

# Public Document Pack



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PUBLIC

To: Members of Regulatory - Planning Committee

Tuesday 22 December 2020

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 11 January 2021**. This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, 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 (a) s Apologies for Absence

To receive apologies for absence (if any)

#### 1 (b) s Declarations of Interest

To receive declarations of interest (if any)

#### 1 (c) s Declarations of Significant Lobbying

To receive declarations of significant lobbying (if any)

## 2. Minutes

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 7 December 2020

To consider the non-exempt reports of the Executive Director - Economy, Transport and Environment on:

- 3 (a) Application for Planning Permission to Extend the Quarry at Dowlow Quarry, Buxton into 10.68 Hectares of Adjacent Land. Applicant: Breedon Southern Ltd Code No: CM1/1017
- 3 (b) Erection of One Flue Gas Stack of 20 Metres (m) in Height x 1.76m Diameter and Two Powder Silos of 17m in Height x 4.2m Diameter, Crompton Road, Quarry Hill Industrial Estate, Ilkeston. Applicant: Castle Waste Services Limited/Castle Environmental Limited . Code No: CW8/0720/26
- 3 (c) Current Enforcement Action
- 3 (d) s Outstanding Application List  
(to be circulated at the meeting)
- 3 (e) Current Appeals/Called in Applications
- 3 (f) s Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers  
(to be circulated at the meeting)

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Agenda Item 2

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 7 December 2020.

**PRESENT**

Councillor M Ford (in the Chair)

Councillor J Atkin, D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P J Smith and B Wright

**48/20      DECLARATIONS OF INTEREST** Councillor J Atkin declared a personal interest in relation to the application referred to in Minute 52/20 below (Agenda Item 3(1)) as a member of the Peak District National Park Authority and Derbyshire Dales District Council, which had both been consulted on this application.

**49/20      DECLARATIONS OF SIGNIFICANT LOBBYING** All members of the committee declared that they had been lobbied in relation to Agenda Item 3(1) in the form of several written submissions to them from members of the public via emails, in advance of the meeting.

**50/20      MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 5 October 2020 be confirmed as a correct record.

**51/20      MATTERS ARISING** Proposed development and operation of a 18 megawatt renewable energy centre and associated infrastructure, through gasification at the site of the Drakelow ‘C’ former power station, Drakelow applicant: Vital Energy. Code No: CW9/0420/7 (Minute 44/20 refers) It had been suggested at the meeting of the Committee on 5 October that HGVs for use in the development should meet the most recent European environmental standards for HGV. The Head of Planning Services confirmed that this could not have been required by condition, given that there would be many HGV movements in the locality that would not be attributable to the development. He anticipated that through further liaison with the operator, it would be encouraged to adopt best environmental practice in its use of vehicles.

**52/20      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.**  
**CODE NO: CM3/0817/40**

The Head of the Planning Service explained that following the publication of the report on the application, statements had been received that raised further criticisms of the application and associated material, and that the planning service needed further time to carry out checking and investigation as to whether they were sufficiently addressed under the report.

A motion was proposed for the Committee to resolve to defer its consideration of the application.

Members suggested that a deferral would also be advantageous if it could allow a visit by members to the locality of the site to be arranged to take place before whichever committee meeting the application was consequently reported to.

**RESOLVED** that consideration of the application by the Committee be deferred.

**53/20** **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current enforcement action.

**54/20** **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 25 November 2020 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.

**55/20** **CURRENT APPEALS/CALLED IN APPLICATIONS** **RESOLVED** to note that the following appeal has been lodged with the Planning Inspectorate:

**Appeal Reference APP/U1050/C/20/3257919**

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

**56/20** **MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on the following dates:

Date	Application
25/09/2020	<b>Applicant: CEMEX</b> <b>Submission No: PD17/1/78</b> Request for the Council's Prior Approval for the Erection of an Additional Dried Sand Shotcrete Plant in the Existing Processing Plant Area at Dove Holes Quarry, nr Buxton
25/09/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD8/0719/29 Former Ormiston Academy:</b> SD3480: Ecological Surveys <b>CM9/1215/122 Swarkestone Quarry</b> SM3266: Submission of Bird Hazard Management Scheme.
07/10/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD8/0820/31</b> Proposed Installation of 2 No. Shaded Pergolas in the School Playground Area at Draycott Community Primary School, Hopwell Road, Draycott, Derbyshire, DE72 3NH
07/10/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD9/0620/22</b> Extension of Existing building to provide New Office Space and Secure reception Area at Overseal Primary School, Woodville Road, Overseal, Swadlincote, Derbyshire DE12 6LU
14/10/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD9/0520/8 Roundabout Spur A514 Derby Road, Swadlincote Condition</b> SD3468: Temporary Access SD3469: Construction Environmental Management Plan SD3470: Ecological Design Strategy SD3471: Common Toad Strategy SD3472: Landscaping Plan SD3473: Fencing Details SD3474: Tree Root Protection SD3475: Surface Water Management Plan SD3476: Surface Water Management Plan SD3477: Dust Management SD3478: Construction Noise SD3479: Noise Mitigation
21/10/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD6/0619/22 Demolition of Alfreton Park Special School</b> SD3464: Avoidance of Additional Surface Water Run-off SD3463: Management and Maintenance Plan for Surface Water Drainage
05/11/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD1/0420/5</b> Erection of a Two-Storey Teaching Building with Connecting Canopy and Provision of Three Multi User Games Ares at

	Glossop School, Newshaw Lane, Hadfield
05/11/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW4/0620/21 Change of Use of Land and Buildings from Industrial B2 use to a Waste Transfer Station, Corbriggs</b> SW3482: Site Layout Drawing
12/11/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD6/0820/32</b> Section 73 to not Comply with Condition 3 (Plans) of Planning Permission CD6/0619/22 Land at Alfreton Park, Alfreton
12/11/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD8/1020/37</b> Retrospective Planning Application for a Temporary Two-Storey Building to Replace the Fire Damaged Main Block Building, Harrington County Junior School, Derby Road, Long Eaton
12/11/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD2/0420/3 Renew Flat Roof, Brimington Hostel, Brimington</b> SD3492: Bat Mitigation Strategy SD3493: Protection of Trees <b>CD5/0918/50 Multi User Trail, Pleasley Park Farm</b> SD3491: Written Scheme of Investigation for Archaeology.

**57/20 DEVELOPMENT MANAGEMENT PERFORMANCE**  
**MONITORING RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 April 2020 to 30 September 2020.

**Agenda Item No.3.1**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**11 January 2021**

Report of the Director – Economy, Transport and Environment

- 1 APPLICATION FOR PLANNING PERMISSION TO EXTEND THE QUARRY AT DOWLOW QUARRY, BUXTON INTO 10.68 HECTARES OF ADJACENT LAND  
APPLICANT: BREEDON SOUTHERN LTD  
CODE NO: CM1/1017/58**

**1.640.18**

**Introductory Summary** This application seeks permission to extend the winning and working of minerals at Dowlow Quarry into a 7.42 hectares field to the south-east of the existing quarry site and to create a 2.84 hectares temporary soil storage area to the north of the existing site, together with a temporary haul road along the eastern boundary of the existing site linking these two extension areas. Following completion of the extended mineral extraction, the newly created void would be used to provide permanent storage space for a large quantity of unsaleable material currently held within the existing quarry site. The application also includes new phasing and restoration plans for the existing quarry site that accommodate the working of the proposed extension.

Development of the extension would be completed and fully restored within eight years from commencement. The operator has undertaken to relinquish an equivalent amount of stone reserve within the existing quarry site in order to ensure that there would not be an increase in the permitted mineral reserves at the site.

In considering the proposals, I have had regard to concerns relating to landscape and visual amenity, heritage, noise, air quality, blasting and vibration, and highways impacts. The proposals have the potential to result in adverse environmental impacts, including to the nearby scheduled monument, Cronkston Low, and the surrounding landscape, although I consider that these impacts would be less than significant and would be capable of being controlled acceptably by conditions and a legal agreement.

Therefore, as detailed in the report, the application is considered to represent sustainable development and is recommended for approval, subject to the conditions that are set out with the recommendations at end of the report and prior provision of a Section 106 planning obligations that ensure that there is

no net increase in tonnage of reserves for extraction and secure several relevant environmental mitigations including:

- a biodiversity and habitat management plan for non-operational land in control of the applicant; and
- a further five year period of landscape and habitat management following the five year aftercare upon completion of the restoration of the quarry.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **Site and Surroundings**

Dowlow Quarry is located to the south-east of Buxton at Sterndale Moor, on the A515 Ashbourne Road, and is one of four limestone quarries along this part of the A515. Mineral won at the site is used to produce a range of limestone products for industrial uses and as aggregates. The quarry is operated by Breedon Group Plc, a producer of ready-mixed concrete and also a supplier of aggregates and asphalt. Omya UK also operates a plant site at the quarry producing industrial mineral products.

The quarry site covers approximately 90 hectares (ha) and is bounded to the north-west by Hindlow Quarry, to the north-east by a mineral railway line and to the south and east by enclosed pasture land. The boundary of the Peak District National Park (PDNP) is located close to the site to the north, east and south. The nearest settlements are Earl Sterndale which lies 1 kilometre (km) to the west and Sterndale Moor 1km to the north. There are also a small number of farms within the vicinity of the site. Of these Wheeldon Trees Farm, which is now a complex of holiday cottages together with the farmhouse which is a private residence, is the closest, lying 400m south-east of the proposed extension area.

The Chrome and Parkhouse Hill Site of Special Scientific Interest (SSSI) is approximately 1.6km to the east the site, the Fox Hole Cave SSSI is located approximately 700m south of the site, and the Hurdlow Meadows SSSI is located approximately 2.3km east the site. The Dowlow Green Lane Local Wildlife Site (LWS) runs immediately adjacent to the site. The Aldery Cliff and Caves Regionally Important Geological Site (RIGS) is approximately 600m south-east of the site.

With regard to Natura 2000 sites, the nearest point of the Peak District Dales Special Area of Conservation (SAC) lies approximately 2km from the site and the Peak Moors Special Protection Area (SPA) approximately 3.8km from the site (the distances to the proposed extension area are approximately 1km further for each site).



## Planning Background

Planning permissions for Dowlow Quarry:

- **1986/9/10** (granted 29 November 1951) for the winning and working of limestone and the disposal of waste material.
- **HPK/680/675** (granted 23 October 1981) to extend an existing overburden and waste tip.
- **CM/1292/57** (granted 4 May 1993) for the extension of the existing quarry waste tip.

These permissions have since April 1998 been subject to conditions set under the initial 'Review of Old Mineral Permissions' (ROMP reference R1/0498/5) which reviewed the previous three permissions and is currently the controlling set of conditions to which the permissions for the quarry are subject.

This application was submitted in tandem with an application made with reference to Section 73 (CM1/1017/57), which was intended to address minor historical anomalies in the working area of the existing quarry according to existing permissions. There is also an undetermined application for First Periodic Review of the Mineral Permissions conditions to which the permissions for the existing site are subject (R1/1017/33). These applications will be determined separately.

In 2017, when the application was submitted, the quarry had a permitted reserve of 77.7 million tonnes (mt) of limestone (all figures for tonnages in this report are approximate). Annual production was 2mt and the applicant states that this could rise to 3.5mt during the lifetime of the permissions, which will end in 2042. At these rates the quarry would be worked out by then.

The existing quarry is now practically working to its full extent and the ongoing extraction within it is now progressing within the area of the existing void, on benches at various depths in order to access mineral of particular grades and chemical compositions.

## The Proposals

The application proposes to extend mineral extraction into a 7.42ha field parcel adjacent to the south-east corner of the quarry and to extract 6mt of stone. The void in the extension area would then be used to provide permanent storage space for a large quantity of unsaleable processed material, including material known as 'filter cake', which is currently stored centrally within the main quarry and which currently prevents access to existing permitted mineral reserves in this area. The applicant has revised the original proposed timescale for completion of the extension, including restoration, from 16 to 8 years.

Within the eight year time scale, the extraction of limestone would take five years, infilling with filter cake and quarry waste would take two years, and restoration one year.

The proposals include new phasing and restoration plans for the existing quarry together with the proposed extension areas ('the whole site'), to integrate the extension into the ongoing development at the quarry.

Working of the proposed extension would be integrated with the development of the existing quarry and the combined working scheme would be divided into four phases, with the extension begun in Phase 1 and completed in Phase 2. During Phase 1 a total of 10.4mt would be extracted from the existing workings and 5.9mt from the extension. A public footpath would be temporarily diverted around the extension. The extension area would be stripped of topsoil and subsoil, topsoil would be used to form a perimeter bund around the extension, and the subsoil would be transported via a new temporary haul road to a temporary storage area north of the restored quarry tips. Extraction within the extension area would take place to a depth of 330m above ordnance datum (AOD) via a series of five benches.

During Phase 2, the extension area would be restored to original ground levels using infill from the quarry tips, including filter cake, the subsoils and topsoils would be re-instated and the land restored to agricultural use. The main quarry would be worked to a depth of 262m AOD and tip reprocessing would continue.

In Phase 3, working of the main quarry would continue to a depth of 185m AOD, continuing in Phase 4 to a depth of 167m AOD, with the remaining filter cake and other quarry waste used in the final restoration scheme and for the creation of a waterbody.

The application proposes to maintain the current operating hours of:

- Monday to Friday – 06:00 hours to 22:00 hours.
- Saturday – 06:00 hours to 22:00 hours.
- Sunday – 06:00 hours to 13:00 hours.

No operations are undertaken on Bank or Public holidays.

The application proposes to continue to use the established working method and the existing infrastructure on site.

### **Environmental Statement**

The application was accompanied by an Environmental Statement (ES), prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011, which still apply in respect of this application. 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 sets out the potential impacts of the development in terms of landscape and visual impact, ecology, soils and agriculture, water resources, cultural heritage, noise, vibration, air quality, traffic and transport, and amenity and recreation. It also includes opinions on the site, project (planning proposal), planning policy context, alternatives, a summary of effects, and a report to inform a Habitat Regulations Appraisal. The issues raised by the assessment of these impacts are addressed in detail in the 'Planning Considerations' section below.

### **Post-application Submissions**

In response to issues raised by consultees following the initial round of consultations on the application and the ES, in January 2019, the applicant submitted further and additional information in an ES Addendum document. This provided further detail and clarification in relation to timescales and phasing, the extent of mineral reserves, soil storage areas, structural integrity of the restored extension area, consideration of alternative uses for the tipped material, heritage, landscape and visual impacts, ecology, noise and vibration and traffic impacts.

In August 2019, the applicant provided a second submission of further and additional information which set out a revised timescale for the extension, further details on 'reserves exchange' and 'unsaleable legacy material', and a new wheel-wash facility. The applicant also proposed a series of measures to be undertaken outside the boundary of the site in order to provide mitigation for the impacts of quarrying and to provide associated environmental and community benefits. These are to:

- To establish and make payments of £10,000 per annum (index linked to 2042) to a Community and Environment Fund with the objectives of the retention and enhancement of habitats, species and landscape features affected by quarrying activity. The fund would be administered by a trust.
- In part, fund and enable the undergrounding of some of the electricity cables in the vicinity of the site.
- Implement, in consultation with the Council, a biodiversity and habitat management plan for non-operational land in control of the applicant.
- Implement, in consultation with the Council, a further five year period of landscape and habitat management following the five year aftercare upon completion of the restoration of the quarry.
- Provide a permissive cycle track as soon as possible following commencement of the proposed development between the High Peak Trail and the village of Sterndale Moor, and to facilitate dedication of this route as a Public Right of Way.
- Implement a 'Reserves Exchange' where a tonnage from the existing reserve equivalent to that expected to be won from the south-eastern

extension will not be extracted in order to ensure no net increase in reserves at the quarry.

## **Consultations**

### **Local Member**

Councillor Grooby has been consulted on the application.

### **Hartington Upper Quarter Parish Council**

The Parish Council states that it appreciates that the process of winning minerals from the ground will necessarily have some environmental impact. It has, however, seen that the approach taken in recent years by the management at the site and the willingness of the applicant to maintain a dialogue with the Parish Council and local residents and this gives it confidence that the new development will also be managed carefully and with the needs of local people in mind.

The Parish Council recognises the importance of the local employment that Breedon provides, and is also grateful for the way this company has come forward in the past with support for several projects that benefit local people and the wider community.

### **High Peak Borough Council**

The Borough Council and the Environmental Health Officer (EHO) have been consulted.

### **Peak District National Park Authority**

The Peak District National Park Authority (PDNPA) provided extensive detailed responses amounting to a total of 30 pages. In the final response, the PDNPA concludes that the proposed south-eastern extension would be acceptable in environmental terms, subject to the best achievable environmental mitigation, in particular, in relation to the significance of landscape, amenity and cultural heritage effects. The PDNPA states that it would not object to approval of the application subject to:

- a) the working and restoration of the site within a timescale substantially less than 10 years;
- b) the maximum possible landscape screening arrangements; and
- c) full achievement of the restoration and landscaping proposals at the earliest possible date.

### **Environment Agency**

The Environment Agency considers that the proposed development would be acceptable if conditions relating to the storage of oils, fuels and chemicals and dewatering were placed on any planning permission.

### **Natural England**

Natural England has no objection subject to appropriate mitigation being secured. Natural England considers that without appropriate mitigation, the application would have an adverse effect on the integrity of The River Wye and The Peak District Dales SAC, and would damage or destroy the interest features for which Fox Hole Cave, Chrome and Parkhouse, Hurdlow Meadows, Topley Pike and Deep Dale SSSI have been notified. To mitigate these adverse effects and make the development acceptable, Natural England considers that, in order to understand the impacts and mitigation measures that may be necessary, a water management plan must be submitted to the Mineral Planning Authority (MPA) and approved in consultation with Natural England before any dewatering of the site can be carried out. Natural England advises that an appropriate planning condition or obligation should be attached to any planning permission to secure these measures.

### **Derbyshire Wildlife Trust**

Derbyshire Wildlife Trust (DWT) initially had concerns regarding potential impacts of the development on the Dowlow Green Lane LWS. Following the submission of further information, which included details of the haul route adjacent to the LWS, DWT is satisfied with the information provided and has no further comments. DWT also stated that it considered the proposed restoration within the existing quarry to reflect the objectives of the Peak District Biodiversity Action Plan.

### **Historic England**

Historic England does not object and advises that it will be for the MPA to assess the robustness of the information and justifications provided by the applicant and to set harms, including those to the settings of heritage assets, against public benefit, taking into account the great weight required by the National Planning Policy Framework (NPPF) in respect of designated heritage assets and proportionately as regards undesignated assets. Historic England also refers the MPA to the updated Setting of Heritage Assets advice and to the advice of the County and PDNPA archaeologists.

