

Public Document Pack

Peak District National Park Authority

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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



Our Ref: A.1142/1347

Date: 1 October 2015



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 9 October 2015**

Time: **10.00 am**

Venue: **Board Room, Aldern House, Baslow Road, Bakewell**

SARAH FOWLER
CHIEF EXECUTIVE

AGENDA

1. **Apologies for Absence**
2. **Minutes of previous meeting 11/09/2015** (*Pages 1 - 10*)
3. **Urgent Business**
4. **Members Declarations of Interest**
Members are asked to declare any disclosable pecuniary, personal or prejudicial interests they may have in relation to items on the agenda for this meeting.
5. **Public Participation**
To note any questions or to receive any statements, representations, deputations and petitions which relate to the published reports on Part A of the Agenda.
6. **Assessment Under The Habitat Regulations: Old Moor Quarry, Wormhill JRS/JEN**
(*Pages 11 - 30*)

Annex 1

Annex 2

Site Plan

7. **Consolidating Planning Application Accompanied by an Environmental Statement for Revised Working and Restoration Proposals, including a Reduction to the End Date for Mineral Operations, Restoration of the Deep Dale Tip Area and Retention of the Asphalt Plant at Topley Pike Quarry, King Sterndale, Buxton, Derbyshire (NP/HPK/0814/0882/M3925 CNFD) (Pages 31 - 96)**

Site Plan

8. **Full Application - Conversion of Barn to Local Needs Dwelling Adjacent to the B.5056, Winster (NP/DDD/0815/0796, P.691, 424118/359436, 21/08/2015/KW/CF) (Pages 97 - 110)**

Site Plan

9. **Full Application - Erection of an Affordable Dwelling to Meet a Local Need at Green Farm, Aldwark (NP/DDD/0515/0425, P.2656, 422786/357367, 23/09/2015/KW) (Pages 111 - 122)**

Site Plan

10. **Full Application - Conversion of Barn to Dwelling, Tagg Lane Barn, Tagg Lane, Monyash (NP/DDD/0715/0713 P.6043 413606/366357 28/09/2015/CF) (Pages 123 - 132)**

Site Plan

11. **Outline Application - Re-Development of Industrial Site to Residential Uses; Alterations to Industrial Building to Form a Dwelling, Erection of Workshop/Boiler House, Alterations to/Conversion of Water Tank to Ancillary Accommodation and Erection of Solar Panel Array at Stone Pit Yard, Cressbrook (NP/DDD/0515/0460, P.6809, 416885 / 373131, 10/09/2015/AM) (Pages 133 - 144)**

Site Plan

12. **Full Application - Installation of a 20 Metre High Shared Telecommunications Base Station With 6 Antenna and Associated Ground-Based Cabinets at Cliffe House Farm, High Bradfield (NP/S/0715/0663, P.1252, 427668 / 391738, 11/09/2015/AM) (Pages 145 - 154)**

Site Plan

13. **Full Application - Use as Residential Accommodation of Caravan Sited at Bushey Heath Farm, Bushey Heath Farm, Tideswell Moor, Tideswell (NP/DDD/0515/0416, P.10591, 414620 / 378500, 21/07/2015/AM) (Pages 155 - 168)**

Appendix 1

Site Plan

14. **Part Retrospective Application For The Change of Use of a Converted Shippon to Holiday Let, And Replacement of an Existing Garage With a New Garage - West End Cottage, Eyam (NP/DDD/0715/0647, P.5143, 29/7/2015, 421391 / 376718, MN) (Pages 169 - 178)**

Site Plan

15. **Householder Application - Erection of a Timber Shed/Outbuilding/Bin Store at 8 Rock Terrace, Bakewell (NP/DDD/0615/0542 P.504 421552/368680 18/08/2015 CF/DH) (Pages 179 - 186)**

Site Plan
16. **Monitoring & Enforcement Quarterly Review - October 2015 (A.1533/AJC) (Pages 187 - 192)**
17. **Head of Law - Planning Appeals (A.1536/AMC) (Pages 193 - 194)**

Duration of Meeting

In the event of not completing its business within 3 hours of the start of the meeting, in accordance with the Authority's Standing Orders, the Authority will decide whether or not to continue the meeting. If the Authority decides not to continue the meeting it will be adjourned and the remaining business considered at the next scheduled meeting.

If the Authority has not completed its business by 1.00pm and decides to continue the meeting the Chair will exercise discretion to adjourn the meeting at a suitable point for a 30 minute lunch break after which the committee will re-convene.

ACCESS TO INFORMATION - LOCAL GOVERNMENT ACT 1972 (as amended)

Agendas and reports

Copies of the Agenda and Part A reports are available for members of the public before and during the meeting. These are also available on the website www.peakdistrict.gov.uk.

Background Papers

The Local Government Act 1972 requires that the Authority shall list any unpublished Background Papers necessarily used in the preparation of the Reports. The Background Papers referred to in each report, PART A, excluding those papers that contain Exempt or Confidential Information, PART B, can be inspected by appointment at the National Park Office, Bakewell. Contact Democratic Services on 01629 816200, ext 362/382. E-mail address: democraticservices@peakdistrict.gov.uk.

Public Participation and Other Representations from third parties

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To:

Members of Planning Committee:

Chair: Mr P Ancell
Vice Chair: Cllr D Birkinshaw

Mr P Ancell
Cllr C Carr
Cllr Mrs N Hawkins
Cllr Mrs C Howe
Ms S McGuire
Cllr Mrs K Potter
Cllr G Weatherall

Cllr P Brady
Cllr D Chapman
Mr R Helliwell
Cllr H Laws
Cllr J Macrae
Cllr Mrs J A Twigg
Vacant

Constituent Authorities
Secretary of State for the Environment
Natural England

Peak District National Park Authority
Tel: 01629 816200
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Aldern House, Baslow Road, Bakewell, Derbyshire. DE45 1AE



MINUTES

Meeting: **Planning Committee**

Date: Friday 11 September 2015 at 10.00 am

Venue: Board Room, Aldern House, Baslow Road, Bakewell

Chair: Mr P Ancell

Present: Mr P Ancell, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins, Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire and Cllr Mrs K Potter

Apologies for absence: Cllr D Birkinshaw, Mr R Helliwell, Cllr J Macrae, Cllr Mrs J A Twigg and Cllr G Weatherall

105/15 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 7 August 2015 were approved as a correct record subject to the following amendments:

1. Minute 92/15 – Declarations of interest

Item 6

To add the words “except Cllr Mrs C Howe who only received 3”

Item 14

Rearrange to read “Caroline Howe, personal interest, as part of the Parish of Chapel en le Frith is in her High Peak Borough Council ward.

2. Minute 98/15

Delete condition 3 and record that the application was approved subject to a section 106 agreement to secure parking at the public house.

3 Minute 102/15

Amend the introductory text to record that 96% of those voting supported the adoption of the development plan.

The Director of Planning provided an update on minute 94/15 confirming that the National Planning Casework Unit had made contact with the Authority requesting that the decision notice for this application was not issued until a decision had been made on whether this

application should be called in by the Secretary of State. At the time of the meeting a final decision had not been made.

106/15 URGENT BUSINESS

There was no urgent business to report.

107/15 MEMBERS DECLARATIONS OF INTEREST

Item 7

Noted that Cllr P Brady had received correspondence from Dr P Owens regarding this application.

Cllr D Chapman, personal interest, as both he and the applicant were members of the Hope Show Executive Committee. He confirmed he had never discussed this application with the applicant.

Item 9

Ms S McGuire, personal interest, as the Authority's representative on the Stanage/North Lees Forum. It was also noted that she had participated in a Member visit to the application site where she had viewed the shed and heard the tenant explain why it was inadequate for their needs.

Item 15

Noted that Mr P Ancell, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins, Cllr Mrs C Howe, Ms S McGuire and Cllr Mrs K Potter had received an email from Mr H Wright regarding the appeal decision relating to Five Acres Farm, Wardlow.

108/15 PUBLIC PARTICIPATION

7 members of the public were present to make representations to the Committee.

109/15 FULL APPLICATION - THE ERECTION OF AN AFFORDABLE DWELLING ON LAND ADJACENT TO ROWAN LEA, BACK LANE, HATHERSAGE

The Director of Planning, John Scott, reported that he would be leading on this item as John Keeley lived close to the application site and knew one of the public speakers. During the introduction John Scott suggested that the impact on access to the site had been identified as a further reason for refusal.

The following spoke under the Authority's Public Participation Scheme:

- Mrs Jean Hodgkinson, Hathersage Parish Council, supporter
- Mr Ken Lockwood, Agent

A motion to approve the application subject to a section 106 agreement and conditions was moved, seconded, put to the vote and carried. In moving the motion it was suggested that the proposal to depart from the Officer recommendation was appropriate because the site was suitable for affordable local needs housing and this applicant's need should be met in

Hathersage rather than an adjacent village proposed development, it therefore did not conflict with the interests of the National Park and accorded with policy HC1.

RESOLVED:

To **APPROVE** the application subject to prior entry into a **S106** legal agreement to restrict occupancy of the dwelling in accordance with Authority policy on affordable local needs dwellings, and subject to the following planning conditions:

1. **Submission and approval of amended plans setting out detailed designs for the dwelling including energy efficiency measures.**
2. **Withdraw permitted development rights to prevent further extensions**
3. **Submission and approval of amended landscaping plans plotting existing and replacement hedges and demonstrating whether the hedge to Ash Meadow needs trimming back or removing to meet highway visibility splay limits across the full frontage and securing a similar hedge to contain the lane and maintain its valued character and appearance.**

110/15 FULL APPLICATION - CONVERSION OF BARN TO DWELLING, DALE HEAD BARN, HOUSLEY, FOLOW

This item had been deferred for a second time at the July 2015 Planning Committee to allow for the provision of further information about the structural condition of the building. The Authority had therefore appointed a qualified and independent surveyor to carry out a survey, whose conclusions had been incorporated into the report.

The following spoke under the Authority's Public Participation Scheme:

- Mr Joe Oldfield, Agent

A motion to approve the application subject to a section 106 agreement and conditions was moved, seconded, put to the vote and carried. In moving the motion it was suggested that the proposal to depart from the Officer recommendation was appropriate to retain the redundant and deteriorating agricultural building which, although falling short of the criteria for listing, was an attractive vernacular building of some architectural merit and prominent in the landscape.

RESOLVED:

To **APPROVE** the application subject to prior entry into a **S106** legal agreement to prevent the erection of any development including buildings, hard standings or fencing on adjoining fields and subject to the following planning conditions:

1. **Statutory three year time limit for implementation.**
2. **Approval and adoption of amended plans,**
3. **Conversion to be within the shell of the building only with no re-building.**
4. **Submit and agree joinery details including details on whether the vent slots are to be blocked or glazed,**

5. **Conditions to specify and/or approve design details and architectural specifications including timber windows and doors and finish, stonework and pointing, stone slate roof, finish of flue, pipework, roof verges and rainwater goods.**
6. **Submit and agree position of meter boxes,**
7. **All new service lines to be placed underground on land under the applicants control and the ground restored to its original condition thereafter.**
8. **Submit and agree means of foul sewerage before commencing development,**
9. **Submit and agree enhancement scheme for the pond,**
10. **Photographic and archaeological record,**
11. **No development shall commence until a detailed scheme of landscaping including the access track, hard standings, earth mounding, walls, fences and other means of enclosure have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
12. **Submit and agree lighting scheme,**
13. **Submit and agree details of any flues or chimneys,**
14. **Parking areas to be laid out and constructed prior to first occupation and maintained throughout lifetime of the development.**
15. **Maintain adjoining store as an unheated external storage space.**
16. **Remove permitted development rights from the converted building for satellite dishes, extensions, alterations, outbuildings and gates, walls and fences.**

The meeting was adjourned from 11.35am to 11.45am following consideration of this item.

111/15 FULL APPLICATION - CONVERSION OF OUTBUILDING TO ANCILLARY ACCOMMODATION, THE CROFT, THE GREEN, CURBAR

It was noted that the officer recommendation had been amended to include an additional condition requiring that waste from the site be removed by a licenced waste contractor.

The following spoke under the Authority's Public Participation Scheme:

- Mr Gary Askey for applicant

The amended recommendation was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to prior entry into a S106 legal agreement to prevent the sale of the application building from the dwelling known as The Croft, The Green, Curbar and to prevent the installation of separate services, and subject to the following conditions:

1. **Statutory three year time limit for implementation.**
2. **Development not to be carried out other than in complete accordance with specified approved plans.**
3. **No development shall commence until full details of proposed finished floor levels and external ground levels have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
4. **No development shall commence until a detailed scheme of landscaping including hard standings, earth mounding, walls, fences and other means of enclosure have been submitted to and approved in writing by the National Park Authority. The development shall then not be carried out other than in accordance with the approved details.**
5. **Conversion to be within the shell of the building only with no re-building.**
6. **Domestic curtilage to be limited to area shown on the amended plan. No permission is granted for the change of use of the agricultural field to domestic land.**
7. **All new service lines to be placed underground and the ground restored to its original condition thereafter.**
8. **Restrict occupancy of the approved development to additional residential accommodation ancillary to The Croft only. Approved accommodation shall not be occupied as an independent dwelling and shall be retained with the existing dwelling within a single planning unit.**
9. **Remove permitted development rights from the converted building for extensions, alterations, outbuildings and gates, walls and fences.**
10. **Conditions to specify and/or approve design details and architectural specifications including timber windows and doors and finish, stonework and pointing, stone slate roof, finish of flue, pipework, roof verges and rainwater goods.**
11. **Parking areas to be laid out and constructed prior to first occupation and maintained throughout lifetime of the development.**
12. **Waste materials arising from the proposed development to be removed by a licenced waste contractor.**

112/15 FULL APPLICATION - ALTERATIONS TO AGRICULTURAL BUILDING AT NORTH LEES FARM, NORTH LEES HALL, HATHERSAGE

It was noted that the officer recommendation had been amended to include an additional condition requiring that waste from the site be removed by a licenced waste contractor.

The following spoke under the Authority's Public Participation Scheme:

- Mrs Jean Hodgkinson, Hathersage Parish Council.
- Rebekah Newman, Property Manager North Lees for the Applicant

On behalf of the Parish Council Mrs Hodgkinson apologised that the views of the Council had not been returned before the deadline and reported that although they had no objections to the principle of improving the building they had reservations regarding ventilation, foul water disposal and removal of waste materials down a narrow lane. It was noted that most of the concerns would be address through the proposed conditions.

The amended recommendation was moved, seconded, put to the vote and carried subject to an additional condition to make sure that any archaeological items found during the works be recorded.

RESOLVED:

To APPROVE the application subject to the following conditions:

- 1. 3 year time limit**
- 2. In accordance with submitted plans**
- 3. Timber cladding to be stained dark brown**
- 4. Waste materials arising from the proposed development to be removed by a licenced waste contractor.**
- 5. The applicant should monitor the works to make sure that any items of archaeological interest found during construction are recorded and reported to the Authority.**

113/15 SECTION 73 - APPLICATION FOR THE REMOVAL OF CONDITION 11 FROM APPLICATION NP/SM/0698/070 AND REPLACE WITH A LOCAL HOUSING CONDITION AT HEATH BARN, CALTON

It was noted that while she did not have a personal interest in this item, the property had been in the ownership of the family of Cllr Mrs N Hawkins from 1796 to 1943.

The following spoke under the Authority's Public Participation Scheme:

- Mr Tyers, Applicant.

The officer recommendation was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to prior entry into a legal agreement under s.106 of the 1990 Act naming the intended first occupant, containing local occupancy restrictions, and retaining the house as an affordable home in perpetuity and subject to the following planning conditions:

- 1. The stone outbuilding adjacent to Heath Barn shall be retained for the garaging of domestic vehicles and for the storage of domestic items and shall not be used for any other purpose at any time during the lifetime of the development hereby permitted.**
- 2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that**

Order) no alterations to the external appearance of the dwelling shall be carried out and no extensions, porches, or ancillary buildings other than the timber shed shown on the approved plans, shall be erected on the site without the National Park Authority's prior written consent.

The meeting adjourned at 12.50pm for lunch and reconvened at 1.35pm

Chair: Mr P Ancell

Present Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr Mrs N Hawkins, Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire and Cllr Mrs K Potter

Also present Cllr Mrs Lesley Roberts

114/15 FULL APPLICATION - CHANGE OF USE FROM TOY SHOP (A1) TO ICE CREAM PARLOUR (A3), ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL

It was noted that although Mr Hilary Young had registered to speak on the following three applications relating to this site on the day he had been unable to attend.

The officer recommendation was moved, seconded, put to the vote and carried subject to condition 2 being amended to delete the words "prepared on the premises"

RESOLVED:

To APPROVE the application subject to the following conditions / modifications:

- 1. The development hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 89215/01 Revision A.**
- 2. The development hereby permitted shall not place other than on the ground floor of the premises and sales of food and drink from the premises shall be limited to ice creams, sundaes, cookies, cakes, non-alcoholic drinks or similar light refreshments.**
- 3. No deliveries, loading, unloading or other servicing activities shall take place at the premises other than between the hours of 08.00 - 18.00 hours Monday - Friday; 09-00 - 13.00 hours on Saturday; and at no times on Sundays or Bank Holidays.**

115/15 ADVERTISEMENT CONSENT - NEW SIGNAGE TO SHOP FRONT, ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL

The officer recommendation was moved, seconded, put to the vote and carried.

RESOLVED:

To APPROVE the application subject to the following standard conditions:

- 1. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.**

2. Any structure of hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under the Advertisement Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of, any road traffic sign, railway signal and to navigation by water or air, or so as otherwise to render hazardous the use of any highway railway, waterway or aerodrome(civil or military).

116/15 LISTED BUILDING CONSENT - NEW SIGNAGE TO SHOP FRONT, ICE CREAMS & DREAMS, MATLOCK STREET, BAKEWELL

The officer recommendation was moved, seconded, put to the vote and carried.

RESOLVED

To APPROVE the application be APPROVED subject to the following condition:

1. The works hereby permitted shall be carried out in complete accordance with the following approved plans: Drawing No. 89215/01 Revision A and Drawing No. 89215/04 Revision A.

Cllr H Laws, Cllr Mrs N Hawkins and Ms S McGuire left the meeting at 2.11pm following

117/15 PROTECTING TREES IN THE NATIONAL PARK - THE USE OF TREE PRESERVATION ORDERS

It was noted that this report had been prepared following a request from the Committee to receive a briefing on the use of Tree Preservation Orders (TPOs). It was confirmed that there would be an opportunity to have a further discussion at the forthcoming Planning Training Sessions for Members.

During a discussion on the issues relating to the protection of trees it was confirmed that the Committee acknowledged that Members would like to see greater use of TPOs where necessary as a last resort to protect trees and would be interested to know how the number of TPOs in the Peak District compared to those in other National Park Authorities.

RESOLVED: To note the report.

Cllr C Carr left the meeting at 2.20pm following consideration of this item.

118/15 HEAD OF LAW - PLANNING APPEALS

The Committee discussed the implications of a number of recent Planning Appeal Decisions and suggested that the issues raised should feed into the deliberations of the Member Work Group appointed to provide input into the review of planning policies.

RESOLVED: To note the report.

The meeting ended at 2.30 pm

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6. ASSESSMENT UNDER THE HABITAT REGULATIONS: OLD MOOR QUARRY, WORMHILL (JEN)

APPLICANT: LAFARGE TARMAC

Proposal: Habitat Regulations Assessment in relation to ROMP application

Site and Surroundings

Old Moor Quarry is part of a wider site incorporating both Tunstead Quarry and Old Moor Quarry. Tunstead is located entirely outside the National Park and thus comes under the planning control of Derbyshire County Council. Old Moor is predominantly located in the National Park, (with a very small area in Derbyshire County Council). A plan of the site showing the National Park boundary is enclosed.

