dated 22 August 2017 and 4 September, 11 December 2018 and 8 July 2020.
- 6.6 Letters from Derbyshire Wildlife Trust dated 21 September, 1 December 2017, 14 July 2020, 27 January 2022, 6 April 2023, and 18 April 2024.
- 6.7 Emails from Cromford Parish Council dated on 21 October 2017, 17 August 2020, 19 January 2023.
- 6.8 Letters from the Environment Agency dated 31 August and 27 October 2017, 19 March 2018 and 4 June 2020.
- 6.9 Letters from the Peak District National Park Authority dated 12 March 2018 and 28 August 2020, 18 January 2022 and 17 February 2023.
- 6.10 Emails from Natural England dated 27 September 2017, 9 January 2019 and 1 February 2022.
- 6.11 Emails from the Highways Authority dated 11 September 2017 and 1 June 2020.
- 6.12 Letters from Derbyshire Dales District Council dated 8 December 2018 and 7 February 2022.
- 6.13 Emails from the County Archaeologist dated 22 August 2017, 19 April and 28 September 2018, 1 February 2022, 2 February 2023 and 20 March 2024.
- 6.14 Emails from the Lead Local Flood Authority dated 4 September 2017, 24 December 2018, 30 June 2020 and 4 January 2022.
- 6.15 Emails from the County Ecologist dated 21 December 2017 and 2 October 2018, 29 March 2024 and 22 April 2024.
- 6.16 Emails from the County Built Heritage advisor dated 19 June 2020, 19 January 2022, 2 February 2023 and 2 February 2024.
- 6.17 Emails from the County Landscape Architect dated 18 October 2017, 17 September 2018, 8 January 2019, 16 June 2020, 1 July 2022 and 1 March 2023.
- 6.18 Email from the Rights of Way Officer 23 February 2023.
- 6.19 Email from Severn Trent Water dated 9 January 2019.

- 6.20 Report from Sharps Acoustics LLP dated 1 October 2020.
- 6.21 Email from Councillor Murphy dated 31 January 2022.
- 6.22 Email from Middleton by Wirksworth Parish Council dated 4 February 2023.
- 6.23 Emails and letters from members of the public dated August 2017 to April 2024.

7. Appendices

- 7.1 Appendix 1 - Implications.
- 7.2 Appendix 2 – Site Plan.

8. Recommendations

- 8.1 That the Committee resolves that planning permission for the proposal in the application which is the subject of this report (Code No. CM3/0817/40) be authorised to be **granted** subject to:
 - (a) An agreement being entered into by the appropriate parties under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations considered by the Executive Director – Place and the Director of Legal and Democratic Services, to make satisfactory provision for the implementation of the measures referred to in the Slinger Top Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy submitted on behalf of the applicant (as revised February 2024).
 - (b) A set of conditions substantially in the form of the following draft conditions below:

Conditions

Section 1: General Principles Duration

Time Limits

- 1) All mineral extraction operations hereby approved shall have ceased by 31 December 2033 and excavations shall have been in-filled in accordance with the approved details and the whole site, including all areas occupied by plant, machinery, structures, buildings, access and haul roads, shall have been restored in accordance with the further conditions to this permission by 31 December 2037.

Reason: To control the duration of the development in the interests of the local landscape and the environment, and to comply with Part 1 of Schedule 5 of the Town and Country Planning Act 1990 that requires all planning permissions for mineral working to be subject to a time limit condition.

Implementation of Development

- 2) Insofar as development, which is granted permission by this planning permission and has not already commenced (under the safety works approved under approval reference PD17/3/63), it shall be begun before the expiration of three years from the date of this permission. The Mineral Planning Authority shall be given at least 14 days prior written notice of the date the development commenced.

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.

Access

- 3) The sole access to and from the site shall be via the existing Dene Quarry entrance from Cromford Hill. The access road through Dene Quarry into the quarry shall be used solely by plant, machinery and vehicles associated with the extraction of minerals and infilling, the restoration of Slinter Top Quarry and the removal for reuse of materials recovered from the imported waste.

Reason: To control the means of access to the development and the traffic that utilises the access.

Approved Details and Use

- 4) The development hereby permitted shall be carried out in accordance with the application for planning permission received on 3 August 2017 from Stephenson Halliday, and the addendum to the ES and accompanying documents received on 21 May 2020 and 9 January 2023, and 13 February 2024 from Stephenson Halliday, except as maybe modified by other conditions of this permission.

In particular, the following drawings and documents:

Figure 1.1: Location Plan;

Figure 1.2: Site Plan;

Figure A (revised November 2022): Revised Phased Quarry Development Scheme: The Existing Situation (Jan 2020 Survey);

Figure B (revised November 2022): Revised Phased Quarry Development Scheme: Soil Stripping and Preparation for Phase 1;

Figure C (revised November 2022): Revised Phased Quarry Development Scheme: Phase 1 Quarry Working;
Figure D (revised November 2022): Revised Phased Quarry Development Scheme: Phase 2 Quarry Working;
Figure E (revised November 2022): Revised Phased Quarry Development Scheme: Phase 3 Quarry Working;
Figure F (revised November 2022): Revised Phased Quarry Development Scheme: Phase 4 Quarry Working;
Figure G (revised November 2022): Revised Phased Quarry Development Scheme (revised November 2022): Phase 5 Quarry Restoration;
Figure 13.1: Blasting Receptor Locations- Figure 14.1: Air Quality Receptor Locations;
Slinter Top Quarry: Environmental Statement. Prepared by Stephenson Halliday Limited (July 2017);
Slinter Top Quarry: Planning Statement. Prepared by Stephenson Halliday Limited (July 2017);
Hydrogeological Risk Assessment Review 2018 for Slinter Top Landfill Site. Caulmert Ltd. (Document reference: 2161.20.SLI.SV.AGS.A0);
Environmental Impact Assessment Addendum incorporating amended quarry scheme.
Botanical Survey Report, Biodiversity Gain Assessment & Biodiversity Strategy.

Reason: To make it clear what constitutes the development approved by the planning permission.

- 5) The crushing and screening plant on the site shall be used solely for the processing or treatment of minerals extracted from Slinter Top Quarry, and the screening for reuse of imported waste. No minerals shall be imported to the site for processing, treatment or storage.

Reason: To contain the impacts of the development within the site and to protect the amenity of the area.

Section 2: Ancillary Development

Restriction on Permitted Development Rights

- 6) Notwithstanding the provisions of Schedule 2, Part 17 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent replacement order, no plant or machinery, buildings or structures shall be placed or erected on the site except as authorised or required by this permission, or unless otherwise approved in writing in advance by the Mineral Planning Authority.

Reason: To contain the impacts of the development within the site and to protect the amenity of the area.

External Appearance

- 7) The finished colour of the external faces of all structures, plant and buildings on the site shall be grey to BS.00A05 and/or to BS.18B21 or similar.

Reason: To contain the impacts of the development within the site and to protect the amenity of the local area.

Section 3: Environmental Protection

Working Hours

- 8) Except in emergencies to maintain safe quarrying practices (which shall be notified to the Mineral Planning Authority as soon as practicable):

a) No extraction of minerals, operation of drilling, crushing and screening plant, infilling and restoration of worked areas, formation and subsequent removal of material from soil storage mounds, waste recovery, and associated operations shall be carried out at the site except between the following times:

- between 0730 hours and 1800 hours Mondays to Fridays; and
- between 0730 hours and 1500 hours Saturdays.

b) No lorries shall enter or leave the site, or be loaded, and no servicing, maintenance and testing of plant shall take place except between the following times:

- between 0600 hours and 1900 hours Mondays to Fridays; and
- between 0600 hours and 1500 hours Saturdays.

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

Reason: To protect the amenity of the local area.

Noise

Attenuation Measures

- 9) At all times during the carrying out of the approved operations, all practicable noise suppression measures shall be applied to the operation of mobile plant and vehicles, drilling rigs, and crushing and screening plant. All vehicles, plant and machinery operated on the site shall be maintained in accordance with manufacturers' specifications at

all times, and shall be fitted with and use effective silencers. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Site Noise Levels

- 10) The free field noise levels from the site operations expressed as a 1 hour LAeq as measured outside any of the noise sensitive properties identified on Figure 2: Assessment Locations of the ES Addendum Noise Assessment and set out in the table below, shall not exceed the following levels between the hours of 0730 hours to 1800 hours Mondays to Fridays and 0730 hours to 1500 hours on Saturdays:

Location	LA90 + 10 dB(A)
The Bungalow, Via Gellia	50
Duke Street, Middleton	45
Rose End Avenue, Cromford	49
Clatterway Cottage, Bonsall	53
Rose Cottage, Bonsall	48

Noise levels, as measured at any other noise sensitive properties nominated by the Mineral Planning Authority, shall not exceed the background (L90) level plus 10dBA or 55dBA, whichever is the lesser, during these times. At all other times, noise levels from the site operations shall not exceed 42dBA.

In the event of complaint about noise, the operator shall, if requested by the Mineral Planning Authority, undertake the monitoring of site noise levels at the appropriate noise sensitive property and submit the results to the Mineral Planning Authority.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

- 11) During noisy short term activities at the site, the received noise limits set out in Condition 10 above may be exceeded between the hours of 0800 hours and 1800 hours Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays for periods not exceeding a total of eight weeks in any period of 12 months throughout the duration of the development. During these periods, the received noise levels shall not exceed 70dB(A) LAeq, 1 hour, free field. For the purposes of this condition, noisy, short term activities are considered to be such activities as 'soil-

stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance' as referred to in the Planning Practice Guidance.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Noise Management Plan

- 12) Within three months of the date of this permission, a scheme, which sets out those noise mitigation measures which shall be implemented to ensure that emissions of noise from the site are controlled and ensure, so far as is reasonably practicable, that the operations carried out within the site do not give rise to nuisance at nearby residential properties, shall be submitted to the Mineral Planning Authority for approval in writing. The scheme shall be implemented as approved.

Reason: To ensure that appropriate noise mitigation measures are implemented and to minimise the impacts of the development on the local environment and to protect the amenity of the area.

Use of Pecker/Rock Breaking

- 13) No pecker or other percussive mechanical hammer shall be used above the elevation of 230 metres AOD, or be operated before 0900 hours on any day from Monday to Friday or at any time on a Saturdays or Sunday or on a public or bank holiday.

Reason: To minimise the impact of noise from the development in the interests of the amenity of the area.

Audible Alarms

- 14) Audible alarms used on plant and vehicles on the site shall be either non-audible, ambient related or low tone devices.

Reason: To minimise the impact of noise from the development in the interests of the amenity of the area.

Dust

- 15) At all times during the carrying out of operations authorised or required by this permission, water bowsers, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emission of dust from the site. At such times as the prevention of dust nuisance by these means is not possible, minerals and waste processing and movements of minerals, soils and overburden shall temporarily cease until such time as weather conditions improve.

Reason: To control dust resulting from the site operations in the interests of local and residential amenity, and the local environment.

Dust Monitoring and Control Scheme

- 16) Within six months from the date of this permission, a scheme for the suppression and control of dust (including PM10 particles) and the monitoring and recording of dust levels, shall be submitted to the Mineral Planning Authority for its written approval.

The scheme shall include:

- I. the measures to be taken to suppress and control dust;
- II. the qualifications and experience of the personnel to be engaged in undertaking the monitoring and recording;
- III. the equipment to be used to monitor dust levels and the arrangements for calibration;
- IV. the number and location of monitoring points;
- V. the frequency of monitoring and reporting to the Mineral Planning Authority; and
- VI. the steps to be taken in the event that complaints due to dust are received by the developer, including the triggers for action up to and including the temporary suspension of operations.

The results of the monitoring and records of any complaints received by the developer, due to dust, shall be maintained and made available for inspection by the Mineral Planning Authority between reporting intervals at the site office during normal site operating hours.

The scheme shall be implemented as approved in writing by the Mineral Planning Authority.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Quarry Blasting

Scheme of Blasting

- 17) Ground blasting operations and the resultant vibration and air overpressure at the site shall be monitored in accordance with a scheme that has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall be submitted no later than six months from the date of this permission, and shall include details of the following:

- I. blast monitoring locations and frequency of monitoring;

- II. maximum acceptable values for vibration and air overpressure as measured at monitoring locations;
- III. the monitoring equipment to be used; and
- IV. presentation of results to the Mineral Planning Authority

A process by which measures to bring future vibration and air overpressure from blasting operations within the values provided under above II would be delivered in the event of any measurement from monitoring showing any exceedance of any of those values. The scheme shall then be implemented as approved by the Mineral Planning Authority.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Times of Blasting

- 18) No blasting shall be carried out on the site except between the following times:

- 1000 hours to 1600 hours Mondays to Fridays.

There shall be no blasting on Saturdays, Sundays or Public Holidays.

This condition shall not apply in cases of emergency when it is necessary to carry out blasting operations in the interests of safety. The Mineral Planning Authority shall be notified in writing immediately of the nature and circumstances of any such event.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

- 19) An audible warning shall be given in advance of every blast.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Ground Vibration

- 20) Ground vibration from any individual blasting event shall be designed not to exceed a peak particle velocity of 12 mm/second at or in close proximity to any of the vibration sensitive buildings or residential premises as shown on Figure 13.1: Blasting Receptor Locations, and in any period of 12 months shall not exceed a peak particle velocity of 6 mm/second for 95% of all blasting events during those 12 months.

In the event of complaint, the operator shall undertake the monitoring of ground vibration at the appropriate vibration sensitive property at the request of, and shall submit the results to, the Mineral Planning Authority. In all cases, the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Air Overpressure

- 21) The operator shall take steps to minimise the effects of air overpressure arising from blasting operations in accordance with a scheme which has been submitted to and received the written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than six months from the date of this permission, shall have regard to blast design, methods of initiation, and the weather conditions prevailing at the time and shall be implemented as approved.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Secondary Blasting

- 22) No secondary blasting shall be carried out on the site except in accordance with a scheme that has first been submitted to and approved in writing by the Mineral Planning Authority.

The scheme shall then be implemented as approved by the Mineral Planning Authority.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Mineral Stocking

- 23) Except for the storage of stone walling material for use in the site restoration, there shall be no stocking of minerals other than within the working quarry void area as set out on Figures 2.1 – 2.5. The base of any stockpile shall not be above 230 metres AOD and no stockpile shall be greater than 5 metres in height.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Smoke and Fumes

- 24) There shall be no burning of rubbish or wastes on the site.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Rubbish and Scrap Materials

- 25) All rubbish, debris, scrap and other waste material generated on the site shall be regularly collected and disposed of within the tipping area of the excavations if the materials are suitable for such a method of disposal, or otherwise removed from the site, so as to keep the surface of the land tidy.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Parking Plant and Vehicles

- 26) No mobile plant or HGVs used shall be parked outside the excavations other than during the approved operational hours. During those hours, the operators shall minimise parking outside the excavations to that only necessary for operational purposes.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

Highway Cleanliness

- 27) The loads of all vehicles transporting material from the site shall be securely sheeted before entering the public highway.

Reason: In the interests of highways safety, to minimise the impacts of the development on the local environment, and to protect the amenity of the area.

- 28) Throughout the duration of the approved development, the operators shall take all necessary steps to prevent mud, dirt, mineral, rock, or waste material being taken from the site and deposited on the public highway. Facilities for keeping the public highway clean and to prevent the spillage of materials, including wheel and vehicle underside and carriage side washing equipment, shall be provided and used at all times during the operation of the quarry.

Reason: In the interests of highways safety, to minimise the impacts of the development on the local environment, and to protect the amenity of the area.

Drainage and Pollution Control

- 29) There shall be no discharge of foul or contaminated drainage from the site into the ground, groundwater or any surface waters, whether direct

or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system, underground strata or disused mineshafts.

Reason: To prevent pollution of the water environment and ensure the protection of the underlying Principal Aquifer.

- 30) Any facilities for the storage of oils and fuels shall be provided with secondary containment that is impermeable to oil, fuel and water. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment, the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and ensure the protection of the underlying Principal Aquifer.

Section 4: Conservation

Archaeology

- 31) Any historic or archaeological features not previously identified by the archaeological evaluation as detailed in the report: "An Archaeological Evaluation at Slinger Top Quarry, Cromford, Derbyshire" (ARS Ltd Report 2018/51) which are revealed when carrying out the development hereby permitted, shall be retained in-situ and reported in writing to the Mineral Planning Authority within 10 working days. Works shall be halted in the area of the site affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by the Mineral Planning Authority. Works shall resume and continue only in accordance with the approved details.

Reason: In the event of the discovery of archaeological remains, to help protect and thereafter to provide for the recording of the features of archaeological interest, in accordance with Policy MP7 of the Derby and Derbyshire Minerals Local Plan.

Preservation of Trees and Site Boundary Features

- 32) All of the existing trees, hedges, walls and fences on and in the vicinity of the site boundary shall be made stockproof and retained and protected as such thereafter. Should the operators seriously damage or destroy any of these features, they shall be replaced and treated in accordance with such details as may be approved or required by the Mineral Planning Authority.

Reason: To ensure that these features are properly maintained and managed for the duration of the development.

Protection of Species and Habitats

- 33) No removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Mineral Planning authority and then implemented as approved.

Reason: To minimise the impacts of the development on the local environment and to protect the amenity of the area.

- 34) There shall be no works affecting or requiring the excavation of badger setts within or adjacent to the approved Application Site boundary, as shown on Figure 1.2: Site Plan, unless a badger activity survey has first been undertaken by a suitably competent ecologist to determine the presence of badgers. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Mineral Planning Authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved badger activity survey recommendations.

Reason: To ensure the adequate protection of badgers and their setts in accordance with Policy MP6 of the Derby and Derbyshire Minerals Local Plan.

- 35) Prior to any soil stripping or excavations hereby approved, a reptile mitigation method statement, in relation to the quarry extension development hereby permitted, shall be submitted to the Mineral Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In the interest of nature conservation and to comply with Policy MP6 of the Derby and Derbyshire Minerals Local Plan.