### **Highways**

There are no objections by the Council as local highway authority to the proposed extension of the quarry subject to the existing highway related conditions for R1/1017/33 being retained and a new condition limiting the tonnage and number of Heavy Goods Vehicle (HGV) movements associated with the site being imposed. Initial concerns regarding the non-classified highway adjacent to the southern boundary of the site were allayed following further consultation with Highways Structures Management. The Public Rights of Way Team has stated that it is working with the applicant to resolve rights of way issues at the site.

### **Health and Safety Executive – Quarries Inspectorate**

The Quarries Inspectorate advised that it had no adverse comments to make on the proposals.

### **Western Power and Network Rail**

Were also consulted but no responses have been received.

### **Publicity**

The application was advertised by site notices and notices published in the Buxton Advertiser with requests for observations by 12 December 2017 and 31 January and 26 September 2019. Four responses have been received as a result of the publicity.

### **Friends of the Peak District**

In its initial response, the Friends of the Peak District (FOPD) objected to the proposed extension as it considered there to be a lack of need (as set out in policy), that the *‘no net gain in reserves as a result of the proposal’* was not clearly set out in the application, and that the proposed mitigations for the landscape and amenity impacts of the proposal were not adequate.

Following the submission of further information from the applicant, a second response from FOPD stated that it continued to object on the grounds that the operational benefits that accrue to the operator (i.e. a swap of otherwise sterilised reserves) or other claimed benefits do not justify the adverse impacts on landscape, including views from the PDNP and its setting, and effects on local amenity.

In late 2019, FOPD offered its final response in which it removed its objection subject to binding arrangements, by way of condition or legal agreement, being made in respect of:

- *“Working and restoring the extension area within the shorter (eight year) timeframe;*
- *Monitorable and enforceable arrangements to ensure no net increase in current reserves (as per last agreed Aggregates Working Party (AWP) estimates);*
- *Delivering of undergrounding of 2 x high voltage electricity lines as shaded blue on the plan from Western Power Distribution titled ‘3478189 OVERVIEW’;*
- *Finalised plans of rights of way/access improvements, during and after restoration of the extension area.”*

FOPD also stated that it recognised that Public Footpath No.4 would continue to be inaccessible, but considered that the reinstatement of this footpath in some form, in the long term, would be feasible and preferable and therefore that it would consider objecting to any extinguishment.

FOPD suggested that a further stretch of power lines, where the lines enter the National Park west of Cronkston Low, be considered for inclusion in the undergrounding programme funded by the applicant.

The final comment offered by FOPD was that it; *“would wish to recognise the very positive further mitigation that Breedon have offered to make this major development acceptable, in particular the steps taken to reduce the impact on the National Park and its setting.”*

**Wheeldon Trees Farm (a holiday cottage complex together with the owners' private residence)**

The main body of the comments are quoted in full.

*“Principally, it seems to us that this extension is purely for the convenience and profit of the applicants and not in any way essential or physically necessary for the continuation of their business. By their own admission, they would be perfectly capable of continuing with the currently approved phasing plans.*

*Our objection is based on the effects this extension will have both (a) on a personal level (on our home and holiday cottage business at Wheeldon Trees Farm) and, (b) the wider environmental impact on the surrounding area, including the Peak District National Park.*

*(a) The effect on Wheeldon Trees Farm*

*We are already affected by noise and dust due to our proximity to the existing workings; the proposed extension will mean that the distance between the boundary of the workings and ourselves will be reduced by 50%. Accordingly, we believe that the Operations Noise Assessments grossly underestimate the effect on our property; nor do I believe that any consideration has been given to the increase in dust pollution which is inevitable given the shift in the workings' boundary.*

*(b) The effect on the surrounding landscape*

*Whilst we appreciate that the extension in question would be outside the boundary of the National Park, its impact will be enormously detrimental to the natural beauty and tranquility to the surroundings, most of which are within the National Park Boundaries. The National Park enjoys the highest level of statutory landscape protection and, in our view, this is a highly material consideration in this application.*

*At present the boundary of the quarry to the south and west is generally a uniform line across the horizon which means that workings are mostly hidden from view or barely visible - even, for example, when viewed from the top of High Wheeldon.*

*Not only would the proposed extension break out from the existing sky line, but the new proposed boundary is also lower than the existing one, which would mean increased visibility from both surrounding higher points and also areas from which the workings are not currently visible.*

*We believe that the visual impact of the proposed extension, new boundaries, bunds and fencing will fundamentally change the look of the landscape when viewed from both near (Hurdlow Lane and the gravel path), further away on the road between Wheeldon Trees and High Needham, and from High Wheeldon.*

*It is the view from High Wheeldon about which we are most concerned as this vantage point offers one of the supremely iconic 360 degree views in the White Peak.*

*The boundaries of the existing workings are such that from High Wheeldon, viewers are barely aware of its existence and extent. The proposed extension would dominate the view to the east - breaking the skyline and intruding on the unique limestone landscape.*

*We believe that the photographs in the application in no way reflect the reality of the effect of the proposed extension. Even taking into account that these have been carefully composed and selectively located to minimise the visual impact, our own attempts at photography have also failed to produce a realistic representation of the landscape! This can only be fully appreciated and understood by personal site visits...*

*In addition, there are no photographs from either the road between Wheeldon Trees Farm and High Needham, or on the road between High Needham and The Royal Oak. Along both these roads, there are stretches where the existing beautiful views (with the current workings virtually undetectable) would be completely ruined if the proposed extension was to be approved.*

*If you were not considering it, we would strongly suggest that you personally view the site from the points we have mentioned and not rely on the photographic submissions. As well as enjoying the beautiful views, it also gives a much clearer idea of the dramatic visual effects of the proposed extension from these (and other) points - effects which are largely ignored in the application (with the exception of Figs 6.24 and 6.25 which look deceptively benign...)*

*We realise that in considering the application to extend the workings you have to balance out the needs and wants of the various parties involved. We believe that this proposal is based far more on practical and economic convenience than actual need. On the other hand, its approval would be to the severe detriment of the landscape and the enjoyment and well-being of the very many people who visit this fantastic corner of the Peak District. It would*



*also seriously impact on our own quality of life and affect our hospitality business which is so dependent on the quality of our surroundings.”*

Following the submission of further information, a second representation was received. The main body of the comments are again quoted in full.

*“We are writing in response to your letter date 31 January 2019 concerning further information submitted by Breedon Southern Limited.*

*We feel strongly that this submission is merely additional justification for the status quo. Whilst we do not have the resources to employ experts to challenge the details, we are deeply sceptical of the general tenor of the assertion that "everything will be fine" and the dismissal of our previous objections.*

*The submission refers in passing to the fact that, as we have never made any complaints about the existing workings they do therefore not affect us.*

*This is most definitely not the case. When the breeze or wind is blowing from a north easterly direction, we are only too well aware of the proximity of the quarry. The noise levels can be substantial - especially, we presume, if machinery is working and/or blasting is taking place close to the south easterly edge of the quarry. As previously stated, the proposed extension will only bring this closer.*

*Equally, this further submission is dismissive of the visual impact of the extension from various surrounding points. Nor does it address the effect on the peaceful enjoyment that visitors to this quiet and special part of the National Park enjoy. We believe that if this extension is allowed, it will make further applications for extensions in the surrounding area much more difficult to refuse.*

*The suggestion that the proposed changes to the operation will be ‘environmentally friendly’ due to savings on lorry movements associated with double-handling the waste stream, is highly questionable. If the extension does go ahead, the carbon cost of digging a large extra hole and then re-filling it will also be huge...*

*Breedon have also failed to demonstrate that they have fully explored other options – especially those that might entail a higher commercial but a lower environmental cost.*

*Once again we would urge you to refuse this extension planning application.”*

### **Peak and Northern Footpaths Society**

The main body of the comments are quoted in full.

*“This application, if planning consent was granted in some form, would seem to necessitate the legal diversion of a section of Footpath 2 Parish of Hartington Upper Quarter. The Society that I represent has been consulted by the Highway Authority about a proposed diversion. The suggested diversion would force walkers to detour around three sides of a rectangle to reach the same points currently served by this section of Footpath 2. The Society considers this circuitous detour to be unacceptable.*

*We have put forward an alternative suggestion for a diversion, but this has found no favour with the (Rights of Way) officer dealing with this proposal. He is of the opinion that if planning consent is forthcoming, the diversion suggested is the only feasible option.*

*The impact on a public right of way is a material consideration for a Planning Authority considering whether or not to give planning permission for a development. An adverse impact on highway users can, and has in the past, led to planning consent being refused.*

*Even if planning permission was granted in some form, a Public Path Diversion Order would be necessary to bring about the changes to the route of the footpath. Such an Order can be objected to. If confirmation is refused, on the grounds of the effect of the diversion on highway users, then the development could not go ahead without illegally obstructing the footpath.*

*We consider the impact of this proposed development on Footpath 2 to be unacceptable in its current proposed form. Please refuse planning consent.”*

## **S Robinson Developments**

The comments made in this representation relate entirely to proposals (now withdrawn) at Ashwood Dale Quarry and so are not considered to be material in the determination of this application.

Where relevant to the determination of this application, the issues raised in these representations are discussed in the Planning Considerations section below.

## **Planning Considerations**

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 development plan is made up of the saved policies of the Derby and Derbyshire Minerals Local Plan (DDMLP), the saved policies of the High Peak Local Plan (HPLP). The NPPF and the Planning Practice Guidance (PPG) are material considerations.

## **Derby and Derbyshire Minerals Local Plan Policies**

The main policies of the DDMLP which are relevant to the determination of this proposal are:

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.  
MP16: Maintenance of Landbanks.  
MP18: Extensions to Sites.  
MP19: Additional Sites.  
MP23: Crushed Rock for Aggregates.  
MP25: Industrial Limestone.

The main objective of these policies is to allow an adequate and steady supply of minerals from within Derby and Derbyshire, with the minimal level of environmental and amenity impact, whilst ensuring that extraction sites are restored to a satisfactory standard and after-use as soon as practicable. These issues are explored in detail below.

The saved policies of the adopted DDMLP remain relevant and due weight should be given to them. Paragraph 213 of the NPPF indicates that the more the policies of the development plan policies are consistent with the policies of the NPPF, the greater the weight that local planning authorities are expected to give to them in their decisions (and vice versa). It follows that if there are areas of clear inconsistency between a policy of the adopted DDMLP and the NPPF, the weight the policy of the adopted DDMLP should be afforded (despite remaining part of the development plan as a ‘saved policy’) would be reduced.

## **High Peak Local Plan**

The main policies of the HPLP which are relevant to the determination of this proposal are:

EQ2: Landscape Character.  
EQ5: Biodiversity.  
EQ7: Built and Historic Environment.  
EQ10: Pollution Control and Unstable Land.  
E11: Flood Risk Management.

## **National Planning Policy Framework**

The revised NPPF was published in February 2019. It maintains the threads of the earlier versions and importantly, recognises the statutory requirement that applications 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 as such, 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.

The economic role of planning 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.

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, but continues to recognise that minerals are a finite resource that can only be worked where they are found and therefore the best use needs to be made of them to secure their long-term conservation.

The NPPF provides advice to MPAs concerning the role of planning policies. Of particular relevance is 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.
- Use landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply.

- Ensure that large landbanks bound up in very few sites do not stifle competition.

The NPPF states that MPAs, when determining applications for mineral development, should give great weight to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, MPAs should [of relevance to this proposal]:

- 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. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

### **Planning Practice Guidance**

The PPG was first published in 2014 and is updated periodically. The Minerals section of PPG (Paragraph:010 Reference ID:27-010-20140306 Revision date: 06 03 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.

### **Detailed Considerations**

#### **Need for the Mineral**

Policy MP23: Crushed Rock for Aggregate of the DDMLP 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.'*

The issue of need, in terms of the current information and data available, has moved on significantly since the DDMLP was adopted. In particular, the NPPF now expects that the consideration given to existing reserves and the 'landbank' is to be used only as an indicator of demand pressures. The latest information available relating to need for aggregates is set out in the current Local Aggregates Assessment (LAA) dated 2019, and the updated information regarding need will be considered below. The further requirement in MP23 for the provision of significant net environmental benefits is not set out in the NPPF and so not echoed in current national policy. However, the environmental effects of mineral development are considered in other policies of the DDMLP and other paragraphs of the NPPF.

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 need to make further supply provision. It also states that the existence of large landbanks should not be allowed to stifle competition. The NPPF therefore does not preclude the approval of new applications or extensions simply because a substantial landbank of permitted aggregates exists. Therefore, the aggregate element of the application should be considered on its own merits as set out in the NPPF, PPG and Policy MP2 of the DDMLP.

Policy MP2 of the DDMLP considers wider criteria in relation to need, and whilst it also makes reference to the out of date local, regional 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

The NPPF expects a landbank of permissions for aggregate crushed rock of at least 10 years to be maintained by a MPA at all times. The current aggregate for crushed rock landbank of permitted reserves for Derbyshire is estimated to be more than 600mt. However, I would consider it prudent to take this figure as no more than an estimate of the maximum reserve. It does not take into account other regulatory and operational factors that, in relation to the circumstances of individual sites, would be likely to reduce the amount of the reserve that could actually be won and worked.

In order to quantify the current landbank, the County Council regularly updates a LAA jointly in collaboration with Derby City Council and the PDNPA. The Joint LAA sets out the current and future situation in Derbyshire, Derby and

the PDNPA with regard to all aspects of aggregate supply, in particular, setting out the amount of land won aggregate that the area will need to provide. The most recent LAA was published in 2019.

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 2019 sets out that Derbyshire and the PDNPA produced 12.8mt of aggregate grade crushed rock in 2018, and that if production were sustained at such a level, the landbank for aggregate would last for approximately 60 years.

Derbyshire and the PDNPA are working together to reduce aggregate extraction from the National Park. The implication of this approach is that there will be an increasing extraction of aggregate grade rock from quarries in Derbyshire outside the National Park as a proportion of the overall total as time progresses.

The average annual sales figure for the 10 year period 2009 to 2019 is 9.44mt. This figure comprises 6.89mt for Derbyshire and 2.55mt for the PDNP. For the most recent three years production of crushed rock in Derbyshire and the Peak District has averaged 12.46mt. In 2018 and 2019, Dowlow exported approximately 2mt of aggregates for each year, a figure which equates to almost a third of the 10 year average yearly production for Derbyshire. It is clear that current aggregates production at Dowlow makes a significant contribution towards the target for aggregate mineral production in Derbyshire.

The various policy references to need are largely unquantified, but ultimately need is the result of market demand for a product. Meeting that need has economic benefits and also has wider benefits to society through the construction of roads and buildings, in the production of a wide range of goods, and in providing employment. Paragraph 203 of the NPPF recognises this stating that that *'it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.'*

In this case, the question of need does not relate to a need for an addition to the existing landbank in order to increase permitted tonnages, but rather, as set out in the application, need relates to the need to maintain the viability of a quarry which contributes from an existing permitted reserve. Previous operators of the site have not adequately addressed the issue of the accumulation of filter cake and quarry waste at the site and working programmes have done little more than propose to pile the waste at one end of the quarry whilst another area is worked out and then to swap it around. As space and availability of mineral within the quarry have become an issue, the

operator has found this approach to be neither practically nor economically viable. The operator has stated that this situation threatens the viability of the quarry and considers the current proposal to be the best option for providing a solution to this issue and so maintaining Dowlow as a viable quarrying operation.

I consider that the proposed development would constitute a development that would secure the 'best use' of minerals as a finite natural resource as set out in Paragraph 203 of the NPPF. The exchange of reserves set out in the Section 106 Agreement would ensure that the development would have a neutral effect on the overall Derbyshire landbank of rock suitable for the production of aggregates.

A significant proportion of the mineral quarried at Dowlow is processed on site by Omya UK for use as industrial minerals in a wide range of industrial products. Production of industrial minerals in 2018 and 2019 was approximately 500,000 tonnes for each year. Therefore, the requirements of Policy MP25 of the DDMLP are also a significant consideration, together with those parts of the NPPF concerned with industrial minerals.

Policy MP25 of the DDMLP states that *'proposals to extract industrial limestone will not be permitted unless they are required to meet a proven need for materials with particular specifications which would not otherwise be met, and the development is designed to maximise the recovery of the particular materials required to supply that need, or they involve extensions or variations to the boundaries of existing operations which would result in significant net environmental benefits without significantly increasing the level of permitted reserves.'*

Evaluation of the requirement for 'proven need that would not otherwise be met' would, it seems to me, require an extremely detailed analysis and understanding of the properties of the mineral resource and an equally in depth knowledge of the wide range of markets that mineral could be marketed to, and then the ability to analyse how these relate to each other. However, I consider it is also possible to simply acknowledge that the quarry has, for some considerable time, found ready markets for its products and continues to do so, and that this fact in itself constitutes evidence of a proven need.

Whilst the stone that would be won from the proposed extension area may not be of industrial quality, its extraction would, by enabling the removal and deposit of filter cake and quarry waste, serve to maximise the recovery of industrial quality mineral from within the existing quarry void.

Having met these policy requirements, it is not necessary to consider the further requirements for proposed extensions under this policy.



Paragraph 208 of the NPPF concerns policies for industrial minerals. Part (b) states that MPAs should encourage safeguarding so that important minerals remain available for use, and Part (c) states that it is important to maintain a stock of permitted reserves to support investment in plant and equipment.

I consider that the proposed extension, through enabling continued access to the existing industrial mineral reserve at Dowlow, is in accordance with the requirements of Policy MP25 of the DDMLP and the relevant parts of the NPPF.

### **Economic Effects**

The application states that: *‘Existing and proposed extraction works at Dowlow Quarry are important for both the local and national economy. The operations provide direct employment to site staff, who in turn re-inject their wages into the economy by acquiring local goods and services. It also benefits the wider economy by supporting both the construction and the mineral industry’s various supply chains, including plant manufacturers, specialist maintenance staff and haulage providers.’*

I accept this analysis which relates to the positive economic effects of the quarry and the proposed extension. There are also potential negative economic effects on local businesses that rely on the kind of tourism that focuses on the attractions of a quiet pastoral landscape which characterises that surrounding the proposed extension area.

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, and whilst the proposed extension does not lie within the PDNP, it is adjacent to the boundary on two sides and the sensitive receptors in the vicinity of the site are all within the Park. Whilst not directly applicable to this site, it does indicate that consideration should be given to the effects of development on the local economy and recreation (together with environmental and landscape effects which are discussed below), and the extent to which such effects could be moderated.