Both Tunstead and Old Moor are undergoing the necessary processes to enable the relevant planning authorities to determine modern working conditions. The Old Moor Review Of Old Mineral Permission scheme will be considered by a forthcoming planning committee and is registered as NP/HPK/1013/0898.

RECOMMENDATION:

That this report, including annex 1, be adopted as the Authority's Habitat Regulations Assessment in relation to the determination of modern working conditions under the Review of Old Mineral Permissions process at Old Moor Quarry.

It is determined that continued Mineral Working is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus continued quarrying is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

Key Issues

The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

It has been identified that Peak District Dales Special Area for Conservation (SAC) (which therefore falls within the definition of a 'European Site') could be affected by continued quarrying at Tunstead/Old Moor Quarry so it is necessary to consider the significance of these effects.

Assessment

The Habitat Regulation Assessment Process

The Habitat Regulation Assessment (HRA) process involves several stages:

Stage 1 – Likely Significant Effect Test

Stage 2 – Appropriate Assessment

Stages 3 & 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.

Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

Stage 2: This is the appropriate assessment and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site's structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.

Stage 3&4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Impact Pathways

The SAC covers approximately 2,326ha and comprises a number of constituent Sites of Scientific Interest (SSSIs). It lies to the south and east of Old Moor Quarry.

The special conservation objectives of the SAC are appended to this report. (Annex 2)

In the pre-application stage two potential pathways of impact on the SAC were identified, these being hydrology and dust.

Hydrology

Changes in groundwater and/or surface water supply to sensitive plant communities such as alkaline flushes through drying or changes to water supply to springs and seepages can lead to the loss of particularly sensitive species or wholesale changes in community type.

Changes in groundwater could also lead to reduced water supply to the rivers, which if significant could affect white clawed crayfish, bullhead or river lamprey.

A principal objective was agreed between Natural England, Environment Agency, Derbyshire County Council and the National Park Authority for the applicant to develop and test a conceptual model of groundwater movement to evaluate the magnitude and significance of risks to the hydrological environment in the locality and the design of mitigation measures.

Natural England confirmed a number of sensitive wetland features to consider in the assessment and the only relevant qualifying feature to be identified was Alkaline Fens, as none of the other qualifying habitats were identified as sensitive to hydrological impacts.

The detailed hydrological and hydrogeological investigations which have been carried out by the applicant (set out at annex 1) have shown that it is very unlikely that there will be any adverse effect on the groundwater or surface water resources of the area from the continuing quarrying and related operations at Tunstead and Old Moor, and thus it is unlikely that there will be adverse effect on the sensitive features identified by Natural England within the SAC.

Dust

Dust will be generated during soil stripping operations, blasting, excavating, and transporting mineral and during restoration following quarrying.

Effects from dust arise when it is deposited on surfaces and deposition of large amounts of dust can affect vegetation in two ways; physical smothering leading to a reduction in growth through restricting light on leaves and also restricting transpiration of water off the leaves and chemical induced changes on the above parts of plants or changes to the pH and/or nutrient status of the soil.

Potential dust impacts were raised as requiring consideration without reference to the SAC as a sensitive receptor. Dust is not considered to be a key environmental consideration for the features for which the SAC is designated and the Dust Risk Assessment in the EIA, which is reiterated in the applicant's assessment of likely significant effects (set out in annex 1) is adequate for these purposes.

The dust assessment in the EIA demonstrates that significant dust deposition impacts are unlikely from continued working at Tunstead and Old Moor, and that industry best practice measures will be followed to minimise dust creation and to suppress any dust that is generated. It concludes that no likely significant effect due to dust is expected on the features for which the SAC is designated.

Conclusion

It is concluded at Stage 1 of the HRA, that the investigation which has taken place are adequate and demonstrate that continued quarrying as proposed by the Review of Old Mineral Permissions scheme is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus continued quarrying is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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7. LIKELY SIGNIFICANT EFFECTS

7.1 Introduction

One site has been identified that could be impacted by continued quarrying at the Site: the Peak District Dales Special Area for Conservation (SAC).

This SAC covers approximately 2,326ha and comprises a number of constituent Sites of Special Scientific Interest (SSSIs). The SAC lies to the west and south of Tunstead Quarry and the south and east of Old Moor Quarry. The closest approach to the quarries is in the Great Rocks Dale, where it borders Buxton Central, which is being restored currently but the planning boundary is coincident with the SAC boundary along Flag Dale to the east of Old Moor Quarry.

7.2 Features of European interest

The SAC qualifies for the presence of a number of Annex 1 habitats. Two of these are a primary reason for its designation;

- Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*) and
- *Tilio-Acerion* forests of slopes, screes and ravines

Three other Annex 1 habitats are present but are not primary reasons for designation of the SAC. However, for the purposes of assessment of impacts, these are required to be considered under any appropriate Assessment for the Habitat Regulations. The habitats are:

- European dry heaths; *Calaminarian* grasslands of the *Violetalia calaminariae*;
- Alkaline fens;
- Calcareous and calcshist screes of the mountain to alpine levels (*Thlaspietea rotundifolii*) and;
- Calcareous rocky slopes with chasmophytic vegetation.

The site is also designated on account of the presence of an Annex II species;

- White-clawed (or Atlantic stream) crayfish (*Austropotamobius pallipes*) Two further Annex II species are present but are not primary reasons for designation of the SAC:
- brook lamprey and
- bullhead

The continued permitted quarrying at the Site does not result in the direct loss of any of the SAC. Thus, the potential for impact is through indirect effects including dust and hydrology (surface and groundwater).

7.3 Scope of Assessment

Natural England in a letter dated 29th January 2013 to Limestone Research Consultancy (Professor John Gunn), confirmed the features of interest within the Peak District Dales SAC that could be impacted through changes in hydrology resulting from continued quarrying. These features were reiterated in a letter to Hafren Water on the 13th March 2013 (See Appendix E1).

The sensitive wetland features confirmed by Natural England are:

- SSSI monitoring Units 70 and 71 on the River Wye in the Wye Vale SSSI;
- An alkaline fen community within monitoring Unit 4 in Woo Dale in the Wye Vale SSSI;
- Alkaline fen community in Unit 20 in the Wye Valley SSSI;
- Alkaline fen communities in Monk's Dale SSSI (unidentified monitoring units).

The MPAs confirmed at EIA Scoping that they considered potential hydrological impacts of the Scheme to be the focus of the ES.. Natural England confirmed in the letter of 29th January 2013 that they were not aware of any other sensitive (hydrological) features within the SAC or SSSIs that required consideration and this included the qualifying species. Thus, the only relevant

qualifying feature is Alkaline Fens, none of the other qualifying habitats being identified as sensitive to hydrological effects

Potential dust impacts were raised as requiring consideration without reference to the SAC as a sensitive receptor. It has therefore been concluded that dust is not considered by the consultees to be a key environmental consideration for the features for which the SAC is designated, and thus no additional or detailed assessment is required over and above that which would normally be required from an EIA Dust Risk Assessment. However, the information is presented below to demonstrate that the conclusions of the ES with respect to dust i.e. no likely significant effect is expected on the features for which the SAC is designated as a result of dust.

7.4 Historic Trends and Current Conditions

The most recent condition assessments of the SSSI units that underpin the Peak District Dales SAC identified by Natural England in their letters of 29th January and 13th March 2013 are shown below in Table 2 for the Units in which the sensitive habitats occur.

For Monk's Dale SSSI the units that could contain sensitive features are not identified by Natural England.

TABLE 2: Assessment of Condition of SSSI Units

Vegetation	SSSI Unit	Size of Unit (ha)	Date Assessed	Status	Notes
Wye Valley SSSI					
Calcareous grassland - lowland	4	1288	15th August 2009	Favourable	Scrub clearance carried out very effectively though future clearance will be required. Important that site is grazed sufficiently this year-previous year was undergrazed.
Calcareous grassland - lowland	20	886	23rd June 2009	Unfavourable recovering	MG2,U4, CG2, Pinguicula flush Scrub clearance scheduled
Rivers and streams	70	319	21st Dec 2010	Unfavourable no change	Feb 2013 Remedies - DWPP in preparation but not yet agreed with EA, hence timescale shifted to 2013/14. Discharge / ROC remedy relates to Buxton STW, which is the source of elevated p levels, options for resolving will come out of DWPP, currently no timescale
Rivers and streams	71	598	21st Dec 2010	Unfavourable no change	Feb 2013 Remedies - DWPP in preparation but not yet agreed with EA, hence timescale shifted to 2013/14. Discharge / ROC remedy relates to Tideswell STW, due for completion this FY but not confirmed yet from EA.

7.5 Conservation Objectives

Natural England has identified a number of general Conservation Objectives for the SAC, which seek, subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
- The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;
- The populations of qualifying species;
- The distribution of qualifying species within the site.

The Views About Management (VAM) statement produced by Natural England for the SSSI contains more details of management objectives and those relevant to the wetland habitats identified as being sensitive by Natural England are provided in detail in Appendix E2 but briefly are as follows.

7.5.1 Wye Valley SSSI Flush

and spring fen

- Groundwater sometimes breaks out on the surface, either as gentle seepages, which give rise to flushes, or through greater flows that are evident as springs. The plants and animals that occur in and around these habitats are dependent on the water chemistry and flow rate.
- The quantity and quality of the groundwater must be maintained, though the quantity is not likely to be naturally constant throughout the seasons or between wet and dry years.
- Grazing is often required to keep the vegetation short and open around springs and flushes. The precise timing and intensity of grazing will vary according to local conditions and requirements but should aim to keep a relatively open sward without causing excessive poaching.
- Drainage schemes should not intercept the source of groundwater to springs or flushes, or reduce the area of surface they irrigate.

Rivers and streams

- The rivers natural structure and form should be maintained. This will support a natural flow regime that will help conserve the geomorphological features of interest.
- Management should maintain the natural flow regime of the river or stream, including natural erosion and sedimentation processes, in order to meet the requirements of the full range of flora and fauna it supports. Abstraction levels should be managed to protect the characteristic flow regime, including seasonal base flows and flushing flows.
- Bank-side vegetation should be allowed to develop, allowing characteristic plants to flourish as well as benefiting those animals that spend part of their life-cycle out of the water.
- The characteristic aquatic plant communities associated with in-channel vegetation should be allowed to flourish, including fringing emergent vegetation and beds of submerged plants.
- Of particular importance for invertebrates are exposed riverine sediments, which include sand and shingle bars or spits as well as eroding banks and river cliffs.
- Rivers and streams are susceptible to the introduction of invasive plant and animal species e.g. mink and signal crayfish.
- The maintenance of good water and sediment quality are essential to maintaining a healthy river system. Management should minimise pollution of the river from point and diffuse sources, including discharges of domestic and industrial effluent, and run-off from agriculture, forestry and urban land.

7.5.2 Monk's Dale SSSI

Flush and Spring Fen

- Groundwater sometimes breaks out on the surface, either as gentle seepages, which give rise to flushes, or through greater flows that are evident as springs.
- The quantity and quality of the groundwater must be maintained, though the quantity is not likely to be naturally constant throughout the seasons or between wet and dry years.
- Grazing is often required to keep the vegetation short and open around springs and flushes. The precise timing and intensity of grazing will vary according to local conditions and requirements but should aim to keep a relatively open sward without causing excessive poaching.
- Drainage schemes should not intercept the source of groundwater to springs or flushes, or reduce the area of surface they irrigate.

7.6 Key Environmental Conditions

The following key environmental conditions were identified for this SAC, given the conservation objectives identified in the previous section. These effectively identify the key vulnerabilities of the designated features in addition to the key structural and functional relationships that create the European Site's integrity.

List of Key Environmental Conditions:

- Avoidance of changes to overall hydrological processes;
- Maintenance/introduction of sustainable grazing;
- Maintenance of water quality

7.7 Likely Significant Effects Assessment Hydrology

The following is a summary of the relevant findings of the Hafren Water technical annex provided in the Environmental Statement.

7.7.1 Potential Effects

Possible changes in the hydrological regime within the limestone as a result of quarrying to permitted limits have been identified as the most likely effect that could impact significantly on sensitive features within the SAC. These features are; Alkaline fens, brook lamprey and bullhead.

There has been detailed and comprehensive hydrological data collection, analysis and interpretation over the last two years and there is historical data from previous investigations at the Site and other quarries within the area. The results of these investigations are provided in summary in Chapter 10 of the Environmental Statement and are provided below.

7.7.2 Background & Scope

The principal objective agreed with Natural England (NE), Environment Agency (EA), Derbyshire County Council (DCC) and Peak District National Park Authority (PDNPA) was to develop and test a conceptual model of groundwater movement to evaluate the magnitude and significance of risks to the hydrological environment in the locality and the design of mitigation measures, as required.

A draft report on the findings of the investigations was circulated to statutory consultees in early February 2013 and meetings were held with the EA, NE, DCC and PDNPA subsequently to obtain feedback. All of the comments highlighted have been incorporated into Chapter 10, which.

- Determines the lowest level of limestone working that may be allowed in Tunstead Quarry and whether the 227 mAOD level in Old Moor remains appropriate;
- Predicts water conditions at the base of the two quarries post-extraction to inform the restoration proposals; and
- Determines the potential impacts on the wider water environment, most notably the sites

afforded statutory protection in the Wye Valley and its local tributaries. **7.7.3 Conceptual Hydrology**

The results of fieldwork undertaken, together with consideration of findings of previous studies, indicate that karstification of drainage and conduit flows are present to the east of, and most probably at depth beneath the quarry. However, no conduits have been encountered in the Old Moor and Tunstead quarry workings to date.

Instead, the limestone in the quarried area, and extending down to the permitted depth of extraction in Old Moor (227 mAOD) and the proposed maximum depth of extraction in Tunstead (230/240 mAOD) is characterised by having low bulk hydraulic conductivity and storage and an inferred small volume of groundwater within it. The rapid response of groundwater levels to rainfall in monitoring boreholes and the absence of groundwater seepage in the quarry, even after periods of high rainfall, corroborates this view.

The extremely slow dispersal of tracer from the three boreholes into which it was injected and the disparity of elevations between groundwater levels recorded within monitoring boreholes adjacent to lower, dry areas of the quarry void, also demonstrate the low hydraulic conductivity characteristics of the limestone.

Geological faults occur frequently within and in the vicinity of the two quarries. The potential of the faults to convey groundwater has been considered. Observation of the faults within both quarries shows them to be clay-filled. Prolonged site experience of quarry personnel indicates that groundwater has not been seen to be associated with any of the faults exposed within the quarry voids.

Geophysical logging was undertaken to the full depth of permitted mineral extraction within Old Moor Quarry (227 mAOD) and to 230 mAOD and 240 mAOD in the south and north of Tunstead Quarry respectively. Conductivity and temperature logs were run specifically to identify the presence of flow horizons (i.e. inception horizons). There was no evidence within any of the boreholes of flow: in fact the results of the heat pulse flow log were at the limits of detection in each case.

There is a contradiction between the apparently high hydraulic conductivity recorded within borehole PZ-46, the observation that a large volume of water could be pumped into it without increasing the water level and the absence of movement of tracer from the borehole. This is probably explained by the borehole being in continuity with a fracture network which, although locally quite extensive, has very poor hydraulic continuity with surrounding fracture systems. This behaviour is characteristic of a patchy aquifer.

The effect of the inferred discrete fracture systems can be inferred within Old Moor Quarry where the floor of the quarry void is entirely dry at an elevation of 241 mAOD whereas groundwater levels significantly above this are recorded in nearby monitoring borehole PZ- 31.

In summary, there is no indication, based on the extensive field investigations, that a large, water-bearing conduit will be encountered during future permitted development of the quarries. The degree of risk of intercepting such a feature is considered to be extremely low, based on all the evidence.

It is concluded that the groundwater which occurs in small fissures within the mass of the limestone down to the proposed bases of extraction in the two quarries is hydraulically isolated from that of the larger conduit systems.

7.7.4 Potential Impacts during Mineral Extraction

Groundwater Quality

The operation of mobile plant, storage of chemicals and cement and lime manufacture all possess the potential to release chemical contaminants into the water environment. In addition operations could mobilise fines generated from the site and adjacent quarry areas, which could enter the local water system.

The most significant pollution incident to have occurred historically at the site was the discharge of silt-laden water adjacent to B Pond, which occurred in 2000. An investigation of the effects

upon the ecology of the River Wye, undertaken immediately after the incident, indicated that there were no significant or residual impacts upon the ecology of the River Wye. Measures have been taken to reduce the probability of the recurrence of such an event.

The permitted development is a continuation of the current works and safeguards that are currently in place will continue to apply during all future working.

Groundwater Abstraction

To date there is no evidence to suggest that groundwater is being drawn into the Site from outside the curtilage of the quarry and it is considered most unlikely that lowering of the quarry floor will intersect conduits transmitting groundwater. Hence, the permitted development will not significantly affect groundwater levels.

Groundwater Flow

The magnitude of groundwater flow within the limestone above the conceptual watertable is small. Calculations and direct observation indicate that groundwater flow is largely through the secondary porosity (fractures). No tertiary porosity elements (conduits) have been identified during drilling investigations undertaken in the course of this study although it is considered highly likely that conduit flow is important at greater depth.

In limestone areas conduits draining from areas of point recharge may pass through or beneath 'conduit-free' areas. Hence, it is impossible to totally exclude the possibility that a water bearing conduit or conduits could be intersected as the quarry floor continues to lower. However, the hydrogeological investigations suggest that the chances of intersecting water-filled conduits above 230m AOD in Tunstead and above 227m AOD in Old Moor are very low. This conclusion is supported by the fact that to date no conduit systems have been intercepted despite the removal of a very large volume of rock. In the unlikely event of a water-bearing conduit being intercepted there is a low possibility that the volumes would necessitate removal by pumping off-site through existing consents.

As the quarry floor is lowered a very small volume of groundwater storage will be removed but there will be little, if any, modification of sub-surface groundwater flow to springs on the banks or in the bed of the River Wye.

Surface Water Quality

There is currently no discharge of water off-site, although discharge permits issued by the EA are held. All recharge to the quarry void must ultimately flow to the River Wye and some will almost certainly be discharged via springs. However, the flow velocities are too low to transport sediment, which only takes place through conduits.

Surface water quality has previously been adversely impacted by the discharge of slurry from B Pond, as described above. However, this was a one-off occurrence and measures were swiftly put in place to prevent its recurrence. It should be noted that suspended

solids within the river which resulted from the loss of slurry dispersed rapidly and investigation showed that there was no significant impact upon ecology, nor residual impact.

Surface Water Flow

It is not expected that there will be any need to pump water from the quarry off-site, although existing discharge consents will be retained. Consequently, there is no potential for direct impact upon surface water flows.

The total volume of water abstracted from the two licensed boreholes (at Woodale and Blackwell Mill) has been reduced significantly in recent years due to efficiency initiatives. These boreholes are located on the banks of the River Wye with which they are assumed to have good hydraulic connectivity. The reduction in abstraction from the boreholes will have a beneficial effect on total flows within the river.

7.7.5 Impacts on Identified Sensitive Features within the SAC

Water will not be discharged off-site to a receiving watercourse thereby precluding adverse potential impacts that could occur from changes to water quality or volume. The only potential to impact adversely upon water-supported ecology is therefore considered to be by indirect effects

upon the flow regimes of individual springs or the River Wye. However, for the reasons presented above such impacts are not anticipated.

The alkaline fen in Woo Dale (Unit 4 Wye Valley SSSI), which was identified by Natural England as being an area of interest, is located on a small limestone outcrop high up on the western side of Woo Dale. Given its location, Natural England has accepted that it is isolated from Tunstead and Old Moor Quarries hydrologically and therefore unlikely to be impacted from any mineral workings.