Soil Conservation: Stripping and Storage

- 36) All soil derived from the site shall be retained on the site. Topsoil and subsoil shall be stored separately during all phases of development in the areas designated on the approved plans: Figures B, C, D and E, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To ensure that all the available topsoil and subsoil is retained on site for final restoration.

Soil Conservation: Soil Handling

- 37) The stripping, movement, deposition, lifting and re-spreading of topsoil shall only take place during periods of dry weather when the full depth of soil to be stripped or replaced, or otherwise transported is in a suitably dry and friable soil moisture condition. Soil handling and movement shall not be carried out between the months of October to March. The applicant shall give the Mineral Planning Authority advance notice of any period of soil handling operations.

Reason: To ensure that monitoring arrangements for soil stripping and storage are in place, to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil, and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist.

Section 5: Working Method

Scheme Detailing the Method of Construction of the Rollover Feature

- 38) Construction of the Rollover Feature, as shown on drawings referenced Revised Phased Quarry Development Scheme, Figures C to G, shall not commence until a scheme detailing the method of construction has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of the depth of excavations, including cross sections, the direction of excavations, timescales, and details of the plant to be used. The construction of the rollover feature shall be carried out as approved.

Reason: To ensure the development is carried out as approved by the Mineral Planning Authority.

Construction Environmental Management Plan (CEMP: Biodiversity)

- 39) No works shall take place within the extension area (including grassland translocation, ground works, vegetation clearance and movement of plant, machinery and materials), hereby permitted, until a Construction

Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. .

Reason: To ensure the development is carried out as approved by the Mineral Planning Authority.

Grassland Translocation

- 40) Translocation of grassland shall be undertaken in strict accordance with the Method Statement contained in Section 7 of the Botanical Survey Report, Biodiversity Gain Assessment & Biodiversity Strategy (BSG, February 2024). A statement of compliance shall be submitted to the LPA upon completion of translocation works.

Reason: To ensure the development is carried out as approved by the Mineral Planning Authority.

Extent and Depth of Quarrying

- 41) There shall be no quarry development including excavations below 160m AOD or the natural groundwater table within or adjacent to the site if this is higher, as specified in the Hydrogeological Risk Assessment Review 2018 (2161.20.SLI.SV.AGS.A0) by Caulmert Limited.

Reason: To ensure the protection of the underlying Principal Aquifer and groundwater dependent water features in the area.

- 42) No dewatering shall be undertaken except in accordance with details that have been first submitted to and approved by the Mineral Planning Authority.

Reason: To ensure that the protection of groundwater and surface water, as well as safeguard the interests of nearby designated habitat and wildlife sites.

Imported Materials

- 43) No importation of fill materials for the restoration of the site shall be carried out except in accordance with a detailed scheme that has been submitted to and approved in writing by the Mineral Planning Authority in advance of any excavation working of the lateral extension.

Reason: To ensure that infilling with imported materials is limited to inert waste only.

- 44) The export of recovered waste materials from Slinter Top Quarry shall not exceed a maximum of 25 heavy goods vehicle movements per week leaving the site.

Reason: To ensure the development is carried out as approved by the Mineral Planning Authority.

Fill Surface Levels

- 45) Before 31 December 2027, the developer shall submit to the Mineral Planning Authority a review of the tonnages of imported inert materials used for infilling of the void, since the date of issue of this planning permission, and a forecast of infilling rates for the remaining period the development.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

Fill Surface Treatment

- 46) Prior to the spreading of soils for restoration, the final surface of the fill materials shall, be graded, ripped and stone picked. No boulders, rocks or stones which exceed 230mm in any direction, and no bind or other deleterious materials shall be placed within 1 metre of the surface of the refilled excavations, and the top 0.6 metre of the fill shall be relatively stone free.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

Soil Replacement and Treatment

- 47) Following the completion of each phase of infilling, all available soil making materials and subsoil shall be spread to a uniform depth over the fill and shall then be ripped and stone picked.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

- 48) After spreading and treatment of the soil making materials and subsoil, all available topsoil shall be re-spread evenly over the surface. The topsoil shall then be ripped and stone picked.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment

Section 6: Restoration, Landscaping and Aftercare

Landscape and Biodiversity Enhancement and Management Plan (LBEMP) – Restoration Scheme

- 49) Prior to the commencement of development hereby approved, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) for the Restoration Scheme (Figure G, revised November 2022) shall be submitted to, and be approved in writing by, the LPA. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of habitats within the Restoration Scheme, in accordance with the proposals set out in the Botanical Survey Report, Biodiversity Gain Assessment & Biodiversity Strategy (BSG, December 2022) and to achieve no less than a net gain of 84.9 units, plus successful establishment of the translocated grassland. The LBEMP shall be suitable to provide to the management body responsible for the site. It shall include the following:

- a) Description and location of features to be retained, created, translocated, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.

- d) Prescriptions for management actions, including detailed prescriptions for the translocated grassland.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 15, 20, 25 and 30 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the implementation of a satisfactory scheme of ecological compensation/mitigation in respect of the area of existing species grassland habitat to be removed under the development.

Biodiversity Enhancement and Management Plan (BEMP) - Extra Fields and SSSI Units

- 50) Prior to the commencement of works in the extension area, a Biodiversity Enhancement and Management Plan (BEMP) for the Extra Fields and SSSI Units (Figure 3 of Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy (BSG, December 2022)) shall be submitted to, and be approved in writing by, the LPA. The aim of the BEMP is to sympathetically manage the biodiversity value of the grassland habitats to provide an uplift in condition, in accordance with the proposals set out in the Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy and to achieve an overall net gain of no less than +12.06 units in the Extra Fields and +11.9 units in the SSSI Units. The BEMP should be suitable to provide to the management body responsible for the site. It shall include the following:
- a) Description and location of features to be enhanced and managed, as per the approved biodiversity metrics.
 - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.

- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 15, 20, 25 and 30 years.
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the implementation of a satisfactory scheme of ecological compensation/mitigation in respect of the area of existing species grassland habitat to be removed under the development.

Restoration of Ancillary Areas

- 51) At such time as they are no longer required in connection with the approved development, all plant, machinery, structures and buildings, and the internal access road shall be removed from the site and the areas occupied by them shall then be reinstated to former ground levels, including the replacement and treatment of soils, consistent with the contours of the surrounding land and to facilitate natural drainage, in accordance with such details that have been submitted to and approved in writing by the Mineral Planning Authority.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

Reinstatement of Boundaries and Natural Features

- 52) The schemes detailing a management programme for the control of scrub on and around Alabaster Lane on land in the control of the applicant, a programme of repairs to drystone-walling on land adjacent to the site in control of the applicant, and for the reinstatement and provision of natural features on the site and on land in control of the applicant, submitted on 20 March 2014 and approved on 8 May 2014, shall be carried out as approved.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

Details of Restoration

- 53) Detailed schemes for restoration of the site to agriculture, woodland and nature conservation, including the landscaping requirements of each of

the four phases shall be submitted to the Mineral Planning Authority for its written approval three months prior to the completion of quarrying operations within each phase. The schemes shall be based on the design set out on drawing Figure G: Phase 5 Quarry Restoration, and shall where appropriate to each phase of development include details of the following:

1) In respect of ground restoration:

- a) the sequence and phasing of reclamation showing its relationship to the working scheme;
- b) a restoration contour plan;
- c) the establishment of woodland and scrub development;
- d) formation of ephemeral wetland habitat;
- e) calcareous scrub from natural regeneration of quarry benches;
- f) establishment of 'roll over' features within the southern quarry;
- g) depths of soil replacement proposed for neutral grassland pasture areas, tree, scrub and hedgerow planting, woodland areas and wetland margins;
- h) provision of woodland in accordance with local landscape character;
- i) provision for nature conservation, including the grassland habitats;
- j) the route of Cromford Footpath No 70 (formerly No 12) across the site; and
- k) a programme of implementation.

2) In respect of landscaping:

- a) ground preparation prior to planting (ripping, seeding);
- b) the location, species (which shall include a percentage of stock of local provenance), size and spacing of trees and shrubs;
- c) protection of newly planted stock and provision for removal of tree guards when no longer required;
- d) seed mixtures, fertilisers (if necessary) and weed killers to be used and their rate of application;
- e) a programme of drystone walling based on the document titled Slinger Top Quarry Stone Walling Restoration June 2013,
- f) fencing and gates; and
- g) a programme of implementation.

The schemes shall be implemented as approved.

Reason: To ensure the implementation of a comprehensive scheme of restoration and landscaping for the site, in the interests of landscape character and visual amenity.

- 54) Prior to the implementation of the restoration scheme(s) as approved under Condition 53 above, all land to be incorporated in the restoration phase, shall be surveyed for protected species (particularly badger and reptiles) and an appropriate mitigation strategy submitted to the Mineral Planning Authority. Any restoration mitigation measures shall be approved by the Mineral Planning Authority prior to the commencement of the restoration scheme and implement as approved thereafter.

Reason: To ensure the adequate protection of protection species in accordance with Policy MP6 of the Derby and Derbyshire Minerals Local Plan.

Aftercare Scheme

- 55) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted to and approved in writing by the Mineral Planning Authority. The scheme for the whole site, or any part of the site, shall be submitted no later than 12 months prior to the programmed completion of restoration of any part of the site in accordance with the scheme(s) submitted for the purposes of Condition 53 above. The submitted scheme(s) shall provide for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland and nature conservation during a five year aftercare period and shall include details of:

a) In the case of land used for agriculture:

- (i) soil treatments, including stone picking, soling and subsoiling, and the removal of any stone exceeding 150mm in any dimension, any wire or other object which would impede the cultivation of the land;
- (ii) fertiliser applications based on soil analysis;
- (iii) cultivations, cropping pattern, seeding and crop management;
- (iv) shelter belts and hedges;
- (v) pruning regimes of hedgerows;
- (vi) weed control;
- (vii) field drainage;
- (viii) field water supplies;
- (ix) grazing and other management; and
- (x) protection from poaching by grazing animals.

b) In the case of land restored for use for woodland:

- (i) cultivation practices;
- (ii) secondary soil treatments;
- (iii) fertiliser applications based on soil analysis;
- (iv) drainage; and

- (v) weed control.
- c) In the case of land to be restored for use for nature conservation and amenity:
- (i) a Nature Conservation Management Plan which provides for habitat development and maintenance;
 - (ii) grassland establishment and maintenance;
 - (iii) fertiliser applications, if necessary, based on soil analysis;
 - (iv) cultivation practices;
 - (v) watering and draining; and
 - (vi) wetland margin establishment and wetland maintenance.

The scheme(s) shall then be implemented as approved by the Mineral Planning Authority.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Mineral Planning Authority in the interests of agricultural land quality, woodland, nature conservation and amenity.

- 56) For the first five years following new planting of any trees or shrubs, all planting shall be maintained in accordance with the principles of good forestry and husbandry and any stock which dies or becomes seriously damaged, diseased or is missing, shall be replaced with plants of the same species or such alternative species as have been approved by the Mineral Planning Authority (for the avoidance of doubt, 100% replacement is required).

Reason: To ensure the successful establishment of the landscaping at the site.

Premature Permanent Cessation

- 57) If the Mineral Planning Authority and all the persons with an interest in the site agree that mining operations have ceased permanently, such as not to permit the reclamation of the site in accordance with Condition 53, the site shall be reclaimed in accordance with a scheme which has the approval in writing of the Mineral Planning Authority. The scheme shall be based on the principles of Condition 53 and shall include a programme of implementation. The scheme shall be submitted not later than six months from the date of agreement that quarrying has ceased and shall be implemented within a timescale approved by the Mineral Planning Authority.

Reason: To ensure the satisfactory restoration of the site in accordance with approved scheme(s) in the event that implementation of the

approved restoration scheme for the site or parts thereof is rendered impracticable by premature cessation of quarrying.

Aftercare Records

- 58) Records of all aftercare operations shall be kept by the operators throughout the period of aftercare and the records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 October and 31 December of each year.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

Aftercare Meetings

- 59) Provision shall be made by the operators for annual meetings with the Mineral Planning Authority, which shall be held between March and May each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority and in the interests of local amenity and the environment.

Notes to Applicant

Control of Operations

- 1) This planning permission incorporates updated and new conditions which are necessary to control the development and protect the environment and landscape in accordance with contemporary standards.
- 2) The applicant is reminded of the high conservation value of much of the surrounding countryside, the historical and landscape interest of the area and the public footpath. Because the site lies in a Special Landscape Area and adjoins a World Heritage Site, it is important that the operations remain small scale, relatively short term, benefit from progressive restoration and do not cause irreparable damage to the inherent quality of the landscape. These considerations are reflected in the limitations and requirements of the conditions attached to this permission.

Transport

- 3) With reference to Condition 11 to this permission, the applicant is requested to instruct all haulage operatives serving the site to travel to or from the site, including the use of the access road between the site and Dene Quarry, only during the approved times.
- 4) With reference to Condition 12 to this permission, it is expected that vehicles using the Dene Quarry works and other internal roadways will, at all times, comply with the noise emission standards contained within the current Motor Vehicles (Construction and Use) Regulations.
- 5) With reference to Condition 33 to this permission, the Mineral Planning Authority expects all vehicles carrying minerals from Slinger Top to use the washing facilities provided at the entrance to Dene Quarry.
- 6) Definitive Public Right of Way Footpath No.13 (former Urban District of Matlock) which crosses the site has, by Order dated 19 October 1989, been temporarily diverted on the alternative route shown on the attached Plan No. DCC/3.114.12A to enable to development hereby approved to take place. However, part of the route of the footpath which has not been diverted runs parallel to the access track to the site, and the footpath crosses that track to link to the alternative route at Point A shown on the plan.

This permission does not convey any rights to interfere with, obstruct, stop-up or divert Footpath No 13 on its former and diverted route outside the site. Precautions should be taken as necessary to safeguard the users of Footpath No 13, and in the interests of pedestrian safety the applicants are requested to advise all hauliers visiting the site of the presence of the footpath and point of crossover.

Chris Henning
Executive Director - Place

Implications

Financial

1.1 The correct fee of £7,605 has been received.

Legal

2.1 This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority. Any other statutory provisions or legal considerations of particular significance to the determination are referred to in the body of the report.

2.2 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the report.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 The determination of this application does not raise any equalities impact implications.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 **Environmental and Health**
As indicated in the report.

Site Plan





FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY - PLANNING COMMITTEE

13 May 2024

Report of the Executive Director – Place

**Erection of a Portal Frame Attenuation Housing to Existing Oxygen Generation Plant and (Retrospective) Erection of a Retaining Wall
Applicant: Ecobat Resources Ltd
Planning Application Code No. CW3/1123/40**

3.1742

1. Introductory Summary

- 1.1 The Ecobat Recycling Facility is located in South Darley, to the north of Darley Bridge. The site has been involved in lead smelting and processing for possibly over 100 years. HJ Enthovens acquired the site in 1941 and Ecobat took over in 2019. Operations at the site are now entirely related to the recycling of lead-acid batteries and therefore proposals for development are considered a matter for the Waste Planning Authority.
- 1.2 The site has evolved and grown over the years through the ad hoc, incremental addition of buildings needed to accommodate new and expanding processes, logistic and regulatory demands. There have been 10 applications in the last 20 years. Whilst it is accepted that local residents have a number of concerns relating to the operation of the site and these include the cumulative impacts of scale, noise, traffic, emissions to air, discharges to water and contamination of the land, the operation is extensively regulated. The application being considered here is for the installation of an acoustic attenuation housing, to be located on a previously consented concrete base, accommodating an oxygen generation plant. The purpose of the development for attenuation housing is to reduce the noise impact of the consented

oxygen generation plant. While the housing is located within a waste recycling facility, it does not, itself, contribute to the recycling process, its sole purpose is the reduction of noise. Its installation has not been required by regulation and the oxygen plant can lawfully operate in the absence of the attenuation housing.

- 1.3 A retaining wall to the rear of the attenuation housing is sought for retrospectively and would amend the previously consented development of the oxygen generation plant.
- 1.4 There are no new processes, emissions or discharges associated with the proposal. The attenuation housing will be sited on an existing and consented concrete base. No further groundworks or tree works are required. Traffic impacts will be limited to construction traffic and, given the nature and scale of the attenuation housing, will be for a relatively short period only. The addition of the attenuation housing will reduce the level of noise experienced in the locality. It is accepted that it is another building on site, a further incremental expansion, however, it is relatively small and will enclose existing plant to provide noise attenuation. In my view, the proposal represents betterment and should therefore be granted planning consent.
- 1.5 The issues raised by representations and consultees are discussed in more detail below.

2. Divisions Affected

- 2.1 Derwent Valley.

3. Purpose

- 3.1. To enable the application to be determined by the Regulatory - Planning Committee.

4. Information and Analysis

Site

- 4.1 The Ecobat Resources Ltd site is located at South Darley, approximately 500m west of the settlement of Darley Bridge and 850m to the south-west of Churchtown. Stanton Lees lies 900m to the north-west and Warrencarr only 250m to the north-west of the Ecobat facility boundary. The application site itself, forming only a small part of the overall facility and located in the south-eastern corner of the wider site, is 615m from Warrencarr and 1.3km from Stanton Lees. At its closest point, the application site is only 25m to the north of the Peak District

National Park boundary. Similarly, Clough Woods Site of Special Scientific Interest (SSSI) and Cambridge Wood ancient woodland are close to the site, being only 100m to the south-west. The nearest listed buildings are Potters Cottage and the Three Stags Heads public house which are 625m to the east and within the village of Darley Bridge. The site is mostly surrounded by plantation woodland within the ownership of the applicant and subject to a long-term management plan.