The balancing of the positive and negative economic effects of development is not a well-defined process; there is no absolute calculation of either, and no policy on whether this should be a simple sum of revenue, jobs, or some other factor, or whether there should be a particular weighting, other than the ‘great weight’ given to the benefits of mineral extraction. The potential negative economic effects of this proposal are closely linked to its environmental effects, which are considered below. If the environmental effects are minimised and made acceptable, then I consider it would be reasonable to

conclude that the potential negative economic effects would also be minimised, and consequently the balance of the economic effects would weigh in favour of the proposal.

### **Environmental Effects**

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, impacts on the cultural heritage, ecology, hydrology and flood risk. These potential effects are considered in depth in the ES and are addressed below.

Policies MP1 and MP3 of the DDMLP seek to allow development proposals where their environmental impact is acceptable, having regard to environmental factors, and where any adverse impacts can be eliminated or reduced to an acceptable level. The factors set out 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 ways and recreation, and effects on the water regime. Measures to be taken into account which reduce impacts include mitigation proposals, the duration of the development, efficient use of materials, reclamation and after-use proposals and wider environmental benefits. Proposals for mineral working will therefore be allowed only where the adverse effects on the environment can be avoided or reduced to an acceptable level, and this assessment is to be made having regard to all the considerations listed in the policies.

Policy MP4 of the DDMLP seeks to safeguard the environment and prevent irreparable or unacceptable damage to interests of acknowledged importance, such as agricultural land, areas of landscape importance, nature conservation, heritage, water resources, transport and cumulative impact on the environment.

Policy EQ10 of the HPLP also sets out a series of similar requirements in relation to the environmental effects of development.

The NPPF requires 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.

The following discussion addresses individual topics in the order they are reported in the ES.

## **Landscape and Visual Assessment**

In addition to DDMLP policies MP1, MP3 and MP4, other relevant policies for this topic are included in the HPLP which, through Policy EQ2, seeks to protect, enhance and restore landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social well-being. It states that this will be achieved by:

- Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers, ecological networks or other topographical features.
- Requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the PNDP and where appropriate incorporate landscape mitigation measures.
- Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the PDNP.
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement, as identified in the HPLP Landscape Impact Assessment.

Following consultations with the DCC Landscape Architect and others, 18 representative viewpoints around the whole quarry were assessed. Then, following consultation on the published ES, further viewpoints from an additional six locations with views of the proposed extension areas were also assessed. The combined assessment was submitted as part of the ES Addendum.

In analysing the viewpoints close to the proposed extension area, the assessment recognised that, during the establishment of the extension area, which would involve soil stripping and the transportation of soil and overburden to the storage area together with the creation of the screening bunds and the first operations for mineral extraction, there would be significant adverse visual effects on users of roads and public rights of ways in close proximity to the area. Except for receptors using Hurdlow Lane and the bridleway adjacent to the eastern edge of the extension area, the assessment considers these effects would reduce to non-significant following establishment of the grassed perimeter bunds and rollover slopes.

From a very short section of Hurdlow Lane, near Viewpoint (VP) 6, and for users of the bridleway immediately adjacent to the site, it considers significant effects would remain for the duration of extraction within the extension area. During the restoration phase, the return of the soils and overburden for use in

restoration would then reintroduce significant adverse effects for a short period. The assessment concludes that these effects would be limited in geographical extent, and would be both temporary and reversible, reducing to a neutral effect upon restoration of the site.

The LVIA suggests that there would be substantial adverse effects from VPs 3, 4 and 6 (all adjacent to the extension area) and moderate substantial adverse effects from VPs 1 (adjacent) and 10 (south-east). The additional visual assessment suggests that there would also be a substantial adverse effect from VP23 (adjacent to the extension) and moderate-substantial from VPs 20 and 21 (to the south and south-east).

Although the assessment suggests that these effects would reduce once the screening mounds and rollover slopes were in place, I consider that the mitigation, provided by the screening mounds, would itself be somewhat incongruous, particularly in VPs such as 20, 22 and 23, where there is currently little visual evidence of the existing quarry. The rollover slopes and screening mounds would be likely to contrast with other grassland in what is an intensively farmed pastoral landscape. As a result, I consider that the visual effects are likely to be greater than suggested in the application and additional submissions.

At VP21, Cronkston Low, the visual footprint of the existing quarry would almost double as a consequence of working the proposed extension area. From this elevated position within the National Park, the soil mounds would have limited screening effect, and whilst the temporary rollover slope might soften the rim of the void in time, overall, the proposed mitigation would do very little to hide the existence of the quarry extension, which would significantly increase the visual footprint of the quarry from this viewpoint until the restoration of the extension was complete. I consider that, throughout the duration of working of the extension area, the visual effect from this location would be moderate-substantial adverse and would be significant, which is of a greater magnitude than that assessed in the LVIA.

Until the revisions of late 2019, the total duration for the development of the extension was 16 years. Such a timeframe constitutes 'long term' in the context of the Landscape Institute's Guidelines for Landscape and Visual Impact Analysis, and duration is a factor to be taken into account when assessing the magnitude of visual effects. In order to assist in reducing the duration of the landscape and visual effects, the operator revised the working programme and is now proposing to undertake extraction and restoration within an eight year timeframe, this constitutes a reduction of eight years on the original proposal. This would be a significant reduction in the overall duration of the proposed quarry extension and would, as a consequence, reduce the overall magnitude of landscape and visual impacts, through reduced duration.

It is clear that there would be significant adverse landscape and visual impacts as a result of the development of the extension area. The effects of these impacts would be experienced by people traversing local footpaths, travelling on Dowlow Lane, and visiting heritage assets and viewpoints like Cronkston Low, and to an area of the Peak District landscape that currently has limited or no views of Dowlow and its neighbouring quarries.

These impacts would be mitigated to a degree by screening bunds and by the reduction in the overall timescale of the development. I note that the PDNPA and FOPD and the DCC expert Landscape Officer have accepted that the reduction in timescale is such that it places the landscape and visual impacts within the acceptable parameters of a medium term timescale. To ensure that the landscape and visual impacts of the development are restricted to the medium term, I consider it would be necessary to place a condition for the cessation of mineral extraction five years from the date of commencement of mineral extraction in the extension area.

I consider that the measures set out in the Section 106 agreement for the management of non-operational land for landscape and other benefits would also serve to mitigate the impacts of the quarrying operations.

In considering all of the factors referred to above, I am satisfied that the proposals, as revised, meet the requirements in relation to landscape and visual impacts of policies MP1, MP3 and MP4 of the DDMLP, and Policy EQ2 of the HPLP.

## **Ecology**

In addition to DDMLP policies MP1 MP3, MP4 and MP6, other relevant policies for this topic are included in the HPLP which, through Policy EQ5, seeks to ensure that development proposals will not result in harm to biodiversity or geodiversity interests.

The ES contains a comprehensive chapter on ecology and the applicant has subsequently submitted a report providing further details of the ecological surveys undertaken in preparation for this application. 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 Phase 1 Habitat Survey has been undertaken in accordance with best practice guidance, and I am content with its judgements and conclusions.

The most significant ecological impacts arising as a result of the proposals are the temporary loss of pasture land within the extension area and the effects on the LWS adjacent to the haul road when subsoils are being transported to and from the storage area. I am satisfied that, other than in regard to potential impacts on local hydrology (see below), the proposals would not be likely to

affect statutorily designated sites given the nature of the operations and the distance between the site and those receptors. I am also satisfied that the proposed measures to protect the LWS are appropriate and that impacts on habitats and species more generally would be of limited significance and would be compensated for through site restoration. Much of the compensation required to offset impacts on habitats and the species which depend on them would be delivered through site restoration.

I consider that the proposed mitigation of the impacts of the development on ecological interests should be secured by conditions requiring the submission of detailed schemes for the implementation of the full suite of mitigation measures for the protection of badgers and of nesting birds, and the production of a method statement for the removal of invasive species, detailed restoration and aftercare as set out in the Ecology chapter of the ES. I also concur with Natural England that any future dewatering could affect local sensitive watercourses; this is discussed in the Water Resources section below.

I consider that the measures set out in the Section 106 agreement for the management of non-operational land for ecological, biodiversity and other benefits would also serve to mitigate the impacts of the quarrying operations.

Subject to these measures, I consider the proposals would be in accordance the requirements in relation to ecology of policies MP1, MP3, MP4 and MP6 of the DDMLP, and Policy EQ5 of the HPLP.

The ES also included a related assessment to inform a Habitats Regulations Appraisal. This considers the potential of the continued extraction and proposed extension to have a 'likely significant effect' on the Natura 2000 sites of the Peak District Dales SAC, which at its nearest point lies approximately 2km from the site, and the Peak Moors SPA, which at its nearest point is approximately 3.8km from the site. The assessment recognises that there are a range of potential pathways that could potentially lead to significant effects, but given the distance of the SPA and the lack of a functional linkage, no impacts are anticipated by the assessment. In the absence of dewatering at the quarry, no impacts leading to a likely significant effect are anticipated on the SAC. The assessment concludes that a Habitats Regulations Appraisal (Appropriate Assessment) is not required.

The Council has also carried out a screening exercise to consider the need for a Habitats Regulations Appraisal (Appropriate Assessment). This concluded that an Appraisal would not be necessary in relation to this proposal; this is set out in further detail below.

### **Soils and Agriculture**

The most relevant DDMLP policies are MP1, MP3 and MP4.

The soils and agriculture chapter of the ES considers the likely significant environmental effects of continued extraction at the site on the soil resource, agricultural land and drainage. The mitigation measures required to prevent, reduce or offset any significant adverse impacts of extraction at the site, and the likely residual effects after these measures have been employed are also considered.

Agricultural Land Classification mapping classifies the site as comprising Grade 4 (poor quality) agricultural land. This was confirmed for the land within the proposed extension area through a detailed survey. The proposed restoration strategy aims to restore this land within the proposed extension to agricultural land to a minimum of Grade 4 suitable for use as pasture for sheep grazing and hay production, with similar strategies for suitable areas within the main quarry in the final restoration phase.

Subject to these measures being ensured by condition, I consider the proposals would be in accordance with the requirements in relation to soils and agriculture of policies MP1, MP3 and MP4 of the DDMLP

### **Water Resources**

In addition to DDMLP policies MP1, MP3 and MP4, other relevant policies for this issue are included in the HPLP which, through policies EQ10 and EQ11, seeks to manage flood risk and maintain water quality.

Paragraphs 155 - 165 of the NPPF set out that it is 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.

The Flood Risk Assessment (FRA) states that the site is within Flood Zone 1 (least risk of flooding) as defined on the Environment Agency's Flood Map with no significant risk of a flood event associated with the proposed extension or the continued working of the existing quarry. It concluded that the permanent waterbody will, as is currently the case, infiltrate to the underlying limestone geology and would have capacity for the expected volume of water ingress in perpetuity.

An assessment of the potential impact of the proposals on surface and groundwater has been included in the application. The assessment concludes that the proposed extension and its restoration would have no noticeable effect upon groundwater-supported features, including available water resources, existing abstractions, surface water flow and water related habitats.

The assessment of water resources in the ES draws information from an ongoing programme of investigation into the groundwater environment of the quarry and surrounding area. As well as using data from a wide area

encompassing the catchments of the rivers Dove, Lathkill and Wye, it also uses data from two bore holes within the site; one within the quarry workings and one outside. As is common for assessments of groundwater on the karstic limestones, these suggest a potentially wide range of variance for the level of local groundwater. However, the predicted post restoration level of the permanent waterbody within the main quarry at 209m AOD appears to be a good approximation of the level of the water table in and around the quarry, though this could easily vary by +/- 20 to 30m. The lowest point of the main quarry void at the time of the submission of the ES in 2017 was 314m AOD. Working at and below the water table will be likely to require dewatering of the quarry and this will require a license from the Environment Agency. As well as regulatory requirements, there are also operational and cost implications associated with dewatering the quarry workings.

The proposed extension involves a relatively small area in relation to the adjacent existing quarry void, and the extraction of stone to a depth of 330m AOD within the extension area would be well above the depth of the existing quarry void and well beyond the level of the local groundwater. Therefore, development of the extension would not be likely to have a significant effect on groundwater and any surface water within the extension would drain into the existing quarry void.

I am satisfied that the current groundwater monitoring regime is appropriate for the environmental sensitivity of the site setting in relation to both the current operations and the proposed extension. Natural England considered that in order to understand the impacts and mitigation measures that may be necessary, a water management plan must be submitted and approved in consultation with Natural England before any dewatering of the site can be carried out and the Environment Agency echoed this requirement. I consider that this requirement is appropriate and should be ensured by an appropriate condition.

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, subject to a condition as set out above, I am satisfied that the proposals meet the requirements in relation to water resources of Policy MP4 of the DDMLP, and policies EQ10 and EQ11 of the HPLP.

### **Cultural Heritage**

In addition to DDMLP policies MP1, MP3 and MP7, other relevant policies for this topic are included in the HPLP which, through Policy EQ7, seeks to conserve heritage assets in a manner appropriate to their significance.

Paragraph 190 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 191 to 202 of the NPPF set out a range of criteria to be considered in this regard.

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: *“When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.

At Paragraph 196, the NPPF directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The ES provides an assessment of the impacts upon the cultural heritage resource which are predicted to result from continuation of quarrying at Dowlow Quarry, and also assesses the predicted impacts that would result from the proposed south-eastern extension to the quarry. Currently, the quarrying activity at Dowlow is thought to result in Slight Adverse impacts to the settings of one Grade II Listed Building (Greatlow Farmhouse) and four scheduled monuments (the bowl barrows at Chelmorton Low, Nether Low, Hollins Hill and Cronkston Low). These impacts are already occurring and would be long term (until 2042), and partially reversible once restoration is complete.

The proposed extension (without mitigation in place) would result in additional effects at the Scheduled Monuments of Fox Hole Cave, Arbor Low Henge and the barrows at Parsley Hay, Pilsbury, Vincent Knoll, and Arbor Low, which are considered to be Slight to Moderate Adverse, and also Cronkston Low bowl barrow which are considered overall to be Moderate Adverse overall (but Substantial Adverse locally). These impacts would be medium term in duration and would be reversible once the extension is restored to current levels and returned to grazing. Once the rollover landform has been created, the significance of effects would be reduced to Slight Adverse, except at Cronkston Low which would remain at Moderate Adverse.

Upon completion of the operational phase of the quarry in 2042, there would be Moderate Adverse impacts to industrial archaeological remains associated with the quarry, but this could be reduced to Minor Adverse with suitable recording measures in place.

Once restoration of the wider quarry is complete in 2042, the removal of the industrial buildings and powders tips, coupled with the landscape restoration proposals, would serve to greatly reduce the visual impact of the quarry upon the settings of the surrounding designated assets and have a Slight Beneficial effect upon those Scheduled Monuments currently affected and upon the historic landscape character.

The archaeological potential of the proposed quarry extension is adequately established in the ES. The applicant has carried out geophysical survey of the site, followed by trial trenching evaluation, the results of which are summarised in the application documents. Although some undated post-holes and pits/gullies were identified towards the southern end of the site, the trenching identified nothing of clear archaeological significance. The undated features may prove in plan to relate to archaeological activity, and the site still retains a background potential for small-scale prehistoric activity evidenced by lithic scatters or pit groups. This potential could be adequately addressed through a condition requiring archaeological monitoring of the extraction soil strip, scalable to strip-and-record in the event of significant archaeological remains.

I consider the heritage assessment to be comprehensive, and of most concern are the impacts to the Scheduled Monument at Cronkston Low, but I also note the lesser harms to a number of other receptors including Fox Hole Cave on High Wheeldon and Scheduled Monuments at a greater distance where the Dowlow ridge is currently instrumental in screening sensitive receptors from quarrying activity.

Taking into account the medium term duration of the development, together with the visual screening measures, I consider these effects to be less than substantial harm that, in relation to the extension area, would be reversed upon restoration.

In considering the criteria to be considered in determining applications affecting heritage assets set out in Paragraph 192 of the NPPF, when taking into account the distance of the identified heritage assets from the existing quarry and the proposed extension, and the relative inaccessibility of both Fox Hole Cave and Cronkston Low, I do not think the proposals would have a significant effect on the conservation of these assets or the contribution they could make to the economic vitality of the locality. I do consider that other measures put forward with the proposals, such as the undergrounding of power lines and maintenance of drystone walls in the vicinity of the quarry and these heritage assets, would make a positive contribution to local character

and distinctiveness as also set out in Paragraph 192 as a desirable outcome of new development.

In considering all of the factors referred to above, I am satisfied that, whilst there would be some moderate and less than substantial impacts on heritage assets associated with the proposals, these effects would be adequately mitigated and compensated for and, therefore, the proposals meet the requirements in relation to heritage assets of policies MP1, MP3 and MP7 of the DDMLP, and Policy EQ7 of the HPLP.

### **Noise**

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 permits mineral development provided that any adverse effects on the environment, including noise, can be eliminated or reduced to an acceptable level. Policy EQ10 of the HPLP seeks to protect people and the environment from unsafe, unhealthy and polluted environments by ensuring that they are mitigated to an acceptable level; this includes the effects from noise.

Paragraph 180 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 impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The NPPF also states that when determining mineral 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.

PPG sets out the current guidance to 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 where it will be difficult not to exceed the background level by more than 10dB(A), without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. Limits of more than 10dB(A) above background may be acceptable, but these should not allow noise levels exceeding 55dB(A) for normal operations during standard working hours (07:00 hours – 19:00 hours).

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.

The NPPF points out that when developing noise limits, MPAs should recognise 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.

The noise impact assessment carried out on behalf of the applicant and provided in the ES consisted of day time noise surveys at locations selected to represent noise sensitive premises closest to the site, as set out in the table below. 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 from the proposed activities on site.

The assessment was undertaken with regard to established standards and guidelines to determine the impact of the proposed activities on the noise environment in the surrounding area, with a particular significance placed upon the potential for noise disturbance at noise sensitive receptors in the locality. A noise prediction model was formulated using worst-case total activity noise levels for each proposed phase of the operations and associated vehicle movements.

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 as set out in the noise standards for mineral development in the PPG.

The table below sets out background noise measurements at the identified sensitive receptors, the maximum levels permitted for minerals sites by the PPG, and the proposed day time and night time limits set out in the ES.

Location	Average Measured Background Noise Level dB L <sub>A90,1h</sub> (free-field)	PPG Minerals Criterion LA90 + 10 dB(A) (to maximum of 55 dB L <sub>A90,1h</sub> )	ES proposed day time Noise Level dB L <sub>A90,1h</sub> (free-field)	ES proposed night time Noise Level dB L <sub>A90,1h</sub> (free-field)
ESR1 – Dowlow Cottages	48.0	55	63	55

ESR2 – Greatlow Farm	50.4	55	55	42
ESR3 – Dowlow Farm	48.6	55	55	42
ESR4 – Sterndale Moor	45.2	55	55	42
ESR5 – Street House Farm	42.0	52	49	42
ESR6 – Braemar Farm House	24.6	35	45	42
ESR7 – Wheeldon Trees Farm	N/A	N/A	45	42

The suggested noise limits are for the whole of the site, together with the proposed extension, and for ESR1 - ESR6 relate to sensitive receptors that have been monitoring locations for a long time and the suggested noise limits are in accordance with those previously approved for the existing site operations.