The alkaline fen feature in Monk's Dale SSSI is located on the western edge of the valley at NGR SK 1371 7407 and runs adjacent to the main stream. It is fed by a number of springs and seepages, which discharge into a tributary running directly through the feature and into the main stream. The springs were investigated in a tracer study by the Environment Agency and have been the subject of detailed study in connection with workings at Dove Holes Quarry (Cemex). It is understood that the springs are some 2 km east of the eastern boundary of Old Moor Quarry at 220 m to 230 mAOD and are largely perched on the Lower Millers Dale Lava. These facts, in themselves, make it highly unlikely that the springs could receive any flow from Tunstead/Old Moor. Moreover, there is a strong hydrogeological barrier between Old Moor and Monks Dale, the known northwest-southeast flow system to the Wormhill and Chee Dale springs. In the absence of any hydrological continuity between the quarry and the springs, which flow out of the limestone in Monks Dale, it is logical to conclude that there can be no impacts from the quarry workings at Tunstead or Old Moor upon these alkaline fen communities in Monks Dale SSSI.

Cheedale Spring 3 (which discharges into the River Wye several hundred metres downstream of Wormhill Springs) is associated with a large tufa mound of ecological importance. It is fed by local groundwater perched on the Lower Millers Dale Lava and is distinct hydrologically from the upstream Cheedale Spring 2 which forms part of the Wormhill Springs conduit complex. No tracer was detected at Cheedale Spring 3 and it can be concluded with confidence that there can be no impacts on the tufa mound from quarry working at Tunstead and Old Moor. Cheedale Spring 3 appears to be located within Unit 20 of Wye Valley SSSI and Cheedale Spring 2 and the Wormhill Springs complex Unit 70 of the Wye Valley SSSI.

The magnitude of potential to impact upon water-supported ecology is therefore assessed to be 'negligible' and the significance as 'minor'.

7.8 Likely Significant Effects Assessment Dust

7.8.1 Potential Effects

Dust generated from mineral extraction and associated activities; processing, soil stripping and relaying, truck movements and loading unloading, dust generated from bare rock and spoil areas has the potential to impact on vegetation within the SAC. This can be through physical smothering thus reducing photosynthesis and transpiration of water and/or chemical changes on the leaves themselves or through interaction with the soil.

There is some evidence within the scientific literature that dust deposition rates of between 100 – 200 mg/m²/day could represent the threshold at which complaints from receptors might be generated and these values have been applied at mineral extraction sites¹. Significant impacts on vegetation are unlikely to occur at deposition rates of less than 1000 mg/m²/day.

Any dust incidents are highly dependent upon local weather, with extended periods of dry weather combined with winds blowing from the source of dust to the receptor being the conditions that significant dust related impacts are most likely to occur. These conditions would need to be combined with an activity creating dust close enough to the receptor for increases in dust soiling rates to be perceptible. However, this would only be the case when there is an inadequate application of the mitigation measures being employed on site.

¹ Vallack H W and Shillito D E (1998), Suggested Guidelines for Deposited Ambient Dustfall. Atmospheric Environment, Vol. 32, pp. 2737 – 2744

7.8.2 Assessment of Effects

The table below is taken from Chapter xx and shows the published guidance distances for a significant adverse effect taken from Mineral Policy Statement 2: Controlling and mitigating the environmental effects of mineral extraction in England.

Description	Potential Distance for Significant Adverse Effects (distance from source)		
	Soiling	PM10*	Vegetation
Large sites with high use of haul roads	100 m	25-50 m	25 m
Moderate sized sites, with intermediate use off haul roads	50 m	15-30 m	15 m
Minor sized sites with limited use of haul roads	25 m	10-20 m	10 m

It can be seen that beyond 25m from the dust source it is not expected that a significant adverse impact on vegetation would be expected.

The closest the SAC comes quarrying activities is 200m south of Tunstead Quarry and 100m east of Old Moor Quarry and so using the guidelines in the table above no significant likely impact is expected.

In addition to this, the wind direction, although variable is generally from the south and west, with occasional periods from the east and north-west (Folder 6 Technical Annex G) and analysis of the rainfall record collected at the on-site weather station shows that during 2012 there was a total of 1,574mm of rainfall and on 273 days rainfall was of measurable quantity and exceeded 0.2 mm.

The most recent (2012) measured levels of dust at the recording points around the quarry were within the range 96 to 129mg/m²/day, clearly below the 200mg/m²/day for nuisance to be expected and well below the 1000 mg/m²/day.

One of the aspects considered by Natural England when undertaking Condition Site Monitoring within SSSIs is the effects on the vegetation from impacts such as drainage, grazing and airborne pollutants. Where such an impact is shown, this is recorded as one or more of the reasons why a feature is not meeting its required condition. None of the Units monitored within the Wye Valley SSSI within 1km of the Site records dust or other airborne pollutants being a contributory factor to any of these units should they not be achieving favourable conservation status. As no increase in dust or other emissions is expected from continued quarrying, then the situation is not expected to change.

Based on the above, it is concluded that there is no likely significant effect on the features for which the SAC is designated from fugitive dust.

7.9 Potential for Cumulative Impacts

Due to the presence of Doveholes Quarry and Topley Pike Quarry in the vicinity of the Site, it might reasonably be inferred that there could be cumulative impacts upon the water environment.

However, the absence of pumped discharges off-site at Tunstead/Old Moor Quarries is such that there will be no changes to flows in watercourses. Similarly, the anticipated absence of significant groundwater level drawdown is such that there will be no cumulative impact between the quarries. Similarly, the River Wye constitutes a hydrological divide between most elements of the water environments on opposite banks, consequently any effects associated with the Topley Pike or Tunstead/Old Moor Quarries will not increase the magnitude of each other.

7.10 Conclusion of Likely Significant Effects

It is considered unlikely that the project will, either alone or in combination with other plans or projects, have a significant effect on the integrity of the Peak District Dales SAC.

The detailed hydrological and hydrogeological investigations have shown that it is very unlikely that there will be any adverse effect on the groundwater or surface water resources of the area from the continuing operations at the Site and thus the sensitive features within the SAC identified by Natural England.

The magnitude of potential to impact upon water-supported ecology is therefore assessed to be 'negligible' and the significance as 'minor'.

It has been demonstrated that significant dust deposition impacts are unlikely from continued working at the quarries particularly and industry best practice measures will be followed to minimise dust creation and to suppress any that is generated.

It is thus concluded that it has been demonstrated that continued quarrying as proposed by the Scheme is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus, continued quarrying is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.



European Site Conservation Objectives for Peak District Dales Special Area of Conservation Site Code: UK0019859

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- > **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- > **The structure and function (including typical species) of qualifying natural habitats**
- > **The structure and function of the habitats of qualifying species**
- > **The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**
- > **The populations of qualifying species, and,**
- > **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H4030. European dry heaths

H6130. Calaminarian grasslands of the *Violetalia calaminariae*; Grasslands on soils rich in heavy metals

H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*FestucoBrometalia*); Dry grasslands and scrublands on chalk or limestone

H7230. Alkaline fens; Calcium-rich springwater-fed fens

H8120. Calcareous and calcshist screes of the montane to alpine levels (*Thlaspietea rotundifolii*); Base-rich scree

H8210. Calcareous rocky slopes with chasmophytic vegetation; Plants in crevices in base-rich rocks

H9180. *Tilio-Acerion* forests of slopes, screes and ravines; Mixed woodland on base-rich soils associated with rocky slopes*

S1092. *Austropotamobius pallipes*; White-clawed (or Atlantic stream) crayfish
S1096. *Lampetra planeri*; Brook lamprey

S1163. *Cottus gobio*; Bullhead

* denotes a priority natural habitat or species (supporting explanatory text on following page)

* Priority natural habitats or species

Some of the natural habitats and species listed in the Habitats Directive and for which SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Directive or the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

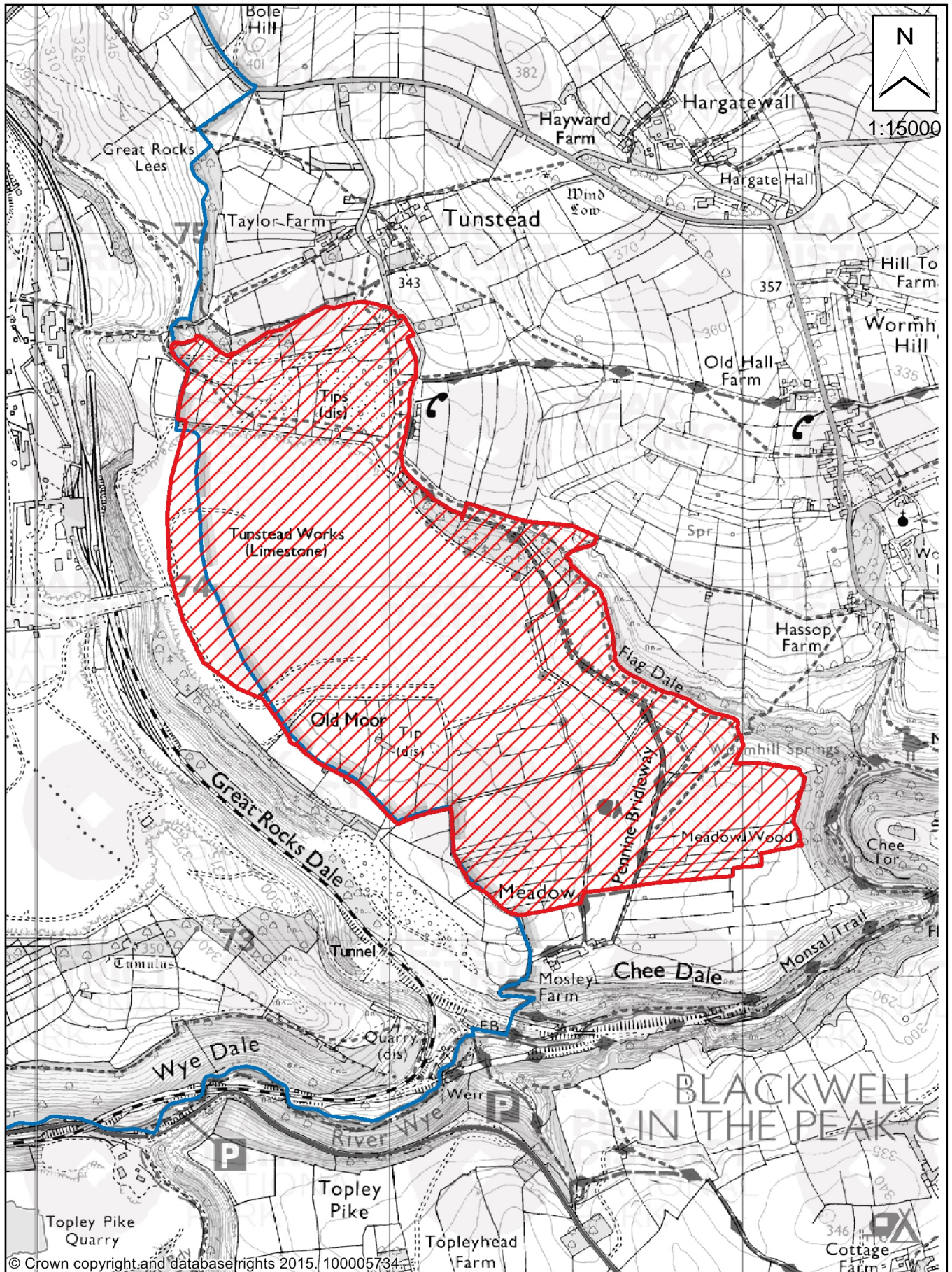
These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.


These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in Article 1 of the Habitats Directive.

Publication date: 30 June 2014 — version 2. This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014.

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Committee Date:	09/10/2015	Title: Old Moor Quarry (Tunstead) Wormhill Buxton	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/HPK/1013/0898		
Grid Reference:	410729, 374256		

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7. CONSOLIDATING PLANNING APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT FOR REVISED WORKING AND RESTORATION PROPOSALS, INCLUDING A REDUCTION TO THE END DATE FOR MINERAL OPERATIONS, RESTORATION OF THE DEEP DALE TIP AREA AND RETENTION OF THE ASPHALT PLANT AT TOPLEY PIKE QUARRY, KING STERNDALE, BUXTON, DERBYSHIRE (NP/HPK/0814/0882/M3925 CNFD)

Applicant: Aggregate Industries UK Limited

Summary of Proposals: This consolidation application, with an Environmental Statement, for major minerals EIA development at Topley Pike Quarry, includes proposals for:

- Consolidating and updating operations approved under a 1947 Ministerial (Interim Development Order) permission and a 1966 planning permission for mineral extraction, to consolidate and rationalize future minerals development.
- Relinquishment / revocation of all the extant planning permissions.
- A revised working and restoration scheme for the whole quarry with revised mineral extraction phasing, progressive tip removal, progressive backfilling and restoration, landscaping, a lake, biodiversity and aftercare proposals.
- Working the quarry to a uniform depth limit instead of working to different depths in the eastern and western halves of the quarry under the existing permissions.
- A small lateral north-eastern extension of the quarrying area into the existing Plant Area.
- Continued operation/use and control of all mineral activities for the extraction and processing of limestone and associated ancillary development, operational use of land in connection with the quarry, use of process buildings, plant, structures, stocking areas and storage bays, access, internal roadways, and other ancillary development.
- The removal of the former quarry silt lagoon tip (the 'Deep Dale tip'), dam and culvert from within Deep Dale, with redistribution of the tip material into the western end of the quarry for restoration and elsewhere within the disturbed area of the dale.
- Restoration of the disturbed part of Deep Dale to its original valley landform, providing for regrading, long term landform stabilisation and restoration of the dale and daleside.
- Regularisation of minor items of plant and buildings within the authorised Plant Site.
- Retention and continued operation of the asphalt plant until mineral extraction is completed or until 31st December 2025, whichever is the earlier.
- Cessation of mineral operations by 31st December 2025 instead of February 2042 as allowed under the extant permissions, with restoration thereafter completed within 12 months, by December 2026.

The permitted limestone reserves in the quarry are estimated at 2,800,000 tonnes based on working the eastern half down to 240mAOD and western half to 210mAOD. It is proposed to work the whole quarry (west and east) down to 225mAOD, providing an estimated 3,190,000 tonnes of workable limestone reserves (as at 1 January 2013), a net gain of 390,000 tonnes. Production would be about 250,000 tonnes per annum, which equates to a life of

approximately 13 years from January 2013, until the end of 2025.

Site and Surroundings

Application Site: This comprises 31.5 hectares (ha) of land, occupied by Topley Pike Quarry with plant site (29 ha), Deep Dale tip and other land in the dale (2.5 ha), and associated areas covered by extant mineral planning permissions (excluding land south of the tip where no development has occurred or is proposed).

Quarry Site and Setting: Topley Pike limestone quarry is in a rural area 4.5km southeast of Buxton, south of the A6 road within a narrow plateau between Wye Dale and the River Wye (to the north) at 232-240m AOD and Deep Dale (to the south and east) at 250-240m AOD. King Sterndale village 600m to the west comprises scattered properties, the nearest being Sterndale Green Farm (100m from the western quarry boundary at an elevation of 320m AOD). The nearest individual farmsteads are Chelmorton Flat, 900m south east, Topleyhead Farm, 700m east, Middle Farm in Cowlow, 400m north-west, and Meadow to the north-east. The active working quarry and infrastructure occupy 26ha of the 29ha quarry site; the other 3ha are calcareous grassland, semi-mature broadleaved woodland, immature broadleaved plantation and scattered scrub. The crest of the highest quarry faces (original ground level) is at 318m AOD. The quarry void (about 18 ha) has a floor at 240m AOD in the east, 225m AOD in the west; the void is surrounded by steep quarry faces to the north, west and south with surrounding ground levels 300-310m. The north-west corner of the quarry has been worked and abandoned at a level of 280m AOD, leaving a re-vegetated elevated platform along the quarry face. Quarry waste (scalpings and filler dust) from former extraction and processing has been deposited (Tip No.3) in the southwest corner of the quarry, leaving an uneven landform rising from 240-270m AOD. The excavations are screened by a ridge along the northern site boundary with a densely wooded steep slope obscuring much of the development; and a retained ridge of rock along the southern boundary with Deep Dale. The quarry plant and stockfield area is on a 252m AOD platform in the north-eastern corner of the quarry.

Deep Dale Site: Deep Dale, a narrow steep-sided valley, contains limestone cliffs, screes, rich flora and calcareous grassland; it abuts the eastern and southern quarry boundaries and has a floor elevation of 253m AOD falling north-eastwards to 238m AOD where it meets Wye Dale (at the quarry access). The south valley side rises to 310m AOD. The eastern valley side, a man-made slope from former tipping (probably 1960's/70's) of quarry waste, naturally re-vegetated and planted with trees, rises steeply from the base of Deep Dale to the top of the eastern quarry edge. The central part of this slope was subject to landslip in 2010; the slip area has not been restored since it is proposed to gain access into the quarry at this point for transporting materials from Deep Dale tip, a disused former above tipping and silt lagoons area for quarry waste. The north valley side rises to 300m AOD above the tip, which covers 2.5 ha and forms a bunded plateau on the valley floor, rising to 262m AOD in the west, 266m AOD in the east. The tip is bounded to the south by a tree planted screening mound alongside which runs the diverted route of footpath 37. The Deep Dale winterbourne stream (dry in summer) flows east through the valley; the southern stream section is culverted for 472m under the tip, re-emerging in the south-east corner of the site in a 1m to 2m wide, 30cm deep channel; the stream then flows northwards for 300m to the River Wye. The setting of the quarry would remain unchanged, but within it the Deep Dale tip would be progressively removed and the quarry and dale would be restored and landscaped.

Environmental Summary

Adverse impacts on valued characteristics and amenity of the natural zone would be minimised in accord with Policies LC1 and LM1. There would be no adverse significant

material change in the visual and landscape context of the quarry and plant site. There would be some loss of trees but not significant loss of amenity value. Landscape restoration would substantially enhance the visual appearance of the quarry. The relatively short term adverse visual impact of removing the visually incongruous Deep Dale tip would be substantially compensated by permanent landscape restoration of the dale. Negative landscape and visual impacts would be reduced. The proposed lake would not be in keeping with landscape character but the positive effect of landscape restoration would contribute to conservation and enhancement of the National Park compliant with Core Strategy Policy MIN1(B). No footpaths, bridleways, or key recreational amenities would be directly affected other than footpath 37. Ultimate removal of Deep Dale tip and reinstatement of the dale and footpath would have significant long-term benefits in improving the landscape and visitor enjoyment of it, in accord with the Recreation Strategy (Action Ref.E6) and Action Plan (Action Ref.E4) (access open countryside and improve access), Policies LM1 (recreational interests / public rights of way), RT1 (sustainable access), T6 (walking routes) and LC20 (public rights of way), and the NPPF (protect and enhance public access).

Analysis of surface and groundwater monitoring data shows no evidence that quarry dewatering affects watercourse flows, local springs, private or licensed abstractions or environmentally sensitive features. The conclusions are that there is limited hydraulic continuity through the limestone between the quarry and watercourses; that dewatering affects groundwater levels in the immediate vicinity of the quarry sump; that the effects of this, given low permeability of the Woo Dale Limestone and lack of known or expected conduits, does not extend beyond the immediate environs of the quarry, has no direct impact on Deep Dale, nor adversely affects the hydrological integrity of the River Wye; that there would be no additional groundwater and surface water impacts associated with extraction to 225mAOD; and that dewatering to 15m depth poses only a very small and acceptable risk on river flows. Site water containment, catchment, recirculation and discharge arrangements accord with NPPF and Core Strategy objectives to protect the water environment and reduce flood risk, and specifically with Policies LM1 (surface and groundwater resources), CC1 (water efficiency), CC5 (water conservation), and LC22 (surface water).