- 4.2 The site is not crossed by or directly affecting any Public Rights of Way (PRoW), although South Darley WD110/46/3 byway open to all traffic (BOAT) follows Oldfield Lane which is to the south of the facility and only 10m from the application site. A thin belt of trees occupies the space between Oldfield Lane and the application site boundary.
- 4.3 Public Footpaths South Darley WD110//1/1 and WD110/1/2 follow a north/south alignment from Oldfield Lane to Warrencarr via the former site of Millclose Mine. Although this route affords clear views of the wider Ecobat site, views of the application site are limited and will be considered below.
- 4.4 The Ecobat Resources Ltd facility is reputedly the largest lead-acid battery recycling plant in Europe, extending over an area of approximately 9.8ha, although the surrounding land within the ownership of Ecobat is significantly larger than this, comprising 25.25ha west of the River Derwent and east of Darley Bridge, mostly comprising plantation woodland. The site has a long history of lead working associated with the nearby Millclose Lead Mine which closed in 1940. The site currently operated by Ecobat, is first shown as a lead smelting works on the 1919 - 1939 OS map, although the exact date of its establishment is not known. HJ Enthovens and Sons acquired the site in 1941. An application was made to the Environment Agency in January 2019 for a variation in the existing Environmental Permit, changing the name of the operator from HJ Enthoven Ltd to Ecobat Logistics.

Planning History

- 4.5 Throughout its history, the site has grown and evolved as a result of gradual expansion from a site of approximately 2ha to its current extent of 9.8ha. Over the past 10 years, there have been a number of planning applications resulting in a progressive expansion of the site. Previous applications have been determined by Derbyshire Dales District Council, however, as the operation of the site has evolved, it has become increasingly apparent that the business of Ecobat is now waste recycling rather than the smelting of lead ore. The main activities carried out are therefore the recycling of lead-acid batteries, to produce a

variety of recycled materials including lead ingots and sheet metal, polycarbonates and gypsum.

4.6 All of the applications below have been determined by Derbyshire Dales District Council with the exception of 17/00119/CM for Hazardous Substances Consent, which was determined by Derbyshire County Council (Code CH3/0117/85).

- 06/00029/FUL - Two storey side extension, Cowley Lodge. Approved with conditions, 23 February 2006.
- 06/00239/FUL - Reverbatory furnace and gas desulphurisation system. Approved with conditions, 17 March 2006.
- 12/00347/FUL - Erection of storage building. Approved with conditions, 10 August 2012.
- 12/00423/FUL - Erection of industrial building. Approved with conditions, 13 September 2012.
- 15/00910/FUL - Extension to height of chimney and associated works. Approved with conditions, 2 February 2016.
- 17/00119/CM - Application for Hazardous Substances consent (CH3/0117/85). No objection, 9 March 2017.
- 18/00919/FUL - Installation of new road, extend car park, construct retaining walls, relocate building and extension to existing building. Approved with conditions, 24 October 2018. Includes the relocation of the Oxygen farm.
- 19/00525/FUL - Erection of two storage buildings. Approved with conditions, 14 June 2019.
- 21/00500/FUL - Proposed extension to C-Bays building to accommodate relocated equipment (modifications to extension previously approved under planning permission, 18/00919/FUL).
- 22/00873/FUL - Erection of portal frame housing over previously approved oxygen generator area. Intervention, determined to be a County Matter, now application CM3/1123/40, 12 January 2022.

The Proposal

4.7 The application comprises two elements, the first being the proposed erection of an acoustic attenuation housing to enclose the oxygen generator sets forming part of the previously consented oxygen farm. The battery recycling facility requires an oxygen generation plant, for the storage and decompression of liquid oxygen used in the lead smelting process. Application Code 18/00919/FUL gave consent for an extension to the 'C-bays' processing building and the relocation of the oxygen generation plant to the location currently under consideration. The new location is approximately 35m from the original and moved toward the rear of the facility. The 18/00919/FUL consent does not include the enclosure of the oxygen generation plant.

- 4.8 The acoustic enclosure will take the form of a steel portal frame building measuring 21m long, 14.25m wide and 7.5m to the ridge (7m to the eaves). The building will be powder coated in Battleship Grey to match the existing buildings on site. The structure will include a composite cladding profile with insulated core to provide the desired acoustic attenuation. The shutter door and personnel doors will also be acoustically clad. This structure will sit on the concrete base supporting the oxygen generation plant consented by application code 18/00919/FUL. The erection of the housing does not require any additional groundworks over and above those consented by application code 18/00919/FUL for the relocation of the oxygen plant.
- 4.9 Drawings T_21_2496 80-102 P1 and T_21_2496 80-103 P1 show what is described as an 'existing lean-to' at the eastern end of the attenuation housing; it is understood that this structure had not been built by the time of the submission of the application, however, it had been consented by application code 18/00919/FUL and it has subsequently been installed. The term 'existing' was used by the applicant on the drawings to make it clear that this structure does not form part of this application. It has been consented previously and thus its construction is lawful. It is understood that the lean-to encloses the electronic control equipment for the oxygen farm. The use of the word 'existing' by the applicant has been cited in representations as an error. While it may have been a poor choice of word, it does serve to differentiate between that consented structure (which is now existing) and the proposed structures within the site.
- 4.10 The second element of the application is for retrospective consent for a retaining wall to the rear of the new location for the oxygen plant. This wall relates to development under the 'C-bays' permission (18/00919/FUL); although there is no consent for the wall under that permission, it forms part of the works that were actually carried out in order to implement that development. The creation of the retaining wall has reduced the need to regrade the ground to the rear of the oxygen plant to provide a stable slope. The retaining wall has therefore reduced ground disturbance to the rear of the oxygen plant and, in my view, represents the least intrusive design solution.
- 4.11 No external lighting is proposed in the submission. However, I consider that it is possible that the applicant will determine that external lighting is required, so I would therefore suggest that, if approved, a suitably worded condition be attached to the consent requiring the submission and approval in writing of any future external lighting schemes associated with the oxygen plant and acoustic attenuation housing.

- 4.12 The application does not meet the criteria to require an Environmental Impact Assessment and, therefore, an Environmental Statement is not included in the application documents.
- 4.13 The site benefits from an Environmental Permit regulated by the Environment Agency. This permit limits the production capacity of the site and operates outside the land use planning system. We must make the assumption that this regulatory regime is operated effectively.

Consultations

- 4.14 **Local Member Councillor Susan Hobson (Derwent Valley)**
No Comment.
- 4.15 **Councillor Roger Shelley (Derbyshire Dales District Council, Darley Dale)**
Supports actions for the reduction of noise from the Ecobat Plant but objects to the proposal as the acoustic assessment is felt to be inadequate, not specifically considering the noise impacts of the plant on the residents of Darley Dale. Councillor Shelley considers that the application should be deferred or refused until a full assessment of noise impacts on Darley Dale has been provided. The application fails to address the cumulative impacts of site expansion and traffic increases over the past 20 years. The full text of Councillor Shelley's representation is included in Appendix 2 below.
- 4.16 **Councillor Laura Mellstrom (Derbyshire Dales District Council, Youlgreave)**
Councillor Mellstrom represents an adjacent ward which is impacted by noise from the Ecobat plant and is concerned that the proposal omits to reference the residents of Warrencarr. The application focuses on noise attenuation but Councillor Mellstrom states that noise is not the only issue that should be considered, other issues should include cumulative impact and lighting. The full text of Councillor Mellstrom's representation is included in Appendix 2 below.
- 4.17 **Derbyshire Dales District Council – Planning**
Permission has been granted in the main for the extension of C-bay and, in doing so, the requirement to move the oxygen generator and tank farm to the location east of the Flue Gas Desulphurisation building. In this case, the application involves enclosing plant approved planning permission in 2018 and then again in 2021. The site has a long-established industrial use. The industrial processes on site are controlled by the Environment Agency and the amount of material that can be processed is capped. This will not change as a result of the

development. On the basis of the above, Derbyshire Dales District Council raise no objection.

4.18 Derbyshire Dales District Council – Environmental Health

No comment.

4.19 Derbyshire Wildlife Trust

No comment.

4.20 Peak District National Park Authority

“Although we do not object to this proposal, the cumulative impact of further site expansion is of concern in the setting of the national park and we would like to be consulted on further applications/proposals for the site. The National Park Authority would welcome any opportunities to strengthen the landscaping around the site.”

4.21 Environment Agency

“We have no objection to the application. We generally support installation of noise attenuation measures. Although cladding with noise attenuation properties is mentioned in the proposal, we would recommend that the operator ensures with their consultants that the cladding is suitable for the frequency ranges likely to be generated. Also, we would recommend that the roof is also suitably insulated to reduce noise propagation.”

4.22 Stanton-in-the-Peak Parish Council

The comments of the Parish Council are publicly available along with the application documents. Issues raised are addressed below.

4.23 South Darley Parish Council

The comments of the Parish Council are publicly available along with the application documents. Issues raised are addressed below.

4.24 Lead Local Flood Authority

No comment received. The site is not identified as being at risk of flooding.

4.25 Conservation Heritage and Design – SLR Consulting Ecology

“Having reviewed the application documentation, including the submission of a Woodland Management Plan that includes management of Clough Woods SSSI, we have no objections in relation to ecology. We recommend the following item be conditioned:

- *Lighting: A condition should be attached which stipulates that no natural habitats should be subject to artificial lighting as a result of the minor alterations, or if lighting is required that may result in light spill*

onto natural habitats, then a suitable lighting scheme should be developed and set out within a Sensitive Lighting Strategy, prepared in accordance with Bat Conservation Trust Guidelines on artificial lighting at night.”

4.26 Conservation Heritage and Design – Landscape

“The applicant previously sought pre-application advice, at which time it was anticipated no significant landscape or visual effects other than the potential for some localised visual impacts for the users of Oldfield Lane.

4.27 As previously stated, the overall proposal is a relatively minor change in relation to the wider site and the design and colour finish of the building are appropriate to context and, as such, will in my opinion result in no significant landscape or visual amenity effects. There are proposals included for the wider management of the woodland estate surrounding the plant site, which is welcomed, and includes the felling of the poplar woodland surrounding the new building and replanting (area 3a on the plan). It is unclear what the replanting would entail although it is suggested that a broader mix of broadleaf trees and understorey shrubs will be planted, which could have a significant effect in increasing and improving the screening value of the woodland at this location on potential users of Oldfield Lane. We could seek clarification of exactly what is being proposed in compartment 3a to perhaps influence the detail of any replanting and ensure that it would maximise future screening of the site.”

Representations

4.28 The application was advertised by site notice on 12 December 2023 and by press notice on 28 December 2023. The Case Officer has met with a representative of Stanton Action for Environmental Renewal (SAFER) and Councillor Mellstrom (Derbyshire Dales District Council, Youlgreave) to discuss the proposal. Ten representations, including those of SAFER, have been received objecting to the proposal on the following grounds:

- **Location**
 - The location of the site is inappropriate.

- **Cumulative Impacts**
 - The application will result in a gain of non-residential floorspace contrary to what is stated on the application form.
 - Cumulative impacts have not been addressed.
 - Several previous planning applications relating to this site have not been referred to.

- Floorspace added to the site since 2018, and a car park extension, have not been referred to.
 - Reference to cumulative impacts in the Design and Access Statement.
 - There have been 10 applications relating to this site over the last 20 years, this is evidence of expansion of operations.
 - The site has increased in size substantially in recent years.
 - Lack of any evidence in the submission of the impact of the proposals in respect of cumulative impact.
 - Ecobat has not made full disclosure of 10 planning applications over the past 20 years.
 - Gradual creep in the size of the existing operation.
- **Air Pollution**
 - Air pollution from Ecobat activities.
 - Pollution from HGVs.
- **Traffic**
 - Increase in HGV traffic and road congestion.
 - Traffic congestion.
 - Impact on highways, needs a comprehensive traffic assessment.
 - More traffic details are required before a decision can be made.
 - Lack of any evidence in the submission of the impact of the proposals in respect traffic.
- **Public Consultation with the Community**
 - Will DCC make a copy of the 2015-2014 woodland management Plan available for public scrutiny (available with the application documents).
 - Will DCC ask that the company engage in public consultation?
 - Can local residents be consulted on future applications?
 - Lack of public consultation by Ecobat with local residents.
 - The application was not widely publicised.
- **Light Pollution**
 - Light Pollution.
 - Lighting and possible light trespass.
- **Biodiversity**
 - Biodiversity information is not provided.
 - The Clough Wood Management Plan is incomplete.
 - There are trees (or were) on the development site.
 - Three trees have blown down near to the site in recent months.
 - Requirement for a tree survey.
 - Biodiversity and geological conservation.

- There is a SSSI near to the site but the applicant has not acknowledged this.
 - The proposal will impact upon the Clough Woods SSSI.
 - No consideration for wildlife or local residents.
 - Next to a SSSI.
 - Inaccurate or incomplete information in respect of consideration of the proposals on the local habitat.
 - The Woodland Management Plan (which ensures some screening of the Site) is not fully completed.
- **Noise**
 - The acoustic barrier created by the woodland surrounding the site is not referenced in the Clough Wood Management Plan.
 - Newly proposed external plant being outside the scope of the noise assessment.
 - The application does not indicate which alternatives have been considered.
 - Will components operating simultaneously impact on sound levels.
 - The Environment Agency suggests that the roof of the enclosure is also clad with acoustic materials, can the County Council request this?
 - The site causes noise disruption.
 - Noise pollution.
 - Uplift in noise over last 18 months with little evidence that concerns about noise are not being acknowledged or resolved. Difficult to believe that this will contain noise and it may compound the issue.
 - No track record of appropriate noise control.
 - No base line assessment of noise at residential properties.
 - The noise assessment was made in 2021 and is therefore out of date.
 - Concern that there will be cumulative noise increase, difficult to judge if noise in Darley Dale will increase as a result of this proposal.
 - The acoustics report does not include an assessment of newly proposed plant. Noise is apparent at Darley Dale (Broadwalk and Greenaway Lane).
- **Water Pollution**
 - Water Pollution from Ecobats activities.
- **Public Health**
 - Must be impacting on public health.
 - Suggesting that consenting to future expansion would mean that the DCC Planning Department was liable for future health issues in surrounding communities.

- **Retrospective Elements**
 - The retrospective element should not be consented.
- **Requirement for a Hazardous Substances Consent**
 - The County Council asked to confirm if oxygen plant requires a Hazardous substance consent.
- **Errors or Omissions in the Application**
 - Inaccurate information in the application.
 - At least one of the drawings is inaccurate/errors on drawings relating to the access/service road/drawings regarding the access road are unclear/contradictory drawings - such as whether the existing access road is to be retained or a new one built?
 - The 'existing' Lean to building is not on site.
 - No details of the retrospective retaining wall.
 - The site is clearly visible from the public road, not 'cannot be seen' as described by the applicant.
 - Application should be invalid as it does not provide all of the information advised in the pre application discussions/not all info requested in the pre application advice has been provided.
 - Errors and missing information in the application, the application should be brought before the planning committee.
 - No Environmental Impact Assessment
 - Application fails to point out that Warrencarr is a residential area.
 - Lack of adequate details regarding size and location of the building and retaining wall.
- **Site of High Public Interest**
 - Ecobat has been designated as a site of High Public Interest by the Environment Agency, but this is not referred to in the application.

4.29 The issues raised in representations will be discussed below.

Planning Considerations

4.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved polices of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) (2005) and the adopted Derbyshire Dales Local Plan.

Policy Considerations

4.31 National Planning Policy Framework

The most relevant paragraphs from the NPPF for this proposal are:

7: The purpose of the planning system.

8: Achieving sustainable development.

11: The presumption in favour of sustainable development.

38-50: Decision-making.

55-56: Planning conditions.

85, 87: Building a strong, competitive economy.

4.32 Derby and Derbyshire Waste Local Plan

W6: Pollution and Related Nuisances.

W7: Landscape and Visual Impacts.

W9: Protection of Other Interests.

4.33 Derbyshire Dales Local Plan

S1: Sustainable Development.

S4: Development in the Countryside.

S7: Matlock/Wirksworth/Darley Dale Development Strategy – Growth of local employment opportunities.

S9: Rural Parishes Development Strategy – Sustainable growth, encouraging growth of local employment opportunities and retention of existing employment provision

PD1: Design and Place Making

PD2: Protecting the Historic Environment

PD3: Biodiversity and the Natural Environment

PD5: Landscape Character

PD6: Trees, Hedgerows and Woodlands

PD9: Pollution Control and Unstable Land

HC19: Accessibility and Transport

EC1: New and Existing Employment Development

Assessment of the Proposal

Location

- 4.34 The location of the proposal is dictated by the location of the previously approved oxygen plant. The attenuation housing cannot usefully be installed in another location. Representations state that the site of the recycling plant is inappropriate by virtue of its rural location, proximity to residential areas and the Peak District National Park, and because access to the site is via narrow roads which were not designed with

heavy traffic in mind. However, it is a matter of historical fact that the site is located at South Darley and, as far as the Waste Planning Authority is aware, it is operating lawfully. The location of the recycling plant, as a whole, is not a matter for consideration as part of this application. I consider that, as the attenuation housing can only be constructed in the proposed location and as noise has been cited as a concern by local residents, the enclosure of the oxygen plant in an acoustic attenuation housing is acceptable and accords with national policy and those of the DDLP and DDWLP.

Cumulative Impacts

- 4.35 Lead smelting and working have been carried out on this site for many decades and lead mining and processing were once commonplace in the area. The site is first shown as a lead smelting works on the 1919 - 1939 OS map. Since this time, a handful of relatively small workshops occupying a small proportion of the site have expanded into a site of nearly 10ha and comprised of many large industrial buildings, offices and ancillary facilities. This expansion has not been planned but has arisen from incremental changes and additions driven by both commercial and regulatory demands. Including an application for Hazardous Substances consent, there have been 10 planning applications over the past 20 years. While the addition of the attenuation housing is a new building on site, the proposal does not include any additional processes and will sit on the plinth formed as part of the consent for the relocated oxygen plant.
- 4.36 Representations have stated that this unplanned and incremental growth of the site, in what has been described as an inappropriate and poorly accessed location, must be addressed through the planning system. The addition of the attenuation housing is another example of incremental growth adding to the cumulative impacts of the site. However, the Conservation Heritage and Design Service of the County Council has stated that the visual impact of the attenuation housing enclosing existing plant will, by virtue of its size, colour and location, be a relatively minor change in relation to the wider site.
- 4.37 I therefore conclude that while the proposal will add a relatively small new building to the site, this will be a minor change to the visual impact of the site and that the benefit of the enclosure of existing plant and the acoustic attenuation provided will outweigh the additional visual impacts and therefore the proposal acceptable and accords with policies W7 of the DDWLP and PD5 of the DDLP.