The established day and night time limits for ESR1 are well above those set by current guidance, however, this location is very close to the quarry plant area and is owned by the quarry operator and is no longer used as a residential property. Taking these factors into account, it perhaps should no longer be considered an appropriate residential receptor, however, I consider it to be a useful monitoring location and am content for its continued use and for the suggested limits to be retained.

ESRs 2, 3 and 4 are all close to the A515 and road traffic is a significant factor in the noise levels experienced at these locations. Consequently, the proposed noise limits above background levels are at the maximum of 55dB set for day and night time noise levels in the PPG. The proposed levels for ESR5 remain at those set under the current conditions.

ESR7: Wheeldon Trees Farm, is an additional sensitive receptor included due to it being the closest residential property to the proposed extension. The assessment used the data from ESR6, Braemar Farm, as suitably representative of ESR7 as it is a similar distance from the background noise from the existing quarry and traffic noise from the A515 and local minor roads. The ES proposed a 45dB daytime limit for both these locations, which is 10dB above the 35dB limit that would be the result of the background + 10dB guidance, with the background measurement set out in the ES being 25dB.

In my opinion, the levels recorded at Braemar Farm are unusually low for any location. Consequently, I consider a limit of 35dB would be difficult to achieve and, as such, would place an unachievable and therefore unreasonable

restriction on the quarry operations. I therefore consider the exception set out in PPG should be applied. However, in recognition of the quietude of the locality, I consider a limit of 40dB be applied for day and night time operations. I note that this is a very low limit for quarry operations and is even below that normally universally set for night time operations. However, I also note that the quarry operator has subsequently indicated that it can operate the quarry without exceeding 40dB at Braemar Farm and Wheeldon Trees Farm.

I note the concerns regarding noise in relation to Wheeldon Trees Farm, but I consider the limit of 40dB to be very low and am satisfied that the requirement for adherence to this limit through a condition, together with the measures set out in a Noise Management Plan, would ensure that there would not be unacceptable noise impacts on this location resulting the development of the proposed extension.

The suggested noise limits in to be included in a condition are set out in the table below.

Location	Day time Noise Level dB L <sub>A90,1h</sub> (free-field)	Night time Noise Level dB L <sub>A90,1h</sub> (free-field)
ESR1 – Dowlow Cottages	63	55
ESR2 – Greatlow Farm	55	42
ESR3 – Dowlow Farm	55	42
ESR4 – Sterndale Moor	55	42
ESR5 – Street House Farm	49	42
ESR6 – Braemar Farm House	40	40
ESR7 – Wheeldon Trees Farm	40	40

I am satisfied that the ES 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.

The policy requirement set out in the NPPF is that noise levels from minerals 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 assessment has demonstrated that acceptable noise levels can be achieved. I therefore consider that, subject to conditions to control the effects of noise on surrounding noise sensitive areas, the proposal is 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, MP3 and MP4 of the DDMLP and Policy EQ10 of the HPLP.

## Blasting and Vibration Assessment

A blast induced vibration study of operations at the quarry was undertaken on behalf of the applicant. The assessment draws upon the ongoing blast monitoring programme at the quarry using site specific vibration data and focuses upon the potential effect of blast induced vibration upon the occupants of residential properties in the vicinity of the quarry.

The study considers blasting during all four phases of quarrying and for the whole site, including the extension area during Phase 1. Six residential properties and the Network Rail infrastructure adjacent to the quarry were selected as prediction locations. The maximum predicted vibration level at the closest receptor to the proposed extension area, Wheeldon Trees Farm, is  $2.7 \text{ mms}^{-1}$  during the early part of Phase 1, reducing to around  $1.0 \text{ mms}^{-1}$  for the remainder of the development. The Fox Hole Cave Scheduled Ancient Monument lies beyond Wheeldon Trees Farm and is therefore further separated from vibration from blasting within the extension area. At Braemar House Farm, which is further from the extension but closer to the main quarry, the predicted vibration level is  $2.0 \text{ mms}^{-1}$  during the early part of Phase 1 reducing to around  $1.8 \text{ mms}^{-1}$  for the remainder of the development. The highest vibration levels of  $11.8 \text{ mms}^{-1}$  are predicted to be at the Network Rail infrastructure during Phase 3, this is within the Network Rail criterion of  $12 \text{ mms}^{-1}$ . All calculations assume the use of the maximum instantaneous charge of 133kg at the closest possible distance to the location. It is likely that charges will be lower than the maximum and the blasts will be carried out at locations further within the quarry.

The blasting and vibration assessment recommends a continuation of the existing limits for blasting at the quarry. It states that vibration would be within the levels set for human perception of blast induced vibration by British Standard Guide BS 6472-2 (2008) which cites  $6 - 10 \text{ mms}^{-1}$  as a satisfactory magnitude of vibration at residential properties.

The exception to these criteria is the proximity of Hurdlow Lane, which is a single track lane forming part of the highway, and which runs approximately 35m from the eastern flank of the extraction area of the proposed extension. The Highways Agency recommends a limit of  $50 \text{ mms}^{-1}$  for blasting works to existing highways structures. The applicant has referred to this guidance and has proposed to adopt a maximum criteria of  $50 \text{ mms}^{-1}$  at Hurdlow Lane. The Highways Officer has accepted this proposed limit subject to the provision of an appropriate condition.

I am satisfied that the ES demonstrates that the vibration and air over-pressure associated with blasting undertaken as part of the development would, in the worst case scenario, be less than half of the acceptable level in the British Standard. I am also satisfied that the limit of  $6 \text{ mms}^{-1}$  in 95% of all blasts over a six month period with no blast exceeding  $12 \text{ mms}^{-1}$ , as set out in the existing condition, would be an appropriate means of controlling blasting

and vibration at the quarry and would ensure that blasting at the quarry would not conflict with the provisions of Policy MP1 of the DDMLP.

### **Air Quality Assessment**

In addition to DDMLP policies MP1 MP3 and MP4, other relevant policies for this issue are included in the HPLP which, through Policy EQ10, 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.

An Air Quality Assessment was carried out in accordance with The Institute of Air Quality Management (IAQM) Minerals Guidance and the then relevant section of the NPPF and PPG. It considered the potential air quality impacts of the development, specifically the potential of the development proposals to generate dust and the potential impact on sensitive residential receptors and the environment.

The assessment sets out a range of measures currently used to ensure effective day to day dust management during site operations, including on site speed limits, damping down of haul roads and conveyor belts during dry weather conditions and keeping handling operations and drop heights to a minimum.

The assessment utilises dust monitoring results from the site from 2010 onwards. It notes that since 2016, there has been no exceedance of the commonly accepted nuisance level of dust deposition of 200mg/m<sup>2</sup> per day. With the maximum recorded dust deposition at the site boundary being 42.3mg/m<sup>2</sup> per day.

A further assessment, submitted as part of the 2019 Addendum to the ES, also used data on rainfall, wind direction and particulate matter (dust) deposition to model the potential effects of the development of the extension area on air quality at Wheeldon Trees Farm. This receptor was not considered in the initial assessment as it lies beyond the 400m distance limit for sensitive receptors for hard rock quarries as set out in the IAQM guidance. The assessment considers the particular pathway from the extension to Wheeldon Trees Farm and the number of days in an average month that winds may blow towards the farm from the extension, together with the typical rainfall for the area and concludes that there would be an average of two dry days per month where the wind would blow directly towards the farm from the extension.

Using the IAQM guidelines, which assume a 'worst case' approach, the assessment concludes that there would be the likelihood of a 'Slight Adverse Effect' on the air quality experienced at Wheeldon Trees Farm as a result of



the development of the extension. The assessment goes on to emphasise that operations would not be continuous and that a range of mitigation measures would be in use in accordance with the Dust Management Plan for the site. It concludes that dust and air quality at the site would be managed within the parameters set out in the relevant planning policies and the NPPF.

I am satisfied that the ES has sufficiently identified all likely sources of dust emissions and acknowledge 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.

In reaching this conclusion, I am mindful that the proposal is one where the method of operation would remain the same as that carried out under the existing planning permission, and would maintain 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.

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, MP3 and MP4 of the DDMLP and Policy EQ10 of the HPLP.

### **Transport and Access**

The transport of minerals from quarries can potentially impact on local amenity, cause public safety and environmental concerns, such as noise, vibration and air pollution. In addition to DDMLP policies MP1, MP3 and MP4, 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, that 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.

An assessment of the likely effects of the operations at Dowlow, including those from the plant operated by Omya UK, on the highways network has been included in the ES. This was carried out in accordance with the

Guidelines for the Environmental Assessment of Road Traffic (1992) published by the Institute of Environmental Assessment. Following a request for some clarification and further analysis from the Highway Authority, the assessment was updated as part of the ES Addendum submitted in January 2019.

In summary, the updated assessment sets out that production at the quarry has been approximately 1mt per annum for several years but had increased in recent years to around 2.5mt, with an expected eventual peak production of 3.5mt per annum. The proportion of production being exported by rail has increased to above 40%, and this proportion is expected to increase following the construction of the new freight railhead facility at Buxton which allows much larger trains from the local quarries to be assembled prior to entering the main rail network. The assessment has therefore been calculated on the assumption that up to 2.5mt per annum would be exported from the quarry via the highway network using HGVs.

The assessment sets out how the quarry has direct access to the 'A' road network via the A515 Buxton to Ashbourne road, supplying a customer base primarily in the north-west and the East Midlands. The Five Ways junction in Buxton was identified as the only element of the route network used by the quarry that is close to its capacity, but the assessment also concluded that traffic from the quarry accounted for a very small proportion of the traffic seen at that junction. The Highway Authority concurred with the findings of the assessment and recommended a condition, based on the criteria used by the assessment, that would restrict the total annual tonnage exported from the quarry site via the road network to 2.5mt and the daily maximum HGV movements to 590 (295in/295 out). There are currently no limits on the number of HGVs entering and leaving the site.

Whilst it has been demonstrated that the increase in HGV movements is and can continue to be accommodated by the highway network, I am aware, through my officers monitoring reports, that compliance with the existing condition that stipulates that no mud or other dirt shall be carried from the site onto the public highway has proved difficult for the quarry to achieve. The existing wheel-wash facility has not been adequate and the quarry has had to provide a road sweeper to clean the access road and the A515. Whilst this has successfully cleaned up the material deposited on the highway, it has also meant that the quarry has not been fully compliant with the requirements of the condition. Given that the quarry is likely to maintain or increase current HGV movements, I consider it necessary to recommend a condition requiring the improvement of wheel-washing capacity at the quarry so that it properly accommodates the volumes of HGV traffic leaving the site and can reasonably be considered to ensure compliance with the requirement that no mud or other dirt shall be carried from the site onto the public highway.

Having considered the analysis set out in the highways assessment, and subject to conditions as set out above being included in any permission granted, I am satisfied that the proposals would accord with the requirements of DDMLP policies MP1, MP3, MP4 and MP5 regarding effects relating to transport.

### **Amenity and Recreation**

Paragraph 98 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example, by adding links to existing rights of way networks including National Trails.

The ES includes an assessment of the impact of the continuation of works and site extension on public access and recreation. It considers the potential effects in relation to the direct removal or disturbance of recreational space, disruption of access, and the effect on recreational uses adjacent to the development or in the immediate area. In doing this, it takes into consideration the nature of the proposed development, the type of outdoor facilities available and the type of activity practiced at those facilities. Such facilities can be area based, such as National Parks and open access land, and linear, such as footpaths and other rights of way.

There are currently 27 public rights of way within 1km of the quarry. High Peak public footpaths 4 and 134 nominally cross the existing quarry site but are unusable due to ongoing quarrying. Development of the extension would require the diversion of Footpath 2 which crosses the proposed extension area. Breedon intends to make an application for the temporary diversion of Footpath 2 and permanent diversions of Footpaths 3 and 134. On completion of the proposed development, Footpath 2 would be reinstated on its current route.

The assessment concludes that the effects of the development in relation to amenity and recreation would be limited to users of rights of way in the vicinity of the extension area and the existing quarry. It considers these effects would be transient, short-term, reversible, and ameliorated by mitigation measures for noise, air quality and visual impacts, it therefore concludes that the impacts would be negligible.

The applicant has also subsequently submitted details of enhancements to the footpaths network adjacent to the quarry that it will commit to through a Section 106 agreement, including the provision of a cycle path (also accessible to walkers and horse riders) from the High Peak Trail through the applicant's land to the village of Sterndale Moor. The Section 106 agreement will also include commitments to fund the undergrounding of power lines in the vicinity of the quarry. I consider these measures would serve to enhance the amenity and recreational enjoyment of the locality.

The diversion of Footpath 2 would be temporary with its reinstatement on completion of the restoration of the extension. The proposed route for the diversion around the extension has generated an objection from the Footpath Society, on the basis of the impact the diversion would have on the amenity enjoyment of the footpath, as noted above. However, I do not consider that the implementation of any reasonable order for a diversion of this footpath to avoid the quarry extension would have a substantial or unacceptable effect on the amenity of footpath users.

I am satisfied that the applicant has properly assessed the potential impact of the development of the extension on amenity and recreation and am also satisfied that the development would result in enhancements and improvements to the local rights of way network in accordance with the requirements of the NPPF.

### **Sustainability Assessment**

A Sustainability Assessment (SA) is included within the ES. Although it is not a requirement of Environmental Impact Assessment (EIA), in many ways it mirrors the EIA process, albeit with the addition of social and economic criteria along with environmental objectives. Sustainable development is most often defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The purpose of this SA is to demonstrate how the development would contribute towards sustainable development in the local context.

Whilst most of the assessment reflected conclusions set out elsewhere in the ES, additional assessments included Community Cohesion, Sustainable Design and Construction and Social and Economic Prosperity. The conclusion of the SA was that overall Dowlow provides 'positive gains for sustainability', which merits a 'B' on a grading scale of A (highest practical gains for sustainability) to E (no gains for sustainability).

### **Cumulative Effects**

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.

The applicant has made an assessment of the potential cumulative impacts of the development, in relation to additional changes that may arise when the proposed extension and existing operations at Dowlow are considered, in conjunction with the operations at the adjacent Hindlow and Brierlow quarries and any other significant developments in the vicinity.

The assessment considers that Dowlow and the adjacent quarries benefit from topographical containment which results in very limited visibility from surrounding areas. It notes that the proposed extension would open up new views of the quarry from the south-east, but considers that such landscape

and visual impacts and cultural heritage would be both temporary and reversible, and would be mitigated but screening features during operations and would be neutral upon completion of restoration of the extension.

No notable cumulative effects are anticipated in relation to ecology, soils and agriculture, amenity and recreation, vibration, air quality and noise. The initial assessment of potential cumulative effects on traffic did not take into account permissions for housing developments at Harpur Hill. The ES Addendum reassesses these effects and concludes that there would not be any significant cumulative effects.

I concur with the applicant's analysis that the quarry, as extended, would not be likely to have a significant cumulative impact, together with other quarry sites. The analyses of the potential environmental effects associated with the development, such as noise and dust emissions, have demonstrated that these effects are individually well 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. I am therefore satisfied that there would not be any unacceptable cumulative effects associated with the proposed development.

### **Other relevant Development Plan Policies**

In terms of other policies of the current DDMLP, the site would, as an extension to an existing working site, accord with the provisions of DDMLP Policy MP18 which gives preference to such sites over new ones, provided they can be accommodated in an environmentally acceptable manner. Although the NPPF does not prioritise extensions over new sites, PPG does set out a number of mineral related criteria which requires such proposals to be considered on their own merits.

The proposal involves an extension to an established site, and for use of retained processing plant for processing that mineral which is within the existing established site, as well as mineral transportation to the public highway via a route through the existing established site. The proposed development would therefore become part of a single working mineral quarry complex featuring the remaining working element of the existing site together with the new extraction site.

The proposal also accords in principle with the requirements of DDMLP Policy MP10 which states that mineral development will only be permitted where satisfactory provision is made for appropriate reclamation and after-uses as soon as practicable. It makes provision for the extension site to be returned to agricultural use eight years from commencement of quarrying and for the rest of the quarry to be restored at the permission end date.

The use of the existing access/egress arrangements onto the A515 also means that the proposal accords in principle with the requirements of Policy MP5.

## **Conclusion**

Dowlow Quarry produces crushed limestone for use as both aggregates and in industrial processes. I consider the determination of this application rests on whether the proposed extension constitutes a strategy that would ensure the 'best use' of the mineral reserve at Dowlow Quarry. The operator has stated that it may not be economically viable to operate the quarry and extract the remaining permitted reserve if the 'filter cake' and other legacy quarry waste had to be kept within the quarry void. It has also stated that, if this were to be the outcome, there is a high likelihood of the quarry closing prematurely with unworked reserves remaining within the void. As to what extent if at all some other strategy that could be used to deal with the problems presented by the filter cake and quarry waste if the extension was not permitted, the operator has stated that alternative strategies have been considered and that the proposed extension is not in itself a profitable exercise, but rather one that would enable the existing reserves to be worked profitably. Having considered the application in detail and having regard to the comments of expert consultees, I accept that the basis on which the application is submitted is not contrived and that the proposal as presented is the operator's best option for the long term continuation of operations at the quarry.

I accept that the proposal constitutes a solution to a problem which threatens the viability of the quarry, it is the operator's chosen solution and so should be considered against current relevant policy requirements. In considering the proposal in the context of Paragraph 203 of the NPPF, I consider it meets that requirement in that it would ensure both the best use of and long term viability of a permitted mineral reserve.

I consider this conclusion is further supported in relation to the industrial minerals produced at the quarry by meeting the policy of NPPF Paragraph 208 at parts (b) and (c) by ensuring that important minerals remain available for use and in maintaining permitted reserves in order to support investment in plant and equipment. It would also meet the policy of Paragraph 205 at part (a) in maintaining a landbank outside of the PDNP.

The exchange of reserves provision by a Section 106 agreement, that would result in no net increase in the mineral reserve at the quarry, as set out in the recommendation, has been questioned during the consultation process. However, I do not consider it an unreasonable or unnecessary provision and have no reason to believe that the County Council would not be capable of ensuring that the commitment is met by the operator.