The site is in a highly sensitive area adjacent to the Peak District Dales Special Area of Conservation (SAC) and Wye Valley and Topley Pike and Deep Dale Sites of Special Scientific Interest (SSSI). The Authority has statutory duties to conserve species, habitats and biodiversity. Extensive ecological surveys have been undertaken. The site and surroundings contain priority habitats and species of principal importance. Mitigation would reduce impacts on ecology and restoration would significantly enhance the ecological value of the site with habitat creation, tree planting, a lake with shallows and reinstatement of the Deep Dale stream. A Biodiversity Management Plan would be adopted. The resultant enhanced local biodiversity would accord with Policies L2, LM1 and LC17, 18, 19 & 20. A hydrological impact assessment concludes the development is unlikely to have significant impact on hydrology outside the quarry, can be carried out without adversely affecting the hydrology of the SAC and SSSIs, and continued dewatering of the quarry down to 225mAOD would not impact on ecologically sensitive water dependant features. Therefore there would be no 'likely significant effect' upon the SAC and no requirement to undertake an 'appropriate assessment' under the Habitats Regulations. There would be no adverse impact on features of geological interest within the quarry and the restoration of the Deep Dale tip area would have significant, beneficial impact on the Deep Dale Regionally Important Geological Site (RIG). There would be no impact on archaeology or cultural heritage and the restoration of the quarry and Deep Dale would enhance the wider setting which contains heritage features in accord with Policy L3.

With appropriate designs and management (monitoring and adaptation of working) the limestone resource can be quarried without compromising the safety of personnel or site

boundaries; and the quarry void would be to a geotechnically stable configuration for restoration. The proposal is acceptable under NPPF (para.143) and Policies LM1 (subsidence, landslips, land instability) and LC25 (unstable land). The tip is comprised of lagoon silts and granular material. Its disturbance does not pose significant risk to human health. Contaminants are low, leachate minimal. There is no evidence of degradation of surface or groundwater quality and no risk to groundwater from hazardous substances by moving the silts into the quarry. The risk to flora and fauna is very low. There may be localised 'hot spots' of organic contaminants in the granular bund materials which would have to be remediated; subject to this, the relocation would reduce the risk of hazardous substances entering groundwater and provide additional safeguards for protection of the aquifer; nevertheless the Environment Agency says the contamination potentially poses a risk to controlled waters and further risk assessment and remediation should be carried out to mitigate the risks. Subject to a Remediation Strategy and Implementation and Verification Plan approved by the Agency, and given control over noise and dust, the method of handling waste material within the quarry and in particular from Deep Dale tip would comply with Policies CC3, LW2, LC21 (pollution and disturbance) and LC24 (contamination).

Dust arrestment measures, statutory controls and conditions would ensure effective Air Quality Management. The Benninghoven asphalt plant operates within stringent limits on airborne emissions; with bag filtration this plant has yielded significant benefits in air quality protection including improved dust arrestment, particulate emissions abated to well within the prescribed limit, continuous particulate (emissions) monitoring, improved fume emissions, and elimination of smoke plumes. Dust from the quarry and works in Deep Dale would be adequately controlled; and retention of the asphalt plant is unlikely to have any significant or additional impact on air quality; all compliant with LP Policies LC21 (adequate measures to control emissions) and LM1 (risk and impact of dust) and the NPPF. The proposals accord with carbon reduction and clean air objectives of the Core Strategy and Climate Change Policy. Maintenance of current site lighting arrangements would not introduce additional or significant impacts where the lighting can be observed from near, middle and long distance views and this would accord with the Dark Sky initiative.

The noise predictions and recommendations, including maximum operational noise levels, are consistent with British Standards and NPPF advice. The asphalt plant is unlikely to generate significant noise impact. Noise conditions would provide adequate safeguards against noise pollution and comply with LP Policy LM1. With good blast design and practice vibration should be of a relatively low order of magnitude well within the BS 6472-2: 2008 recommendations, and should not have cosmetic or structural effects on property. Air overpressure should be low at a safe level, but would be perceptible on occasions at the closest properties. Blasting has given rise to complaint which has been investigated. The proposed scheme and methodology of blasting with additional safeguards should adequately control impact on local residential amenity and the peaceful recreational amenity of Deep Dale, compliant with the NPPF and LM1. Given the Highway Authority response there are no sustainable overriding highway objections to the proposed development. The proposal accords with Core Strategy Policy T1 (sustainable access and transport) and other relevant Development Plan and national policies referenced in this report.

RECOMMENDATION

That the application be APPROVED subject to:

- 1. A Section 106 Legal Agreement entered into by the applicant and land owners to include Planning Obligations to cover [Recommended Heads of Terms]:**

- A. Continued operation of the quarry and associated development under the terms of the new permission from the date of that permission;
 - B. Establishment of a Liaison Committee with a formal constitution (to include Aggregate Industries, High Peak Borough Council EHO and representatives of the Parish Meeting).
 - C. Off-site monitoring of water flows and quality in the River Wye, springs feeding baseflow into the Wye, and springs in Deep Dale; and a map of springs discharging into the Wye close to the quarry boundary and upstream.
 - D. The relinquishment / revocation (without compensation) of all extant planning permissions for the site, including the mineral planning permissions Code Nos: /HPK/1093/127 and NP/CHA/866/6, the current asphalt plant permission (NP/HPK/0313/0226) and all other ancillary development permissions.
2. Planning Conditions to cover [Recommended Heads of Terms for Conditions]:

Parameters: Definition of the site, scope of permission, approved details (plans, documents, environmental reports); keep approved details in site office; public information sign for nuisance/complaints.

Timescales: Date of commencement to be the date of decision notice; duration of permission to cease 31 December 2025 for mineral extraction; 30 June 2026 for final landform creation; 31 December 2026 for restoration completion (quarry and Deep Dale); advance timing of removal of Deep Dale tip if opportunity arises; ultimate removal of built/ancillary development by 31 December 2026 (excluding plant/machinery for aftercare and land, woodland, lake and habitat management; notification dates for key stages of the development.

Approved working times: For drilling, blasting, mineral working, processing, vehicle movements per the times in this report under 'Times of Operation' and 'Blasting Times'.

Ancillary development: Remove permitted development rights for buildings, structures, fixed plant and machinery; colour(s) of ancillary development including the asphalt plant; parking of plant and vehicles; ultimate clearance when no longer required.

Approved access: existing access to the A6 only; maintenance of access hard surface, access gate/barrier, access drainage, adequate parking and manoeuvring areas; sheeting HGV's; highway cleanliness (keep free of mud, stone, contaminants and surface water run-off from the site, wheel, carriageway, underside wash if necessary).

Working Scheme: scheme of operations as submitted; no new temporary or permanent tipping above original ground other than to approved restoration landform; backfilling of all overburden, interburden and mineral rejected at the point of excavation; detailed methodology for excavating Deep Dale tip.

Mineral extraction: quarrying depth to be restricted to 225mAOD; quantity of extraction from the quarry to be a maximum 250,000 tonnes per annum.

Waste materials control: all new waste tips to be contained within the quarry excavations, except for the approved redistribution of Deep Dale tip materials for the restoration of Deep Dale; no mineral wastes to be removed from the site unless contaminated and inappropriate for use for site restoration; all retained mineral wastes to be used for quarry infilling, for containment cell construction and stabilisation of lagoon materials transferred from the Deep Dale tip, restoration and landscaping.

Transportation: Limit on exportation from the site of 250,000 tonnes per annum except where, in the event that that a higher level of output may be deemed necessary for market reasons over certain time periods, such specified higher limit as may be approved in consultation with the Local Highway Authority upon submission of a Transport Statement demonstrating likely traffic impact on the local highway network; continued monitoring of HGV arrival and departure movements and provision of records on request.

Resource Monitoring: Monthly monitoring and annual returns of excavated limestone; waste stone / materials deposited; and production levels (dry aggregate and asphalt coated stone) (confidential basis).

Noise control: Noise control and suppression measures, during quarrying, backfilling, soil stripping, Deep Dale tip removal, materials translocation and restoration; noise limits for normal and temporary operations, at noise sensitive properties; noise monitoring in response to justifiable complaint; reversing alarms to be non-audible, ambient related or low tone devices.

Dust prevention and control: A dust action plan: best practicable means; assessment for dust suppression at the start of each working day and when conditions are dry or windy; quarry visual monitoring during drilling, blasting, quarrying, tipping, processing, materials storage, on-site trafficking, loading and movement of road lorries, Deep Dale visual monitoring during soil stripping and handling, tip removal, materials transfer, tipping, regrading and restoration; if visible emissions of airborne dust migrate outside site boundary, the activity responsible to be suspended or undertaken elsewhere until prevailing meteorological conditions permit or remedial action is initiated to reduce the emission; log book to be kept on site of any dust complaints and action taken to control the dust; speed limits on haul routes, regularly graded; minimise areas exposed to wind erosion; use road sweeper and water bowser; suitable dust arrestment and extraction equipment and filters compliant with manufacturer's recommendations; cessation of operations in event of dust nuisance exceeding a 'nuisance threshold'.

Smoke and Fumes Control: no burning of rubbish or wastes.

Highway cleanliness: Provision for vehicle washing facilities if necessary.

Storage of rubbish and scrap: All rubbish, debris, disused machinery, scrap and other waste materials generated on the site (other than mineral waste and Deep Dale tip content waste) to be regularly collected and stored in a tidy manner in an agreed location, pending removal for disposal; at the request of the MPA the contained location shall be screened by a low level earth bund.

Blasting control: A blasting programme (future rate of blasting) including the predicted frequency of blasts, which shall not exceed one blast every two

weeks; a scheme of blasting principles: compliance with consultants recommendations, minimising frequency, good design and initiation methods, adaption of charge weights to local circumstances, use of electronic detonators in particular in the western half of the quarry, response to prevalent weather, measures to minimise ground vibration, flyrock and air overpressure, and prohibition of secondary blasting (except in emergencies); a blasting method statement; measures to minimise air overpressure (initiation technique, control at source and magnitude at distance); ground vibration at occupied residential / vibration sensitive buildings not to exceed 6mm/s^{-1} ppv in resultant vector (95% confidence level measured over any six months period) nor a maximum of 10mm/s^{-1} ; blasting times, advance notification of blasting events to the MPA, EHO and residents; signage on footpath routes to warn users of blasting times; sentries when blasting is imminent at closest approach to footpaths; equipment calibration and blast monitoring at sensitive properties (including Green Farm and the Cottages at King Sterndale); monitoring ground vibration / air overpressure in the event of complaint.

Site lighting control: No additional floodlighting / floodlighting towers unless approved.

Stone storage and stockpiles: Primary processed stone in quarry, asphalt production stone in existing bays in Plant Area, no higher than 2m).

Dewatering control and protection of water dependent features: Environment Agency and Natural England requirements; restrict dewatering to 225mAOD; approved water environment monitoring (rainfall, groundwater levels, dewatering and Deep Dale flow monitoring), mitigation proposals and Hydrogeological Impact Assessment; cessation of pumping in the event of incident deleterious to the water environment.

Drainage and water pollution control: Environment Agency requirements; surface water drainage containment and management strategy; no discharge of contaminated drainage into ground, ground water or surface water; storage and containment of potential contaminants (oils, fuels, chemicals); vehicles, mobile plant and machinery maintenance only in an impermeable and bunded designated area; regular removal from the site of waste oils, lubricants, chemicals in suitable containers; maintenance of oil absorbent booms in settlement lagoons to hold and treat water prior to discharge.

Contamination control (Deep Dale Tip removal): Environment Agency requirements; remediation strategy for contamination risks, further risk assessment, site investigation, trial pitting, further assessment of risk to potential receptors (including off-site), options appraisal, verification plan, monitoring / watching brief, geotextile membranes on soft ground, remediation, maintenance, arrangements for contingency action; all water run-off to drain into sump; contain all pollutants / tip drainage away from the stream.

Protection of speleological and geological interests: The MPA to be notified of any natural cave systems or other karst features encountered of special speleological interest; access to survey and record those features; recording features of geological interest below 240mAOD, by a qualified geologist, prior to final cessation of dewatering; records to be made available to the MPA and British Geological Survey.

Protection of ecological interests: nature conservation and protected species; control of vegetation disturbance during bird breeding / nesting season (March to August); re-survey prior to new disturbance; replacement bird nest boxes; control of ongoing quarrying/disturbance to cliff faces and provision of retained faces for nesting.

Protection of trees / vegetation: demark affected trees; protect retained trees/shrubs.

Soils strategy (conservation and protection): Quantification of accessible/available 'soil resource', in interim storage mounds and/or concentrated or dispersed within previously tipped material; vegetation clearance of any soils to be stripped; soil handling, stripping, storage and placement methodology; separate recovery and storage of soils and soil forming materials; prevention of compaction and trafficking over soils in store; areas where soils are to be used (with details of volume, depth and treatment); testing of soils for nutrient and pH status and free from contamination.

Restoration and landscaping schemes: phased submissions (restoration, drainage, landscaping proposals) for approval; infilling materials only as derived from the site in quantities for correct contours; monitoring approved restoration levels, tipping, stabilisation and regrading in the quarry and Deep Dale; quarry bench treatment; drainage; pre-soiling treatments control; treatment and appearance of final excavation and infill surface; no importation of soils and soil ameliorants without prior approval; selective, sequential replacement and use soils and soil-making materials; use only of local provenance native species in any seeding and planting schemes (if possible subject to licence, grasses seed to be collected within Deep Dale SSSI); planting mix (to include willow only in association with the lake, sycamore in selected areas, and ash should disease resistant strain(s) become available); natural regeneration preferred method of grassland, shrub and aquatic vegetation establishment; no planting of aquatic and marginal zones; hydroseeding control; woodland planting in the north-east corner of the quarry to extend to the lake margin; planting maintenance.

Restoration drainage: controlled restoration water level to reflect natural levels; approval and implementation of a scheme for reinstating the Deep Dale Stream to open watercourse, with flood flow capacity (1 in 100 years), climate change design, and biodiversity; and of a long-term surface water management strategy.

Biodiversity and habitat creation, establishment and management schemes: Approval of a detailed Biodiversity Management Plan; approval and implementation of detailed phased adaptive habitat management / establishment proposals for the site (quarry, works site and Deep Dale); to include restoration biodiversity distribution/mosaic plans relative to restoration topography, site (including substrate) ground preparation, interventional techniques; sowing rates, no seeding in natural succession areas, control of invasive species, grazing management, cutting regime, no use of organic mulches, and maintenance of bare ground habitat; monitoring; management for a period of 6 years; records of habitat management to be kept.

Post-restoration aftercare scheme: Within a 5 year aftercare period; timing of aftercare commencement; aftercare records to be submitted in an Aftercare Report between 31 March and 31 May each year; aftercare meetings between May and August each year.

Maintenance of landscaping schemes/woodland management: For a period of 6 years from planting / seeding or throughout the approved working life of the site, whichever is the later date; records of landscaping management to be kept; maintenance of asphalt plant screen planting whilst the plant is on site.

Recreational Access Provision: Agreement on size, text, layout and locations of site information boards and publicity brochure for the temporary stopping-up of footpath 37, to include a map of the stopped up section and diversion route, and to explain the proposals for the restoration of Deep Dale; submission for approval of a plan to show the access provision to enable public viewing of the restored quarry and lake.

Other: Any other conditions considered necessary in agreement with the applicant.

3. To delegate authority to the Director of Planning to finalise detailed conditions following consultation with the Chair and Vice Chair of the Planning Committee.

Key Issues

The proposal is major development which is not usually permitted in National Parks. It is necessary to establish whether there are exceptional circumstances that would justify the grant of planning permission and whether the environmental and social impacts are acceptable. The key issues are: the (a) consequences of continued working under extant consents; (b) limitations of determination of Environment Act Review applications; (c) visual impact, sensitive local landscape and environment; (d) visitor recreation and local footpaths; (e) removal of Deep Dale tip and restoring the dale; (f) potential impacts on the water environment, SAC and SSSI's; (g) Deep Dale ecological resource; (h) asphalt plant air quality control and sustainability; (i) blasting issues; and (j) need for high quality restoration.

Planning History

Early Site History and Quarrying Permissions: The quarry dates from 1879, at that time small, close to the access road by the A6, and served by a siding from the railway line then present along the Wye valley. By the 1920's the quarry was larger; and by 1949 significantly larger with buildings present. At that time Deep Dale was an undisturbed natural valley. Since the 1940's the quarry operated under the following extant mineral planning permissions, which cumulatively cover an area of 32 hectares:

1. Ministerial Interim Development Order 1946 permission (reference: IDO 1986/621/5) dated 25 November 1947 for the eastern part of the site "to develop for quarrying purposes lands in and adjacent to Topley Pike Quarries"; later registered on 6 May 1992 (NP/HPK/0392/026 1992) and reviewed in 1993/4 (NP/HPK/1093/127) under the Planning and Compensation Act 1991 with new conditions determined on 11 January 1994; as modified by a Certificate of Lawful Use of Development (CLUD) for the extraction of stone until 22 February 2042 (NP/HPK/0103/007) dated 19 September 2003. This permission expires on 21 February 2042.
2. Planning permission (Code No: NP/CHA/866/6) dated 21 December 1966 for the western part of the site for "Extension to quarrying area" for Derbyshire Stone Quarries Limited; this also granted permission to tip quarry spoil in Deep Dale (now referred to as the 'Deep Dale tip'); this permission is currently subject to a stalled review under the Environment Act 1995. This permission also expires on 21 February 2042.

Quarrying Refusal: An application (NP/HPK/1183/981) to extend the quarry south-

westwards towards Christ Church into 7.7ha of limestone pasture south of Sterndale Green was refused permission on 2 March 1984 for reasons that the development would substantially erode the quality of this area of the National Park; no overriding national or local need for the minerals; available practicable alternative sources of supply; and detriment to the amenities of local communities. On 27 May 1986, after a public local enquiry, an appeal by Tarmac Roadstone was dismissed, for reasons of adverse impact on the environment, character and natural beauty of the National Park, loss of amenity, and risk to botanically important habitat within an SSSI.

Ancillary Development Permissions and Plant and Stockfield Area: There are several ancillary planning permissions for: office and weighbridge buildings (1954); extend spoil disposal (1958); limestone processing plant (1961) (including kiln buildings in Deep Dale); coating plant (1962); extend spoil disposal area (1963); transport garage (1963); advertisement sign (1964); additional lime plant (1965); office building extension (1967); transport garage extension (1968); office extension (1968); canteen (1970); pump house (1970); workshop (1970); butane fuel storage tank (1972); conveyor and hoppers (1972); pair of storage bunkers (1972); screen house and storage bunkers (1973); office building extension (1974); filler silo for storing limestone dust (1974); 70 foot exhaust stack (1977); methylene chloride storage shed (1985); and signs (1998). The planning permission NP/HPK/1093/127 delineates a 'Plant and Stockfield Area' at the eastern end of the quarry, within which permitted ancillary development rights remain but details of new or replacement fixed plant and equipment must be agreed with this Authority. A temporary 3 year conditional permission granted in 2007 (NP/HPK/1006/0921) for the Benninghoven asphalt plant, stock bays, ancillary welfare facilities and landscape planting, required the cessation of all tipping operations at Deep Dale tip by 30 June 2007; the permission has since twice been renewed for further three year periods, in 2010 (NP/HPK/0310/0235) and 2013 (NP/HPK/0313/0226), now expiring on 1 April 2016; in each renewal the permission prevents further tipping in Deep Dale

Lime Kilns and Rail Link: Lime kilns and bunkers north east of Deep Dale tip were constructed in 1963 and were operational until 1979, producing 50t of lime per day. The waste from the kilns including the dust, bullheads (un-burnt lime) and similar products was taken for disposal at landfills as it was deemed to be too hazardous to be disposed of on site. The kilns are now demolished and their site cleared. In 1970 the rail head was removed so the quarry is now only served by road transport.