Landscape and Visual Impact

- 4.38 Previously consented development at the Ecobat site has resulted in the loss of roughly 0.3ha of plantation woodland to the north of the site (part of compartment 3a in the Woodland Management Plan). This has been required to enable the proposed C-bays extension (18/00919/Ful and 21/00500/FUL). The loss of this woodland has opened up views of the site from Oldfield Lane to the north. In addition, the relocation of the oxygen plant has moved it further south and closer to the southern arm of Oldfield Lane (BOAT WD110/46/3) where the plantation woodland is thin and offers little screening. In response to consultation, the Landscape Architect from the Conservation Heritage and Design Service, has stated that *“the overall proposal is a relatively minor change in relation to the wider site and the design and colour finish of the building are appropriate. However, it is recommended that additional planting in compartment 3a of mixed broadleaf trees and understorey shrubs could have a significant effect in increasing the screening value of the woodland”*.
- 4.39 The Woodland Management Plan itself relates to land in the ownership of Ecobat, but not forming part of this application (excepting the losses to compartment 3a consented by 18/00919/FUL). As landscape and woodland planting can be conditioned in relation to land outside the application site, but within the wider land holdings of the applicant, I consider that with the inclusion of a suitably worded landscape condition, the application can be made acceptable in relation to landscape and visual impact and accords with Policy W7 of the DDWLP.
- 4.40 The acoustic enclosure would be in keeping with the scale and appearance with other buildings on the wider Ecobat site and subject to conditions to require approval of landscaping scheme and for materials and colour to be as submitted (Battleship Grey) it is considered that the development would not result in any unacceptable impacts to character or appearance of the area in accordance with Policy W7 of the DDWLP, Policies PD1, PD5 and PD6 of the DDLP and guidance with the NPPF.

Air Pollution

- 4.41 There are no emissions from this proposal, it is an acoustic attenuation housing comprising a portal frame building with acoustic cladding. It is designed to reduce the noise impact of the enclosed plant on the locality and in terms of noise impact, it will not harm the wider environment. The proposed development does not include any processes or emissions (the enclosed plant having been previously permitted by 18/00919/FUL). As there will be no additional traffic generated by the proposal other

than construction vehicles, the air quality impacts of goods vehicle traffic associated with the proposal will be minimal. I therefore consider that in terms of air quality and emissions, the proposal is acceptable and accords with Policy W6 of the DDWLP.

Traffic

- 4.42 It is accepted that traffic generated by the Ecobat site is a concern for the local residents and congestion caused by HGV traffic is not uncommon. Access to the site is from the A6 via the B5057 through Darley Bridge, a route which is narrow, includes several tight bends and passes through residential areas and listed building. However, other than a small number of vehicles associated with the construction of the portal frame building, there will be no additional traffic associated with this proposal. This application is for an acoustic attenuation housing, Once constructed, it will not contribute to further traffic generation as the proposal does not introduce any new plant or processes to the site. Furthermore, it is not considered proportionate to require a full traffic assessment for the consideration of a development that will not result in an increase in traffic. I therefore consider that the short-term impacts of construction traffic are outweighed by the acoustic benefits of the proposal. In terms of traffic generation, I consider the proposal acceptable.

Public Consultation with the Community

- 4.43 While it may be good public relations practice for the applicant to consult local residents, it is not a requirement. The application was advertised by public notices on site, in Darley Bridge, Warrencarr and Stanton Lees, also in the local press and on the County Council's website. Due to the timing of site visits by the Case Officer (which included the placement of site notices) and publication deadlines for the local press, the consultation period exceeded the statutory requirement.
- 4.44 It is usual for a neighbour to be consulted directly as part of the advertising of the application where an application site (red line boundary) abuts the property of that neighbour. In this case, the nearest neighbouring property to the application site boundary is in Darley Bridge, 500m from the application site boundary and, therefore, direct consultation with individual residents was not required.
- 4.45 The Case Officer has been informed that a local liaison group meets periodically at the Ecobat offices. As part of the ongoing development management process, it may be appropriate for the Waste Planning Authority to be represented at these meetings in future.

Light Pollution

- 4.46 The proposed development will not contribute to increased light pollution as no additional lighting is proposed. I consider that, with the inclusion of a suitably worded condition seeking to minimise the impact of lighting and requiring the prior approval of any future lighting scheme associated with the oxygen plant and attenuation housing, the proposal can be made acceptable and accords with policies W7 and W9 of the DDWLP.

Biodiversity and Geodiversity Loss

- 4.47 The application was received before the introduction of the requirement for Biodiversity Net Gain.
- 4.48 There will be no additional biodiversity loss arising from the proposal. All groundworks have been implemented as part of planning consent Code 18/00919/Ful for the relocation of the oxygen plant. The attenuation housing will be located on the concrete slab created for the relocated oxygen plant.
- 4.49 The retrospective retaining wall to the rear of the oxygen plant is, in my view, acceptable. The retaining wall reduces the need to grade the land to the rear of the oxygen plant and therefore reduces the potential footprint of the proposal.
- 4.50 Although the attenuation housing will be sited approximately 100m from Clough Woods SSSI and Cambridge Wood ancient woodland, its impact will be to reduce the noise received from the facility at both the SSSI and ancient woodland. The development itself will enclose the oxygen plant and is to be fixed to the existing and previously consented foundation structure and will therefore introduce no further impacts upon biodiversity or geology.
- 4.51 Derbyshire Wildlife Trust and the Waste Planning Authority's ecological consultants have been consulted and suggested that any consent includes a condition to control any future proposals for external lighting. I consider that the benefit of the noise attenuation of the housing should be considered as betterment, reducing the impacts of the site, as a whole, on the nearby SSSI and ancient woodland, and that the inclusion of a suitably worded lighting condition, would ensure that the proposal can be made acceptable and accords with the policies of the DDWLP and the DDLP.

Noise Pollution

- 4.52 The purpose of the proposal is to reduce the propagation of noise from the enclosed plant. The acoustic data provided with the application

indicates that peak noise will be reduced from around 100dB to 69dB. It is accepted that this will not entirely resolve the impact on the acoustic environment around the site which operates 24 hours a day. However, in my opinion, the provision of the attenuation housing to enclose the oxygen plant should be considered a net benefit and the proposal consented. The proposal accords with Policy W6 of the DDWLP.

Water Pollution and Drainage

- 4.53 Other than the discharge of rainwater/roof-water, there are no trade effluent discharges from the attenuation housing. All discharges from the wider recycling site pass through an on-site effluent treatment plant regulated by an Environmental Permit issued by the Environment Agency. It has been suggested that inadequate information relating to site drainage has been included, however, drawing T/22//2542 55-01 provides all the drainage and ducting information associated with the oxygen plant site. Given that all site drainage is processed by a regulated, on-site water treatment plant and that the only discharge associated with the attenuation housing is roof-water, I consider that in relation to discharges and potential water pollution, the proposal is acceptable and accords with Policy W6 of the DDWLP.

Public Health Issues

- 4.54 There are no public health issues associated with this proposal. Any issues of public health associated with the wider operation of the lead recycling business on this site are not relevant to the proposed attenuation housing. The Environmental Health Officer has raised no objection. I therefore consider that in relation to public health, the proposal is acceptable and accords with Policy W6 of the DDWLP.

Site of High Public Interest

- 4.55 The Ecobat facility has been identified as a 'Site of High Public Interest' by the Environment Agency. This implies that there are potentially grounds for a high level of public interest in the regulation of the operation, but this relates to the processes of lead-acid battery recycling and the impacts that those process may have on the environment and population. The installation of this attenuation housing does not add to those processes, nor does it involve the potential disturbance and mobilisation of ground contamination as it is to be mounted on a pre-existing and consented foundation slab. The Environment Agency has been consulted and has no comments on the proposal in relation to the site's status as a Site of High Public Interest. While it is accepted that the wider recycling site is of High Public Interest, I consider that the provision of the attenuation housing will contribute to the reduction of noise from the site and should be viewed as beneficial in its contribution to noise reduction, I therefore consider that the proposal acceptable.

Retrospective Elements

- 4.56 The retaining wall has been implemented as an unauthorised variation of consent code 18//00919/FUL. It does not represent an unauthorised start to the proposed attenuation housing and, as such, the application form is correct in stating that the development of the attenuation housing had not been started without consent or prior to an application being submitted. Derbyshire Dales District Council has also provided evidence demonstrating that previous consents were started within the timeframe set by those consents. The removal of the retaining wall will require further groundworks and the regrading of land to the rear of the oxygen plant to maintain structural stability of the slope. In my view, the provision of a retaining wall is the most appropriate solution. In the context of the wider site, the retaining wall is insignificant in its visual impact and, given its location to the rear of the attenuation housing, will be largely unseen. I therefore consider that the retrospective approval of the retaining wall is acceptable and accords with the policies of the DDLP and particularly Policy W7 of the DDWLP.

Errors and Omissions in the Application

- 4.57 A number of points have been cited as errors or omissions in representations. These include a lack of drainage information, uncertainty over the status of the access road, a lack of noise survey data for nearby settlements, an absence of traffic flow data, a lack of public consultation, an incomplete Woodland Management Plan and limited assessment of impact on local habitats. In the main, these issues have been addressed in the assessment above, but additional miscellaneous issues are discussed below.
- 4.58 The access road is consented by 18/00919/FUL and its inclusion within the application boundary is required to demonstrate that access to the site is possible.
- 4.59 The application includes information relating the degree of noise attenuation achieved by the housing as a reduction of noise at source. No noise survey data relating to nearby settlements is provided, but any reduction of noise at source should be considered a benefit and will be reflected in a reduction of noise at receptors.
- 4.60 The proposal is for an acoustic housing and, once completed, will not generate any additional traffic. The traffic required to construct a portal frame building of this size (21m long, 14.25m wide and 7.5m to the ridge) will be minimal. The commissioning of a full traffic survey is not considered necessary as the traffic flows generated by the wider site activities, which benefit from planning consent and an environmental permit, are not material to the consideration of the attenuation housing.

- 4.61 The Woodland Management Plan provided is incomplete and vague. However, this application is for an attenuation housing which will sit on a previously consented concrete base. The proposal does not affect the nearby woodland. Issues of screening will be included in a suitably worded condition and the provision of the attenuation housing will reduce the noise impact of the plant on adjacent woodland.

Conclusions

- 4.62 It is accepted that there are many issues associated with the operation of the wider recycling works in this location, close to the boundary of the Peak District National Park, close to Darley Bridge and Warrencarr, and overlooked by Stanton Lees. Access to the site by heavy goods vehicles is poor and local residents have raised concerns regarding traffic, noise, emissions and the cumulative impacts of a history of incremental expansion of the industrial complex. The oxygen plant has been relocated in accordance with planning consent code 18/00919/FUL and the current proposal for the enclosure of the oxygen generators in an acoustic attenuation housing should, in my view, be seen as a benefit for the area through a reduction of noise impacting on residential receptors and nearby habitats.
- 4.63 Work to prepare and construct an access road, relocate the oxygen farm and to clear a section of woodland (part of compartment 3a) already benefit from planning consent code 18/00919/FUL. The impacts of traffic on local roads, emissions to air and discharges to water are not relevant to this application as there are no new processes, emissions or activities proposed. The only additional traffic generation will be during the construction period. Given the size and structure of the attenuation housing, the construction traffic will not add greatly to the existing traffic situation and will be of short duration. The only discharge will be roof-water which will pass through the regulated on-site treatment works before discharge.
- 4.64 All ground works required have already been completed as part of 18/00919/FUL, including the retrospective element of the retaining wall. As a result, there will be no additional mobilisation of any contamination. The retaining wall represents an improvement from the consented scheme under application no. 18/00919/FFUL, as it reduces the need to regrade the slope to the rear of the oxygen farm, thus resulting in a visual improvement.
- 4.65 On cumulative impacts, since it is apparent that the site evolved over many years (starting before the first iteration of the modern planning system with the Town and Country Planning Act 1947) there may have been little prior consideration of how the historic progressive

development of the site would impact on local character and environmental quality. The local community is understandably concerned about the presence of a large lead processing works so close to residential areas, health being one of those concerns. However, the development for consideration under this application provides for an improvement in the quality of the local environment in terms of noise. The proposal being considered is for an acoustic attenuation housing to enclose a previously consented oxygen generation plant. It is designed to reduce the propagation of noise from that plant, at a site where noise is reported as a concern for local residents. Its visual impact has been described by our landscape specialists as a minor change in relation to the existing plant and it will not contribute to emissions or discharges from the site, nor will it contribute to further traffic generation, I therefore consider that the acoustic attenuation benefits of the proposal outweigh the minor visual impact which can be further reduced by the use of suitably worded planning conditions.

5. Implications

- 5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

- 6.1 Application CW3/1123/40 Proposed portal frame housing over oxygen generator area and retrospective retaining wall.
- 6.2 National Planning Policy Frameworks, December 2023.
- 6.3 Derby and Derbyshire Waste Local Plan 2005.
- 6.4 Derbyshire Dales Local Plan 2017.
- 6.5 Representations received.

7. Appendices

- 7.1 Appendix 1 - Implications.
- 7.2 Appendix 2 - Full comments made by Councillors Shelley and Melstrom.

8. Recommendation

That planning permission is **granted** for the development described under application CW3/1123/40 subject to the following conditions:

- 1) The development shall be undertaken in accordance with the details set out in the application CW3/1123/40, dated 20 November 2023, together with the letters and accompanying documents, in particular the following drawings and documents:

T_21_2496 80-101 – Site block plan as existing/proposed
T_21_2496 80-102 - Proposed floor plans
T_21_2496 80-103 - Elevations as proposed
T_21_2496 80-104 - 3D site perspectives as proposed
T_21_2496 80-105 – 3D site elevations as proposed
T/22/2542 55-01 – Drainage and ducting layout
00-GEN-200-004 – Site layout.

Reason: To enable the Waste Planning Authority to monitor the development in the interests of the amenity of the area.

- 2) A scheme for landscaping comprised of additional native tree and shrub planting in compartment 3a identified in the Woodland Management Plan and on land immediately to the south of the attenuation housing, for the purpose of screening the oxygen plant when viewed from Oldfield Lane to the south and also to provide screening when viewed from Oldfield Lane north-east of the site, shall be submitted to and approved in writing by the Waste Planning Authority. Such a scheme shall be submitted within one year of the date of this permission and implemented the following planting season. Losses during the first five years post planting shall be replaced.

Reason: To reduce the impact of views into the site from adjacent Public Rights of Way and in the interests of protection of local amenity.

- 3) The materials to be used in the construction of the external surfaces of the building, hereby permitted, shall be as specified on the application form and approved details. For the avoidance of doubt the buildings are to be finished in profile steel cladding in dark grey (RAL BS 4800:18B25 or RAL810-4) or equal to match existing buildings and structures.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings.

- 4) No new permanent or temporary lighting shall be erected or operated for the illumination of the attenuation housing, except in accordance with a scheme that has been first submitted to and approved in writing by the Waste Planning Authority. Any lighting scheme should be developed and set out within a Sensitive Lighting Strategy, prepared in accordance with Bat Conservation Trust Guidelines on artificial lighting

at night. In the event that it is proposed to erect lighting to illuminate the attenuation housing, then a scheme shall make provision for a three-month period of review to assess the impacts of the lighting on local amenity and to make necessary adjustments to the lighting to reduce light pollution and glare. Details of the adjustment shall be provided to the Waste Planning Authority, the scheme shall then be implemented as approved.

Reason: To ensure the development does not have an adverse effect on neighbouring amenity or ecological interests.

Informative Note:

- 1) The relocation of the oxygen plant to the site of the attenuation housing, which is the subject of this application, may require an application by Ecobat Resources Ltd for Hazardous Substances Consent and subsequent approval by the Waste Planning Authority in consultation with the County Emergency Planning Service.

**Chris Henning
Executive Director - Place**

Implications

Financial

1.1 None.

Legal

2.1 This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority. Any other statutory provisions or legal considerations of particular significance to the determination are referred to in the body of the report.

2.2 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Recommendation.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

5.1 The determination of this application does not raise any equalities impact implications.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.

Local Councillor Comments

Councillor Roger Shelley (Derbyshire Dales District Council, Darley Dale)

Please accept my comments here as an objection, in support of the observations by the SAFER community group. I am not objecting to the principal of installing noise reducing facilities at the Ecobat site (quite the opposite), but like SAFER, I am concerned that there is insufficient evidence supplied to make a full, reasoned assessment of the proposals. My main concerns relate to the cumulative impact of this and previous planning applications, and the County Council's own apparent pre-application advice on this occasion, which draw attention to the need to take into account the effects of the serious of extensions on drainage, traffic and noise over the last 20 years. I consider that it is particularly important to take account of the note in the Red Acoustics report of July 2023, and their statement in their Conclusion that their assessment does not consider the impact of the new proposed plant on noise emissions. This is of special concern to myself as a Darley Dale ward councillor, where my colleagues and I are receiving reports now from local residents of low-level background nuisance noise from the Ecobat plant, even though the locations in question are approximately a mile distant (the Broadwalk and Greenaway Lane areas). If this is the situation at present, then you will appreciate how these concerns could be exacerbated by further cumulative increases in noise. My point is, that it is very difficult to judge this if there is inadequate information in the application about how Darley Dale residents will be affected. For this reason, I am objecting in order to reinforce SAFER's request for a deferral of the application pending further explanation and information.

Councillor Laura Mellstrom (Derbyshire Dales District Council, Youlgreave):

I write as the Derbyshire Dales District Council Member for Youlgreave Ward, which includes the parish of Stanton in Peak, and the communities of Stanton Lees and Warren Carr. Although the application site is not in my ward, I represent the residents most closely situated to it, being the villagers of Warren Carr.