The other measures proposed for Section 106 Agreement demonstrate a willingness by the operator and landowner to enter obligations to enhance the

local landscape, biodiversity, and public amenity. These measures, subject to one reservation, can be considered to offer relevant benefits to the community that would provide compensation and mitigation in respect of the impacts the development would generate and accord with DMLP Policy MP2. The reservation is that the general funding of community projects, despite being a particularly welcome initiative by Breedon to benefit the community in general terms, must be disregarded in the determination of this application unless it offers any benefit which can be identified as being connected sufficiently with the development. I consider that, in order to comply with current legislation and regulations, it would be necessary for the provision to be restricted to the close environs of the site such that it would have little discernible community benefits and that adequate mitigation is provided by other measures set out in the application, recommended conditions, and Section 106 agreement.

I note that Breedon has committed to provide a Community and Environment Fund for projects in the wider area surrounding the quarry through a legally binding Unilateral Undertaking to be administered by an independent trust. However, I must also emphasise that this is not a material consideration in the determination of the application.

I acknowledge that there are some unavoidable medium term impacts on landscape and visual amenity and heritage assets, and I also note the concerns in relation to the potential effects of noise, dust and vibration. 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 therefore satisfied that the proposed extension could be worked in an environmentally acceptable manner, subject to full adherence to the requirements detailed in this report.

I am mindful of the great weight that must be afforded to the impacts on the setting of 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 eight year timescale and the complete restoration of the extension area. In doing so, I conclude that the adverse effects of the development would be acceptable, would comply with the requirements of the saved policies of the DDMLP and the HPLP, and therefore that the proposal represents a sustainable form of development that would support sustainable economic growth in accordance with the requirements of the NPPF.

I do not consider there would be any other material considerations that would be likely to outweigh the policy considerations, and it is recommended for approval subject to the conditions and Section 106 obligations set out below.

(3) **Financial Considerations** The correct fee of £20,865 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Mineral Planning Authority.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, in the determination of this application in so far as it affects buildings and/or their settings, 'special regard' is had to 'the desirability of preserving each listed building its setting or any features of special architectural or historic interest which it possesses.

Section 11A of the National Parks and Access to the Countryside Act 1949 requires that the authority in determining of this application, so far as this is an exercise of a function relating to or affecting land in the PDNP, to have regard to the purposes of (a) conserving and enhancing the natural beauty wildlife and cultural heritage of the PDNP area and (b) of promoting opportunities for the understanding and special enjoyment of the special qualities of the PDNP area. This section further requires that if it appears that there is a conflict between the purposes (a) and (b), greater weight is attached to (a).

(5) **Environmental and Health Considerations** The Conservation of Habitats and Species Regulations 2017 consolidate earlier regulations and now transpose the European Union (EU) Directive on Natural Habitats, and Wild Fauna and Flora (92143IEEC) into national legislation. They afford a high level of protection to a variety of species that are considered important at a European scale. The Regulations identify European Protected Species and various habitats of importance within the EU, with important sites being designated. Any proposed development that may have a significant effect on a designated site (either direct, indirect, temporary or permanent) should be assessed in relation to the site's 'conservation objectives', i.e. the reasons for which the site is designated.

Under the 2017 Regulations, an "appropriate assessment" of the implications of the proposed development, in view of the site's conservation objectives must be made in respect of any decision to be taken for any consent for a project (or a plan) or which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

A screening assessment has been undertaken by the Authority to consider the need for an appropriate assessment to be undertaken under the Habitat Regulations 2017. The screening assessment has found that the proposed development will have no likely significant effect on the Peak District Dales



SAC and the Peak Moors SPA, and that there is no requirement to undertake an appropriate assessment for the proposed development.

## Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

### (6) **Background Papers** File 1.640.18

Application documents received from Wardell Armstrong dated 20 October 2017, and submissions of further information dated January 2019 and 15 August 2019.

Emails from the Rights of Way Officer dated 13 November and 5 December 2017.

Letter from Natural England dated 4 December 2017.

Email from the Conservation and Design Officer dated 12 December 2017.

Emails from the County Archaeologist dated 18 December 2017 and 12 September 2019.

Letters from Historic England dated 22 December 2017 and 8 February 2019.

Emails from the Highways Officer dated 27 December 2017 and 31 January 2018.

Letters from the Environment Agency dated 11 January 2018, 8 February 2019 and 27 August 2019.

Email from the County Ecologist dated 19 January 2018.

Letters from the PDNPA dated 24 January 2018, 13 March 2019 and 28 January 2020.

Letters from DWT dated 12 January 2018, 14 February 2019 and 8 October 2019.

Emails from the County Landscape Architect dated 22 March 2019 and 16 September 2019.

Email from Hartington Upper Quarter Parish Council dated 29 October 2019.

Email from HM Inspector of Quarries dated 29 January 2020.

Letters from the FOPD dated 3 April 2018, 14 March 2019 and 10 October 2019.

Emails from Wheeldon Trees Farm dated 3 December 2017 and 20 February 2019.

Email from the Peak and Northern Footpaths Society dated 14 February 2018.

Letter from S Robinson Developments dated 19 February 2018.

Email and draft Section 106 Agreement from Knights PLC dated 16 December 2020.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission is **granted** for the proposal in the application which is the subject of this report (Code No. CM1/1017/58) be authorised, subject to:

- 7.1 An agreement first 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 Director – Economy, Transport and Environment and the Director of Legal Services and Democratic Services, to make satisfactory provision for the:
- Part funding and enablement of undergrounding of electricity cables in the vicinity of the site.
  - Implementation, in consultation with the Council, of a biodiversity and habitat management plan for non-operational land in control of the applicant.
  - Implementation, in consultation with the Council, of a further five year period of landscape and habitat management following the five year aftercare upon completion of the restoration of the quarry.
  - Provision of a permissive cycle track as soon as possible following commencement of the development between the High Peak Trail and the village of Sterndale Moor, for use by the public until 10 years after completion of the restoration of the site.
  - Implementation of a 'Reserves Exchange' where a tonnage from the existing reserve equivalent to that expected to be won from the south eastern extension will not be extracted in order to ensure no net increase in reserves at the quarry,
- and

- 7.2 a set of conditions substantially in the form of the following draft conditions below:

### **Commencement**

- 1) The development hereby approved comprises both a continuation of mineral winning and working at Dowlow Quarry which, hitherto, has carried on under planning permissions 1986/9/10, HPK/680/675, CM/1292/57 and R1/0498/5, and an extension of the winning and working of minerals into the south eastern extension area, as set out on drawing reference drawings reference NT11725 / Figures 3.2A - 3.6. The development hereby approved must be commenced within three years of the date of the permission. The mineral planning authority shall be notified in writing of the date of such commencement within 14 days of that date.

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

### **Time Limits/Duration of Works**

- 2) All operations for the winning and working of minerals authorised or required by this permission shall cease on 22 February 2042. Within two years of that date, all plant, machinery, structures, buildings and haul

roads shall have been removed, 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 decision.

**Reason:** In conformity with statutory time limits and to ensure that all operations are carried out within an acceptable timescale and to prevent prolonged disturbance to the local environment.

- 3) Limestone extraction and subsequent infilling activities within the south eastern extension area shall be carried out in accordance with the phasing shown on drawing nos. NT11725/Figure 3.2 to 3.3.

Written notification of the date of commencement of operations for the winning and working of minerals within the south eastern extension area shall be provided to the Mineral Planning Authority within seven days of such commencement. Limestone extraction within the south eastern extension area shall be for a maximum five years from the date of such notification.

Written notification of the date of commencement of infilling activities within the south eastern extension area shall be sent to the Mineral Planning Authority within seven days of such commencement. Infilling activities within the south eastern extension area shall be for a maximum two years from the date of such notification.

Written notification of the cessation of infilling activities and subsequent final restoration/landscaping works as set out in figure 3.3 within the south eastern extension area shall be sent to the Mineral Planning Authority within seven days of such cessation.

**Reason:** To make clear the timescale of the development approved by the planning permission.

### **Approved Details and Use**

- 4) The development hereby permitted shall be carried out in accordance with the application for planning permission and accompanying documents submitted by Wardell Armstrong on behalf of Breedon Southern Ltd dated 20 October 2017, received by the Mineral Planning Authority on 20 October 2017, together with the Addendum to the ES received on 23 January 2019 and the letter received on 15 August 2019, unless otherwise required by the further conditions of this planning permission and any schemes approved under those condition. For the avoidance of doubt, the application documents referred to above comprise the following:

NT11725/Figure 3.2 Phase 1 Revision A

NT11725/Figure 3.3 Phase 2  
NT11725/Figure 3.4 Phase 3  
NT11725/Figure 3.5 Phase 4  
NT11725/Figure 3.6 Restoration  
NT11725/Figure 3.7 Restoration Sections

Environmental Statement Addendum January 2019  
Preliminary assessment on stability of Hurdlow Lane  
Proposed South East Tip Geotechnical Assessment May 2018

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

- 5) Within six months of the date of this permission, the operator shall submit, for the approval of the Mineral Planning Authority, a plan setting out the extraction area derived from the extraction limits set out on plans referenced 'May 1947' and 'November 1951', together with any minor revisions to the approved phasing plans that the Mineral Planning Authority considers necessary.

**Reason:** To set out the combined working area established under these earlier permissions.

#### **Availability of Approved Documents**

- 6) From the date of this permission coming into effect, a copy of these conditions, including all documents referred to in them, and any further submissions to, and approvals by the Mineral Planning Authority under these conditions, shall be kept available on site for inspection at any time when the site is operating.

**Reason:** To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

#### **Permitted Development Rights**

- 7) Notwithstanding the provisions of Part 17 of the Town and Country Planning (General Permitted Development Order) 2015, no buildings, fixed plant or machinery or structure in the nature of plant or machinery shall be erected, extended, installed or replaced in the site other than in the area delineated 'GPDO' on drawing no DQ3/I, except as authorised or required by this permission.

**Reason:** In the interests of the visual and other amenities of the area.

- 8) Notwithstanding the provisions of Part 17 of the Town and Country Planning (General Permitted Development Order) 2015, no waste shall

be deposited outside the areas shown on drawings NT11725/Figure 3.2 A to NT11725/Figure 3.6.

(For the avoidance of doubt, this condition does not include the storage of soils and overburden which are to be used in the reclamation of the site.)

**Reason:** In the interests of the visual and other amenities of the area.

**Access, Traffic and Protection of the Public Highway**

- 9) The sole vehicular access to the site shall be via the existing quarry access, shown on drawing no. NT11725/Figure 1.2.

**Reason:** To restrict the route for accessing the site and to ensure that the access is kept clean in the interests of local amenity, highway safety and the environment.

- 10) No signs shall be erected at, or adjacent to the access road without the prior written approval of the Mineral Planning Authority.

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

- 11) The total annual tonnage exported from the quarry site via the road network shall not exceed 2.5mt and daily HGV movements shall not exceed 590 (295in/295 out).

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

- 12) The surfacing of the site access and exit roads shall be maintained in a solid bound material and kept clean and free from mud and other debris until completion of site reclamation.

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

- 13) No mud or other dirt shall be carried from the site onto the public highway.

**Reason:** To ensure that the access is kept clean in the interests of local amenity, highway safety and the environment.

- 14) Within six months of the date of this permission, the operator shall submit detailed plans for a replacement wheel-wash facility for the written approval of the Mineral Planning Authority. The new wheel-wash shall be constructed as approved and be operational within two years of the date the detailed plans are approved.

**Reason:** To ensure that the access is kept clean in the interests of local amenity, highway safety and the environment.

- 15) No goods vehicles loaded with extracted or processed stone less than 75mm in size shall leave the site un-sheeted.

**Reason:** To ensure that the access is kept clean in the interests of local amenity, highway safety and the environment.

### **Archaeology**

- 16) No development within the extension area, as set out on drawings reference NT11725 / Figures 3.2A - 3.6, shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the County Planning Authority in writing. The scheme shall include an assessment of significance and research questions, and
1. The programme and methodology of site investigation and recording.
  2. The programme for post investigation assessment.
  3. Provision to be made for analysis of the site investigation and recording.
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  5. Provision to be made for archive deposition of the analysis and records of the site investigation.
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

Within a period of 12 weeks from completion of the archaeological investigation on site, the post investigation assessment shall be completed in accordance with the programme set out in the approved archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition shall be secured.

**Reason:** To ensure that any archaeology removed or destroyed by the development is properly recorded and archived.

### **Geology**

- 17) The Mineral Planning Authority shall be notified as soon as practicable of any features of special geological interest encountered during operations. Reasonable access shall be afforded to the Mineral Planning Authority or its representatives to survey and/or record such features.

**Reason:** To ensure any geological features of special interest which may exist within the site are suitably recorded before being directly affected by the development.

### **Site Boundaries**

- 18) All existing hedges, fences and stone walls on the site boundary shall be maintained and protected from damage throughout the period of operations until the restoration of the site has been completed. Any new or replacement boundaries shall be in accordance with details which have received the prior written approval of the Mineral Planning Authority.

**Reason:** In the interests of safety and in order to safeguard the appearance of the undisturbed areas of the site.

### **Soil Conservation: Stripping and Storage**

- 19) All existing hedges, fences and soil, derived from the extension area, 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.

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

### **Soil Conservation: Soil Handling**

- 20) 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.

- 21) Plant and vehicle movements shall be confined to the overburden or mineral surface and shall not cross areas of unstripped topsoil or subsoil except for the express purpose of soil replacement operations.

**Reason:** To prevent unnecessary trafficking on soil by heavy equipment and vehicles.

## WORKING PROGRAMME

### Mineral Extraction

- 22) Limestone extraction and mineral waste tipping shall be carried out only in accordance with the phasing scheme shown on drawing nos. NT11725/Figure 3.2 A to NT11725/Figure 3.6.

**Reason:** For the avoidance of doubt and to retain the Mineral Planning Authority's control over the form of future working and reclamation of the site to minimise its impact on the amenities of the local area.

- 23) In addition to the provision of Condition 22 above, not later than 12 weeks from the date these conditions come into effect, and then again every two years from the date these conditions come into effect, the operator shall submit to the Mineral Planning Authority a detailed 'Quarry Development Plan'. The Quarry Development Plan shall provide the following details:

- an updated topographical survey plan on an Ordnance Survey base and at a scale in the range of 1:1250 to 1:5000, identifying the current position and level of each quarry face;
- faces to be worked during the forthcoming two year period;
- anticipated mineral extraction levels and depths to be reached, and details of the storage of overburden in the forthcoming two year period;
- areas for the deposit of mineral waste in the forthcoming two year period;
- soil stripping to be carried out in the forthcoming two year period;
- restoration to be carried out, including soil depths, in the forthcoming two year period; and
- aftercare to be carried out in the forthcoming two year period.

**Reason:** For the avoidance of doubt and to retain the Mineral Planning Authority's control over the form of future working and reclamation of the site to minimise its impact on the amenities of the local area.

- 24) No materials shall be imported onto and deposited on the site, except for:
- a) such soils, soil forming materials and soil ameliorants; and
  - b) materials used in the extraction or processing of minerals from or the manufacture of products from the site.

For the avoidance of doubt, in respect of this condition, deposited means placed in the final resting place or temporarily deposited for more than six months.



**Reason:** To minimise the risk of pollution to watercourses and aquifers and to ensure the approved reclamation of the site.

### **Maintenance of Processing Plant**

- 25) The external cladding or painting of all new buildings, fixed plant, machinery and structures comprising the processing plant and ancillary operations, and any recladding or repainting of any such existing item, shall conform with the colour BS18B25 and shall be so maintained for the duration of the development.

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

### **Lighting**

- 26) No additional outdoor lighting shall be installed at the quarry other than in accordance with details which have received the prior written approval of the Mineral Planning Authority.

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

### **Rubbish, Scrap and Other Wastes**

- 27) All rubbish, scrap and waste materials generated on the site, other than derived from the extraction, treatment and processing of minerals, shall be stored in clearly marked areas or containers until such time as they can be properly disposed of.

**Reason:** To minimise the risk of pollution to the environment.

### **Hours of Operation**

- 28) Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral Planning Authority in writing within three working days), the hours of working for the following activities shall be:
- i) Soil stripping and storage:
    - 08:00 hours – 18:00 hours Monday to Fridays
    - 08:00 hours – 13:00 hours Saturdays
  - ii) Limestone extraction and primary crushing:
    - a. until the capacity of primary crushing plant is replaced, increased or supplemented by fixed plant:
      - 24 hour operation Mondays to Saturdays
      - 06:00 hours – 13:00 hours Sundays
    - b. from the date that the capacity of primary crushing plant is replaced, increased or supplemented by fixed plant and brought into use the hours of operation for limestone extraction and primary crushing shall be:

06:00 hours – 22:00 hours Mondays to Saturdays  
06:00 hours – 13:00 hours Sundays

iii) Tipping of quarry Waste:

07:00 hours - 19:00 hours Mondays to Fridays  
07:00 hours - 13:00 hours Saturdays

iv) Secondary Processing and Maintenance of Plant:

There shall be no restrictions of working hours for secondary processing of limestone, nor for the servicing, maintenance and testing of plant.

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

### Noise Limits

- 29) Except as specified in Condition 30, the level of any noise generated at the site and received at the identified noise sensitive locations shall not exceed:

Location	Day time Noise Level dB L <sub>A90,1h</sub> (free-field) (0800 hours – 1800 hours)	Night time Noise Level dB L <sub>A90,1h</sub> (free-field) (1800 hours – 0800 hours)
ESR1 – Dowlow Cottages	63	55
ESR2 – Greatlow Farm	55	42
ESR3 – Dowlow Farm	55	42
ESR4 – Sterndale Moor	55	42
ESR5 – Street House Farm	49	42
ESR6 – Braemar Farm House	40	40
ESR7 – Wheeldon Trees Farm	40	40

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.

- 30) During noisy short term activities at the site, (including 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 or any successor document), the received noise level limits, as measured at any residential property, may exceed the limits set out in Condition 29 during the daytime only (08:00 hours to 18:00 hours Monday to Friday and 08:00 to 13:00 on Saturdays) for periods not exceeding a total duration of eight weeks in any 12 month period. During these periods, the received noise levels shall not exceed 70dB(A) LAeq 1 hour free field at any residential property.

**Reason:** In the interests of local amenity and the environment.

### **Vehicles, Plant and Machinery**

- 31) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

**Reason:** To protect the amenity of the area.

- 32) Reversing warning devices fitted to any new items of mobile plant, and replacement warning devices fitted to any existing items of mobile plant, shall be in accordance with details which have received the prior written approval of the Mineral Planning Authority.

**Reason:** To protect the amenity of the area.

- 33) 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 minimise the impacts of the development on the local environment and to protect the amenity of the area.

### **Dust Monitoring and Control Scheme**

- 34) Within three 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.

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.

- 35) No vehicle used for the movement of soils, overburden or any other materials within the site shall be equipped with downward pointing exhaust pipes and heavy plant, shall be fitted with radiator deflector plates so that dust displacement is kept to a minimum.