Environment Act 1995 Reviews: The Environment Act 1995 (Section 96) requires Schedule 13 Initial Reviews of Old Mineral Permission's (ROMP's) where the main or only permission was granted 1948-1982 and Schedule 14 Periodic Reviews thereafter; in both cases land and mineral owners are required to submit new schemes of environmental conditions for approval ("determination") to impose modern conditions on the operation of mineral sites for improved environmental protection. The Review only applies to permissions for winning and working of minerals and not for mining ancillary development; the Authority can only review conditions, not the development permitted; and determination should not prejudice adversely to an unreasonable degree the economic value of working or asset value of the site.

Topley Pike West Review: A Schedule 13 application (NP/HPK/0998/141) for the initial review of a 'Phase 1 Active Site' (where the predominant permission had been granted between 30 June 1948 and 30 April 1969) and determination of new conditions for the 1966 (Topley Pike Quarry west) permission was submitted by former operators Tarmac Quarry Products in September 1998. This included schemes of working and restoration and 21 proposed replacement conditions. In the absence of adequate environmental information, the application became a "stalled ROMP" which the Authority was unable to determine; English Nature (now Natural England) and the Environment Agency had strong concerns

about potential detrimental effects, of working the western half of the quarry to 210mAOD, on the water and ecological environment of the locality. The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ('EIA Regulations 1999') generated two high court judgements that year that the imposition of conditions under the review constituted "development consent" under Directive 85/337/EEC (the 'EIA Directive' as amended by Directive 97/11/EC). Since determination without EIA had been confirmed as non-compliant with Directives and unlawful, and in the absence of procedure to retrospectively require EIA, a time limit in law to submit one, and environmental information required by statutory consultees, the ROMP application remained stalled. Later the Town and Country Planning (Environmental Impact Assessment) (Mineral Permissions and Amendment) (England) Regulations 2008 provided a multi-stage time-limited process to overcome this problem of stalled ROMP's; pursuant to that in November 2008 an EIA screening opinion [under Regulations 5(4) & (5)] confirmed that the remaining mineral development at Topley Pike Quarry is EIA development and an Environmental Statement (ES) must be submitted. By that time negotiations were underway with the operators, Aggregate Industries, for this consolidation application which, if approved, would replace the ROMP. It became appropriate to agree [Regulation 5(7)] extensions of time (currently to 31 December 2015) to submit an ES for the ROMP pending submission and a decision on this planning application.

Topley Pike East Review: Under the provisions of paragraph 7 to Schedule 14 of the Environment Act 1995, extensions of time (also currently to 31 December 2015) have been agreed for submission of the (15 year) First Periodic Review Application for Topley Pike Quarry (East), to determine the conditions to which the 1947 permission, as amended by review in 1994, are to be subject.

This Application an Alternative to the ROMP's: The principle of exploring less harmful replacement permissions conforms to Government advice on dealing with Stalled ROMPs (such as Topley Pike). Guidance in the 2008 EIA Regulations is clear in enabling alternative options (to ROMP determinations) for consolidation permissions to work mineral sites; the DCLG 'Environmental Impact Assessment and Reviews of Planning Permissions: Guidance on regulations applying environmental impact assessment to stalled and other reviews of conditions attached to mineral planning permissions in England' states: "*In some cases, an ES or further information has not been provided because applicants...are intending to submit...planning applications to consolidate several permissions (thus avoiding the need to progress the review of the old mineral permission(s))...*". As an alternative to the stalled initial review and periodic review, this application incorporates a more environmentally sustainable scheme of operating and restoring Topley Pike Quarry and Deep Dale than could be achieved by ROMP determinations; and the benefits of imposing new conditions would be combined with resolving other planning issues, including proper consolidated control of all operations and development, and notably removal of the incongruous tip and associated infrastructure from Deep Dale and stabilisation of the old man-made embankments.

The Principle of Granting a New Permission in Exchange for Old Permissions: The National Park Management Plan refers to the Core Strategy objective to gradually reduce mineral activity in the Park. The principle of exchange of consents is enshrined in policy MIN1; the Core Strategy (para.14.18) refers to allowing proposals where relevant exceptional circumstances exist to grant new or extended mineral consents and says the policy approach needs to be flexible enough to allow positive environmental enhancement through exchanges of historical consents which may be unacceptable in modern planning terms for alternatives at other more suitable locations; that this should still encompass the objective of working towards the gradual reduction of aggregates within the Park; and identifies Topley Pike Quarry as a candidate site for such circumstances.

Pre-Application Negotiations and EIA Screening and Scoping: Extensive pre-application

meetings, inspections and negotiations with the applicant, the Environment Agency and Natural England have sought to ensure (without prejudice to any decision) that this application provides significant environmental benefits beyond that which could be achieved through determination of the ROMP's. This process followed Government guidelines for "pre-application engagement and front loading" in the National Planning Policy Framework. An EIA screening opinion that the proposal is EIA Schedule 2 Development under the EIA Regulations 1999 (as amended) was followed by a detailed statutory EIA scoping opinion plus additional advice and guidance notes. The application has been subject to extensive validation checks to ensure adequate environmental information.

Existing Site Development

Quarry Development: The existing quarry extends down to 240mAOD in the eastern half and 226mAOD in the western half. The working face heights are 10m to 15m, with sub-vertical faces and bench widths of 10m. The older, completed faces up to 45m high with bench widths as narrow as 1m have not been worked for many years. Limestone is extracted from the working face by blasting, picked up by excavator or loading shovel and transported to mobile primary crushing plant close to the working quarry face. In the western half of the quarry, to work the limestone below groundwater level (238-240mAOD), excavations are dewatered by pump on the quarry floor; the sump water is pumped down one or both of two flexible pipelines (according to dewatering levels) and discharged into lined engineered settlement lagoons in Deep Dale; the settled water overflows from the end lagoon into Deep Dale stream which flows north via a culvert into the River Wye. Quarry waste (scalpings and filler dust) from historic limestone extraction and processing has been deposited in Tip No.3 in the south west corner of the quarry, leaving an uneven landform rising from 240mAOD in the north to 270mAOD in the south corner. The abandoned north west corner of the quarry, historically worked to 280Maod, has naturally re-vegetated.

Limestone Processing and Ancillary Development: The quarry produces limestone aggregates and coated stone from the on-site asphalt plant. Production in recent years has been around 250,000 tonnes per annum, 120,000 tonnes of which was coated stone. All primary and secondary processing is through mobile plant on the quarry floor. The blasted rock is loaded into a primary crusher, which crushes the limestone. There are two triple deck mobile screens which screen the stone down to arrange of sizes. The screened product is loaded onto road lorries (HGVs) for transport off site via the weighbridge, or on dump trucks and taken to stockpiles on the quarry floor or to the asphalt plant. A site cabin and mobile generator are also on the quarry floor. The limestone processing plant, asphalt plant, offices, canteen, drying room, sample store weighbridges, workshop, mobile fuel tank, stock bays, associated plant and machinery and car park are located at about 252mAOD in the delineated plant and stockfield area east of the quarry void.

Asphalt Plant: Asphalt production has taken place at the quarry since the 1950's. Before 2006 a 'Parker' roadstone coating plant used a wet dust suppression system; following the 1966 permission, the resulting slurry was pumped to the Deep Dale tip lagoon. In 2006 this outdated plant (unable to meet modern emissions standards) was replaced with a modern dry process 'Benninghoven' plant which occupies 0.6 ha of the plant and stockfield area. This comprises a cold feed unit (hoppers), insulated dryer and burner unit, dust collection unit (including a 28m high stack and other components up to 17m high), screen and mixing unit, filler supply silo unit, 60,000 litres capacity bitumen tanks, mixed material storage silo unit, control cabin, associated buildings, plant, machinery, covered and open stock bays that store crushed limestone and dust for the asphalt plant, and ancillary welfare facilities. A retrospective application for the Benninghoven' plant proposed removal of the Parker plant and other derelict buildings, and landscaping. This was subject to EIA, given the scale and location, local landscape and amenity, potential noise and emissions, and environmental sensitivity of the area in a prominent position in the National Park, close to a Special Area of

Conservation; permission was granted in 2007 because the development was acceptable in siting and design for the temporary period permitted, and removal of derelict and obsolete structures, cessation of waste disposal at the Deep Dale tip lagoons, and landscaping, would benefit the environment and amenities of the locality. Those benefits have been realised, the old plant removed and mitigation measures implemented.

Deep Dale Tip: This tip took slurry from the former wet dust suppression systems on the limestone processing and asphalt plants. The lagoons were constructed with granular bunds at the upstream (western) and downstream (eastern) ends and contain granular material from the quarry and dust slurry from the dust suppression systems of both the limestone processing and asphalt plant. The Deep Dale stream was culverted beneath the lagoon in a 900mm square concrete box culvert, and footpath 37 was realigned from its definitive route along the valley floor to its current route south of the tip. The lagoon was then able to receive slurry pumped from the plant site, whilst the lagoon water was recycled and pumped to the quarry for reuse in dust suppression. The lagoon has been filled and partially emptied on several occasions. Slurry disposal was no longer required when the old Parker plant was removed in 2006 and replaced with the dry process Benninghoven plant. Tipping in Deep Dale tip ceased in June 2007. Site investigations (2005–2011) confirm the residual tip comprises 35% lagoon silt material and 65% granular bund material either side of the silts. The lagoon sediments (clay-silts / fine limestone dust with traces of hydrocarbons, interbedded with sand and silty sands) are 16-17m deep and the granular bunds up to 22m thick. The bunds and eastern part of the tip comprise limestone ‘fines’ from processing, specification aggregates (scalpings), clay, silt, sand and weathered top-rock (cobble and boulder sized), and small amounts of limestone gravel, waste tarmac and other inert wastes. The permission NP/CHA/866/6 requires the tip to be grass seeded and tree planted upon completion of tipping; this has been postponed pending outcome of this application. The tip surface has naturally regenerated. There is no requirement to move the tip or relocate the lagoons.

Deep Dale (Eastern Section): East of Deep Dale tip, the slope rising from the valley floor to the top of the eastern edge of the quarry (termed the “eastern valley side”) was formed from tipped quarry waste materials in the 1960’s/70’s. This slope has naturally re-vegetated and has been planted with trees. The central part of the slope suffered a landslide in June 2010; the slip area has not been restored as it is located at a point where it is proposed to provide access into the quarry for transporting some of the materials from Deep Dale tip (Phase D explained under ‘Phased Working and Restoration’ later in this report). It is also proposed to create a cut in the valley side at this point, to provide a controlled outflow for the lake to be formed in the quarry restoration. The water management lagoons are situated immediately north-east and north of the area of slippage.

Future Site Development under Extant Permissions

Continued Site Working: The extant mineral permissions limit the depth of limestone extraction to 240mAOD in the eastern half of the quarry and a voluntary depth limit of 210mAOD had been agreed by the former operator through the ROMP process in the western half. If this application is refused the quarry development would progress to the extent allowed by the extant permissions, subject to any restrictions imposed on dewatering (and therefore quarry depth) by the Environment Agency. The limestone would be extracted from the eastern half of the quarry down to 240mAOD, creating a flat dry quarry floor; whilst extraction down to 210mAOD in the western half would involve dewatering to that depth. To enable limestone extraction in the south west corner of the quarry, the quarry waste in Tip No 3 would be removed and used to create batters along the finished northern faces.

Restoration Strategy under Extant Consents: There is no approved restoration scheme for Topley Pike Quarry. A restoration scheme for the IDO area (eastern half of the quarry)

required under the reviewed conditions (NP/HPK/1093/127) is in abeyance pending the outcome of this application. There is no requirement for a restoration scheme for the western half of the quarry under the 1966 permission (NP/CHA/866/6). If this application is refused a restoration scheme for the whole quarry would be prepared under the Environment Act Reviews. In that eventuality, upon completion of extraction the western half would be restored to 238-240mAOD resulting in a water area up to 30m deep, surrounded by steep quarry faces; and the eastern half would be a level quarry floor at 240mAOD with steep faces to the north, south and south east. The quarry floor would regenerate naturally. Minor re-grading of the Deep Dale tip area with soil spreading and seeding would be carried out, but the current landform would remain across most of the tip and natural vegetation retained. The culvert beneath the tip and dam structure would remain. Some seeding and planting within the dale would take place (required by the 1966 permission), having regard to the natural regeneration.

The Proposed Development

Limestone Extraction and Primary Processing: It is proposed to extract limestone down to 225mAOD across most of the quarry floor, which would involve a 15m increase in the permitted depth of extraction in the eastern half of the quarry and a 15m reduction in the permitted depth of extraction in the western half. A minor lateral extension of quarrying of 0.08 ha is also proposed into the southern area of the existing plant site at present occupied by a workshop. The current methods of (i) extraction involving dewatering and pumping to the existing settlement lagoons, and (ii) processing using the mobile processing plant on the quarry floor, would continue.

Ancillary Development: The application proposes the retention and use of existing site buildings, plant and access). The asphalt plant would be retained until mineral extraction has ceased. The weighbridges, office/welfare facilities and access road would continue to be use. HGV's would be loaded with processed limestone material or with coated material from the asphalt plant for transport off site via the weighbridge.

Times of Operation: Working times for quarrying and the primary crushing plant would remain as existing, 0600hrs to 1900hrs weekdays and 0600hrs to 1600hrs on Saturdays. No primary crushing operations or winning or working of minerals would take place on Sundays or public holidays. The working hours for other processing operations, transport and the asphalt plant would remain unrestricted between 0000hrs to 2400hrs Mondays to Sundays. The proposed tip removal and restoration operations within Deep Dale are 0600hrs to 1800hrs weekdays; these operations would not be carried out at weekends or on public holidays. The Deep Dale works would be carried out mainly between April and September each year, weather permitting. The times for detonation of explosives are discussed later in this report under '*Blasting Times*'.

Phased Working and Restoration: The revised working and restoration scheme takes account of proposed changes to the limit of extraction and the relocation of Deep Dale tip material into the quarry. The scheme has been split into four operational phases, which reflect the timing of operations to move previously tipped materials (from Tip 3 in the south west quarry corner and from Deep Dale), rather than the continuous process of limestone extraction. The rate of production has been used for the expected indicative timing for each phase of working and restoration:

Phase A (mid 2012 to mid-2014) (implemented) – Recent site operations co-ordinated with the proposed working and restoration scheme have proceeded in the western part of the quarry in line with the Phase A proposals. The operator has continued this operation compliant with the extant 1966 consent, down to 225mAOD, the maximum proposed extraction depth. Dewatering has continued but no lower than 225mAOD and the water

pumped through flexible pipeline(s) to the settling lagoons east of the quarry void. About 418,600 tonnes of limestone has been extracted during Phase A, processed using mobile plant on the quarry floor, and transported to the asphalt plant or off site direct to market.

Phase B (2014 to end 2017) – About 227,000m³ of quarry waste materials (limestone scalpings and filler dust) in Tip 3 are being progressively removed. Some 176,000m³ would be placed on Tip 4 in the northwest of the quarry, where extraction is completed, to develop a restoration landform with a platform above 240mAOD for future deposit of lagoon silt materials from Deep Dale tip; the extension of Tip 4 would build out from the quarry base upon a level surface of insitu limestone. Towards the end of Phase B about 51,000m³ of the materials from Tip 3 would be used to create a new access ramp into the south eastern corner of the quarry. As Tip 3 is removed, limestone extraction would take place beneath it, in a southerly direction, down to a base level of 225mAOD; extraction to 225mAOD would also take place eastwards. Dewatering of the quarry floor would continue no lower than 225mAOD. About 847,000 tonnes of limestone would be extracted during Phase B and processed through the quarry mobile plant then taken to the asphalt plant or direct to market.

Phase C (end 2017 to end 2021) – The removal of Deep Dale tip would commence at the start of Phase C following temporary closure of Footpath 37 and removal of woodland at the eastern end of the tip and trees immediately south of the tip. To enable the transport of excavated tip materials into the quarry by dump trucks, a track which runs from the eastern end of the tip around the south-eastern rim of the quarry would be improved; this would join the new access ramp in the south east of the quarry created during Phase B. About 154,000m³ of tipped material would be removed from the tip during Phase C, down to 257mAOD, in shallow horizontal strips, using a hydraulic excavator, and transported into the quarry where, with Tip 3 material, it would be placed in layers to profile the western (Tip 4) restoration landform. All lagoon silts would be placed above 240mAOD. At the end of Phase C the access ramp would be removed and the 51,000m³ of quarry waste in the ramp would be placed in the quarry also as part of the new western restoration landform. About 1,060,000 tonnes of limestone would be extracted in an easterly direction during Phase C; extraction and dewatering would continue to no lower than 225mAOD. The limestone would be processed on the quarry floor before removal to the asphalt plant or direct to market.

Phase D (end 2021 to end 2025) – During this phase Deep Dale tip materials below 257mAOD would be excavated; about 102,000m³ would be removed using the same method as in Phase C. About 42,000m³ would be placed in the western quarry (Tip 4) restoration landform, keeping the silts above 240mAOD. The dump truck access track between the tip and quarry would become too steep for this phase of tip excavation, so a new temporary access track would be formed from the south-eastern corner of the tip along the Deep Dale valley floor, and a cutting would be made in the eastern valley side (where the landslide occurred in 2010) to enable access into the quarry that way. About 24,000m³ of granular material from the tip would be used to construct a new access ramp from this cutting down to the quarry floor. Once this is available the main access ramp in the north-east of the quarry would be removed and the 40,000m³ of material from the ramp would be used as part of the new western restoration landform. The eastern valley side south of the cutting would be re-profiled to a stable final landform using 36,000m³ of granular tip material; the northern side of the cutting would be regraded. The remaining mineral reserves in the east of the quarry, 950,000 tonnes of limestone, would be worked in easterly and northerly directions. The workshop and other plant and buildings would be removed from the south western part of the plant site to enable extraction in that area. Extraction and dewatering would continue to no lower than 225mAOD. The limestone would continue to be processed on the quarry floor before removal to the asphalt plant or direct to market.

Post Cessation Restoration Operations (2026) – During this Phase, which follows removal of Deep Dale tip, the temporary haul road from the dale into the quarry would be removed.

Final re-grading and soil / substrate placement would take place along the full length of the restored valley. The surface watercourse along the valley floor would be reinstated. Once all restoration operations, seeding and planting are completed in the dale, footpath 37 would be reinstated. Upon completion of limestone extraction, dewatering would stop and the quarry would, over 8-9 months, fill with water to a fluctuating level around 238-240m AOD. The asphalt plant, other plant, buildings and hardstandings would be removed and the plant site surface prepared for restoration to woodland and calcareous grassland. The restored section of Deep Dale, restoration landform in the west of the quarry, and the area of the new outflow / cutting would be seeded and planted.

Restoration Strategy: The primary aims of the concept restoration strategy, submitted for the whole of the quarry and areas of Deep Dale including Deep Dale tip, are to: (i) restore the quarry and Deep Dale tip to a landform in keeping with the unique characteristics of the Limestone Dales Landscape Character Type; (ii) create areas of calcareous grassland and new native broadleaved mixed woodland; (iii) optimise wildlife gain providing mosaic grassland, scrub, woodland, rocky outcrops, scree slopes and river habitats (reinstatement of the Deep Dale seasonal stream; (iv) improve ecological potential of the proposed lake, creating shallows for wetland birds; (v) mitigate the temporary loss of grassland habitats and habitats suitable for invertebrates; and (vi) maximise opportunities for people to enjoy the Limestone Dales landscape by restoring Deep Dale and improving the footpath network. Alternative quarry restoration designs have been considered to ensure a natural landform with shallows around the lake shore to maximise biodiversity. A range of habitat creation alternatives have also been considered, to produce a variety of habitats most suited to each of the restoration areas. For each area options such as natural regeneration versus hydraseeding; appropriateness of tree and shrub planting; consideration of different seed sources; whether to use soil forming materials etc., have been considered. The restoration proposals for the quarry and Deep Dale take account of known ecological interest, seek to balance impacts on species and habitats, mitigate impacts of the operational phase, and provide ecological enhancement.