The proposal to provide additional sound attenuation to the existing oxygen generation facility is welcomed, because noise from the Ecobat site is the source of much distress to the residents of Warren Carr. However, the application contains a large number of errors, and omits relevant information which I believe planning officer and committee members would wish to consider before deciding on appropriate conditions to any consent.

I note with concern that the existence of Warren Carr as a residential area is ignored by this Application. The aerial site view at Figure 2.3, page 8 of the

Red Acoustics report identifies only the Western edge of Darley Bridge as “Residential Properties”, ignoring the homes in Warren Carr which lie within the box described as “Forticrete Masoncrete”. This is particularly odd given that the site location address is “Oldfield Lane, Warren Carr”. This is not the first time that the existence of residential properties at Warren Carr, between Forticrete and Ecobat, has been glossed over in planning applications for this site.

I have read and wish to support the representations already filed by Stanton in Peak Parish Council and on behalf of SAFER. I do not repeat here the concerns and questions raised in those letters, but wish to emphasise the importance of ensuring that the highlighted errors and omissions are addressed by the Applicant, before any decision is made on this application, so that local residents can be confident that the Application has received the proper scrutiny.

The focus of the application documents appears to be on noise attenuation – an important matter, but not the only concern here.

The issue of lighting must also be addressed please. The cumulative effect of successive developments of this site over recent decades has been a dramatic increase in lighting levels and intrusive light pollution. The Applicant should be required to address the matter of how the new attenuation building is to be lit, and the cumulative effect of any new lighting on overall light levels at the site, on wildlife and on local residents. I would suggest that the best way to be confident that this, and the other environmental implications of the further development of this site, have been properly investigated, would be to require an Environmental Impact Assessment to be undertaken.

Indeed, you may find it surprising that (perhaps because development at this site has taken place by way of many small, incremental changes) no Environmental Impact Assessment has ever been commissioned. This is the largest single site producer of recycled lead in Europe, a Schedule 1 installation under the Environmental Permitting Regulations, just outside a National Park, which has been designated a Site of High Public Interest, and is right next to an SSSI (also, strangely, not marked on the site plans).

I therefore urge the planning department to require an Environmental Impact Assessment, together with clarification from the Applicant on the numerous significant errors and omissions in the application documents, before allowing this Application to proceed further.

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGUALTORY - PLANNING COMMITTEE

13 May 2024

Report of the Executive Director - Place

**Change of Use of Part of a Commercial Transport Yard to Accommodate an Inert Material Recycling and Storage Facility at Bridgehouse Garage, Sheffield Road, Barlborough, S21 3WA
Applicant: Mr David Johnson
Planning Application Code No. CW5/1023/32**

5.1261.2

1. Introductory Summary

- 1.1 Planning Permission is sought for a change of use of part of an existing transport yard to use for inert waste recycling to produce secondary aggregate and associated temporary storage of waste and secondary aggregate that would be re-used off site and associated minor works.
- 1.2 The area of the transport yard to be utilised for the processing of waste would be cleared and an area close to the north-east boundary set aside for the temporary location of a mobile screener that would be positioned onto site when sufficient material had been imported for recycling. It is anticipated that the screening would be undertaken once a month for approximately two days, with an estimated tonnage of 5,000 tonnes to be screened annually.
- 1.3 The site is within an established transport yard with adjoining industrial building utilised for maintenance of Heavy Goods Vehicles and as a garage with an adjoining fuel filling station. The site is not within a sensitive locality with regard to landscape, heritage, or ecological designations. The site is located within designated countryside, within

the North East Derbyshire Green Belt and in a High Risk area as defined by the Coal Authority.

- 1.4 A screening opinion produced on the change of use development proposed by the application has concluded that it would not constitute 'EIA development' under the Environmental Impact Regulations (EIA) 2017.
- 1.5 Operations at the site would also be controlled through an Environmental Permit as regulated by the Environment Agency.
- 1.6 Whilst representations have been received expressing concerns over potential amenity impacts, I am satisfied that any amenity impacts resulting from the development, as proposed, could be mitigated via imposition of the proposed conditions, with the development to now be limited to an initial period of two years so that the impact of the development can be fully assessed.
- 1.7 All waste management processes at the site would be controlled effectively through the environmental permitting regime, regulated by the Environment Agency.
- 1.8 The application is in accordance with the development plan and national planning guidance and is therefore recommended for approval subject to conditions.

2. Divisions Affected

- 2.1 Barlborough and Clowne.

3. Purpose

- 3.1 To enable the application to be determined by the Regulatory - Planning Committee.

4. Information and Analysis

The Site

- 4.1 The existing transport yard is located to the north-east of the Bridgehouse filling station and garage at Renishaw Hill, between the villages of Renishaw and Barlborough with access off the A6135 Sheffield Road. The application site is a rectangular shaped area covering the eastern half of the enclosed transport yard which comprises a roughly level hard surfaced area.

- 4.2 The application site currently forms part of premises used as a commercial transport and haulage business which corresponds to use class B8 (storage and distribution). The site covers approximately 0.2 hectare (ha) of the current transport yard. The remaining section of the yard, the garage building and the additional access under the applicant's ownership together cover approximately 0.3ha.
- 4.3 The site is bounded to the north and east by solid metal fencing beyond which is open agricultural fields. To the south of the site is a two-storey building which comprises the Bridge House Garage filling station shop and the access onto the A6135 Sheffield Road. To the west is the remaining section of the transport yard which is boarded by 2 metres (m) high boarded wooden fencing and a single storey pitched roof industrial building. Some of the building is used by the applicant in connection with the transport yard for the servicing and repairs of Heavy Goods Vehicles (HGVs). The remainder of it (the eastern half) is utilised by Bridgehouse Garage, with MOT testing bay and vehicle service area.
- 4.5 The nearest residential property to the site is the flat located on the first floor above the filling station shop which is approximately 5m from the site boundary gates. The flat provides staff accommodation and welfare facilities for the filling station workers. There are also two residential properties to the south-west of the site: Bramley House and Green Acres, positioned off the A6135, that are approximately 40m and 80m from the application site boundary.
- 4.6 Existing access to the site is via the A6135 Sheffield Road using the established access on the eastern side of the filling station, and a second access point to the south-west, to the western side of the filling station. Both access points would be shared by traffic for the fuel filling station and garage.
- 4.7 The site is situated within land designated as Green Belt (North-East Derbyshire) and within a High-Risk Area as defined by the Coal Authority and within Flood Zone 1.

Proposed Development

- 4.8 This application proposes the change of use of the application site to be used for the temporary inert waste recycling to produce secondary aggregate and associated storage of waste and secondary aggregate that would be re-used off site.
- 4.9 To facilitate the proposed change of use to use for processing of waste, the site would be cleared of existing vehicles and machinery, and an

area close to the north-east boundary would be set aside for the temporary location of a mobile screener that would be used when sufficient material had been imported onto the site for recycling. It is anticipated that the screening would be undertaken once a month for approximately two days, with an estimated tonnage of 5,000 tonnes to be screened annually.

- 4.10 The waste materials to be screened on site would comprise inert excavated stone, rock and soils, arising from one of the applicant's businesses which involves the removal of excavated materials from household developments including excavations for driveways, foundations for houses/extensions, drainage and services. It is advised that the waste materials to be imported onto the site, would only be by the applicant's company vehicles.
- 4.11 It is envisaged that the inert waste materials delivered to site would be unloaded and then, depending on the type of material, transferred by loading shovel to storage bays, with material to be screened to be stored separately. The material to be screened would be processed by a mobile screen (Keestrack K3 Screen) that operates at low speeds and reduces materials down to various consistencies that would be suitable for reuse within the construction industry.
- 4.12 it is proposed that whilst the site is in operation, the following items of mobile plant would be also utilised on site (temporarily during screening): a JCB L150 to load the screener and a JCB L150 with screening bucket.
- 4.13 For the storage and stockpiling of the materials (before and after processing) it is proposed that bays would be constructed with pre-cast concrete interlocking blocks along the eastern boundary up to a height of 1.8m.
- 4.14 Access to the site would be via the established access point from the A6135 Sheffield Road. It is estimated that approximately 6 to 8 HGVs would deliver and remove materials from the site per day, generating 12 to 16 vehicle movements.
- 4.15 Site operations are proposed to be undertaken during the following working hours: 0800 hours to 1700 hours on weekdays, and 0800 hours to 1200 hours on Saturdays with no operations to take place on any Saturday afternoons, Sundays or Bank Holidays. In respect of the screening operations, these are proposed to be undertaken between 1100 hours to 1300 hours on weekdays only. No lighting installation is

proposed because the use of the site during the winter months would be typically limited to daylight hours.

- 4.16 All current vehicle parking places would be retained, with parking provision to be available for site staff, contractors and site visitors, with the existing vehicle access and manoeuvring spaces unaffected by the proposed development.

Consultations

Local Member

- 4.17 Councillor Hoy (Barlborough and Clowne) has been notified.

Bolsover District Council – Planning

- 4.18 No objections to the proposal.

Bolsover District Council – Environmental Health Officer

- 4.19 The Environmental Health Officer (EHO) was consulted and provided the following draft conditions and Noise Management Plan:

“1. A temporary planning permission for an initial term of two years (the two calendar year term to commence from the introduction and commencement on the application site of the screening operations: (The Waste Planning Authority shall be given 7 days prior notice of this date in writing).

2. The erection of acoustic fencing (fencing details including type, height, design and location) to be agreed in writing with the Waste Planning Authority (in consultation with the Environmental Health Officer), prior to any screening operations being implemented.

3. Restriction of hours of operation (screening operations only) to weekdays only and only between the hours 10am until 3pm

4. The submission of a site noise management plan to be agreed and subsequently approved in writing by the Waste Planning Authority (in consultation with the Environmental Health Officer).

5. The submission of a list of all screening and associated equipment to be used in the screening operations on the site

6. Plan showing location of screening equipment when in use on the site.

Reason: To enable the Waste Planning Authority to review the development and in the interests of protection of residential amenity.”

Barlborough Parish Council

- 4.20 Barlborough Parish Council has been consulted and has not provided a response.

Highway Authority

- 4.21 Derbyshire County Council, in its statutory role as Highway Authority, has no objections.

Public Rights of Way

- 4.22 The Council's Public Rights of Way Section has raised no objections.

Lead Local Flood Team

- 4.23 The Lead Local Flood Team raised no objections.

Environment Agency

- 4.24 The Environment Agency (EA) has no comments to make on this application.

The Coal Authority

- 4.25 The Coal Authority has been consulted and has not provided a response.

Derbyshire Wildlife Trust

- 4.26 The Derbyshire Wildlife Trust (DWT) has been consulted and has provided the following comments:

"I have reviewed the proposed development site in relation to biodiversity datasets held by DWT and the Derbyshire Local Records Centre. We are not aware of any features of nature conservation value including designations, habitats and species directly associated with this site. The wider locality does support a range of protected species, but there are no records within 400m of the site. There is an ancient woodland 340m to the north, but I would not expect the proposed change of use likely to affect the ancient woodland or its flora and fauna. The nearest non-statutory Local Wildlife Site is 140m to the south-west and impacts on this site are very unlikely.

I have reviewed the letter from Estrada Ecology and the Design and Access Statement and seen the photographs included as part of these documents. The current biodiversity value of the site is negligible as there are no habitats present. There could be minor indirect impacts on the land immediately adjacent, but as the site is already in use these are probably not going to be significantly different to current levels of disturbance. Measures for dust control should be secured as this will reduce any deposition on nearby vegetation.

No further surveys are thought to be necessary, but the Council is advised that if it wants to secure a biodiversity net gain the following condition could be attached:

Biodiversity Enhancement

Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- external bat box x 2*
- external bird box x 2”*

National Grid (National Network)

4.27 National Grid has been consulted and has not provided a response.

National Grid (Network Service East Midlands/Distribution)

4.28 National Grid East Midland has been consulted and has provided the following comments:

“Our records show there is a Low Voltage overhead line in the vicinity, which may impact your works.

Prior to any proposed works or excavations NGED should be consulted for a copy of the latest network records. Consideration should also be given should any excavation works be required. Your attention is drawn to the Health and Safety Executive (HSE) documents HSG (47) Avoiding Danger from underground services and GS6 – Avoidance of Danger from Overhead lines. Further documentation can be found on the NGED website. Should you require a diversion of any NGED apparatus, this will need to be applied for at nged.newsuppliesmids@nationalgrid.co.uk”

Cadent Gas Limited

4.29 Cadent Gas Limited has been consulted and has not provided a response.

Seven Trent Water

4.30 Seven Trent Water has been consulted and has not provided a response.

Yorkshire Water

4.31 Yorkshire Water has been consulted and has not provided a response.

Publicity

4.32 The application has been advertised by site notices and a press notice, in the Derbyshire Times on the 7 December 2023 with a request for comments by 31 December 2023.

4.33 Three Representations have been received, objecting to the proposed development, and raising the following concerns:

- Close proximity to residential properties.
- Noise and Dust emissions from the screening operations.
- Highway impacts
- Impact on local wildlife and ecology
- Noise emission from the transportation and delivery of waste.
- Depreciation of residential property values.
- Location being within the Green Belt and not suitable for a waste facility.
- Impact on adjoining fields

4.34 The concerns, where they raise material planning considerations, are addressed below. A change in the value of property is not generally regarded as being a material planning consideration.

Planning Considerations

4.35 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved policies of the adopted Derby and Derbyshire Waste Local Plan (DDWLP) (2005), , and the Bolsover District Local Plan (BDLP) (2020).

4.36 Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (revised 2023), the associated Planning Practice Guidance (PPG), Waste Management Plan for England (WMPE) (2021), Resources and Waste Strategy (2018) and the National Planning Policy for Waste (NPPW) (2014). The application site is within the Parish of Barlborough and is not covered by a Neighbourhood Plan.

4.37 The main relevant development plan policies to be considered when considering this proposal application are set out below:

Saved Policies of the Derby and Derbyshire Waste Local Plan (2005)

W1b: Need for the Development.

W2: Transport principles.

W3c: Other development in Green Belts.

W5: Identified interest of Environmental Importance.

W6: Pollution and Related Nuisances.
W7: Landscape and Other Visual Impacts.
W8: Impact of the Transport of Waste.
W9: Protection of Other Interests.
W10: Cumulative Impact.

Emerging Derbyshire and Derby Minerals Local Plan

SP3: Supply of Secondary and Recycled Aggregates

Bolsover District Local Plan (2020)

SS1: Sustainable Development Policy.
SS9: Development in the Countryside.
SS10: Development in the Green Belt.
SC5: Change of Use and Conversions in the Countryside.
SC8: Landscape Character.
SC9: Biodiversity and Geodiversity.
SC11: Environmental Quality (Amenity).
ITCR11: Parking provision.

National Planning Policy Framework (revised 2023)

The NPPF sets out the Government's key economic, social, and environmental objectives, and the planning policies designed to deliver them. The NPPF is a material consideration in planning decisions. The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant.

The paragraphs from the NPPF that are most relevant for this proposed development are contained in:

Chapter 2: Achieving sustainable development.
Chapter 4: Decision-making.
Chapter 6: Building a strong, competitive economy.
Chapter 9: Promoting Sustainable Transport.
Chapter 13: Protecting Green Belt land.
Chapter 15: Conserving and enhancing the natural environment.

Waste Management Plan for England (January 2021)

The WMPE sets out the Government's intention to secure greater reuse and recycling rates across all waste streams, moving waste up the hierarchy. The plan recognises that to achieve the goals of increased reuse and recycling, there is a need to increase the provision of waste recycling facilities, (particularly but not exclusively those catering for the recycling and preparation of domestic waste for reuse and recovery).

National Planning Policy for Waste (2014)

The NPPW sets out detailed waste planning policies. The NPPW should be read in conjunction with the revised NPPF and the WMPE. All local planning authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management. The NPPW identifies that *'Positive planning plays a pivotal role in delivering this country's waste ambitions through: ... helping to secure the re-use, recovery, or disposal of waste without endangering human health and without harming the environment'*. The NPPW also emphasises the need to divert as much waste as possible away from landfill. In order to achieve this, the movement of waste up through the waste hierarchy is essential.

The Need for and Principle of Development

- 4.38 As the WMPE states, in England the waste hierarchy is both a guide to sustainable waste management and a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. The hierarchy gives top priority to waste prevention, followed by preparing for re-use, then recycling, then other types of recovery (including energy from waste) and, last of all, disposal (e.g. landfill).
- 4.39 PPG similarly supports the priority in driving waste up the hierarchy. Paragraph 7 of the NPPW states that, *"when determining waste planning applications, waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need."*
- 4.40 At a local level, saved Policy W1b of the DDWLP presumes in favour of planning permission where a proposed development caters for the needs of the local area, in terms of quantity, variety and quality, as part of an integrated approach to waste management.
- 4.41 The proposed change of use of a section of the existing transport yard to be used for the temporary inert waste recycling to produce secondary aggregate and associated storage of waste and materials, would facilitate the diversion of from landfill of waste that is generated from the applicant's ground works business that cannot currently be reused without further processing.
- 4.42 The processing of waste on site would be limited to the temporary mobile screening of stockpiled material once a month for a two-day period with a relatively small amount of waste 5,000 tons to be

processed annually with all the material to be processed generated by the applicant's companies.