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

### **Quarry Blasting**

- 36) All blast hole drilling equipment used within the quarry shall be fitted with dust arrestment equipment in accordance with manufacturers' recommendations and be operated at all times to minimise airborne dust emissions from the site.

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

- 37) Except in emergencies, blasting shall not take place except between the following hours:

10:00 hours – 16:00 hours Mondays to Fridays.

No blasting shall take place on Saturdays, Sundays, Bank Holidays or other Public Holidays.

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

- 38) Ground vibration, as a result of blasting operations, shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts measured over a six month period and no individual blast shall exceed a peak particle velocity of 12mm/sec, measured in accordance with the scheme approved under Condition 42 below. The measurement of 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.

- 39) The following maximum instantaneous explosive charge weights should be utilised for all blasts within the stated proximity of Hurdlow Lane.

<b>Allowable Maximum Instantaneous Explosive Charge Weights – Hurdlow Lane</b>	
<b>Blast/Receiver Separation Distance (metres)</b>	<b>Maximum Instantaneous Charge Weight, kg to comply with 50 mms-1 at 95% confidence level <math>SD = 6.411 \text{ mkg}^{-1/2}</math></b>
35	29
40	38
45	49
50	60
55	73
60	87
65	102
70	119
75	136
80	155

**Reason:** In order to ensure that a vibration criterion of 50mms-1 is adopted at Hurdlow Lane.

- 40) The operator shall take steps to minimise the effects of air overpressure arising from blasting operations in accordance with a scheme which has received the written approval of the Mineral Planning Authority. The scheme shall have regard to blast design, methods of initiation and the weather conditions at the time and shall be implemented wholly in accordance with that scheme as approved.

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

- 41) No secondary blasting shall be carried out.

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

- 42) 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.

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

### **Protection of the Water Environment**

- 43) No foul or contaminated drainage from the site shall be discharged, whether directly or via soakaways, into the groundwater or any surface waters. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

**Reason:** In the interests of the protection of ground water.

- 44) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall 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.

- 45) There shall be no dewatering of the quarry until a hydrogeological assessment and water management plan have been submitted and approved in writing by the Mineral Planning Authority. The assessment shall include, but not be limited to:

- quantify required dewatering rates;

- identify the potential impacts of dewatering;
- identify all potential receptors - design appropriate monitoring;
- provide triggers which maintain protection of identified receptors;
- propose mitigation actions to avoid detrimental impact to receptors; and
- identify how water will be moved and used on site - identify where water will be discharged and how any associated potential impacts will be avoided (including flooding).

The water management plan shall then be implemented in accordance with the details as approved.

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

### **Breeding Birds**

- 46) No removal of hedgerows, trees or shrubs nor works in the vicinity of rock faces or dismantling of structures, including stone walls, that may be used by breeding birds 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 ensure that any protected species affected by the operations are afforded the appropriate protection.

### **Badgers**

- 47) No work shall be undertaken within the extension areas as set out on drawing reference drawings reference NT11725 / Figures 3.2A - 3.6 unless a badger survey has been carried out by a suitably qualified ecologist. A report on the badger survey shall be submitted to the Mineral Planning Authority within one month of the survey and prior to commencement of working within that area. Should active badger setts be identified within the area surveyed, no work shall take place before appropriate measures for the mitigation of impacts and a programme of implementation have been submitted to and received the written approval of the Mineral Planning Authority. The mitigation measures shall then be implemented as approved.

**Reason:** To ensure that protected species affected by the operations are afforded the appropriate protection.

### **Invasive Species**

- 48) The clearance of vegetation on or adjacent to any part of the site boundary shall not be begun before a protocol for the management of non-native invasive species has been submitted to, and approved in writing by the Mineral Planning Authority. The protocol, which shall be implemented as approved and maintained thereafter for the duration of the development, shall provide details of measure for the identification, containment, control and removal of invasive species from the site, and a programme of implementation and maintenance.

**Reason:** To ensure that development works are undertaken to the highest ecological standards.

### **Restoration**

- 49) The whole site shall be restored for use for agriculture and include features of calcareous grassland, daleside rollover grassland, open water and woodland in accordance with the scheme shown on drawing reference NT11725 / Figure 3.6 Restoration dated October 2017, subject to those amendments to the restoration that are provided by other conditions.

**Reason:** In the interests of landscape and visual amenity and to ensure the satisfactory restoration of the land.

- 50) Within six months of the date of this permission, the operator shall submit for the written approval of the Mineral Planning Authority a detailed restoration plan for the integration of the south eastern extension area with the restoration of adjoining quarry benches and rollover features, as set out on drawing reference NT11725/Figure 3.6 Restoration. The restoration of this area shall be completed as approved no later than eight years from the date of commencement provided under Condition 2 above.

**Reason:** In the interests of landscape and visual amenity and to ensure the satisfactory restoration of the land.

### **Landscaping**

- 51) Landscaping of the whole quarry shall be carried out in accordance with a landscaping scheme or schemes that have received the prior written approval of the Mineral Planning Authority. The scheme(s), which shall be submitted to the Mineral Planning Authority not later than six months prior to the date that the landscaping works are to be undertaken, shall relate to the general principles shown on drawing reference NT11725/ Figure 3.6 Restoration together with any documents approved under Condition 50. The scheme(s) for each phase of the development shall include details of the following:



- (i) ground preparation prior to planting (ripping, seeding);
- (ii) location, species, size and spacing of trees, shrubs and hedgerow plants; All stock shall be of regional provenance;
- (iii) seeding details for fields, stockpiles and where hydroseeding is to be used, details of the hydroseeding;
- (iv) protection of newly planted stock and provision for removal of tree guards when no longer required;
- (v) details of the new dry stone walling including its height and coping;
- (vi) the provision of fences, gates and stiles, including details of the location and type of fencing, gate and stile to be erected and their protective treatment;
- (vii) the treatment of the quarry faces on the southern boundary prior to planting; and
- (viii) a programme of implementation.

The scheme shall be implemented as approved 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 in the interests of local amenity and the environment.

#### **Aftercare of the Restored Land**

- 52) a) The entire restored quarry site shall be subject to a programme of aftercare in accordance with a scheme which has been submitted to and approved in writing by the Mineral Planning Authority. The scheme 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 approved for the purposes of conditions 49 and 50. The submitted scheme shall provide for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland, nature conservation and amenity as appropriate during a five year aftercare period, and shall include details of:
- In the case of land restored for use for agriculture:
    - i) soil treatments including stone-picking, moling and subsoiling, and the removal of any stone exceeding 200mm 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, seeding and crop management;
    - iv) pruning regimes for hedgerows;
    - v) weed control;
    - vi) field drainage;
    - vii) field water supplies;
    - viii) grazing management;
    - ix) protection from poaching by grazing animals.

- 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;
  - v) weed control.
- In the case of land restored for use for nature conservation and amenity:
  - i) habitat development and maintenance;
  - ii) grassland establishment and maintenance;
  - iii) fertiliser applications based on soil analysis;
  - iv) cultivation practices;
  - v) watering and draining;
  - vi) lake margins establishment;
  - vii) wetland maintenance.

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

b) The 10 year agricultural, woodland or nature conservation and amenity aftercare period for the site or each part thereof shall commence on the date of written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

c) Records of the agricultural, woodland and nature conservation and amenity aftercare operations, shall be kept by the operators throughout the period of aftercare. 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 March and 31 May each year; and provision shall be made by the operator for annual meetings with the Mineral Planning Authority between June and August 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 the aftercare of the reinstated land to the required standard; to ensure that the land is brought into aftercare at the appropriate stage in its rehabilitation and to monitor aftercare performance.

### **Premature Cessation**

- 53) If:
- (a) the permission, subject to these conditions, expires or otherwise ceases to have effect; or

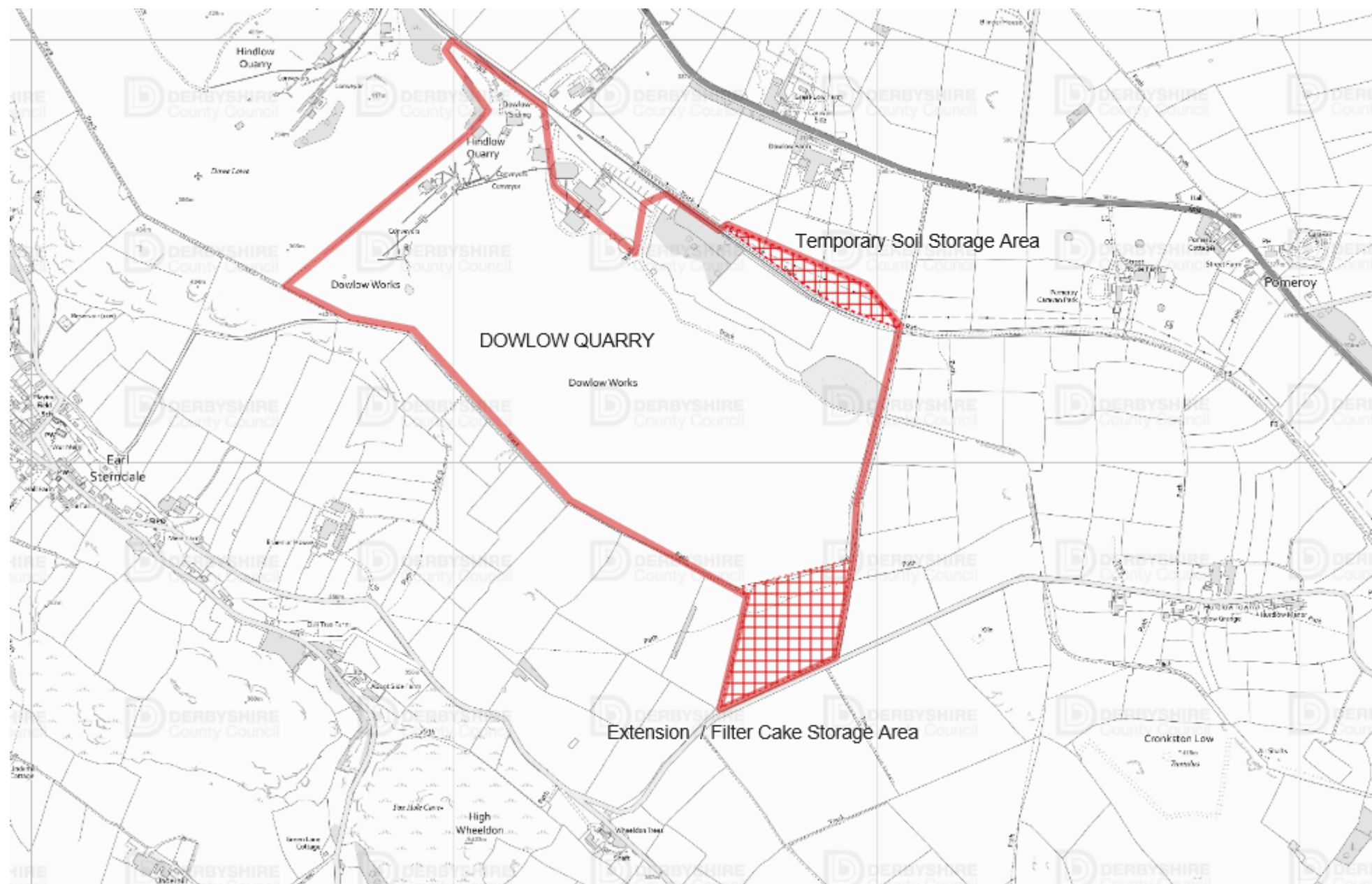
(b) the Mineral Planning Authority and all the persons with an interest in the site agree that mining operations have ceased before site restoration, as set out by drawing reference NT11725/Figure 3.6 Restoration, and in accordance with conditions 49 and 50, has been achieved, the site shall be reclaimed in accordance with a scheme which has the written approval of the Mineral Planning Authority. The scheme shall be based on the principles approved under conditions 49 and 49 and shall include a programme of implementation. The scheme shall be submitted not later than six months from such an event, such as specified in (a) or (b) above, or such later date as the Mineral Planning Authority may specify in writing and shall be implemented in the timescales approved by the Mineral Planning Authority.

**Reason:** To ensure appropriate reclamation of the site in the interests of local amenity and the environment.

**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 in full accordance with this Article.

**Tim Gregory**  
**Director – Economy, Transport and Environment**



200 m  
Scale = 10000

22-Oct-2020

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**11 January 2021**

Report of the Director – Economy, Transport and Environment

- 2 ERECTION OF ONE FLUE GAS STACK OF 20 METRES (M) IN HEIGHT x 1.76M DIAMETER AND TWO POWDER SILOS OF 17M IN HEIGHT x 4.2M DIAMETER CROMPTON ROAD, QUARRY HILL INDUSTRIAL ESTATE, ILKESTON  
APPLICANT: CASTLE WASTE SERVICES LIMITED/CASTLE ENVIRONMENTAL LIMITED  
CODE NO: CW8/0720/26**

**8.1075.2**

**Introductory Summary** Planning permission is sought for the erection of structural items of plant at a facility for the management of specialist waste which is operated by the applicant, Castle Waste Services Limited. The items proposed comprise 1. a flue gas stack extending to 20m in height x 1.76m diameter, to enable aqueous hazardous waste treatment at the site to include a new process for thermal oxidation of up to 30,000 tonnes per year of waste that would be composed of a new stream of acidic flammable waste (up to 6,000 tonnes per year only) and other types of waste currently capable of being processed by other means at the site and two powder storage silos extending to 17m in height x 4.2m diameter; proposed in connection with an existing process.

The site is within the established Quarry Hill Industrial Estate and is not within a sensitive locality with regard to landscape, heritage, or ecological designations. The application has been screened under the Environmental Impact Regulations (EIA) 2017 and it is considered that the proposals would not constitute 'EIA development'.

Operations at the site are controlled through an Environmental Permit and an application for a revised permit as required in respect of the new process and waste stream proposed is currently with the Environment Agency. Whilst Trowell Parish Council and one neighbouring operator have expressed requests for certain assurances with regard to potential impacts. I am satisfied that any impacts resulting from the operation of the plant as proposed, would be very limited. All waste management processes at the site would continue to be controlled effectively through the environmental permitting regime. The application is considered to be in accordance with the development plan and national planning guidance, and is therefore recommended for approval subject to conditions.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **Site and Surroundings**

The site which is approximately 1.1 hectares (ha) in area, is located on the industrial edge of Ilkeston, in a central position within the Quarry Hill Industrial Estate, and takes its access off Crompton Road. The site is approximately 2.5 kilometres (km) south of Ilkeston town centre. Quarry Hill Industrial Estate is an established industrial estate with several waste facilities nearby, all sitting within part of the site of the former Stanton Ironworks. Other waste operators in the locality include Johnsons Aggregates and Recycling to the south, Ward Recycling to the east and Stanton Recycling to the south-east.

Castle Waste Services limited, trading as Castle Environmental Limited, has occupied the site for the last 20 years. Castle Environmental Limited is a supplier of specialist waste treatment, recycling and disposal services, for a wide range of hazardous and non-hazardous wastes.

The residential area of Trowell is approximately 750m to the north-east of the site and Stapleford is approximately 1km to the east, both on the eastern side of the Erewash Canal. The residential area of Hallam Fields is approximately 400m to the north-west.

A culverted section of the Nutbrook Canal is approximately 150m to the south of the application site. The River Erewash is 600m to the east. The site is partly in Flood Zone 1 and partly in Flood Zone 2.

The site is heavily industrialised and therefore is not ecologically sensitive, although the Quarry Hill Lagoons Local Wildlife Site (LWS) is located approximately 100m to the south-west. There are no Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Regionally Important Geological/Geomorphological Sites (RIGS), or Special Areas of Conservation (SAC) within the immediate vicinity of the site.

There are no statutory and non-statutory heritage designations within the immediate vicinity of the site.

The site is not within a Coal Authority Development High Risk Area.

### **Site Planning Application History**

Planning records indicate that in the 1970s and 1980s, the site was operated by Potters Oils who developed an industrial cleaning and oil refinery plant. Various applications for industrial development have been dealt with by either the District or the County Council over time, depending on whether or not they were recognised as concerning a County matter relating to waste. Kenal Services then operated from the site from the late 1980s and the waste

elements of the operation of the site appear to have intensified during the 1990s onwards. Castle Waste Services Limited has been operating at the site for the last 20 years. Starting in August 1975, the following planning permissions have been granted, subject to conditions in relation to the site:

- ERE/375/53 - permission granted by Erewash Borough Council (EBC) 12 August 1975, (Potter Waste Oil Company) for the construction and erection of an industrial cleaning and oil refining plant.
- CW8/395/100 - permission was granted by Derbyshire County Council (DCC) 8 June 1995 (Kenal Services) for the erection of a building to house waste processing plant.
- CW8/994/49 - permission was granted in April 1995 (Kenal Services) by DDC for the erection of a blending pit and conveyor cover.
- ERE/0420/0038 - permission was granted by EBC 27 May 2002 for the removal of an earth bund
- ERE/0705/0106 - permission was granted by EBC 28 September for a portacabin structure

### **The Proposals**

The existing operation at the site involves acceptance of hazardous and non-hazardous wastes, such as waste liquid acids and powdered waste alkalis in addition to a wide range of other materials. Wastes are either stored prior to transfer or are subject to one of the various waste treatment processes in place at the site. The waste treatment processes are physio-chemical in nature, in that the wastes are subject to a physical and chemical change. The processes undertaken generally employ heat and/or chemical reactions and achieve acid/alkali neutralisations (pH adjustment). Effectively, the processes are operated to diminish the harmfulness of the residue remaining from the waste types received. These processes are controlled via Environment Agency permit.

The applicant through the application proposes the construction of a free standing flue gas stack extending to 20m in height x 1.76m diameter, for expanding its aqueous hazardous waste treatment capability. The new flue stack would be the final component required for operating a new treatment process at the site, for treating up to 30,000 tonnes of waste per year, comprising a new waste stream of up to 6,000 tonnes of flammable acidic waste, and other acidic waste (non flammable) that is currently capable of being processed by other means at the site. The output from a thermal oxidiser would exit via the proposed 20m tall flue gas stack.

Although the first paragraph in the statement supporting the application (headed 'History') suggests a total waste handling capacity for the applicant's operations of around 250,000 tonnes per year, the applicant has confirmed that, in 2019, the site accepted circa 120,000 tonnes. Eighty five percent of this was hazardous, the remainder non-hazardous. Annual inputs fluctuate, as

does the proportion of hazardous and non-hazardous wastes, depending upon general market conditions and contractual agreements.

- one flue gas stack extending to 20m in height x 1.76m diameter and
- two powder storage silos.