Quarry Restoration: Upon completion of limestone extraction, dewatering would cease and the quarry void would gradually fill with water over 8-9 months (with a rise to 235m AOD within 4 months) to form a large lake. Due to the final depth of water and available materials it is not proposed to create islands in the lake; instead, the final landform in the south western part of the quarry has been designed to provide a large area of shallows. The lip of the lake would not be lower than 241m AOD at the south eastern area of the void. The final lake level would fluctuate between 240m and 238m AOD, allowing ephemeral communities to develop. The shallows would be inaccessible and would re-colonise naturally (e.g. with bulrush, phragmites and canary grass). The western restoration landform would be at a shallow gradient where it meets the lake shore, providing further shallows; this part of the lake would have crenulated margins to create visually and ecologically more interesting micro-topography around the western shore. The remainder of the lake shore would be surrounded by steep quarry faces but a terrace would be created between 238m - 240m AOD to enable marginal aquatic species to develop. The access ramp in the south eastern corner of the void would be retained and re-profiled to create an area protruding just above the maximum final water level of 240m AOD; this, together with a small outflow channel in the eastern side of the Dale to the Deep Dale culvert (at lagoon 2), would allow passive control of the lake level / outfall, whilst fragmenting the eastern lake shore and enabling establishment of a wider range of habitats. No material would be imported for the quarry restoration other than from the Deep Dale tip. All plant and machinery would be removed from the asphalt / plant site when no longer required. An area of upland Ash woodland would be planted to supplement existing planting around the north of the plant site; other areas would be left bare to re-colonise.

Removal of Deep Dale Tip: About 257,000³m of materials would be removed from Deep

Dale tip. Two options for relocating the lagoon silt have been assessed, (i) conventional earthworks and (ii) re-slurrying the material and pumping it into bunded areas in the western part of the quarry; the conventional option is the most sustainable. The materials would be removed in a series of shallow lifts using a 360° tracked hydraulic excavator, and loaded into articulated dump trucks for transportation. Some 220,600³m of granular and silt materials would be removed contiguously, transferred into the quarry, and placed within bunds of granular material and/or mixed together and placed in 1000mm thick compacted layers, in the restoration landform in the west of the quarry. The silts would be placed above 240mAOD, the final maximum level of the proposed lake. Granular material may be used with quarry waste to fill restoration areas below 240mAOD. A further 36,400³m of granular material would be relocated at the eastern end of Deep Dale to stabilise the perimeter embankment and recreate the daleside landform. The Deep Dale tip operations would take 8 years, from 2017/18 to 2025. The quantity and timing of materials movements would depend on the weather. Flexibility on quantities removed and timing would be necessary to a safe operation at the optimum time of year.

Deep Dale Restoration: When the tip has been removed and the stream is not flowing, the concrete culvert would be broken up and removed to the quarry for recycling. Once all tipped materials and culvert have been removed from the dale, the haul road into the quarry would be removed. Where the lagoon silts are removed a 5cm depth of silt would be left on the original valley sides for vegetation establishment. Where granular fill is removed, the surface would be broken to create varied local topography. Any soils would be stripped prior to regrading, then replaced on the restored landform. Final re-grading and soil/substrate placement would take place along the full length of the restored section of valley. There may be a buried escarpment below the northern side of the tip; where original valley sides are exposed, any original rock outcrops and scree slopes would be retained. At the eastern end of the dale the southern slopes would be re-profiled to shallower angle to create a stable landform. The northern half of this valley side at a shallower angle would not require re-grading. The Deep Dale stream would find its natural course along the floor of the restored valley; marshy grassland species should colonise the seasonal stream area; and rocks would be placed in the stream path to restrict the watercourse at intervals to allow broad, damp seepages. Footpath 37 would be reinstated along its original (definitive) route on the valley floor.

Post-Restoration Landscaping and Habitat Creation: Landscaping and habitat creation would take place in the first planting and seeding seasons after the landform is completed. The restored Deep Dale, the restoration landform in the western quarry void and the area of the new outflow/cutting would be seeded and planted after the surface has been broken up to create varied local topography. In Deep Dale planting would be into the restored valley sides; compaction would be alleviated by ripping; trees would of local provenance, pit planted at 45-60cm. Natural regeneration will be the preferred method of vegetation establishment with hydroseeding if appropriate. The quarry would be restored to upland woodland with calcareous grassland on the flanks sloping down to the lake. The quarry faces and benches would be left bare to re-colonize in keeping with vegetation establishment on the older benches and faces; this low fertility low management habitat would slowly develop into an open mosaic habitat of benefit to invertebrates. The redeposited and graded silt/soil material would be hydroseeded, if appropriate, with a 100% calcareous grassland species seed mix; if practical, grasses would be collected from Deep Dale SSSI or otherwise locally sourced. A range of indigenous species is proposed. The indigenous woodland is 'Upland Ash Woodland' but, due to Ash dieback disease (*Chalara fraxinea*), the use of Ash is excluded (subject to review when planting in about 12 years' time); the proposed species mix includes lime, rowan, field maple, bird cherry, hazel, blackthorn, hawthorn, buckthorn and dog rose. A total of 100 new trees are proposed.

Post-Restoration Aftercare and Biodiversity Management: Restored areas would

undergo five years aftercare. An outline scheme sets out the broad principles of aftercare for each restored habitat. A detailed aftercare scheme for each restored area would be submitted for approval 6 months prior to commencement of restoration in each area; the aftercare schemes would demarcate areas on a plan in different stages (years) of aftercare and provide details of grass seed mixes, seed sources, application and timing; grassland management and weed control; tree planting mixes, tree sources, sizes, spacing and protection; annual tree maintenance programme to ensure 90% stocking rate at the end of 5 years; any fencing or means of enclosure required for safety or protection of restored habitats; annual monitoring of restored habitats and review of future aftercare works. Once the proposed quarry lake fills with water the western half of the quarry would be inaccessible and no aftercare in this area would be possible, so this area has been designed to self-establish habitats that do not require ongoing management. An Outline Biodiversity Management Plan (BMP) has been submitted and a detailed BMP would be prepared in liaison with Derbyshire Wildlife Trust and PDNPA ecologist and submitted for approval within 12 months of any grant of planning permission.

Consultations

High Peak Borough Council Environmental Health (EHO): Has no comments to make, other than that the process is prescribed and that dust emissions from the site will continue to be regulated by HPBC under Permit reference P11C-3/08 (and as varied).

Derbyshire County Council (DCC) Economy, Transport and Environment (Planning):

The quarry benefits from its location at the meeting point of Deep Dale and Wye Dale, with the majority of views screened by the valley sides to both dales. Only two of the viewpoint photo locations (13 and 14) are outside the National Park, both north of the site where there is view from a footpath on the upper rim of Wye Dale. From viewpoint 13 much of the quarry is screened by the other side of the Wye Dale valley slopes. At viewpoint 14 visual impacts are greater with a relatively open view into the eastern end of the quarry. From this location the quarry has a notable adverse impact, which will continue throughout the remaining life of the quarry to 2025. Post-restoration, the visual impact is assessed as moderate adverse primarily as visual receptors (footpath users) at this location will see the restored water body within the quarry; this would be a large incongruous feature distinctly at odds with the character of the wider landscape. These judgements are concurred with and it is accepted that it will be difficult to mitigate the adverse effects associated with this large water body. The additional planting in the north-east corner is supported in assisting to mitigate views from viewpoint 14; it is recommended this be developed further to create a more extensive woodland block that extends to the water's edge where it would provide greater visual screening. This may require planting onto the quarry benches in this location so consideration should need to be given to the treatment of these benches on restoration.

The overall approach to restoration is appropriate to the landscape character. The removal of Deep Dale tip is a major benefit of this revised working scheme despite the fact that it will take 8 years to complete and will lead to loss of some established woodland. This removal will lead to reinstatement of the natural daleside, realignment of the footpath and stream in the valley bottom, and provides potential to create other more appropriate limestone habitat. The progressive removal and restoration of this tip could have significant bearing on overall impact. Asks is there opportunity to remove the tip from west to east.

In the proposed woodland planting mixes, ash is excluded owing to problems with Ash Dieback. The situation should be monitored throughout the quarry development; should a disease resistant strain of this species become available then this should be reintroduced into the mix at that time to maintain continuity with the established landscape character. Willow might also be included as a minor component of the species mix in some areas, particularly in association with the water body at the bottom of the quarry void. The inclusion

of some sycamore may also be beneficial as it is prevalent in woodland throughout the White Peak and has distinct advantages in mitigating visual impacts.

In summary the development as proposed is supported, subject to the aforementioned minor points. There are no direct or indirect impacts on the landscape outside the National Park designation and visual impacts are restricted to a few elevated vantage points across the Wye Valley to the north.

Derbyshire County Council (Highways): Whilst the application includes proposals to cease mineral extraction 17 years sooner than the quarry's existing permitted completion date, the details submitted suggest the annual level of extraction will not increase, with average levels of 250,000 tonnes being maintained. The Highway Authority is unaware of any operational issues arising due to traffic generated by the site in recent years where extraction levels have been approximately 250,000 tonnes per annum, so there are no grounds for a highway safety objection. Therefore, the Highway Authority has no objections subject to conditions to restrict the extraction from the quarry to a maximum 250,000 tonnes per annum to prevent significant increase in traffic levels and, should a higher level of output become necessary, for a Transport Statement. Has specific advice about protecting Public Rights of Way in the locality.

King Sterndale, Staden and Cowdale Parish Meeting: The Parish generally support the application because it gives controls over quarrying depth, mineral extraction timescale and lower blast vibration limits along with restoration of Deepdale, provided a several conditions are met. These relate primarily to blasting (ground vibration and air overpressure limits, no secondary blasting, blasting times, reduced blast levels and vibration in the western half of the quarry, other blast mitigation measures in the vicinity of King Sterndale, vibration monitoring in the village, prior notice of blasts and blasting frequency), quarry machinery sound levels, dust levels, light pollution not to be visible from the parish, mineral extraction to cease by 31 December 2025, Deepdale to be restored by 31 December 2026, and regular liaison meetings in line with that agreed with the Parish during their meeting on 4 June 2015. The Parish appreciates the neighbourly approach being taken by the applicant, and the support from Environmental Health and the controls being put in place by Peak Park Planning.

[Officer Notes: (i) PDNPA Officers have attended King Sterndale Parish meetings to provide advice about the application and current limits on the Authority's powers of control, discuss resident's concerns, in particular about quarry blasting, to seek the Parish / residents views, and to proffer establishment of a formal liaison committee to keep the Parish informed about the quarry operations; (ii) the Parish Meeting and some residents have requested compensation for owners of affected buildings in the event of damage by blasting, but this is not a planning matter which would normally involve or fall within the remit of the Authority].

Natural England: Does not object to the proposals in relation to potential impacts upon internationally and the nationally designated sites. Has substantial comments, as follows (*officer summary*):

Internationally and Nationally Designated Sites: The site includes land within the Peak District Dales SAC, a European site afforded protection under the 'Habitats Regulations', and it is adjacent to the river Wye, which forms part of this European site. It is potentially linked hydrologically to the SAC and nationally designated sites dependent upon groundwater and springwater flows for the maintenance of their notified features, including the river Wye, part of the Wye Valley SSSI, Topley Pike and Deep Dale SSSI, Lathkill Dale SSSI and Monks Dale SSSI, all constituents of the SAC. Given proposals for dewatering the quarry to work 15m below the estimated local groundwater levels, and direct landtake from the SAC, there is potential to affect its interest features.

Topley Pike and Deep Dale SSSI: The proposals involve direct landtake from the nationally designated SSSI within the SAC, notified under the Wildlife and Countryside Act. These losses are only those associated with the removal of the Deep Dale tip area, a small part of which falls within the SSSI boundary, but which is of recent origin and less botanical interest than the older and more species rich limestone daleside slopes elsewhere within the SSSI. The loss of this relatively small area of calcareous grassland is likely to be sufficiently offset through the restoration. Natural England is satisfied that any potential impacts upon nearby SSSI interests would be avoided, the development would not damage or destroy the interest features for which the site has been notified, the SSSI does not represent a constraint in determining the application, and there is no objection in relation to the SSSI.

Hydrogeological Impact Assessment (HIA): The proposed working depth of 225mAOD is considerably less deep than earlier proposals for working and dewatering to 210mAOD, highlighted as having inherent risks and uncertainties of dewatering in this hydrogeological environment. A 2003 Hafren Water report “*An investigation of the Water Environment in the vicinity of Topley Pike Quarry*” identified potential impacts”; a 2003 Limestone Research Group (LRG) critique of the Hafren report, concluded significant risk; and a 2006 Steve Bennett Groundwater Consultants report, concluded significant risk of unpredictable and unquantifiable impacts upon the water environment from dewatering to 210mAOD, given the karst geological environment, and recommended future working be limited to 225mAOD, employing wet working methods to avoid dewatering. The designated section of the river Wye begins downstream of the point where the quarry water is discharged back into the Wye; therefore in terms of direct impact upon water flows in the river, any potential impacts from dewatering upon flow would appear likely to be fully compensated for.

Likelihood of Significant Effects: Objection withdrawn on the basis that the supplementary information (and discussions with the applicant and consultants) is sufficient for the PDNPA (as ‘competent authority’) to use as the first part of the Habitats Regulations Assessment (‘HRA’) of the proposals under Regulations 61 and 62 of the Habitats Regulations; and to conclude that there would be no ‘Likely Significant Effect’ (LSE) upon the Peak District Dales SAC. Natural England is confident, subject to hydrological monitoring and reporting, that the development would not result in LSE upon nearby freshwater dependant European sites; and that no further assessment under the Habitats Regulations, and specifically no Appropriate Assessment, is required.

Scheme of Hydrological Monitoring: The monitored response of boreholes to dewatering appears limited, but a precautionary approach would be sensible. Strongly support the proposal to implement a strict monitoring scheme to ensure that the predicted low risk of impact is borne out. This will need to be covered by condition (on which Natural England would need to be satisfied) and include reporting at least on an annual basis, with a detailed mechanism to ensure that should any unexpected consequences of dewatering be picked up, remedial action can be implemented straight away to minimize or reverse the impacts.

Wider biodiversity considerations: The Authority should assess and consider other possible impacts on local sites (biodiversity and geodiversity), local landscape character, and local or national biodiversity priority habitats and species, and information from appropriate bodies.

Protected Species: Natural England’s Standing Advice on protected species is a material consideration; it includes a habitat decision tree for deciding any ‘reasonable likelihood’ of protected species being present, and other advice including flow charts for individual species to enable assessment to be made of a protected species survey and mitigation strategy. The Standing Advice does not indicate or provide any assurance that development is unlikely to affect European Protected Species (EPS); nor does it mean Natural England has reached any views as to whether a licence may be granted.

Protected Landscapes: The landscape and visual impacts of the development must be considered in the context of appropriate National Park Character Assessment / Landscape Strategies and planning policies. Broadly concur with the Landscape and Visual Impact Assessment. The restoration, to a mix of agriculture and nature conservation, would in the long term result in significant enhancements to the current quarry landscape, although in the short term there would be limited but necessarily adverse impacts particularly associated with the removal of the Deep Dale tip.

Biodiversity enhancements: The application may provide opportunities to incorporate features which are beneficial to wildlife, such as roosting opportunities for bats or installation of bird nest boxes. The authority should consider securing measures to enhance biodiversity in accordance with Paragraph 118 of the NPPF. Attention is drawn to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘Every public authority must...have regard...to the purpose of conserving biodiversity’; and Section 40(3) which states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.

Restoration: Support proposals to restore the site to semi-natural and locally appropriate habitats, including calcareous grassland and broadleaved woodland. The removal of Deep Dale tip and restoration to a limestone daleside profile would involve land within Topley Pike and Deep Dale SSSI and the Peak District Dales SAC, but loss of this very small area of calcareous grassland (0.2ha, part of a total of 2ha of this habitat type to be lost overall), would be sufficiently mitigated through overall gains in this grassland type in the restoration. Habitats should be allowed to develop through natural regeneration. Strongly recommend minimum seeding of the restored landform; any reseeding should use locally harvested seed sources, as may be advised by Derbyshire Wildlife Trust. There should be no unnecessary tree planting, and only locally sourced native species; trees and grassland should be allowed to regenerate naturally.

Environment Agency (EA): The development will be acceptable if measure(s) are implemented and secured by way of planning conditions [*Officer recommendation adopts the EA conditions with advice notes*]. These aim to restrict the extent of quarry workings and dewatering; protect controlled waters; control restoration water level to reflect natural levels and reduce flood risk; ensure ongoing protection of water resources and water dependent features; ensure contamination remediation strategy during removal of the Deep Dale tip; ensure containment of liquid storage facilities; and ensure reinstatement of the Deep Dale stream to open watercourse to manage flood risk and contribute to biodiversity. The EA support removal of the stream culvert which will open up 472m of watercourse reinstated to its original position within Deep Dale; the stream flows into the River Wye for which there are water vole records; the EA favour restoring the stream to provide suitable water vole habitat.

High Peak Borough Council (HPBC) Planning / Derbyshire Dales District Council (DDDC) (Planning & Development Services) (neighbouring Authority) / Communities and Local Government (DCLG) (EIA Application) / Severn Trent Water Ltd / Health and Safety Executive / Central Networks East: No comments received from these consultees.

Publicity and Representations

Friends of the Peak District (FPD) [also representing the Campaign to Protect Rural England (CPRE) and the Campaign for National Parks (CNP)]: The proposals have significant benefits, bringing forward the end date for working, an improved restoration scheme, removal of the Deep Dale tip and restoration of the dale landscape. Closure of a major section of Footpath 37 for a fairly long period is unfortunate and the diversion route is

not as commodious; however, recognise this will be temporary and the restored route will be a welcome improvement. Support the stated aim of the Restoration Strategy '*providing wildlife and amenity enhancement*'. Happy with the proposed benefits in terms of a final landform and habitats consonant with BAP (*Biodiversity Action Plan*) aims and fit with landscape character key characteristics. It is not stated how these amenity benefits are to be accessed and enjoyed; would hope that permanent access, by dedication, should be possible. The Restoration Strategy hints that land management is to be carried out by Derbyshire Wildlife Trust suggestive that the site will become one of their reserves; the biodiversity benefits are laudable. Such sites can provide wider benefits for recreation, such as rock climbing [working closely with the British Mountaineering Council (BMC) that has a pioneering project looking at diversifying quarry after-use]; would be pleased, given retention of craggy outcrops, cliff/faces and benches, if options could be explored to retain larger, mature faces that may provide rock climbing opportunities; the BMC has demonstrated at other quarry sites that issues of liability and health and safety can be overcome.

[Officer comment: The applicant is not in a position to offer public access into the restored quarry: post-completion of restoration and statutory aftercare period, the quarry will revert to the landowner family and the access to the Chatsworth Estate. The public access element of the proposals relate to Deep Dale rather than the quarry].

Other Representations: Representations received from three residents (two households); are viewable in full on the planning website. In summary the comments received relate to:

- a) concern about impact of vibrations, potential damage to buildings and value of property;
- b) the maximum levels of blasting - all blasts are supposed to be within acceptable limits;
- c) potential increase in blasts (how many?) to extract 3mt by the new end date of 2025;
- d) bowing and cracking to walls in Listed Buildings may be due to previous blasting;
- e) question need to extract further rock from the north-west corner of the quarry;
- f) blasting in the eastern half of the quarry would have less of impact;
- g) ramifications of underground blasts, regarding rifts that run near houses and water table;
- h) records from particular blasts should be investigated;
- i) need mitigation to reduce future vibration;
- j) request continued independent blast monitoring for residents (includes listed properties);
- k) the quarry should meet the cost of equipment and independent monitoring;
- l) request monitoring for movement and damage to property during blasts;
- m) to make good damage to property to the satisfaction of residents and English Heritage;
- n) to compensate for buildings damage rather than protracted legal proceedings.