- 4.43 This proposal would produce secondary and recycled aggregates, with benefits from maximising their use that are two-fold. Firstly, the use of these aggregates reduces the need to extract primary material in the first instance, leading to a reduction in the need for new quarries. Secondly, the re-use of material reduces the amount of waste that needs to be disposed of, thereby reducing the need for landfill sites. Such a reduction in the need for quarry and landfill sites has clear environmental and social benefits.
- 4.44 The proposed production of secondary aggregates would have some positive impact on the Council's recorded levels of recycled aggregates and could result some reduction of aggregate land-won sand and gravel requirements. In this respect, the proposal would facilitate the sustainable use of minerals in accordance with both Policy SP3 of the emerging DDMLP and National Guidance. Significant positive weight is attributed to this.
- 4.45 I am satisfied that the need for the development has been demonstrated, that the development would assist with diverting waste from landfill and in meeting local demand for secondary aggregates and that the proposal accords generally with the policies identified above. The acceptability of the development in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:
- Noise, Dust and Air Quality, and Odour Impacts
 - Highway Impacts
 - Landscape and Visual Impacts
 - Ecology
 - Ground Conditions and Pollution
 - Development in the Countryside
 - Development in the Green Belt

Noise, Dust and Air Quality Impacts

- 4.46 Policy SC11: Environmental Quality (Amenity) of the BDLP, policies W6: Pollution and Related Nuisances and W10: Cumulative Impact of the DDWLP, Section 15 of the NPPF: Conserving and Enhancing the Natural Environment and Appendix B of the NPPW are the relevant policies to assess the amenity impact of the proposed development.
- 4.47 Policy SC11 of the BDLP requires that development likely to cause loss of amenity as a result of noise, dust, odour or vibration, must be

supported by relevant assessments with appropriate mitigations to be put in place and requires the applicant to demonstrate that there would not be significant loss to the amenity as a result of the operation of the development.

- 4.48 Policy W6: Pollution and Related Nuisances of the DDWLP, states “*that waste development will be permitted only if the development would not result in material harm caused by contamination, pollution or other adverse environmental or health effects.*”
- 4.49 Policy W10: Cumulative Impact of the DDWLP, seeks to assess proposals for waste development in light of cumulative impact which they and other developments would impose on local communities, concurrently or successively. This policy presumes in favour of waste development where there is no significant and detrimental impact on the environment of those communities.
- 4.50 Paragraph 180 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia “*e) 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.....*”
- 4.51 Paragraph 194 of the NPPF states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where they are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
- 4.52 Appendix B of the NPPW is concerned with general environmental impacts from waste development, which require consideration including noise, odour and air/dust impacts.

Noise

- 4.53 The application includes a noise impact assessment that has been considered by the EA and EHO.
- 4.54 The noise assessment indicates the likely noise impacts of the proposed waste processing operations on the closest noise sensitive receptors. It concluded that noise from site operations and the operation of a screening bucket would be at, or above the existing background noise levels but below the adverse impact level, in accordance with BS 4142 at the closest noise sensitive receptors.

4.55 The EA raised no concerns with regard to either noise impacts or any other considerations.

4.56 The EHO initially raised the following concern with the noise impact assessment:

"I have concerns in regards the potential amenity impacts from noise arising from the proposed operations of the crushing and screening device and associated plant. The noise report concludes that the impacts will be marginally below that defined using the BS4142 rating method 'adverse' impact. The report does not in my opinion consider the uncertainty that exists in the assessment process sufficiently, and as a result it is possible that were this assessment to fully account for uncertainty the impacts could be significant and adverse.

I have outlined my concerns below, and would appreciate further consideration of these items by the applicant prior to finalising my comments;

- 1. Crusher/screener and excavator operations are highly variable noise sources, depending upon the equipment set up, operator behaviour and the nature of the material being handled/crushed. Consideration of the uncertainty this introduces is requested.*
- 2. The property distances (gardens) appear much closer than that quoted in table 2.*
- 3. Garden amenity noise levels in 2.13 reference a standard that relates to anonymous noise.*
- 4. Effectiveness of barrier – please confirm what relative heights have been assumed of noise source and noise receiver.*
- 5. The noise report section 4.4 states that no acoustic correction has been applied as the noise from operations on site will not differ significantly for the current situation. Operations of the screening device will be intermittent and include percussive noises from the excavator handling and loading material, this will create maximum noise levels that will be clearly audible at neighbouring receptors. Acoustic correction should be included as the new noise source will be incongruous with its surroundings."*

4.57 Following this initial concern regarding of the noise assessment report, a revised noise impact assessment was submitted, along with a response to the points raised by the EHO, from the applicant's noise consultant. The EHO subsequently revised its comments but still raised the following concerns:

“Further to the additional information submitted in regards my queries in regards noise, my further response is provided below to each point

- 1. Unless a condition can be agreed limiting crusher make, model and material to be crushed then the assessment is not sufficiently robust. The following variables will impact on noise levels: Materials being crushed (rock, concrete), manner of loading, type of crusher, make of crusher, orientation of crusher and maintenance.*
- 2. The BS4142 standard includes worked examples where assessments of garden impacts are included. Please provide further clarification.*
- 3. Noted.*
- 4. Noted.*
- 5. Impulsivity will also be a feature of loading and crushing and should be accounted for given the relative proximity of the proposed operations.”*

4.58 To address the outstanding concerns raised by the EHO, the agent for the application suggested conditions including limiting this permission to an initial two-year period, requiring the erection acoustic fencing, restricting the hours of the screening operations, and requiring the submission of a site noise management plan.

4.59 The EHO subsequently confirmed that:

“On the basis of the conditions outlined below, which include a temporary permission, I am satisfied that my concerns are adequately addressed. The draft conditions/noise management plan we have agreed is provided below for your consideration.

- 1. A temporary planning permission for an initial term of two years (the two calendar year term to commence from the introduction and commencement on the application site of the screening operations: (The Waste Planning Authority shall be given 7 days prior notice of this date in writing)*
- 2. The erection of acoustic fencing (fencing details including type, height, design and location) to be agreed in writing with the Waste Planning Authority (in consultation with the Environmental Health Officer), prior to any screening operations being implemented.*
- 3. Restriction of hours of operation (screening operations only) to weekdays only and only between the hours 10am until 3pm*
- 4. The submission of a site noise management plan to be agreed and subsequently approved in writing by the Waste Planning Authority (in consultation with the Environmental Health Officer).*
- 5. The submission of a list of all screening and associated equipment to be used in the screening operations on the site.*

6. Plan showing location of screening equipment when in use on the site

Reason: To enable the Waste Planning Authority to review the development and in the interests of protection of residential amenity.”

- 4.60 The expressions of concern regarding noise impacts in the other representations received are acknowledged. Whilst the recycling process, as proposed, would create some additional noise above the base level, in view of the EHO comments, this could be successfully mitigated through the restriction in the hours of operation and the inclusion of a noise reduction measure and the provision of a Site Noise Management Plan to be agreed, with the two-year temporary permission proposed to demonstrate the sustainability of the proposed waste processing facility in this location.
- 4.61 Subject to the inclusion of conditions providing a consented period for the new use of two years, restricting the hours of waste processing operations, requiring the submission of a Noise Management Plan and associated information, I am satisfied that granting permission for the development, as proposed, would be unlikely to result in any unacceptable and significant impacts in respect of noise emissions.
- 4.62 The application is therefore considered to be in accordance with policies SC11 of the BDLP, W5 and W6 of the DDWLP, Chapter 15 of the NPPF and Appendix B of the NPPW.

Dust and Air Quality

- 4.63 The application includes a dust and air quality impact assessment that has been considered by the EA and EHO.
- 4.64 The dust and air quality assessments indicate that the potential dust impact on the closest dust sensitive receptors, the filling station flat and residential properties to the south-west, would be limited. The report considered that, in respect to potential dust impacts, a more detailed assessment would not, in this instance, be required.
- 4.65 The report sets out dust mitigation measures within Appendix C to be complied with to minimise dust impacts from this low to medium risk development. Dust management measures are also set out within the Design and Access Statement and these have been conditioned to ensure that dust control measures are put in place for this development.
- 4.66 In respect to air quality, the report details that the predicted pollution concentrations for Nitrogen Dioxide and Particular Matter were well below the annual mean levels for each pollutant. The site would fall

below the criteria for the submission of air quality assessment and given the low predicted pollution concentrations, would not have a significant impact on air quality.

4.67 The EA raised no concerns in respect of dust or air quality impacts.

4.68 The EHO has raised no concerns in respect of dust or air quality impacts.

4.69 The expressions of concern regarding potential dust impacts within the representations received following publicity are acknowledged. In view of the EA and EHO responses, I consider that any dust impacts could be successfully mitigated through the mitigation measures set out in Appendix C of the Dust and Air Quality report and in the Design and Access Statement, which can be required by condition. With a condition limiting the new use as a waste processing facility use to two-years, if there were, however, reports to and observations by the Council of any noticeable impacts on local amenity from the site following commencement, then they could be relevant for determining any application yet to be made for permission to continue the use beyond that period.

4.70 I am satisfied that the development, as proposed and subject to appropriate conditions as outlined, would be unlikely to result in any unacceptable and significant impacts in respect to dust emissions or impact on air quality. The application is therefore considered to be in accordance with policies SC11 of the BDLP, W5 and W6 of the DDWLP, Chapter 15 of the NPPF and Appendix B of the NPPW.

Odour

4.71 The application details that the site would only process relatively small quantities of dry odourless inert materials comprising stones, soils and naturally excavated materials that are considered would not give rise to any odours.

4.72 Given that odours would be effectively controlled through an Environmental Permit that would need to be issued for the waste processing operation from the EA and, given the EHO and EA have raised no concerns regarding the significance of potential odour emissions, I do not consider it necessary to require conditions to control odour at the site.

4.73 It is therefore considered that, in regard to potential odour impact issues, the application would be in accordance with policies SC11 of the

BDLP, W5 and W6 of the DDWLP, Chapter 15 of the NPPF and Appendix B of the NPPW.

Highway Impacts

- 4.74 Policy ITCR10: Supporting Sustainable Transport Matters of the BDLP, policies W2: Transport Principles and W8: Impact of the Transportation of Waste of the DDWLP and paragraphs 115 of the NPPF are the relevant policies to assess the impact the development may have on the public highway.
- 4.75 Policy ITCR10 of the BDLP requires all development proposals, which are likely to have significant amounts of movements, need to be supported by either a Transport Statement or Transport Assessment to understand the impact on the existing transport network and a Travel Plan in order to demonstrate how these impacts would be mitigated by prioritising the use of sustainable transport modes.
- 4.76 Policy W2 of the DDWLP states that waste developments, which would likely result in overall significant increase in the number or distance of waste related journeys for people, materials or waste, or would not provide or utilise a choice of transport modes for people, materials or waste, would not be permitted.
- 4.77 Policy W8 of the DDWLP states that waste development will only be permitted if methods and routes of waste transport will not cause significant disturbance to the environment, people or communities, the transport network is adequate to accommodate the traffic which would be generated, and the proposed access arrangements and the impact of the traffic generated would not be detrimental to road safety.
- 4.78 Paragraph 115 of the NPPF states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.79 The proposal is considered to be a small-scale operation which would only generate a limited number of vehicle movements per day, with the applicant estimating that it would be up to 16 two-way trips per day.
- 4.80 The site is presently used as a haulage yard used by large vehicles with unrestricted movement pattern. The proposed change of use would lead to a reduction in trip generation terms from and to this site.
- 4.81 The existing access would be unaffected by the proposed change of use and is shared with the service station. The Highways Authority has

confirmed that the access has very good levels of visibility and there are no recorded accidents associated with this access.

- 4.82 The Council as Local Highway Authority does not consider that the application would have an adverse impact on the capacity or safety of the highway network. Given the physical constraints and current level of activity at the access, it does not consider that it would be proportionate to require to control the proposed development and have no highways objection to the proposed development.
- 4.83 I am satisfied that the proposal would not cause any significant disturbance in respect of traffic or highway safety impacts. The application is considered to accord with policies ITCR10 of the BDLP, W2 and W8 of the DDWLP, and the NPPF.

Landscape and Visual Impacts

- 4.84 Policy SC8: Landscape Character of the BDLP and paragraph 135 of the NPPF are the relevant policies to assess the development's impact on the landscape character of the area.
- 4.85 Policy SC8 states that new developments will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views unless the benefits of the development clearly outweigh the impacts. Developments should contribute, where appropriate, to the conservation and enhancement of the local landscape.
- 4.86 Paragraph 135 of the NPPF states that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
- 4.87 The new use of the application site would occupy a section of a commercial transport and haulage yard that forms part of a wider business complex including transport garages and filling station, positioned to the north of the A6135 Sheffield Road in the countryside between the villages of Renishaw and Barlborough.
- 4.88 The views of the site from the wider countryside are limited by the existing boundary fencing and boundary hedgerow, with the site being set back from the road, further limiting views into the site.
- 4.89 The proposed stockpiling of waste and processed materials would be within bays, with materials stored up to a height of between 1.5m and 1.8m below the height of the existing boundary fencing and the use is

unlikely to have any impact on the landscape than the current use as a transport yard.

- 4.90 The nearest residential properties positioned immediately to the west of the garage do not appear to have a clear view of the site and any view would be within the context of the existing filling station and garage workshops.
- 4.91 I am satisfied that, subject to a condition to restrict stockpile heights, the development would not have any unacceptable landscape or visual amenity effects and consider that the development would comply with the requirements of Policy SC8 of the BDLP and the NPPF.

Ecology

- 4.92 Policy SC9: Biodiversity and Geodiversity of the adopted BDLP, Policy W5: Identified Interest of Environmental Importance of the DDWLP and paragraphs 180 and 186 of the NPPF are the relevant policies to assess the impact of the development on ecology.
- 4.93 Policy SS9 states that development proposals should seek to conserve and enhance biodiversity and provide net gains where possible. Proposals must include proportionate information to enable a proper assessment of the implications for biodiversity, with development proposals supported where significant harm to biodiversity, resulting from the development, can be avoided or adequately mitigated.
- 4.94 Policy W5 of the DDWLP states that proposals for waste development, which might affect identified interests of environmental importance, will be assessed in light of the level of protection merited by the character and status of the interests and the likely impact of the development on the interests. Waste development will be permitted only if, in the context of the assessment, the development would not materially harm the identified interests.
- 4.95 Paragraph 180 of the NPPF states that decisions should contribute to and enhance the natural or local environment by minimising impacts on and providing net gains for biodiversity.
- 4.96 Paragraph 186 of the NPPF states that in determining an application, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 4.97 The Ecological Statement indicated that a Biodiversity Net Gain (BNG) assessment may not be appropriate for the site as the baseline

collected scored 0 units, with the site being dominated by hardstanding and no mappable form of vegetation being present within the site, which could increase the baseline assessment and, with the site to be retained in its current form, any on site provision would be unviable, given the movements and storage of materials within the site.

- 4.98 The statement, based on these findings, deemed that the site may benefit from the implementation of a Biodiversity Enhancement Plan to incorporate ecological enhancements.
- 4.99 Acting on behalf of the Council, DWT confirmed that the development is unlikely to impact on any sensitive designated sites in the vicinity of the development. It considers that the biodiversity value of the site is negligible with no habitats present, although there could be minor indirect impacts on the adjoining land, but as the site is already in use as a transport yard, these would not be significantly different to the current levels of disturbance, with dust control measures set out put in place to prevent any deposition on nearby vegetation.
- 4.100 DWT has advised that no further surveys would be necessary but has recommended a condition to secure a BNG through the submission of a Biodiversity Enhancement Plan.
- 4.101 I therefore consider that, subject to the inclusion of a condition requiring the submission of a Biodiversity Enhancement Plan, the proposal would be acceptable in terms of ecology impacts, and I am satisfied that the development would accord with the requirements of Policy SC9 of the BDLP, Policy W5 of the DDWLP and the NPPF.

Ground Conditions and Pollution

- 4.102 Policy SC14: Contaminated and Unstable Land of the adopted BDLP and paragraphs 189 and 190 of the NPPF are the relevant policies to assess the risk to the development from land instability and contamination.
- 4.103 Policy SC14 of the BDLP states that development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure the site is suitable for the proposed use and does not result in unacceptable risks that would adversely impact on human health and the built and natural environment, with proposals demonstrating that they will not cause the site, or the surrounding environment, to become contaminated and/or unstable.

- 4.104 The policy notes that, where necessary, developers will be required to carry out further investigations and undertake any necessary remediation measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development.
- 4.105 Paragraph 183 of the NPPF requires that decisions should ensure that a site is suitable for its proposed use, taking into consideration ground conditions and risks arising from land instability and contamination, including risks from natural hazards or former activities, such as mining and any proposals for mitigation. It requires that adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 4.106 Paragraph 184 of the NPPF notes that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 4.107 The existing transport yard is located within a development high risk area as defined by the CA and development within high-risk areas would normally necessitate the submission of a coal mining risk assessment for the proposed development. However, in this instance, as no ground disturbance or ground works are proposed as part of this development, the CA, at pre-application stage, noted that a coal mining risk assessment would not be required for the development proposed.
- 4.108 In view of the CA's previous comments and the absence of any further comments having been received from the CA through the formal consultation stage in respect to this application, I am satisfied that the development would be compliant with Policy SC14 of the adopted BDLP and the NPPF.

Development in the Countryside

- 4.109 Policy SS9: Development in the Countryside of the adopted BDLP and Paragraph 89 of the NPPF are the relevant policies to assess the impact of the development on the countryside.
- 4.110 Policy SS9 states that development proposals in the countryside, outside development envelopes, will only be granted planning permission where it can be demonstrated that they fall within one of the categories listed in the policy.
- 4.111 In this instance, I consider that category (a) listed within the policy, would be relevant to the proposed development. Category (a) includes a change of use or the re-use of previously developed land, provided that the proposed use is sustainable and appropriate to the location.

The policy states that where development is considered acceptable, it will be required to respect the form, scale and character of the landscape, through careful location, design, and use of materials.

- 4.112 Paragraph 89 of the NPPF states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.
- 4.113 Whilst the site is within the countryside, it is positioned within an industrialised and commercial hub that has operated with HGVs entering and leaving the site, together with the adjoining industrial building containing workshops, a MOT garage and the filling station that operates on a 24-hour basis.
- 4.114 The application area is currently part of a transport yard and this and the wider premises have been used continually as an HGV transport and vehicle repair yard for the last 40 or more years. This development would change the use of approximately half of the yard to be utilised for the inert waste recycling and temporary storage of material.
- 4.115 The proposed new use of the previously developed transport yard as a waste treatment facility and for the temporary storage of materials, would have a limited impact on the countryside surrounding the development with the development effectively screened from view by the existing boundary fences.
- 4.116 The development would be a relatively small-scale waste operation, processing approximately 5,000 tonnes on material each year with all the material sourced from the applicant's family business that undertakes various ground works. The development would enable the re-use of materials processed in construction projects.
- 4.117 I consider that the development proposed would utilise previously developed land within the countryside and the proposed waste use is sustainable and appropriate for the locality. The development would meet the needs of a local business and would not have an unacceptable impact on the local road network.