The emissions would contain a proportion of water vapour. As such, it is expected that a plume of water vapour would be visible under certain atmospheric conditions. The waste in being treated through this process would form a slurry of safe pH levels, which would be dewatered for disposal by landfill. The resulting water would be diverted to water treatment works.

The applicant through the application also proposes the installation of two 17m high, 4.2m diameter, 140m<sup>3</sup> capacity silos of mild steel construction. This proposed silo plant would be a replacement for some smaller existing infrastructure, and would be employed for an existing on-site process, with no change to the types of wastes or the chemical reactions.

No restrictions at the site with regard to working or operating hours are specified in any of the conditions to which previous permissions have been subject. The operator has indicated, however, that currently, staff are present for operations at site over the following hours:

Monday 06:00 hours - Saturday 06:00 hours, Saturday 07:00 hours - 16:00 hours, Sunday 06:00 hours- 16:00 hours.

Most deliveries/collections (>95%) occur between the hours of 06:00 hours and 18:00 hours. A small number of deliveries would arrive outside these hours, including at the weekend.

Due to the nature of the new process (which would be continuous), it is likely that there would be some staff presence on site continuously over any 24 hour period. The development proposed would result in less than 10 extra deliveries per week. The operator expects these to occur in the core hours of 06:00 hours - 18:00 hours but potentially over 7 days a week.

## **Consultations**

### **Local Member**

The Local Member, Councillor Frudd, has been consulted and no comments have been received.

### **Erewash Borough Council (Planning)**

No comments received.

### **Erewash Borough Council (Environmental Health Officer)**

The Environmental Health Officer (EHO) raises no objections but has made the following comments:



*“The flue gas stack which forms part of the abatement system provided for the proposed new process on site will be regulated by the Environmental Permit issued by the Environment Agency. The emissions from the flue will be subject to emission limits contained within the permit and the Environment Agency will be the authority responsible for enforcing the relevant conditions.*

*The noise assessment provided in support of the application for the new process has concluded that there will be minimal effect on the existing background level. A BS4142 calculation has found that the proposal would exceed the minimum background level of 29dB measured at night by 1dB. It is generally accepted that an increase of this magnitude is not perceptible by the human ear. It should be noted that I have not been able to verify the calculations as they were undertaken by use of modelling software and the report itself doesn't detail the level of information needed to carry out any verification calculations.”*

No comment is made with regard to contaminated land.

### **Trowell Parish Council**

Trowell Parish Council (TPC) raises the following objections (in summary):

- *“The village of Trowell and its residents have been adversely affected by Noise, Odour and Dust for many years.*
- *The proposal submitted seems to indicate that there will be little change in the way that the site operates. Can the Parish Council be assured, that currently, Castle Environmental do not produce any of the Noise, Odour and Dust that affects our village.*
- *Since the 1 July 2020, 83 complaints have been submitted to the Environment Agency [NB: with regard to general noise in this locality, not just specific to this site].*
- *Ideally, the Parish Council would require acknowledgement that there will be no increase in noise, dust or odour.*
- *The Parish Council's presumption would be that after many years of operation on this site by Castle Environmental, that any new equipment installed would comply with all future rather than current standards, ensuring that everything is controlled and remains within the curtilage of the site.*
- *The noise assessment, acknowledges that further research is required.*
- *The Parish Council would hope that everything needed to satisfy the Environment Agency is in place before approval is given.*
- *Noise during the day is of more interest than at night, as members have been led to believe that the site does not operate overnight and at the weekends. However, if the company decides to increase its operating hours, then noise at night is an important consideration. Trowell village currently suffers from significant noise pollution during the night and early morning.*

- *Can consideration also be given to vehicular access to the site? The main access to the Estate is via Quarry Hill Road, will Derbyshire County Council insist that Castle Environmental produce a traffic management plan ensuring that all vehicles accessing or leaving their premises use the main Estate access?"*

### **The Environment Agency**

The Environment Agency (EA) raises no objection, given that *"the proposal to install 2 new lime silos to replace the ones currently in operation; as this is effectively an improvement to the current system."*

With regard to the 20m high stack, the EA is of the opinion that, as the applicant does not have anything similar to this on site, it does not see there being any conflicts with the current operations.

The EA has confirmed that it has no comments with regard to ground contamination.

### **Western Power Distribution**

No comments received.

### **The Coal Authority**

The Coal Authority has confirmed that the site does not fall within the defined Development High Risk Area. The Coal Authority's Standing Advice should, however, be included within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

### **Lead Local Flood Authority**

The Lead Local Flood Authority (LLFA) has stated that, given the nature of the proposals, it wishes to make no comment.

### **Local Highway Authority**

Raise no objections.

### **Publicity**

The application was advertised by site notices, 18 August 2020, and a notice published in the Derbyshire Times 20 August 2020.

One letter of objection has been received from Councillor Pringle (Broxtowe Borough) who is the Councillor for Awsworth Cossall and Trowell). The concerns raised are the same as those identified by TPC, summarised above.

### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise. In relation to this application, the relevant policies of the

development plan are the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (adopted 2005), the Erewash Borough Local Plan (EBLP) Saved Policies 2005 (amended 2014) and the Erewash Core Strategy (ECS) (2014). The application site is within Ilkeston (unparished) and is not covered by an adopted Neighbourhood Development Plan. Other material considerations include national policy, as set out in the National Planning Policy Framework (2019) (NPPF), and associated Planning Practice Guidance (PPG), the Waste Management Plan for England (WMPE), National Planning Policy for Waste (2014) (NPPW).

## **The Development Plan**

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

W1b: Need for the Development.

W2: Transport Principles.

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 Impacts.

### **Erewash Borough Local Plan Saved Policies 2005 (Amended 2014)**

EV20: Hazardous Substances, hazardous installations and major hazard pipelines.

DC7: Flood Risk.

### **Erewash Core Strategy (March 2014)**

Policy A: Presumption in Favour of Sustainable Development.

Policy 1: Climate Change.

Policy 10: Design and Enhancing Local Identity.

### **National Planning Policy Framework (Revised 2019)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework, as a whole, contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.

Section 12: Achieving well-designed spaces.

Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment.

### **Planning Policy Guidance (Waste)**

On-line national planning policy guidance.

### **National Planning Policy for Waste (2014)**

Determining Planning Applications.

Appendix A: The Waste Hierarchy.

Appendix B: Locational Criteria.

### **Waste Management Plan for England (2013)**

The Waste Hierarchy.

### **The Need and Principle of the Development**

The WMPE states that 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, and last of all disposal (e.g. landfill). 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.

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.

Planning history for the site shows that it has operated as a waste operation. The facility already receives and treats an element of hazardous waste and, as such, the principle of the development is considered acceptable.

The introduction of the new silos and flue would support the existing operation and the updated system would involve diversion of existing waste throughput to be re-routed from the existing operation on site, and also treatment of up to a 6,000 tonnes of flammable acidic waste, which is not currently subject to treatment at the site. It is understood that such flammable acidic waste as currently reaches the site in containers is removed for treatment elsewhere.

The continuation and modest intensification of hazardous waste treatment operations at the site represents an opportunity to make a long term, local contribution to meeting the requirement to safely deal with waste at the lower end of the waste hierarchy. Most of the liquid waste is processed into a slurry during the process to balance pH/acidity to acceptable and safe levels. This product is then transferred to landfill. The main process effectively, however, treats waste at the end of its productive life, and whilst the process is toward the bottom of the waste hierarchy, it serves an important purpose in the essential treatment of hazardous waste, to balance pH levels prior to shipment in its solid form to landfill.

In principle, therefore, the proposal is considered to be beneficial, given that it would assist in the safe treatment and disposal of waste which has no significant recyclable use. The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Location of the Development
- Noise
- Air Quality
- Dust
- Odour
- Landscape and Design
- Highways
- Flood Risk and Drainage

Given that the site is established and in an existing industrial area, it is not considered that there are any specific ecological constraints to consider.

### **Location of the Development**

The site is within the established Quarry Hill Industrial Estate. There are several waste facilities nearby, all of them sitting within part of the site of the former Stanton Ironworks, as described in the description of the site and its surrounding above.

At a national and local level, it is generally recognised that, subject to environmental considerations, in principle, industrial locations are generally acceptable for waste management operations. The NPPW, for example, indicates at Paragraph 4 that waste planning authorities should consider a broad range of locations, including industrial sites, and give priority to previously developed land.

Paragraph 7.1 of the DDWLP states that the development of waste treatment facilities will normally be acceptable on land that is suitable for General (B2) uses.

Although waste recycling is sui generis land use, i.e. does not fall within its own use class such as a B1, B2 or B8 use, it is the type of use which is generally considered to be compatible with existing industrial locations, subject to considerations such as noise and pollution and impacts on neighbouring employment and residential uses. If these impacts can be adequately controlled then, in principle, there should be no particular policy conflict to resist such a use in this locality.

The new proposed plant relates to an established waste use, and overall, is considered to be acceptable in land use policy terms, and in the context of the locality, subject to there being no significant adverse environmental impacts (or none which could be appropriately mitigated by way of condition).

### **Relevant Policy Relating to Amenity Impacts**

Section 15 of the NPPF: Conserving and Enhancing the Natural Environment, states at Paragraph 170 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.....*”

Paragraph 180 of the NPPF states: “*Planning policies and decisions should also 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.*”

Appendix B of the NPPW outlines a number of locational criteria in testing the suitability of waste sites in determination of planning applications.

Policy W6 of the DDWLP: Pollution and Related Nuisances, 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.

Policy W10 of the DDWLP: Cumulative Impact, 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.

Saved Policy EV20 of the EBLP Saved Policies 2005 (Amended 2014) (EBLP) states that:

*“A. The Council will refuse proposals for development involving:*

*The introduction of hazardous substances or the modification of existing installations handling hazardous substances where their presence or the resultant extension of consultation zones may inhibit development in the vicinity of the installation.”*

## Noise

The application includes a noise impact assessment which has been considered by the EHO and the EA.

This report has established the existing background noise levels at the closest residential façade to the site and the assessment of the impact of the site operation on nearby residential properties. The resulting emissions from the site running on a worst case scenario showed a ‘low impact’ result. It can be seen from the assessment that with the proposed new plant, an assessment conclusion of ‘low impact’ is expected during both daytime and night time periods during both weekdays and weekends.

The EHO has stated that, *“a BS4142 calculation in the noise assessment has found that the proposal would exceed the minimum background level of 29dB measured at night by 1dB. It is generally accepted that an increase of this magnitude is not perceptible by the human ear.”* Whilst the EHO does not have access to the same modelling software, it is clear that the findings of the noise assessment would be within acceptable/low impact levels.

The EA raises no objection to the proposal to install two new lime silos to replace the ones currently in operation, as this is effectively an improvement to the current system and raises no concerns with regard to noise issues.

Given the minor increase to background noise levels, which have been identified by the EHO as being *‘not perceptible to human ear’*, it is not evident that there would be a likely cumulative impact with neighbouring uses that would cause significant impact with regard to noise issues.

The concerns with regard to noise, raised by TPC, and in the representation received are noted. Whilst the process, as proposed, would create some noise, this is considered in itself to be to acceptable levels and is unlikely to add significantly to general noise levels from the site or the industrial estate. The comment from TPC that the report acknowledges that further assessment is required, is noted. However, the noise assessment does not indicate that further noise assessment is required with regard to this particular proposal, but rather acknowledges that the Noise Policy Statement for England 2010, which should be given consideration in preparation of Noise Assessments, identifies several levels of impact as advised by the World Health Organisation (WHO).

The comment in the noise assessment relates to the highest level of impact identified by the World Health Organisation, which is SOAEL – (Significant Observed Adverse Effect Level). This is the level above which significant

adverse effects on health and quality of life occur. The guidance states that (as identified in the noise assessment) *“It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise”*. This is a general statement of guidance from the World Health Organisation that further research into the highest levels of noise impact is needed, however, this is not specific to this proposal, which in any case has been shown to likely have ‘low impact’ with regard to noise.

I am satisfied that impacts associated with noise would be to acceptable levels as identified and that the application in this regard is considered to be in accordance with Section 15 of the NPPF, Appendix B (j) of the NPPW, policies W6 and W10 of the DDWLP and saved Policy EV20 the EBLP.

### **Air Quality**

The issue of air quality is similarly assessed against the development plan policies identified above.

The site is not within a designated Air Quality Management Area (AQMA) although it is in close proximity to two AQMA designated areas - AQMA 1 (EBC) is an area of land encompassing five dwellings situated immediately to the east of the M1 motorway, either side of Derby Road, Sandiacre to the north of junction 25 and AQMA 2 (EBC) Area of land immediately to the east of the M1 motorway encompassing approximately 130 dwellings situated to the south of junction 25 in Long Eaton.

The planning submission indicates that vapours produced through the waste treatment process are cleaned through thermal oxidisation before being emitted via the flue as proposed. The emissions would contain a proportion of water vapour. As such, it is expected that a plume of water vapour would be visible under certain atmospheric conditions. To prevent the loss of any contaminants to the atmosphere, they are directed to the process abatement equipment. A thermal oxidiser would destroy the volatiles by burning them at 850°C for 2 seconds. The application states that the equipment would provide 99.9% efficiency. The treated vapours would be discharged to atmosphere from the stack and would be in line with emission limit values agreed with the EA.

Whilst an air quality impact assessment has not been submitted with the planning application, the EHO is satisfied that the flue gas stack, which forms part of the abatement system provided for the proposed new process on site, would be regulated by the Environmental Permit issued by the EA. The emissions from the flue would be subject to emission limits contained within the permit and the EA would be the authority responsible for enforcing the relevant conditions/requirements of the permit. The EA has not raised any objections to the application and has confirmed it is in receipt of an associated application for the waste treatment process, which would include the silos and flue system.



Paragraph 183 of the NPPF states that “*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*”

I am satisfied that the proposed development is an acceptable use on this established waste site within an industrial estate. I am also satisfied that the EA, as permitting authority, would effectively regulate emissions from the development through the permitting regime. I therefore do not consider it necessary to recommend conditions relating to air quality, in the absence of such a recommendation from either the EA or EHO, and in consideration of the requirements of Paragraph 183 of the NPPF.

It is therefore considered that, with regard to potential air quality issues, the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6 and W10 of the DDWLP and Policy EV20 of the EBLP.

### **Dust**

With regard to dust, it is clear that the development essentially relates to a ‘wet’ process, in sealed silos and other plant.

A Fugitive Emissions Management Plan forms part of the Environmental Management System which is required under the EA Environmental Permit. With regard to dust, the Fugitive Emissions Management Plan states that, due to the nature of the enclosed handling system and moisture content of treated residues, the operation is of low dust potential. The fabric and infrastructure of the operation is designed to control and maintain dust levels within the building and plant, which prevents this escaping as a fugitive dust emission.

Given that the EHO and EA have raised no concerns with regard to potential dust emissions, and as the operation is a sealed/wet process, I do not consider it necessary to require conditions to control dust.

It is therefore considered that with regard to potential dust impact issues, that the application is in accordance with Section 15 of the NPPF, Appendix B(g) of the NPPW, policies W6 and W10 of the DDWLP and Policy EV20 of the EBLP.

### **Odours**

With regard to odours, the operator has an Odour Management Plan (OMP) in place, which forms part of the Environmental Management System which is

required under the EA Environmental Permit. The revised permit application will require that the OMP be retained and revised if necessary.

The OMP identifies areas in the process which could cause odour emissions and potential receptors. Mitigation is identified through air filtration/extraction in the plant and, for example, through appropriate sealed cover for waste. The OMP also identifies a monitoring and complaint regime.

Given that odours would be effectively controlled through the revised permit and OMP, and as the EHO and EA have raised no concerns with regard to the significance of potential odour emissions, I do not consider it necessary to require conditions to control odour at the site.

It is therefore considered that with regard to potential odour impact issues, that the application is in accordance with Section 15 of the NPPF, Appendix B(h) of the NPPW, policies W6 and W10 of the DDWLP and Policy EV20 of the EVLP.

### **Response to comments of Trowell Parish Council and other representation with regard to Noise, Dust and Odour**

TPC and a single representation received from the public are seeking assurances that the operation of the site does not produce any of the noise, odour and dust that affects the village of Trowell.

In consideration of these potential impacts, whilst such a guarantee cannot be given (as such processes will generate a certain level of impact), I am, however, satisfied that the impacts from the operation would be within acceptable parameters, as required by local and national planning policy. Furthermore the waste management at the site will continue to be regulated by those controls which are imposed through Environmental Permitting (which will require a revised Environmental Permit prior to the operation of the new process and plant which is the subject of this planning application.

### **Landscape and Design**

At national level, the NPPF promotes good design and seeks to protect landscape and local character. The most relevant section of the NPPF in this regard is considered to be Section 12: Achieving Well-Designed Places. Appendix B (c) of the NPPW similarly identifies landscape impact as a consideration in determination of waste planning applications.

Paragraph 127(c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

With regard to the Development Plan, Policy W7: Landscape and Other Visual Impacts of the DDWLP states that waste development will be permitted only if:

*“...the appearance of the development would not materially harm the local landscape or townscape and would respect the character and local distinctiveness of the area; and the development would be located and designed to be no larger than necessary and to minimise its visual impact on or to improve the appearance of the townscape or landscape.”*

Policy 10 of the ECS promotes good design and enhancement of local identity.

The operations at the site are not attractive visually and buildings and plant are of functional and industrial appearance. The height of the proposed silos at 17m and the flue, in particular, at 20m is not insignificant, however, this must be considered in the context of the location of the site. In the immediate area, the adjacent uses are industrial in nature. Existing silo structures of between 15m-17m are already in place on the site. Materials used for the plant would be of carbon steel construction, in goose wing grey, which is considered appropriate in the industrial setting. The site is located centrally within the industrial estate and significant distances are observed to sensitive receptors such as residential properties.

It is therefore considered that the proposal, in this context, would be generally in keeping with the character of the immediate locality.

Views of the site and the operations are localised, largely due to the containment provided by the existing adjacent buildings in the industrial estate, and intervening landforms.

It is not evident that cumulative impact with neighbouring uses would cause significant harm with regard to landscape and design issues.

I am therefore satisfied that impacts associated with landscape and design could be managed accordingly and that the application, in this regard, is considered to be in accordance with Section 12 of the NPPF, Appendix B (c) of the NPPW, and policies W7 and W10 of the DDWLP and Policy 10 of the ECS.

## **Highways**

Appendix B (f) of the NPPW states that waste planning authorities should consider, in determination of waste planning applications, the suitability of the road network and the extent to which access would require reliance on local roads.

Policy W2: Transport Principles of the DDWLP states that waste development, which would be likely to result in an 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, will not be permitted if there is a practicable, environmentally better alternative.

The site is accessed off Crompton Road and has good road linkage being within very close proximity to the M1.