[Officer comments: no underground blasting is proposed; the effects of quarry blasting, investigation of records of incidents complained of, and mitigation measures are referred to later in this report; the EHO has agreed to carry out blast monitoring independent of monitoring by the site operator, both of whom have and actively use monitoring equipment; points (m) and (n) are not planning issues within the remit of this Authority].

Main Local Plan Policies

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise [s38 (6) Planning and Compulsory Purchase Act]. The courts have held that if proper regard is not had to policy, the decision (if referred to a court) would be quashed. In the National Park the Development Plan comprises the Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001 (*being replaced by a Development Management Policies Development Plan Document and Proposals Map*). The merits of the proposals have been assessed against relevant Development Plan policies and other material considerations as follows:

The **Peak District National Park Local Development Framework Core Strategy Development Plan Document (“CS”)** (adopted October 2011) provides the spatial planning expression of the **National Park Management Plan (NPMP)** (2012 – 2017): The Core Strategy provides for conservation and enhancement of the landscape, biodiversity, tranquillity, cultural heritage, recreation and settlement, supports economic development but seeks reduction in the adverse impact of mineral operations. The Strategy is focussed on working towards the continued gradual reduction of aggregates and other land-won minerals within the National Park but recognises that the ability to achieve this policy aim is limited by the high level of extant permitted mineral reserves within the Park. The Strategy seeks to disallow new sites or extensions to existing sites on the basis that there remains no case for granting major planning permissions for aggregates working in the Park; that existing permissions allow significant output for many years; and that as sites are worked out or become time-expired there is likely to be a gradual rundown in output whilst retaining sufficient permitted reserves to meet the aggregates apportionment figure for the Park.

Relevant LDF Core Strategy Policies: MIN1 (minerals development); GSP1 (national park purposes and sustainable development); GSP2 (enhancing the National Park); GSP3 (development management); GSP4: planning conditions and agreements); DS1 (development strategy); L1 (landscape character); L2 (sites of biodiversity or geo-diversity importance); L3 (cultural heritage assets); RT1 (recreation); CC1 (climate change mitigation); CC2 (low carbon development); CC3 (waste management); CC5 (flood risk and water conservation); T1 (sustainable transport); T2 (reducing traffic); T4 (managing freight transport); and T6 (routes for walking etc.).

Relevant saved Local Plan Policies: LM1 (environmental impact of mineral activity); LM9 (ancillary mineral development); LC1 (Natural Zone); LC4 (design, layout and landscaping); LC15 (cultural heritage sites); LC16 (archaeological sites); LC17 (wildlife, geological / geomorphological importance); LC18 / LC19 (nature conservation); LC20 (trees, woodlands, landscape features); LC21 (pollution and disturbance); LC22 (surface water runoff); LC24 (contaminated land); LC25 (unstable land); LW2 (waste management); LT9 (freight transport and lorry parking); and LT20 (public rights of way).

The National Park Management Plan (NPMP) Corporate Strategies and Action Plans

Other relevant Peak District Policy Documents include the **NPMP** and within that context the **Landscape Strategy and Action Plan (LSAP)** (July 2009) including Landscape Guidelines, Management Guidelines and Action Plan objectives; **Biodiversity Action Plan (BAP)** (2011-2020); **Climate Change Action Plan (CCAP)** (2009-2011) and Supplementary Planning Document **Climate Change and Sustainable Building (“CCSPD”)** (March 2013); **Recreation Strategy (RS)** (2010-2020) & **Action Plan (RSAP)** (2011-2013); and **Cultural Heritage Strategy (CHS)** (2005).

National Planning Policy Framework (‘NPPF’)

The Government’s NPPF policies for England (27 March 2012) and Minerals Planning Practice Guidance (MPPG, updated 17 October 2014) are material considerations. The NPPF affords National Parks the highest status of protection for landscape and scenic beauty. Core NPPF Planning Principles relate to conserving and enhancing the natural environment and reducing pollution; relevant NPPF policy relates to sustainable development and transport, climate change, conserving and enhancing the historic environment and valued landscapes, geological conservation, minimising impacts on and providing net gains in biodiversity, preventing air, noise and water pollution and land instability, and remediating and mitigating despoiled, degraded and derelict land. The NPPF (para.144) says great weight should be given to the benefits of mineral extraction; but as far as is practical provide for the maintenance of landbanks of non-energy minerals from outside National Parks; ensure, no

unacceptable adverse impacts on the natural and historic environment and human health; take into account the cumulative effect of multiple impacts; ensure control, mitigation or removal at source of noise, dust and particle emissions and blasting vibrations; establish noise limits in proximity to noise sensitive properties; and provide earliest possible restoration and aftercare to high standards. The Development Plan policies are the primary policies for determining this application but their relationship to the NPPF has been considered and there is nothing in that which overrides the locally specific relevant policies.

Assessment (Set against the Policies and Principles)

Assessment for Sustainable Development

The NPPF (para.197) says planning authorities should apply the presumption in favour of sustainable development. Given “imperative need” for sustainable and environmentally sound development (Resolution 42/187 United Nations General Assembly), Local Plan and NPPF guidelines, the application has been assessed for sustainable development within guiding principles in the UK Sustainable Development Strategy ‘Securing the Future’ (2005) updated by ‘Governing for the Future: The opportunities for mainstreaming sustainable development’ (2011). The three dimensions to sustainable development for the planning system: (i) an “economic role”, (ii) a “social role” and (iii) an “environmental role” (protect and enhance our natural, built and historic environment, improve biodiversity, use natural resources prudently, minimise waste and pollution, mitigate and adapt to climate change). The NPPF requires planning authorities to work proactively with applicants to secure developments that improve economic, social and environmental conditions. In this case the detailed pre-application scoping opinion, guidance and advice issued by this Authority and extensive negotiations with the applicant and consultants have sought to ensure that this application offers sustainable development with respect for local distinctiveness and net environmental benefits.

Core Strategy policies for sustainable development requires clear justification for new development. A vigorous assessment of the application against the policy framework has been undertaken within the context of sustainability to conserve and enhance valued characteristics of the locality and National Park purposes. The applicant operates Quality and Environmental Management Systems to ISO 9001 and 14001 standards and as a pioneer of best practice states commitment to sustainability (certificated to BES 6001 ‘Responsible Sourcing of Construction Products’ and member of the UK Green Building Council), protection of the environment and being a good community neighbour.

Assessment for Exceptional Circumstances

Exceptional Circumstances and National Policy: The scale of the proposal is large and the development is major. As set out in the NPPF, in securing national park purposes, major development should not take place other than in exceptional circumstances. Paragraph 116 of the NPPF states “*planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*”

Exceptional Circumstances and the Development Plan: Policies GSP1 and MIN1 of the Core Strategy collectively state that major development should not take place within the National Park other than in exceptional circumstances; and that proposals for new mineral

extraction or extensions to existing mineral operations (other than fluorspar and local small scale building and roofing stone covered by policies MIN2 and MIN3) will not be permitted other than in the exceptional circumstances set out in National Planning Policy. Reference to these exceptional circumstances in paragraph 14.2 of the Strategy says the consideration of major mineral development proposals must assess need, availability of alternatives, environmental effects, and the impact on local economy of permitting or refusing the development; paragraph 14.18 says the minerals strategy for the Park needs to reflect flexibility to allow proposals where relevant exceptional circumstances exist. These tests are rigorously examined in the assessment that follows in line with 'English National Parks and the Broads UK Government Vision and Circular 2010' guidance which requires major development to be in the public interest.

Assessment of Change to the Quarry Working Proposals

Depth of Working: Quarrying is proposed down to 225mAOD across the whole quarry. The depth of working in the 1947 IDO (eastern) area is restricted to 240mAOD and limited reserves remain in that area. There is no depth limitation in the 1966 permission (western) area. In 1998 the proposed depth of working in this area had been identified by the then operator (Tarmac Quarry Products) as 210mAOD for the purposes of the ROMP, a target later adopted by Aggregate Industries. Quarrying to this level would involve working beneath the water table with inevitable disturbance to the water environment. A report in 2003 identified that watertable control would be necessary for the deeper working following which the excavations would be allowed to fill with water to an equilibrium with the surrounding limestone aquifer. Much of the 1966 area has now been worked down to the 225mAOD limit proposed in this application.

Proposed Additional Quarrying in the IDO Area: This would be a small "internal extension" in the north-east corner of the consented extraction area and the 15m deeper working of the resource beneath the current depth limit within the consented area.

Proposed Revocation of Existing Permissions: The applicant is agreeable to a Section 106 Agreement for Planning Obligations providing (inter-alia) for relinquishment / revocation (without compensation) of the extant mineral permissions and all permissions for buildings / ancillary development on the site, including for the asphalt plant, in substitution for the new consolidation permission, which would bring all the development under modern standards of control. The relinquishment would accord with LDF Policy GSP4 and be fairly and reasonably related in scale and kind to the exchange and reasonable in all other respects.

Assessment of Mineral Reserves

Resource Assessment and Reserve Constraints: The quarry is extracting Woo Dale limestone. The limestone reserve has been subject to geological borehole investigations to generate a geological computer model of the quarry; since no mineral extraction is proposed outside the existing site boundary no additional boreholes have been necessary to prove the reserve. The limestone is confirmed as closed and tight without voids or cavities, and unweathered. Exploitation beyond that proposed in this application is unlikely to be viable, practical or sustainable on policy grounds.

Consented and Proposed Reserves: About 1,825,000 tonnes of permitted limestone reserves remain to be worked, beneath the existing lowest quarry floor level of 225mAOD to an extraction depth of 210mAOD, in the western half of the quarry. These reserves would be relinquished in exchange for recovering 2,215,000 tonnes of new reserves, beneath the existing quarry floor level of 240mAOD to a new maximum extraction depth of 225mAOD, in the eastern half of the quarry. In addition to levelling out the quarry floor from west to east, this would also provide a net gain in consented limestone reserves of about 390,000 tonnes.

Reserve Comparison (As of 1st January 2013)			
Quarry Area	Permitted Reserves (workable) (tonnes)	Proposed Reserves (tonnes)	Consolidating Scheme Gain / Loss (tonnes) (<i>Depth</i>)
East	150,000	2,365,000	2,215,000 Gain (<i>240m-225mAOD</i>)
West	2,650,000	825,000	1,825,000 Loss (<i>225m-210mAOD</i>)
Total	2,800,000	3,190,000	390,000 Net Gain

[*Note:* At the expected future production rate of 250,000 tonnes per annum, these reserves equate to a life of approximately 13 years (from January 2013). The estimated timing of future working and restoration Phases A, B, C and D are based on this rate of production. The applicant says this small overall gain in reserves is compensated for by reduction in the life of the quarry from 2042 to 2025].

Reserve Equitability

Increased Mineral Reserves in Perspective: The proposed net increase of 390,000 tonnes of limestone represents just 13.93% over current permitted reserves; all the additional reserves lie beneath the existing disturbed footprint of the quarry excavations and a small part of the adjacent processing plant site, beyond which there would be no lateral extension; and the 15m increase in depth of working in the east would be balanced by the 15m reduction in depth in the west. This moderate increase needs to be weighed against the overriding benefits of the proposals collectively for assessment of exceptional circumstances. Importantly, this ‘increase’ in additional reserves is based on calculations related to the voluntary depth limit of 210mAOD in the western part of the quarry, but quarrying could proceed down to 210m should the application be refused, and operations continue under existing consents. With an unrestricted depth of quarrying under the 1966 permission, the previous site operators (Tarmac Quarry Products) could, if they had so chosen, have quarried much deeper (subject to a dewatering licensing); however, they offered the 210m limit as a condition in the Schedule 13 Initial ROMP application (NP/HPK/0998/141). If that limit had not been volunteered, the current proposals could have demonstrated a considerable reduction (loss) in overall (1966) consented reserves. In any calculation, by reducing the permitted life of the quarry from 2042 to 2025, the proposals would, in terms of timescale, bring forward gradual reduction in the number of aggregate quarries within the National Park, compliant with policy.

The Spatial Perspective: Less than 0.08 ha (756m²) beyond the current excavation boundaries are proposed to be worked. The lateral extension would be wholly contained within the established footprint of the existing quarry site immediately adjacent (east) of the existing permitted excavation boundary encroaching into the authorised Plant Area beneath the workshop. This is insignificant within the scale of the existing quarry site.

Equitability and Policy Objectives: Whilst minerals policy aims to work towards less mineral extraction in the Park (crucially aggregates), it does not specifically resist extended quarry sites nor does it require equal or lesser reserve tonnages in exchange applications that could, as this application seeks to do, legitimately work towards the overall policy objective by finalising the extent of the reserve and incorporating landscape and environmental benefits. As stated in the Core Strategy (para.4.7) “*the challenge is to progressively reduce the negative impact of quarries on the landscape, surrounding communities and visitors’ enjoyment*” and to “*manage development at a landscape scale*” (para.9.4). Given exceptional circumstances, it would be inappropriate to simply apply the concept of equitability to a numerical focus on equal mineral reserve exchanges within different parts of the quarry. It is demonstrably more important in the interests of National Park purposes to secure improvements in environmental terms through overriding timescale, community, environmental, restoration, landscape enhancement, biodiversity, and visual and

recreational amenity benefits that satisfy the guiding principles for sustainability. A summary assessment of benefits and concessions set against disbenefits of the proposals and disbenefits of retaining the old permissions and determining the ROMPs is provided later in this report from which the environmental and sustainable equitability of the proposals may be judged; in that judgement is a need to ensure that exceptional circumstances are demonstrated and the development set against the ROMP alternatives would lead to net conservation and enhancement of the character of this area of the Park.

Reserve Equitability and Compensation Issues: Any action intended to limit the 210mAOD excavation depth in the 1966 permission area through the Review process rather than by approval of this consolidation application would give rise to compensation issues. There are two possible alternative mechanisms for restricting the excavation depth by ROMP determination but in either case compensation would be payable in the first instance by the Authority: (i) the potential for compensation would arise if condition(s) are imposed through the Review which restrict working rights (a condition to limit the working depth would breach the threshold for compensation because it would adversely affect the economic viability of the approved mineral operation by reducing reserves); or (ii) the matter could be addressed via Regulation 50 Review under the Habitats Regulations 1994 (the findings of appropriate assessment could trigger modification or revocation under Section 97 of the Town and Country Planning Act 1990) (a voluntary obligation by the operators under Section 106 of the Act is thought unlikely without compensatory reserves).

If this application is refused, the Authority would have a duty to determine the ROMPs, including the current stalled ROMP which proposes quarrying down to 210mAOD, but it also has a duty to protect the SAC interests compliant with EU Directives, and the two duties may not be compatible. The possibility of modification of the depth of working under the 1994 Habitats Regulations (Regulation 50 procedure) has been considered; this would be on the grounds that quarrying deeper than 225mAOD may have significant impact on the SAC, and such “exceptional circumstances” would justify a restriction of working rights in the ROMP determination; however, correspondence with DEFRA yielded no conclusive response about possible Government compensation for this which is thought unlikely in the current economic climate. Alternatives have been considered that could secure workable reserves whilst protecting the water environment, on the premise that the potential hydrological impact of continued quarrying would predominantly (but not wholly) be a factor of depth. The current application proposals offer the best negotiated solution.

Production and Demand

Recent and Forecast Production / Output Levels	
Limestone production historic maximum	300,000 tonnes per annum
Limestone production in 2011	203,000 tonnes
Limestone production in 2012	165,000 tonnes
Annual export tonnages range 2003 - 2013	150,000 - 300,000 tonnes
Average annual limestone output 2003 - 2013	250,000 tonnes per annum
Anticipated average future limestone production	250,000 tonnes per annum
Includes anticipated average future coated stone	120,000 tonnes per annum

The reduced 2012 output reflected the need to establish a consistent dewatering regime in the western half of the quarry, which affected production for a few months. Production in 2013 focussed on supplying limestone to the asphalt plant. An average annual production of 250,000 tonnes per annum is expected for the remaining life of the quarry. The forecast future annual limestone production would be 25-30% higher than in very recent years, but less than historic production levels and concomitant with the substantial reduction in the remaining life of the quarry. Noting the flexible approach in the NPPF, this figure would be

subject to annual variations depending on market conditions. The weighbridge records load tonnages exported; it is recommended that this record for production monitoring purposes continues.

Duration

Proposed Working and Restoration Timescales: Policy LM1 requires, where appropriate, evidence that development can be completed within an agreed period. At the expected future rate of production of 250,000 tonnes per annum, the proposed reserves equate to a life of about 11 - 12 years (as at 2013). Thus this application proposes an end date for final cessation of mineral extraction and processing operations of 31 December 2025. This date allows for operational flexibility and future market conditions, but reserves could be exhausted beforehand, in which case mineral extraction and processing would cease earlier. Final restoration and landscaping would be completed during 2026.

Existing v Proposed Timescales: The current planning permissions require mineral extraction to cease by February 2042. The legislature has clarified that this period cannot be reduced by recourse to the Review process. However, based on anticipated production rates, and notwithstanding the proposed additional net reserves, the proposed working timescale in this application would significantly reduce the approved life of the site by 17 years. Securing a shorter permission timescale would facilitate the earliest cessation of working. Thus the proposed duration compares favourably with the extant timescale for winning and working which must be specified in any ROMP determination.

Timescale for Deep Dale Tip Removal: An earlier and shorter timescale than that proposed for removal of the Deep Dale tip would be preferable, to ensure the earliest possible completion of restoration and aftercare works in the dale and daleside/ridge. However, the applicant has justified the delay in commencing the removal of the tip until the start of Phase C (late 2017) on the grounds that it not possible to start earlier. This is because quarry waste in Tip 3 must first be removed and placed in the north west of the quarry (during Phase B) to provide a large enough area above the final restored water level of 240mAOD to accommodate the lagoon silts; and an 8 year period is necessary because large volumes of tip materials cannot be removed and placed at one time; sufficient time is needed for the materials to dry out before more can be added; also, the Deep Dale tip area needs time to dry out and stabilise following removal of each layer.

Extended Timescale for Retention of Asphalt Plant: In consideration of the extra timescale sought, the environmental impacts and benefits identified and assessed in 2006, 2010 and 2013, the established landscaping scheme, and other mitigation measures undertaken compliant with the permission, all remain relevant. To retain the asphalt plant for the period of continued operation of the quarry would not introduce any new or significant environmental impacts, such as to give rise to overriding objections from an environmental, amenity or landscape perspective; and from an air quality perspective it is in the public interest to retain the efficient plant rather than transferring stone for coating elsewhere.

Assessment of Land Rehabilitation Proposals

Policy Context for Deep Dale and Quarry Restoration: The NPPF (para.109) says the planning system should enhance the natural environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land and (para.144) requires high quality restoration and aftercare of worked land at the earliest opportunity. Core Strategy Policy MIN1 requires restoration schemes for new minerals proposals or where existing sites are subject to mineral review, and (para.7.23) proposals must be justified by enhancement for overall benefit for natural beauty and wildlife, acknowledging that (para.14.33) the restoration of mineral workings “is a significant opportunity to achieve National Park Authority outcomes” for amenity (nature conservation) after-use, enhancing landscape,

recreational opportunities, biodiversity, geodiversity and cultural interest. These outcomes focus mainly, but not exclusively, on amenity (nature conservation) after-uses, and should include wildlife, landscape enhancement and recreation features.