4.118 I am, therefore, satisfied that the principle of the proposed waste facility would be acceptable in this location and that the development would comply with the requirements of Policy SS9 and the NPPF in this regard.

Development in the Green Belt

4.119 Policy SS10: Development in the Green Belt of the BDLP, Policy W3c: Other Developments in Green Belt of the DDWLP and paragraphs 142, 143, 153 and 155 of the NPPF are the relevant policies to assess the impact of the development on the Green Belt.

4.120 Policy SS10 of the BDLP states that the main purposes of the North East Derbyshire Green Belt are supported and shall be maintained with the openness of the land within the Green Belt to be preserved. Certain forms of development may not be inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it.

4.121 Policy W3c of the DDWLP states that the other forms of waste development in Green Belt will not be permitted unless the development would provide small-scale, essential facilities for the maintenance or improvement of waste management facilities, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it.

4.122 Paragraph 142 of the NPPF notes that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belt and their openness and their performance.

4.123 Paragraph 143 of the NPPF sets out the five purposes of the Green Belt as:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.124 Paragraph 153 of the NPPF requires that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, be reason of appropriateness and any other

harm resulting from the proposal, is clearly outweighed by other considerations.

- 4.125 Paragraph 155 of the NPPF states that other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the material change in the use of land.
- 4.126 The proposed change of use of the transport yard, to be used for a waste processing and storage facility, would not require any additional buildings or permanent structures to be erected within the application area that would impact on the openness of the site.
- 4.127 In respect to the scale of the waste processing operation, this would be a relatively small-scale facility with the stockpiled waste, processed materials and other materials to be stored in bays at a height of between 1.5m and 1.8m, well below the existing boundary fencing.
- 4.128 The site is screened from the main viewpoints by the existing boundary fencing and hedgerows that surround the site, and the screening equipment proposed to be utilised on site would only be on site for temporary periods of time.
- 4.129 Subject to a condition to restrict the height of stockpiles to no more than 1.8m, the development would not lead to any significant alterations to the existing appearance of the transport yard from outside of the site and would adequately preserve openness. The development would therefore be considered to not represent an inappropriate form of development in the Green Belt and would comply with the requirements of policies SS10 of the BDLP, W3c of the DDWLP and the NPPF in this respect.

Conclusion

- 4.130 The development sought in this application would, by the production of secondary aggregates, assist the continuation of the operation on this site, moving waste up the waste hierarchy by diverting waste from landfill and accords with waste management objectives set out in national and local planning policies. Significant positive weight is given to these benefits. It is also considered that the facility would provide employment opportunities bringing social and economic benefits and further positive weight is attributed to this benefit.
- 4.131 In view of the small-scale of the waste operations, that the development proposed would utilise previously developed land and would not have an unacceptable impact on the local road network, the principle of the

proposed waste facility in the countryside outside development envelopes is considered acceptable in this location in accordance with both local and national policy.

4.132 Considering the scale and appearance of the proposed development, the change of use, subject to condition to restrict the height of any stockpiles, would not represent an inappropriate form of development in the Green Belt.

4.133 Consideration has been given to the potential impacts of the development which include the noise and dust impacts, highway impacts, landscape and visual impacts, ecological impacts, ground stability and impacts on countryside. Subject to the inclusion of the conditions that have been set out below, I can conclude that these are acceptable, or can be satisfactorily mitigated, and that the development is in accordance with national and local planning policy in this respect. The absence of harm in these respects is neutral in the overall planning balance.

4.134 Taking into account all material considerations and subject to the proposed mitigation measures, it is considered that the proposed secondary aggregates plant provides benefits by driving waste up the 'Waste Hierarchy' and enabling production of secondary aggregates within the District. The site is considered to be appropriately located in respect to its use for managing wastes and represents a sustainable form of development in accordance with the provisions of the Local Plan and that of national guidance. The application is therefore recommended for approval subject to conditions.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers File No. 5.1261.2

6.1 Application documents received from Derbyshire Planning Agency, acting as agent for Mr David Johnson.

6.2 Documents

- Application Form and Certificates dated 23 November 2023.
- Design and Access Statement, document ref: DPA/DAS/1/2023, dated October 2023.
- Planning Statement, document ref: DPA/PS/1/2023, dated September 2023.

- Environmental Statement dated 10 August 2023.
- Dust & Air Quality Assessment, document ref: R23.1707-A-3-AG, dated 2 October 2023.
- Noise Impact Assessment, document ref: R24.1707-N-4-AG, dated 17 January 2024.
- Suggested Planning Conditions to Address Environmental Health Officers Concerns, dated 27 February 2024.

6.3 **Plans**

- Drawing No. DPA/BH/LP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.
- Drawing No. DPA/BH/SP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.

6.4 Correspondence from:

- Nation Grid (email) dated 28 November 2023.
- The Environment Agency (email) dated 28 November 2023.
- County Highway Authority (email) dated 12 December 2023.
- Bolsover District Council (Planning) (email) dated 18 December 2023 and 12 March 2023.
- Bolsover District Council (Environmental Health) (email) dated 18 December 2023, 30 January 2024, and 29 February 2024.
- Derbyshire Wildlife Trust (email) dated 7 March 2024.
- Lead Local Flood Team (email) dated 30 April 2024.

7. **Appendices**

7.1 Appendix 1 - Implications.

7.2 Appendix 2 – Site Plan.

8. **Recommendation**

8.1 That the Committee resolves to **granted** planning permission subject to the conditions substantially in accordance with the following draft conditions:

Commencement

- 1) The development shall commence within three years of the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

- 2) The date of commencement of the operational development under this permission (bay construction) shall be notified to the Waste Planning Authority within seven days of that commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended, and confirm the date of commencement.

Duration

- 3) The new use of the application site arising through the change of use under this permission shall cease not later than the expiration of two years from the date of the commencement of the use . The date of the commencement of the use shall be notified to the Waste Planning Authority within seven days of that commencement.

Reason: To enable the Waste Planning Authority to review the development and in the interests of protection of residential amenity.

Approved Development

- 4) The development shall be carried out in full compliance with the details contained in the planning application incorporating Application Form and Certificates dated 23 November 2023, Design and Access Statement, document ref: DPA/DAS/1/2023, dated October 2023, Planning Statement, document ref: DPA/PS/1/2023, dated September 2023, Environmental Statement dated 10 August 2023, Dust & Air Quality Assessment, document ref: R23.1707-A-3-AG, dated 2 October 2023, Noise Impact Assessment, document ref: R24.1707-N-4-AG, dated 17 January 2024, and :

- Drawing No. DPA/BH/LP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.
- Drawing No. DPA/BH/SP1/2023, entitled Proposed Change of Use of Transport Yard Land at Bridgehouse Garage, Sheffield Road Renishaw, Dated September 2023.

Reason: To clarify that the development must be carried out in full conformity with the documents and details submitted.

- 5) Waste materials imported onto site shall be limited to inert materials comprising, stone, soils and naturally excavated materials.

Reason: To clarify that the only waste materials to be imported onto site shall be in conformity with the submitted application.

Stockpile Hights

- 6) The hight of imported unprocessed waste stockpiles and processed material stockpiles shall be limited to no more than 1.8m in height as measured from existing ground levels.

Reason: To ensure that the development does not lead to any significant alterations to the existing appearance of the transport yard from outside of the site and would adequately preserve the openness of the Green Belt.

Hours of Operation

- 7) No activities or operations to be carried out on the site through the change of use under this permission or as otherwise authorised or required by this permission, including vehicle movements to and from the site, or within the site, shall be carried out except between the following times:

0800 hours and 1700 hours Mondays to Fridays; and
0800 hours and 1200 hours Saturdays.

Screening activities shall be further limited to take place only between 1000 hours and 1500 hours Monday to Friday.

No activities/operations shall be carried out on Saturday afternoons, Sundays, Bank Holidays, or other Public Holidays.

Reason: To control the hours of use and operations in the interests of local amenity.

Noise

- 8) No waste processing shall commence on site until a Noise Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Noise Management Plan shall include details of the erection of acoustic fencing (fencing details including type, height, design and location), list of all screening and associated equipment to be used in the screening on the site and a plan demonstrating the location of screening equipment when in use on site.

No crushing equipment shall be used on the site at any time.

All measures shall be implemented in full prior to the first operation of the site and shall be maintained thereafter.

Reason: In the interest of protecting residential amenity.

Dust

- 9) The waste processing shall be undertaken in accordance with the dust control measures set out in the Dust & Air Quality Assessment, document ref: R23.1707-A-3-AG and the Design and Access Statement, document ref: DPA/DAS/1/2023. All measures shall be implemented in full prior to the first operation of the site and shall be maintained thereafter.

Reason: In the interest of protecting residential amenity

Ecology

- 10) No waste processing, hereby approved, shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been first submitted to and approved in writing by the Waste Planning Authority. The BEMP shall include details of environmental protection measures to ensure the adjacent hedgerow is not impacted during the construction and operational phase of the development; this should include best practice pollution measures and dust management strategies. The BEMP shall also include details of the biodiversity enhancements to be incorporated into the development, including bird and bat boxes. Enhancement features, such as bird and bat boxes, do not have to be limited to the site itself, and can be placed on the adjacent hedgerow to further enhance this linear feature. The BEMP shall also detail the management activities to be undertaken to ensure the biodiversity enhancements achieve favourable condition and are maintained.

All approved enhancement and protection measures within the BEMP shall be implemented in full.

Reason: To ensure a net gain in biodiversity in accordance with the Bolsover District Local Plan and NPPF.

Informative Notes

- 1) Pursuant to sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway.

Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

- 2) The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); sites of recorded mine gas incidents and former surface mining. Although such features are seldom readily visible, they are often present and problems can occur, particularly as a result of new development taking place.

Any form of development over, or within the influencing distance of a mine entry, can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstances where this is unavoidable, expert advice should be sought to ensure a suitable engineering solution can be designed, which takes into account all the relevant risk factors, including mine gas and mine water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications. The applicant had engaged in pre-application discussions with the Authority prior to the submission of its

submission for the development of the site. The applicant was given clear advice as to what information would be required.

In addition, the applicant was given further advice concerning the coverage of the documentation submitted with the planning application resulting in revisions and additions to its original proposals which were incorporated into this application.

Chris Henning
Executive Director - Place

Implications

Financial

1.1 The correct fee of £468 has been received.

Legal

2.1 This is an application under Part III of the Town and Country Planning Act 1990, which falls to be determined by the County Council as Waste Planning Authority. Any other statutory provisions or legal considerations of particular significance to the determination are referred to in the body of the report.

2.2 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Recommendation.

Human Resources

3.1 None.

Information Technology

4.1 None.

Equalities Impact

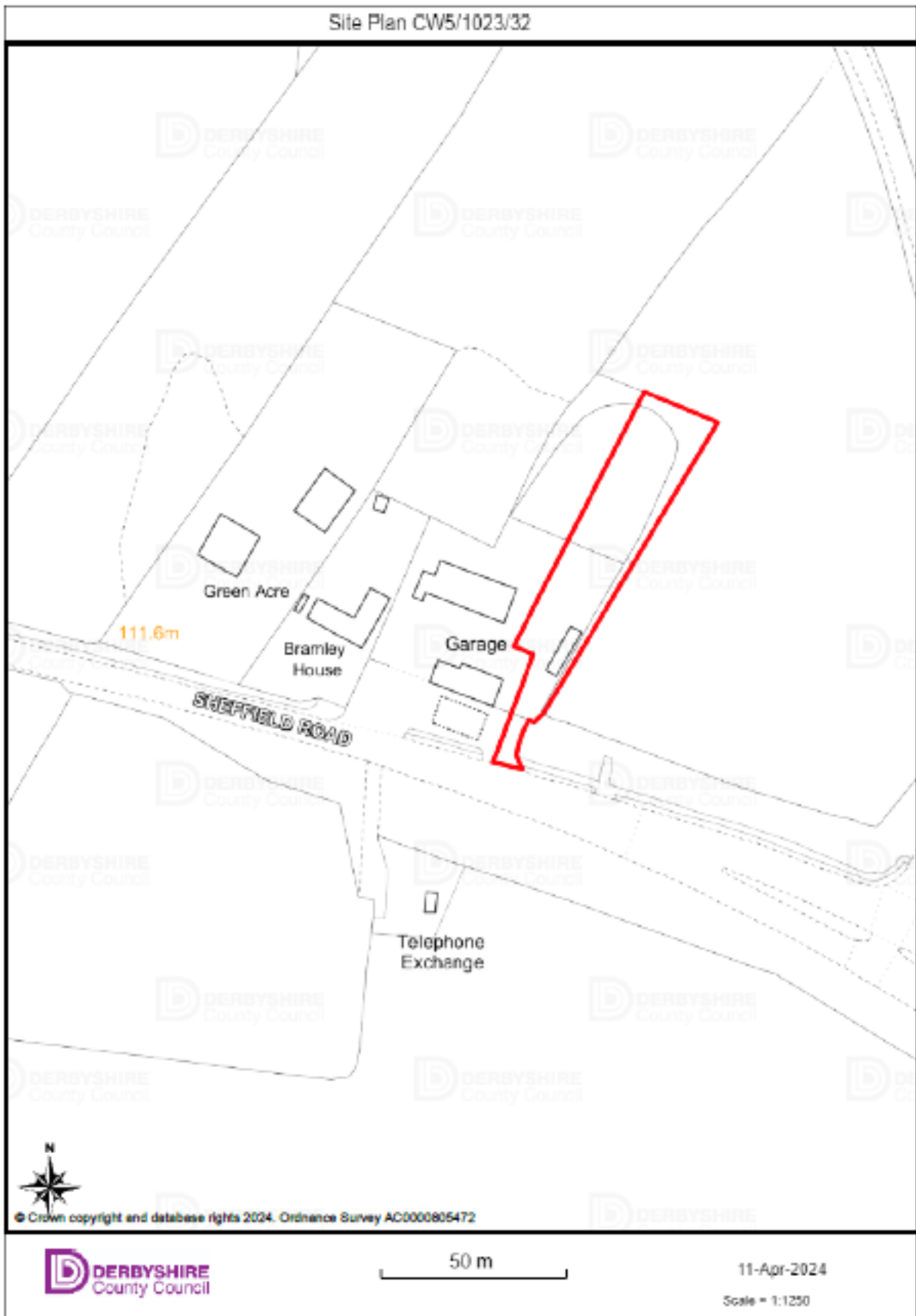
5.1 The determination of this application does not raise any equalities impact implications.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.



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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

13 May 2024

Report of the Executive Director – Place

Item for the Committee’s Information

5 CURRENT ENFORCEMENT ACTION

Site	Breach	Action Taken	Comment
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received).	Site inactive.

		Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme. February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49). (Applications held in abeyance pending submissions to Derbyshire Dales District Council).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission, the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019. Operator confirms works are complete. Final compliance inspection to be arranged.
Land at Park Hills Farm, Mugginton	Without planning permission, the	Temporary Stop Notice issued 29 May 2019. Enforcement Notice issued 3 February 2020.	Enforcement notice took effect 4 March 2020.

Lane End, Weston Underwood	deposit of waste materials onto land.		Final compliance inspection to be arranged.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	Planning Contravention Notice issued 28 October 2019. Temporary Stop Notice issued 29 May 2020. Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.	Appeal against enforcement notice lodged with Planning Inspectorate. Appeal start date - 8 September 2020. Appeal Decision received 21 April 2022 – Enforcement notice upheld. Compliance monitoring of notice requirements ongoing.
Land at Barden Farm, Smalley	Importation, depositing storage and processing of waste material, and storage of skips, skip lorries, soil, aggregate and chipped tree bark.	Enforcement Notice issued 27 June 2023. Stop Notice issued 27 June 2023 (relates only to the depositing of waste material)	Enforcement notice withdrawn 12 April 2024. On withdrawal of the notice, the associated Stop Notice ceased to have effect. No further action to be taken by the Planning Inspectorate in respect of the appeals.
Land at Waterswallows Quarry, Buxton	Importation, deposit, processing and burning of waste material.	Planning Contravention Notice issued – 26 June 2023	Response to Planning Contravention Notice received.