The applicant has confirmed that the operation usually has 35 daily deliveries or collections (70 HGV movements in total, in and out) from the site. The majority of these movements occur between 06:00 hours and 18:00 hours. Vehicles consist of 8 wheeled tippers (circa. 20 per day), bulk road tanker (liquids and powder) and articulated tautliners. Traffic movements would increase marginally as a result of the proposal, which would see an increase of 6,000 tonnes of waste throughput at the site per annum. The Highway Authority has no objections to the proposal and have not recommended the imposition of any conditions.

Representations received from TPC and a single individual both ask:

*“Can consideration also be given to vehicular access to the site? The main access to the Estate is via Quarry Hill Road, will Derbyshire County Council insist that Castle Environmental produce a traffic management plan ensuring that all vehicles accessing or leaving their premises use the main Estate access?”*

The Highway Authority has considered all transport and traffic aspects of the application, including the access point and local highway approach. It has not raised any issue with regard to the proposals, or access to the site. The application is for plant only, relating to a modest increase in potential traffic movements. The request of TPC and the single objector to limit access to the industrial estate via Quarry Hill Road is not considered necessary, given the modest scale of increase in traffic which the development proposed would generate over and above the existing operation (identified as being likely to be less than 10 additional HGV deliveries per week by the applicant). A second main route into the industrial estate is off Hallam Fields Road, and it is not considered necessary or reasonable to limit the use of this road to access the site which is currently available to the operator, and others on the industrial estate.

It is not considered that the transport of waste to the site could be facilitated in a more sustainable way that could provide an environmentally better alternative, in consideration of Policy W2 of the DDWLP and Policy 1 of the ECS.

It is not evident that cumulative impact with neighbouring uses would cause significant impact with regard to highways issues.

I am therefore satisfied that there would be no significant highway impacts associated with the proposal and, in this regard, is considered to be in accordance with Appendix B (f) of the NPPW, policies W2 and W10 of the DDWLP and Policy 1 of the ECS.

## **Flood Risk and Drainage**

Section 14: Meeting the challenge of climate change, flooding and coastal change is the relevant section of the NPPF with regard to flood risk.

Appendix B (a) Protection of water quality and resources and flood risk management of the NPPW, is also concerned with flooding, with consequent issues relating to the management of potential risk posed to water quality.

Policy W6 of the DDWLP states that waste development will be permitted only if it would not result in material harm caused by contamination, pollution or other adverse environmental or health effects. The supporting text to the policy in 'Box W6' states that, where there is a risk to local drainage systems, the developer will provide an effective alternative drainage system and that the proposal includes adequate provision to ensure that there will not be contaminated run-off.

Policy DC7 of the EBLP and Policy 1 of the ECS both seek to limit flood risk.

A culverted section of the Nutbrook Canal is approximately 150m to the south of the application site. The River Erewash is 600m to the east. The site is partially within Flood Zone 1 and also Flood Zone 2, and a Flood Risk Assessment (FRA) accompanies the application.

The FRA identifies the waste treatment facility site is classed as 'less vulnerable' and surface water run-off rates would not be increased as a result of the development given that the site surface is already impermeable.

The LLFA has no objections to the findings of the FRA and the site is not considered to be at high risk of flooding. The proposed development would not increase the likelihood of flooding to adjacent land uses.

I am satisfied that the application is in accordance with the policies identified above with regard to flood risk and drainage.

## **Conclusions**

The site is within the established Quarry Hill Industrial Estate and is not within a sensitive locality with regard to landscape, heritage, or ecological designations.

No objections to the planning application have been received from statutory consultees.

Operations at the site are controlled through an Environmental Permit and an application for a revised permit, to include the new process and plant proposed, is currently with the EA. Whilst the concerns have been expressed in respect of the perceived potential for noise dust and odour impacts, including noise from traffic, to affect receptors in Trowell, I am satisfied that any such impacts that would occur as a result of the plant proposed would be very limited in magnitude and significance. Since the site is also subject to effective controls through the environmental permitting regime, duplication in

such controls through planning conditions or obligations is to be avoided and would be contrary to paragraph 183 and paragraphs 55-56 of the NPPF.

The application is considered to be in accordance with the development plan and national planning guidance and is recommended for approval subject to the conditions listed below.

(3) **Financial Considerations** The correct fee of £462 has been received.

(4) **Legal Considerations** 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 Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 8.1075.2  
Application documents as submitted 21 July 2020, valid 31 July 2020. All correspondence relating to application CW8/0720/26.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

### **Time Limit**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

### **Notice of Commencement**

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

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

### **Form of Development**

3) The development shall take place in accordance with the details contained in the 1APP dated 21 July 2020 and considered valid 31 July 2020 (updated supporting statement revision B) dated 31 July 2020, Noise Impact Assessment dated June 2020, Phase 1 Desk Study report (ground conditions undated), Flood Risk Assessment May 2020, and the following plans:

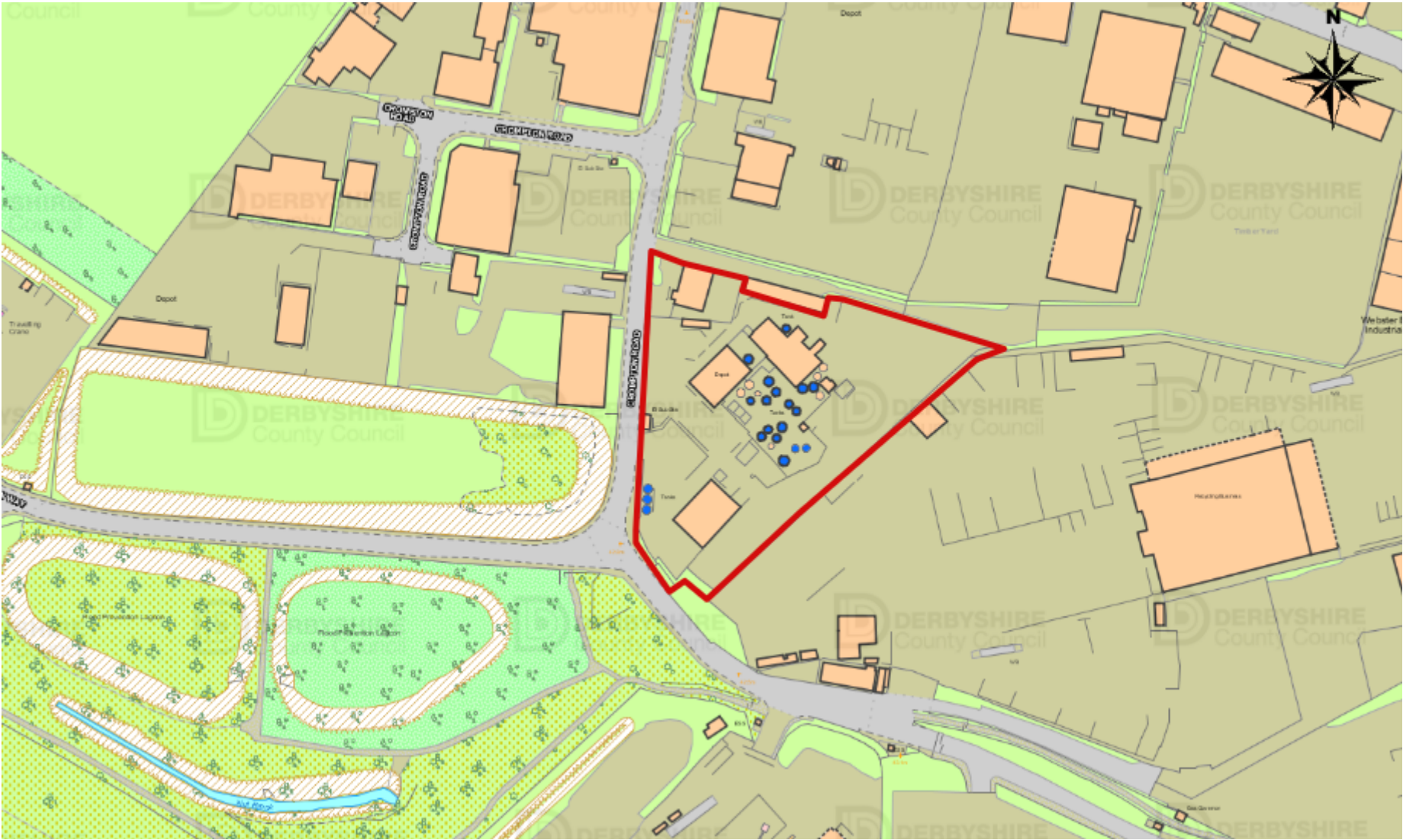
- Location Plan- F869-CHG-EX-00-DP-S-0210 Revision P01
- Site Plan- F869- CHG-EX-00-DP-S-0212 Revision P04
- 3D Site Views, F869-CHG-EX-XX-VS-S-0213- Revision P04

**Reason:** To ensure that the development is carried out in accordance with the details in the submitted planning application in the interest of the amenity of the area.

### **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

The Council, as Mineral Planning Authority (the “Authority”), worked with the Council as applicant (the “applicant”) in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

**Tim Gregory**  
**Director – Economy, Transport and Environment**



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14-Dec-2020



**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**11 January 2021**

Report of the Director – Economy, Transport and Environment

**Item for the Committee's Information**

**3 CURRENT ENFORCEMENT ACTION**

<b>Site</b>	<b>Breach</b>	<b>Action Taken</b>	<b>Comment</b>
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). 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.	Site inactive.
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance	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.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49).

	<p>relating to requirement to provide appropriate remediation scheme.</p> <p>February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.</p>	Interim Injunction Order granted 31 March 2017.	
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	<p>Date notice takes effect – 21 January 2019.</p> <p>Ongoing monitoring of notice requirements.</p>
Land at Park Hills Farm, Mugginton Lane End, Weston Underwood	Without planning permission, the deposit of waste materials onto land.	<p>Temporary Stop Notice issued 29 May 2019.</p> <p>Enforcement Notice issued 3 February 2020.</p>	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	<p>Planning Contravention Notice issued 28 October 2019.</p> <p>Temporary Stop Notice issued 29 May 2020.</p> <p>Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.</p>	Appeal against enforcement notice lodged with Planning Inspectorate. Appeal start date - 8 September 2020

Land at Barden Farm/Hirst Farm, Smalley	Importation and deposit of waste material; treatment and processing of waste material; formation of an excavation and deposit of waste material within the excavation.	Planning Contravention Notice issued 4 August 2020 – Response required by 25 August 2020.	Planning Contravention Notice issued in consultation with Amber Valley Borough Council
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**Tim Gregory**  
**Director – Economy, Transport and Environment**

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## PLANNING SERVICES

### Outstanding Items

Date: 17/12/20

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
<b>EIA (8)</b>				
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 Slinter Top Quarry, Cromford.	Slinter Top Quarry, Cromford, Matlock, DE4 3QS	Report being prepared	176
CM3/0906/91	Section 73 application for the amendment of condition 17 of planning permission WED/1284/836	Middleton Mine, Middleton by Wirksworth	Further Information Awaited	745
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alluviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire, DE5 8PP	Approved Pending Legal Agreement	516
CM9/0620/19	Extension to Willington Quarry to extract 1.1 million tonnes of sand and gravel with restoration to wetland and grassland	Willington Quarry, Castleway Lane, Egginton, DE65 6BW	Further Information Awaited	28
CM9/0816/46	Application under Section 73 to vary condition specifically to commencing extraction in the Western Extension prior to completing restoration of Phases 8/9 of Planning Permission CM9/0211/163 and allowing increased stocking of waste materials in the landfill transfer station	Shardlow Quarry, Acre Lane, Shardlow, DE72 2SP	Discussions with Applicant Pending	150
CD9/0319/110	Demolition of Ashlea Farm and related buildings off Deep Dale Lane and the development of a new all movement junction on the A50 and connecting link road to Infinity Park Way, with associated works including: street lighting	Land between Deep Dale Lane and Infinity Park Way, Sinfen, Derby	Report being prepared	86
CM9/0620/20	Section 73 planning application to vary conditions 2, 3, 51 & 52 of permission CM9/0715/63 in order to extend the duration of permission and enable the processing of mineral extraction from the Trent South Extension and minor amendments to the approved restoration scheme.	Willington Quarry, Castleway Lane, Egginton, DE65 6BW	Further Information Awaited	28
CW9/0420/7	Construction and operation of an 18MW Renewable Energy Centre and associated infrastructure	Former Drakelow C Power Station, Walton Road, Drakelow	Approved Pending Legal Agreement	31
<b>MAJOR (13)</b>				
CM1/1017/58	10.68 hectare site extension into land to the south-east of the quarry	Dowlow Quarry, Sterndale Moor, Buxton, SK17 9QF	Report being prepared	163
CM5/0818/42	Reclamation, cut of and fill site, of the former Whitwell Colliery site to facilitate mixed use redevelopment of the site together with landscaping, ecology and drainage.	Former Whitwell Colliery, Station Road, Whitwell, S80 4TS	Approved Pending Legal Agreement	110
CM1/1017/57	S73 Application to vary condition 16 of permission R1/0498/5, to regularise the extraction limit so that it conforms the 1947 limit, not the 1951 limit.	Dowlow Quarry, Sterndale Moor, Buxton, SK17 9QF	Report being prepared	163
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	Further Information Awaited	105

CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale, DE4 2GY	Further Information Awaited	105
CW9/1119/61	Under Section 73 of the Town and Country Planning Act 1990 to not comply with Condition 2 of planning permission CW9/0816/45 in order to remove the 10 year time limit set out in the condition and to make this permission compatible with the existing planning permission CW9/1018/63 at Cadley Hill Park, Burton Road, Swadlincote.	Willshee's Skip Hire Ltd, Cadley Hill Park, Burton Road, Swadlincote, DE11 9GE	Report being prepared	55
CW8/0120/70	Section 73 planning application to vary condition 6 of permission CW8/0417/1 to increase operational hours at the site	Johnsons Recycling Centre, Crompton Road Ilkeston, DE7 4BG	Discussions with Applicant Pending	48
CW8/0120/71	Section 73 planning application to vary condition 5 of permission CW8/0817/37 to increase operational hours at the site.	Johnsons Recycling Centre, Crompton Road, Ilkeston, DE7 4BG	Discussions with Applicant Pending	32
CW8/0620/23	Variation of Conditions 7 and 18 of Planning Ref. CW8/0819/41	The Old Ironworks, Stanton Recycling Ltd, Crompton Road, Ilkeston, DE7 4BG	Further Information Awaited	25
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	120
CW8/0720/26	Erection of one flue gas stack extending to 20m in height x 1.76m diameter and Two powder silo's extending to 17m in height x 4.2m diameter	Castle Environmental Ltd, Crompton Road, Ilkeston, Derbyshire, DE7 4BG	Report being prepared	20
CW5/0820/30	single storey portal frame extension to existing portal framed waste recycling hall	H W Martin, Recycling Centre, Clover Nook Road, Somercotes, DE55	Report being prepared	14
CD8/0920/33	Section 73 application relating to conditions 2, 3, 7, 8, 9, 11, 13, 15, 19, 20, 21, 23, 24, 27, 29, 31, 34, 35, 36 and 37 of Planning Permission code number CD8/0719/29 to allow the variation of the wording due to the development being delivered in two phases: Phase 1 Care Centre, Phase 2 Extra Care.	Former Ormiston Enterprise Academy, Bennerley Avenue, Ilkeston, Derbyshire, DE7 8PF	Approved Pending Legal Agreement	15
<b>MINOR (2)</b>				
CD1/0420/5	Erection of a two storey teaching building with associated connecting canopy and the provision of three Multi User Games Area (MUGA) courts	Glossopdale School, Newshaw Lane, Hadfield, Glossop, SK13 2DA	Approved Pending Legal Agreement	33
CD1/0720/27	Proposed 2 classroom extension with associated WC facilities and remedial landscaping works	Chapel-En-Le-Frith C Of E Primary School, Warmbrook Road, Chapel-En-Le-Frith, Derbyshire, SK23 0NI	Further Information Awaited	11

**Agenda Item No.3.5**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**11 January 2021**

Report of the Director – Economy, Transport and Environment

**Item for the Committee's Information**

**5 CURRENT APPEALS/CALLED IN APPLICATIONS**

The following appeal has been lodged with the Planning Inspectorate.

**Appeal Reference APP/U1050/C/20/3257919**

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

**Tim Gregory  
Director – Economy, Transport and Environment**

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**Agenda Item No.3.6**

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**11 January 2021**

Report of the Director – Economy, Transport and Environment

Item for the Committee's Information

**6 MATTERS DETERMINED BY THE DIRECTOR – ECONOMY,  
TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS**

<b>Date</b>	<b>Reports</b>
03/12/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD6/0820/29</b> Renew Slate Pitched Roof to Rear of School and Rain Water Goods, Reduce Height of Chimney Stack to Rear Elevation at Crich C of E Infant School, Bowns Hill, Crich, Matlock DE4 5DG
03/12/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW4/0620/21 Corbriggs Industrial Estate:</b> SW3498: Site Liaison Committee <b>CM5/1119/57 Whitwell Quarry</b> SM3494: Updated Site Layout Plans. SM3495: Location of Existing Stockpiles. SM3496: Traffic Routing Scheme.
11/12/2020	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD8/0920/33</b> Section 73 Application to Not Comply with Conditions (various) of Planning Permission CD8/0719/29 to Amend Wording of Relevant Conditions to Enable Delivery of Two Phases at the Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston
21/12/2020	<b>Applicant: HW Martin Waste Ltd</b> <b>Planning Application Code No: CW5/0820/30</b> Single Storey Portal Frame Extension to Existing Framed Waste Recycling Hall, HW Martin Recycling Centre, Clover Nook Road, Somercotes
21/12/2020	<b>Applicant: Russell Barker, Red Materials Ltd</b> <b>Planning Application Code No: NMA/1220/73</b>

	Proposed Non-Material Amendment to Amend the Location of the Site Compound for a Temporary Period During Phased Reprofiling and Restoration of Site and to Retain a Vehicle Access Point, Former Oxcroft Colliery Tip, Mill Lane, Stanfree
21/12/2020	<b>Applicant: Longcliffe Quarries Limited</b> <b>Submission No: PD17/3/79</b> Installation of Four Additional Silos and Extension to the Pyro Plant Building at Brassington Moor Quarry, Longcliffe, Brassington, Matlock
21/12/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD3/1219/65 Highfields School</b> SD3489: Tree Protection SD3490: Removal and Management of Rhododendron and Cotoneaster <b>CW9/1028/63 Willshee's Skip Hire</b> SW3269: Flood Plain/Ground Raising Compensation Scheme

**Tim Gregory**  
**Director – Economy, Transport and Environment**