Chris Henning
Executive Director – Place

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PLANNING SERVICES**Outstanding Items**

Date: 25/04/2024

EIA applications outstanding more than 16 weeks

MAJOR applications outstanding more than 13 weeks

MINOR applications outstanding more than 8 weeks

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
EIA (8)				
CM5/0923/28	Application under Section 73 to not comply with Conditions 1, 4, 9, 36 and 42 of Planning Permission CM5/1011/94 to allow an extension of time until 31 December 2040 to allow recovery of remaining permitted limestone reserves and completion of final restoration thereafter, including update of approved working plans and revision of the approved restoration scheme.	Bolsover Moor Quarry, Whaley Road, Bolsover, S44 6XE	Consultation Replies Awaited	31
CW9/0623/15	Consolidation application to combine current planning permissions, for the retrospective development of several infrastructure improvements, the flood compensation scheme, regularisation of the weighbridge office location and RDF building elevations, and regularisation of the planning boundary to include unauthorised areas at Willshee's Waste and Recycling Ltd.	Willshee's Waste And Recycling Limited, Keith Willshee Way, Swadlincote, Derbyshire, DE11 9EN	Consultation Replies Awaited	38
CM9/0922/18	The phased extraction of approximately 600,000 tonnes of sand and gravel as a southern extension to Willington Quarry with restoration to conservation wetland, lowland meadow, biodiversity enhancements and flood attenuation measures; retention of existing aggregate processing plant, silt lagoon, ready-mix concrete plant, access / haul roads and soil bunds, construction of a temporary vehicular bridge over the River Dove and the permanent diversion of Public Right of Way (PRoW) - Burton CP10.	Willington Quarry, The Castle Way / A5132, Egginton, Derbyshire, DE65 6BW	Further Information Awaited	71
CW9/1022/22	The proposed construction and operation of the Swadlincote Resource Recovery Park (SRRP) comprising an Energy Recovery Facility (ERF) and Aggregate Recovery Facility (ARF) together with ancillary infrastructure including grid connection cable and works, private electrical wire provision, substation, CHP off-take provision, internal vehicular circulation and yard areas, weighbridges, car parking, new access road, temporary construction compound and laydown area, security fencing and gates, drainage, landscaping and off-site habitat compensation.	Land adjacent to Willshee's Waste And Recycling Limited, Keith Willshee Way, Swadlincote, DE11 9EN	Consultation Replies Awaited	77
CD9/0222/34	Conversion and extension of existing buildings to commercial use, and construction of access drive and car park.	Elvaston Castle Country Park, Borrowash Road, Elvaston, DE72 3EP	Consultation Replies Awaited	110
CM6/0122/28	Outline planning permission with some matters reserved, for an alternative form of restoration and redevelopment of Crich quarry for a mixed-use leisure development on approximately 43 acres of land.	Crich Quarry, Town End, Crich, Matlock, DE4 5DP	Awaiting additional information with regard to EIA following Regulation 25 request	113

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
CM3/0817/40	Development of a lateral extension to the south west of the existing permitted operations to provide the winning and working of minerals, associated ancillary operations and amended restoration scheme through landfill at Slinger Top Quarry.	Slinger Top Quarry, Cromford, Matlock, DE4 3QS	Consultation replies being considered	351
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alleviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire, DE5 8PP	Approved Pending Legal Agreement	691
Major (17)				
CW9/1223/44	Installation of 3 no. Kiosks	Melbourne Sewage Treatment Works, North of Blackwell Lane, Melbourne, DE73 8JS	Consultation Replies Awaited	13
CM2/1223/43	Application under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 6 of planning permission reference CM2/0707/77 in order to permit the movement of extracted clay to an alternative location for use in canal restoration	Foxlow Tip and adjacent Land, off Staveley Lane, Staveley	Consultation Replies Awaited	15
CW3/1123/40	Erection of portal frame attenuation housing to existing oxygen generation plant and erection of retaining wall (retrospective)	Darley Dale Smelter (Ecobat), Oldfield Lane, Warren Carr, Derbyshire, DE4 2LP	Consultation Replies Awaited	19
CW1/1123/41	Installation of 2 No. kiosks and section of above ground inlet sewer	Chapel-en-le-Frith Wastewater Treatment Works, Charley Lane, Chapel-en-le-Frith, Chinley, SK23 6DY	Consultation Replies Awaited	20
CD8/1123/37	Development of part of the former Midland Railway Ripley Branch Line to construct a 3m wide, 5.6 kilometre long surfaced strategic greenway between Duffield Road, Little Eaton (south) and A609 Rawson Green (north). The route will form part of the Key Cycle Network.	Little Eaton Branch Line Greenway from the village of Little Eaton (south) to the village of Rawson Green (north). Part of the Key Cycle Network	Consultation Replies Awaited	21
CW5/1023/32	Change of use of part of a commercial transport yard to accommodate an inert material recycling and temporary storage facility.	Land at Bridgehouse Garage, Sheffield Road, Barlborough, S21 3WA	Report Written	21
CW3/1123/36	Construction of a Bailey Type Vehicular Access Bridge to replace existing bridge and associated works	Matlock Sewage Treatment Works, Lea Road, Lea Bridge, Matlock, DE4 5AE	Consultation Replies Awaited	24
CW4/0823/22	Installation of a Caustic Dosing Kiosk, a TSR MCC Kiosk and a Chemical Dosing Kiosk at Dronfield Wastewater Treatment Work (WwTW), Dronfield (Ordnance Grid Reference: SK 36670 77825).	Dronfield Wastewater Treatment Works, Dronfield	Further Information Awaited	30
CW2/0623/14	Erection and operation of Material Recycling Facility	Erin Landfill Site, Markham Lane, Duckmanton, Derbyshire, S44 5HS	Consultation Replies Awaited	37
CW1/0123/36	Installation of 5 No. kiosks required in connection with wider permitted development works	Whaley Bridge Wastewater Treatment Works, Bridgemont, High Peak, Furness Vale, SK23 7PG	Further Information Awaited	49
CW6/0223/41	Change of use of land to the south west of Duffield sewage treatment works to extend the operational land to install plant and machinery, associated infrastructure and landscaping.	Duffield Sewage Treatment Works, Bullpit Lane, Duffield, DE56 4FR	Consultation Replies Awaited	55
CW4/0123/40	The installation of 3 no. kiosks at Dronfield Wastewater Treatment Works (WwTW) and the construction of a permanent access road to Dronfield WwTW and associated works.	Dronfield Waste Water Treatment Works and land to the east, between Unstone Hill and Half Acre Lane	Consultation Replies Awaited	60
CM9/0819/37	Variation to condition 5 of planning permission CM9/0217/98 to enable an extension of time for the completion of landscaping and final restoration until 31 December 2024.	Swarkestone Quarry, Twyford Road, Barrow upon Trent, DE73 7HA	Consultation Replies Awaited	77
CM9/0720/28	Section 73 application to not comply with Condition 3 (duration of works) of Planning Permission code number CM9/1109/166 to allow continued use of the silt lagoons and to complete final restoration	New Swarkestone Quarry, Twyford Road, Barrow On Trent, Derby, Derbyshire, DE73 7HA	Consultation Replies Awaited	79

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
CM3/0918/48	Amendment to condition 7, 10 & 11 of determined conditions approval R3/0699/17 (LET 7276). Relating to quarry permit 1390/9/2 (7 March 1952)	Stancliffe Quarry, Dale Road North, Matlock	Held in Abeyance	280
CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale, DE4 2GY	Held in Abeyance	280
CW8/0818/45	Section 73 application seeking permission to amend condition 24 of planning permission CW8/0811/61 to extend the hours of working on the established Ward Waste Recycling Facility on land at the Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Donald Ward Limited, Quarry Hill Industrial Estate, Ilkeston, DE7 4AZ	Approved Pending Issue of Decision	294

Minor (1)

CD6/0923/29	Renovation and conversion of the Gatekeeper's Cottage at Lea Green from a Dwelling House (C3(a)) to a Residential institution (C2) to provide emergency accommodation for children entering care in the Derbyshire area. The works include the associated external works which involve a small extension to the existing car parking area, new fencing, the installation of a sprinkler tank and soft landscaping works.	Gatekeepers Cottage/ Lea Green Hall Car Park, Main Road, Lea, Matlock, Derbyshire, DE4 5GJ	Consultations being initiated	18
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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

REGULATORY – PLANNING COMMITTEE

13 May 2024

Report of the Executive Director – Place

Item for the Committee’s Information

7 CURRENT APPEALS/CALLED IN APPLICATIONS

Barden Farm, Smalley – Appeals against Enforcement Notice issued 27 June 2023.

1. APP/U1050/C/23/3325868 – Start Date – 29 August 2023 – To be considered by the Written Representations procedure.
2. APP/U1050/C/23/3326922 – Start Date – 12 September 2023 – To be considered by the Hearing procedure

The Enforcement notice issued on 27 June 2023 was withdrawn on 12 April 2024. No further action to be taken in respect of the two appeals.

Chris Henning
Executive Director – Place

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**8 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR
– PLACE UNDER DELEGATED POWERS**

01/11/2023	<p>Applicant: Derbyshire County Council Planning Application Code No: CD3/0923/26 Removal and Disposal of Existing Rubber Soft Play Surfacing and Replacement with Artificial Grass with 15mm Shock Pad at Bradley Church of England Controlled Primary School, Yew Tree Lane, Bradley, Derbyshire, DE6 1PG</p>
01/11/2023	<p>Delegated Decisions on Schemes Required by Planning Conditions R1/0313/26 Dove Holes Quarry, Buxton SM3711: Discharge of Condition 43 Hydrological Monitoring Scheme</p>
22/11/2023	<p>Applicant: H W Martin Alfreton Planning Application Code No. CW5/0422/3 Single Storey Portal Frame Extension to Existing Waste Recycling Hall at H W Martin, Recycling Centre, 14, Clover Nook Road, South Normanton, Derbyshire, DE55 4RF</p>
22/11/2023	<p>Applicant: Pinxton Nursery School Planning Application Code No. CD5/0823/24 The Installation of Security Fencing Along the Perimeter of the East Boundary at Pinxton Nursery School, Kirkstead Road, Pinxton, Derbyshire, NG16 6NA</p>
22/11/2023	<p>Delegated Decisions on Schemes Required by Planning Conditions CW4/1022/27 Discharge of Condition 10 SW3721: Construction Traffic Management Plan</p>

05/12/2023	<p>Applicant: Derbyshire County Council Planning Application Code No. CD1/0723/19 Erection of a Detached, Single Storey Teaching Block, Incorporating Two Classrooms, Multi-purpose Space, Ancillary Spaces and Entrance Canopy with Landscaping, Seven Replacement Car Parking Spaces and Modification to the Playing Field and Hard Play Areas at Harpur Hill Primary School, Harpur Hill Children’s Centre, Trent Avenue, Harpur Hill, Buxton, Derbyshire, SK17 9LP</p>
05/12/2023	<p>Applicant: Yorkshire Water Services Limited Planning Application Code No. CW5/0523/8 Construction of a Motor Control Centre Kiosk at Bolsover Sewage Treatment Works</p>
05/12/2023	<p>Delegated Decisions on Schemes Required by Planning Conditions CW4/1022/27 SW3722: Site Access SW3723: Noise Management Plan CD8/0622/8 Hallam Fields Junior School, Ilkeston SD3727: Scheme of Intrusive Investigations posed by past shallow coal mining SD3728: Signed Statement of Declaration SD3729: Completion of Contaminated Land Assessment SD3730: Submission of a Remediation Strategy SD3731: Submission of a Verification Report</p>
23/12/2023	<p>Applicant: William Levick Primary School Planning Application Code No. CD4/1023/35 New Timber, Octagonal, External Shelter with Half Open Sides, Felt Tile Roof and New Bound Rubber Path to be Used for Recreation and Outdoor Learning at William Levick Primary School, Smithy Croft, Dronfield Woodhouse, Derbyshire, S18 8YB</p>
15/01/2024	<p>Applicant: Tarmac Trading Ltd Planning Application Code No: N/A Request to Postpone the Submission of an Application under The Environment Act 1995 (Schedule 14) for Approval of Conditions to which a Planning Permission is to be subject (First Periodic Review of Mineral Planning Permissions or ‘ROMP’ Application) at Hillhead Quarry, Buxton (Planning Permission code numbers: 1986/9/6 (Winning and Working of Minerals and Disposal of Mineral Waste); 1986/9/8 (Winning and Working of Minerals and Disposal of Mineral Waste); CHA/262/11 (Disposal of Mineral Waste); CHA/864/13 (Disposal of Mineral Waste); CHA/865/17 (Disposal of Mineral Waste)</p>

15/01/2024	<p>Delegated Decisions on Schemes Required by Planning Conditions</p> <p>CW2/1020/38 Erin Landfill Site, Markham Lane, Duckmanton</p> <p>SD3618: Submission of a Restoration and Landscaping Scheme</p>
05/02/2024	<p>Delegated Decisions on Schemes Required by Planning Conditions</p> <p>CD5/1022/26 Tibshelf Community School, Doe Hill Lane, Tibshelf</p> <p>SD3737: Submission of an updated School Travel Plan</p> <p>CD5/0212/157 Doe Hill Lane, Tibshelf</p> <p>SD2500: Draft Travel Plan</p>
08/02/2024	<p>Applicant: Yorkshire Water</p> <p>Planning Application Code No. CW4/1123/39</p> <p>Proposal for the Installation of Three Kiosk Structures at Danesmoor Sewage Treatment Works, East of Danesmoor, on Land Accessed from Lime Tree Grove</p>
08/02/2024	<p>Delegated Decisions on Schemes Required by Planning Conditions</p> <p>CW4/1022/27 MXG Waste Transfer Station, Mansfield Road, Corbriggs</p> <p>SW3724: Scheme for Landscaping and Boundary Treatment</p>
22/02/2024	<p>Applicant: Derbyshire County Council</p> <p>Planning Application Code No: CD1/1223/45</p> <p>Retrospective Planning Application to Retain Installed Access Gates and Fencing at Buxton Junior School, Mosley Road, Buxton, Derbyshire, SK17 9DR</p>
05/03/2024	<p>Applicant: Derbyshire County Council</p> <p>Planning Application Code No: CD9/1023/31</p> <p>Proposed Formation of a New Bell Mouth Entrance to Provide Vehicular Access from Sunnyside Road with the Associated Reconfiguration of the Boundary Fencing and Gates at Newhall Depot, Swadlincote, DE11 0TJ</p>
14/03/2024	<p>Applicant: Derbyshire County Council</p> <p>Planning Application Code No: CD2/0823/25</p> <p>The Erection of a Single Storey Building to Provide Accommodation for a Children's Home and Family Support Centre, Short Break, Emergency Provision and Support Services for Young People Aged from 8 to 17 Years who may have a Physical Disability, Moderate to Severe Learning Disability, an Autistic Spectrum Condition or Sensory Impairment, Together with Vehicular Access, Car-Parking, Pedestrian Access, Landscaping and Associated Infrastructure at Former Ashbrook Centre, Cuttholme Road, Chesterfield, S40 4RE</p>

21/03/2024	<p>Applicant: Derbyshire County Council Planning Application Code No: PD14/9/104 Solar PV installation to the South, West and East facing pitched roofs at Castle Court Care Home, Arthur Street, Castle Gresley, Swadlincote, Derbyshire, DE11 9HP</p>
21/03/2024	<p>Applicant: Derbyshire County Council Planning Application Code No: CD8/0723/20 Removal of a Free Standing Brick Wall and Erection of a Weld Mesh Fence at Long Eaton Library, Tamworth Road, Long Eaton, NG10 1JG</p>
05/04/2024	<p>Applicant: Network Rail Planning Application Code No: PD18/1/101 Prior Approval Notification for the Removal of Existing Stone Arch Bridge Section; and Provision of a New Replacement Bridge Deck, together with Associated Works including Provision of New Handrail, Reconstruction of Removed Sections of Supporting Bridge Abutments, Localised Rebuilding of Bridge Pilasters and New Deck Drainage at Ashopton Bridge, Hope</p>
	<p>Delegated Decisions on Schemes Required by Planning Conditions CD1/0220/76 Construction of a New Four Arm Roundabout, A6 North of Buxton SD3739: Details of amendments to existing road signage, carriageway markings and street lighting. SD3741: Written scheme of investigation (WSI) for archaeological monitoring.</p>
12/04/2024	<p>Applicant: Derbyshire County Council Decision to Withdraw an Enforcement Notice Land at Barden Farm, Smalley, Derbyshire</p>
19/04/2024	<p>Delegated Decisions on Schemes Required by Planning Conditions CD1/0220/76 Construction of a New Four Arm Roundabout, A6 North of Buxton SD3738: Verification Report</p>

Chris Henning
Executive Director - Place

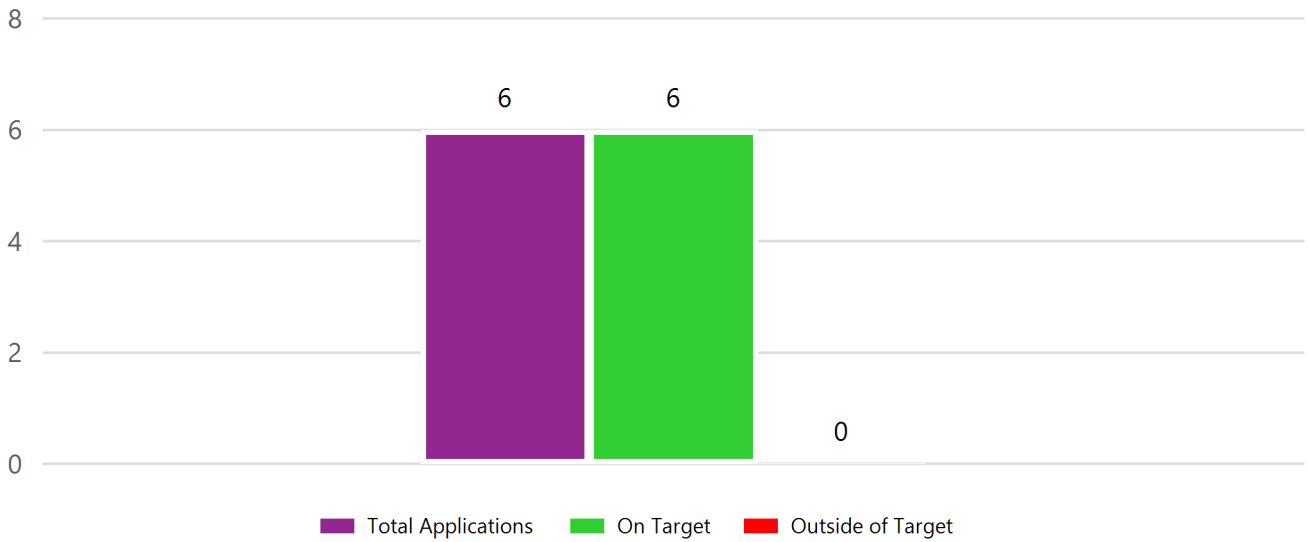
**PLANNING SERVICES
DEVELOPMENT MANAGEMENT**

Quarterly Performance Statistics
01 January 2024 to 31 March 2024

APPLICATIONS OVERVIEW

EIA Applications: 0 - Major Applications: 2 - Minor Applications: 4

Applications Determined	6
On Target	6
Outside of Target	0
TARGET RESULT	100.00%



SUBMISSIONS OVERVIEW

Submissions Determined	4
On Target	2
Outside of Target	2
TARGET RESULT	50.00%