Quarry and Deep Dale Restoration Strategy: It is important to ensure a comprehensive quarry restoration with a design that complements and reinforces landscape character and meets objectives in the LSAP. Whilst the Deep Dale tip was originally intended to be permanent, and there is currently no requirement to remove the tipped materials, Authority officers have sought to have this part of Deep Dale restored back to its original valley landform. Following site investigations, the applicant agreed to remove the tip and restore the dale. It is proposed to improve the landscape of Deep Dale and restore the site for nature conservation, biodiversity and recreation. The NPPF (para.109) refers to the need to protect soils so the officer recommendation proposes a comprehensive soils strategy for conservation and restoration and a detailed annual aftercare programme. Overall the restoration would enhance landscape character in accord with LDF Policy GSP2.

Assessment of Environmental Impacts

CS Policy GSP1 says where a proposal for major development can demonstrate significant net benefit to the National Park, every effort to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics should be secured. The following assessments examine potential for localised impacts and mitigation:

Landscape and Visual Impact Assessment (LVIA)

Landscape and Landscape Character: The site lies within an attractive part of the National Park in the designated White Peak National Character Area 52 (52,860 ha). The Peak District Landscape Strategy and Action Plan (LSAP) shows the site within the White Peak Regional Landscape Character Area (LCA) characterised by elevated limestone plateau pastures dissected by deeply cut dales and gorges. The LCA comprises Landscape Character Types (LCT) of high sensitivity given the Park designation and high value placed on the area and the landscape. Three LCT's relate to the site:

- **Limestone Village Farmlands:** Most of the quarry falls within this LCT which includes gently undulating plateau, pastoral farmland, drystone walls, narrow strip fields, scattered boundary trees, tree groups, village pastures, limestone and gritstone buildings and relict lead mining; the priority is to protect the historic pattern of enclosure, nucleated settlement pattern, integrity and setting of traditional buildings, whilst restoring the biodiversity of the pastoral farmland.
- **Limestone Dales:** The north-eastern and southern parts of the site (including Deep Dale tip) fall within this LCT which includes steep sided dales, the larger dales with rivers within rocky river beds, the smaller dales dry or with winterbourne streams, craggy outcrops, cliffs and scree slopes, limestone grassland, interlocking blocks of ancient semi-natural woodland, secondary woodland, scrub and historic mineral working; the priority is to protect and manage the mosaic of internationally important grassland, scrub, woodland, rock, river habitats, and cultural heritage, enhance diversity and opportunities for people to enjoy the landscape.
- **Limestone Plateau Pastures:** To the east and south-west of the quarry this LCT includes rolling upland plateau, pastoral farmland enclosed by limestone walls, regular small to medium sized rectangular fields, field dewponds, farm limekilns, tree groups and shelter belts, isolated stone farmsteads and field barns, medieval granges, relict lead mining and quarrying prehistoric hilltop monuments, open character; the priority is to protect the historic pattern of enclosure and wooded character, restoring biodiversity of the pastoral

farmland, and expanding boundary trees, within a sustainable farming system.

Receptor Value and Sensitivity of the Landscape: All three LCTs have very high receptor value, given the location within the National Park, SSSI's and SAC (see *Ecology and Environmental Designations later in this report*), and intrinsic cultural, historic, landscape and ecological values. The LCT's sensitivity to the quarry is assessed as follows (summary):

LCT	Criteria	Assessed	Reason (taking account of receptor value)
Limestone Village Farmlands	Susceptibility to the quarry	Medium	Complex rural small scale landscape; intimate views, restricted by undulating upland plateau and boundary trees; but large quarried voids.
	Sensitivity	High	
Limestone Dale	Susceptibility to the quarry	High	Secluded, intimate landscape, views tightly controlled by landform and tree cover, key LCT characteristics diminished by the quarry.
	Sensitivity	Very High	
Limestone Plateau Pastures	Susceptibility to the quarry	High	Rolling upland plateau; some open views; historic, discrete, sparse settlement; some enclosure by stone walls and tree groups.
	Sensitivity	Very High	

Site Specific Landscape Appraisal, Quality and Value: Discordant elements include the quarry and ancillary development. CS Policy GSP3 sets out development principles to respect, conserve and enhance valued characteristics of a site and buildings. As an active quarry with ancillary development it may be held to have few valued characteristics, but selective development management principles apply in terms of impact, scale, siting, landscaping, materials, design, access, ground conditions and water demand, given the need to reduce impact on the character and setting of the surrounding landscape.

The Natural Zone: The site is wedged between two Limestone Dale Section 3 - Natural Zone areas (i) the wooded slopes on the south side of the Wye valley adjacent to the north-west boundary of the quarry, and (ii) the wooded slopes on the eastern and southern sides of Deep Dale, Churn Hole, the rock ridge between the quarry and Deep Dale tip, and Deep Dale south-west of Deep Dale tip. Policy L1 reinforces Policy LC1 which strongly restricts development in (but not adjacent to) the Zone to exceptional circumstances in the interests of the National Park. The development would not involve significant incursion into the Zone. Whilst some limited works within the Deep Dale part of the Zone may be necessary to complete the restoration and enhancement of that area for natural purposes, this in landscape terms would not significantly harm the visual and spatial integrity of the Zone.

Zone of Theoretical Visibility (ZTV): The visual influence of the quarry is restricted by topography and landform to a 3km area from the site boundary, in a south east to north west swath of land. The ZTV has regard to landform, but not intervening built structures, vegetation, trees or woodland blocks that may further restrict views. Nevertheless the existing and proposed ZTV's help establish worst case scenarios, based on Phase D development components, namely (i) extension of working activity into Deep Dale, (ii) creation of a peripheral access track to transport Deep Dale material into the quarry, and (iii) regrading works associated with the south eastern flank of the quarry within Deep Dale.

Existing Incongruous Visual Elements and Visual Mitigation: Existing and proposed visual elements that mitigate against the LCT's include: Deep Dale tip with bunds which effectively block the dale feature; the quarry with exposed engineered faces and benches and extraction techniques producing engineered forms within the landscape; the quarry plant site; quarry vehicle movements and excavation activities; extraction below the water table; and placement of large volumes of quarry waste and deposited tip material. Set against all that the quarry is generally contained within a locally discrete area and screened by higher ground and natural landform features. Naturally regenerated vegetation around the north

eastern site periphery and vegetation on the western flank of the eastern section of Deep Dale help screen and integrate the plant site, Deep Dale tip and other operational / disturbed ground into the landscape. Small areas of tree and shrub planting around the periphery of the quarry and Deep Dale tip also offer limited screening of areas of site disturbance.

Landscape Mitigation Strategy: Existing landform modulations and peripheral woodland screen belts would be retained. Visual and landscape mitigation includes the Deep Dale reinstatement; integration of quarry benches and faces to less engineered final form, which would weather and naturally regenerate, blending exposed rock colours into the landscape; creation of a water management channel from the quarry into Deep Dale to reflect naturally occurring spring / ephemerally wet valley / dale elements; and restoration and enhancement planting of locally indigenous broadleaved woodland, trees and scrub with species rich limestone grassland in the quarry and restored areas of Deep Dale. The Deep Dale restoration and watercourse and footpath reinstatement would provide substantial long term compensation and benefits for the relatively short-term visual disruption, within the context of the Limestone Dales LCT, significantly improving visual and amenity interests. All this would accord with the White Peak landscape guidelines.

Magnitude and Significance of Landscape Effects: The landscape assessment methodology includes criteria to determine the nature (sensitivity), susceptibility, value and change of landscape receptors and views obtained; the change and magnitude of effects on landscape receptors; the overall significance of effects [magnitude + sensitivity of receptor]; and correlation of the nature of effects with the nature of the landscape or visual receptors. The effects on landscape character are significant in terms of large scale disturbance of a quarry of this size; however, the magnitude has been compared to that of the existing quarry and ancillary development, and the Deep Dale tip, the cumulative adverse effects of which have been in place for a long period of time. The quarry does not contain characteristic features of the Limestone Village Pastures LCT in which it is predominantly sited; and the Deep Dale tip is an uncharacterful feature within the Limestone Dales LCT. The development would shorten the life of the quarry and reduce the time over which landscape receptors experience the continued negative effects. Whilst removal of the tip would adversely affect the local landscape (given the lack of possible mitigation, temporary footpath closure, and haul road construction within this secluded landscape), once restored the landscape character of the dale would be significantly improved:

Summary of Assessed Magnitude of Visual Effects		
<u>LCT</u>	<u>Magnitude of Effect</u>	<u>Significance of Effect</u>
Development Stage		
Limestone Village Pastures	Very Low, Beneficial	Very Slight Beneficial
Limestone Dale	Medium, Adverse,	Substantial Adverse
Limestone Plateau Pastures	Neutral	Neutral
Post Restoration Stage		
Limestone Village Pastures	Medium, Beneficial	Moderate Beneficial
Limestone Dale	High, Beneficial	Substantial Beneficial
Limestone Plateau Pastures	Neutral	Neutral

Residual Landscape Effects: The quarrying activities would be confined to the existing disturbed quarry area. Given the aquifer and water table, and available material for infilling the excavations, the lake would be an unavoidable feature in the quarry restoration. The lake, within the quarried cliff faces and benches would not be in keeping with the character of the Limestone Village Pasture LCT in which it would be set, and this would not be consistent with the principle of Policy L1 to enhance valued landscape character, hence the landscape

consultant's adverse rating. However, the creation of shallows, and a more organic shaped landform would help integrate the western and eastern quarry margins into the local landscape character setting; native broadleaf planting, calcareous grassland and natural regeneration, would further integrate the quarry into its setting and increase landscape amenity with new habitats. The alternative continued working under extant consents, without generation of restoration material from Deep Dale tip, would result in a smaller, much deeper lake occupying the western half of the quarry, less conducive to good restoration design, landscape integration and local landscape character. The Deep Dale restoration would have substantial beneficial significance on the Limestone Dale LCT.

Visual Impact

Natural Screening: Given the topography and surrounding vegetation, the quarry is contained within a locally discrete area and the void is from most views screened by higher ground and natural landform features. Areas of naturally regenerated vegetation around the north eastern periphery of the site, together with vegetation on the western flank of the eastern end of Deep Dale help to screen and integrate into the landscape the quarry plant, Deep Dale tip and other operational / disturbed ground. Small areas of tree and shrub planting around the periphery of the quarry and the Deep Dale also offer limited screening.

Principal Representative Viewpoints and Visual Receptors: These include views from within Deep Dale and Wye Valley, the A5270, footpaths south and north of the site and the A6 corridor. Visual receptors include isolated dwellings and farmsteads such as Arden Villas, Chelmorton Flat, Calton Farm, Topleyhead Farm, Mosley Farm and Woolow Farm; settlements with public open space including King Sterndale and Cowlow; recreational users of this area including Deep Dale, the Wye Valley and Monsal Trail; and transient receptors including users of local footpaths, the A6, the A5270 and Hardybarn Lane.

Magnitude and Significance of Visual Effects: (officer summary):

Viewpoint Receptors [Views, Magnitude of Effect and Significance of Effect]			
Stage	Views Obtained	Magnitude	Significance
Wye Dale & Monsal Trail Car Park & Trail (0.06km from quarry): High sensitivity			
<i>Existing</i>	High plant, asphalt chimney; limited by vegetation.	Medium adverse	Notable adverse
<i>Development</i>	Similar to existing.	Medium adverse	Notable adverse
<i>Restored</i>	The resulting 'dale' ridge.	Medium beneficial	Moderate beneficial
Footpath 15 (east of the site) (0.01km from quarry): Medium sensitivity			
<i>Existing</i>	Site access / entrance, office, plant, upper west quarry face.	Medium adverse	Moderate adverse
<i>Development</i>	Similar to existing.	Medium adverse	Moderate adverse
<i>Restored</i>	Planting/natural regeneration.	Medium beneficial	Slight beneficial
Footpath 15 (lagoon area) (0.01km from quarry): Medium sensitivity			
<i>Existing</i>	Landslip, lagoons, pumps.	Medium adverse	Moderate adverse
<i>Development</i>	Earthworks, haul road / ramp, Deep Dale tip operation, dale restoration, lagoon works.	Medium adverse	Moderate adverse
<i>Restored</i>	Deep Dale restored to natural profile / vegetation structure.	Medium beneficial	Slight beneficial
Footpath 19 (Junction Churn Hole & Deep Dale) (0.01km from quarry): Medium sensitivity			
<i>Existing</i>	'Dale profile' slopes, 'made ground', natural regeneration.	Low adverse	Slight adverse
<i>Development</i>	Deep Dale tip removal, 8 yrs.	Very high adverse	Substantial adverse
<i>Restored</i>	Reinstated dale.	Medium beneficial	Slight beneficial

Footpath 37 (south section of Deep Dale) (0.00km from quarry): Medium sensitivity			
<i>Existing</i>	Deep Dale valley floor and quarry tip; east culvert portal.	Medium adverse	Moderate adverse
<i>Development</i>	Deep Dale tip removal, 8 yrs.	High adverse	Notable adverse
<i>Restored</i>	Reinstated dale landform, vegetation and stream.	Very high beneficial	Notable beneficial
Footpath 37 (south western area of Deep Dale) (0.13km from quarry): Medium sensitivity			
<i>Existing</i>	Deep Dale valley floor and quarry tip; west culvert portal.	Medium adverse	Moderate adverse
<i>Development</i>	Deep Dale tip removal, 8 yrs.	High adverse	Notable adverse
<i>Restored</i>	Reinstated dale landform, vegetation and stream.	Very high beneficial	Notable beneficial
Footpath 19 (northern end) (0.05km from Quarry): Medium sensitivity			
<i>Existing</i>	Quarry faces, benches, plant, operational areas, Deep Dale and tip from close distance.	High adverse	Notable adverse
<i>Development</i>	Progressive working and restoration, quarry and dale.	High adverse	Notable adverse
<i>Restored</i>	Planting, grassland, natural regeneration, quarry + dale.	Low adverse	Slight adverse
Footpath 19 (central section) (0.25km from Quarry): Medium sensitivity			
<i>Existing</i>	N+W upper quarry faces, dale N ridge screens quarry floor, set in wider landscape.	Medium adverse	Moderate adverse
<i>Development</i>	As existing, plus dale works / movements for restoration.	Medium adverse	Moderate adverse
<i>Restored</i>	Regenerating quarry benches + faces, upper dale ridge.	Low adverse	Slight adverse
A5270 / Footpaths 30 & 32 (1.32km from quarry): Medium sensitivity			
<i>Existing</i>	N+W quarry faces at distance within landscape; intervening vegetation and landform.	Low adverse	Slight adverse
<i>Development</i>	Minor glimpses of machinery restoring Deep Dale.	Low adverse	Slight adverse
<i>Restored</i>	Quarry face / top of dale ridge integrated in landscape.	Very low adverse	Very slight adverse
Arden Villas (1.32km from quarry): High sensitivity			
<i>Existing</i>	N+W quarry faces in wide landscape; intervening vegetation and landform.	Low adverse	Moderate adverse
<i>Development</i>	Minor glimpses of machinery restoring Deep Dale.	Low adverse	Moderate adverse
<i>Restored</i>	Quarry face / top of dale ridge integrated in landscape	Very low adverse	Slight adverse
Users of the A5270 (1.03km from Quarry): Low sensitivity			
<i>Existing</i>	Upper+middle quarry faces, benches, dale ridge, distant.	Low Adverse	Very Slight Adverse
<i>Development</i>	Restoration works: material movement to NW quarry area and from Deep Dale.	Low Adverse	Very Slight Adverse
<i>Restored</i>	Upper quarry faces, benches, dale ridge integrated in landscape.	Very low adverse	Minimal adverse
Footpath 2 (north of Chelmorton Flat) (0.66km from quarry): Medium sensitivity			

<i>Existing</i>	Upper+middle quarry faces, benches, dale ridge, distant.	Low adverse	Slight adverse
<i>Development</i>	Restoration works: material movement to NW quarry area and from Deep Dale.	Low adverse	Slight adverse
<i>Restored</i>	Upper quarry faces, benches, dale ridge integrated.	Very low adverse	Very slight adverse
Footpath 9 (Wye Dale) (0.24km from quarry): Medium sensitivity			
<i>Existing</i>	Over Wye Dale, regenerating NE quarry ridge; site access, plant site, NE Deep Dale.	Low Adverse	Slight Adverse
<i>Development</i>	As existing but restoration planting to plant site.	Low Adverse	Slight Adverse
<i>Restored</i>	As existing with planting and natural regeneration.	Very low adverse	Very slight adverse
Footpath 9 (Wye Dale NE of Monsal Car Park) (0.45km from quarry): Medium sensitivity			
<i>Existing</i>	Quarry access, floor, faces, benches, plant, operations, east end of Deep Dale + tip.	High Adverse	Notable adverse
<i>Development</i>	Quarrying, restoration and Deep Dale stabilisation work.	High Adverse	Notable adverse
<i>Restored</i>	Restored Deep Dale and quarry, lake, regeneration, landscaping.	Medium adverse (given LCT lake deviation)	Moderate adverse (given LCT lake deviation)

Visual Impact and Mitigation of the Asphalt Plant: Landscape and Visual Impact Assessments (LVIAs) in 2010 and 2013 provided assessments of the asphalt plant. The principal Zone of Visual Influence (ZVI) is a limited section of hillside to the north above Wye Dale, a maximum 500m away from the site. At low elevations, from the Monsal Trail Wyedale car park and the A6, the plant is well screened by woodland and steep slopes; to the north-west by quarry faces and, other than the top of the stack, to the east by a steep wooded bank down to the road. Views into the site from higher elevations have been assessed from public footpaths 8 and 9 (Green Fairfield Parish), 15 (Blackwell Parish) and 19 (Chelmorton Parish). The visual significance of the plant was rated slight to moderate; all viewpoints are of medium sensitivity, except the car park, which is of high sensitivity, but magnitude there is low and significance moderate. The plant has a stack height of 28m rising to an elevation of 280m AOD, 10m lower than the surrounding limestone plateau. It is not possible to totally visually screen higher elements, the stack in particular, from higher ground. Mitigation measures were implemented in 2007: The buildings and structures are finished in an approved colour [chimney stack, eastern facades, and stock bays frame painted Olive Green]; landscaping has raised adjacent ground by soil placements east of the plant, on which native woodland tree and shrub species have been planted (to screen stock bays and main plant from the A6 and Monsal Trail car park); east of the woodland planting area retaining wall native climbers have been planted; a bund has been widened and trees planted south-east of the aggregates plant; and retaining walls have been improved. Given this mitigation the visual impact of the asphalt plant is significantly reduced. Planting maintenance has been important. It would be appropriate to ensure continued planting maintenance (as necessary) for the extended life of the plant, to guarantee increasing effectiveness. There would be no additional adverse landscape or visual impact due to retaining the plant.

Visual Impact of Emissions to Air: Visual emissions to air can result in adverse impacts to visual receptors and landscape character. Subject to stringent dust control measures, and given existing control over the asphalt plant emissions (see 'Air Quality and Dust Impact

Assessment' later in this report) there are unlikely to be significant dust impacts on visual amenity or the landscape. On very cold days condensing steam from the asphalt plant emissions could occur but the potential impacts are assessed as minimal to slight adverse.

Trees and Woodland Impact Assessment

Existing Trees, Woodland and Shrub: These include mixed deciduous woodland parallel with the eastern site boundary from Deep Dale brook; trees and woodland in Churn Hole; on the north and south boundaries of the dale southwest of the site; and individual trees outside the east and north boundaries. All contribute to visual amenity and structural landscape form. Some are visually prominent, others very secluded due to local topography. The planting composition is varied with mature, young, mixed, uneven, age structure. None of this vegetation would be physically affected by the development. There is no ancient woodland or Tree Preservation Orders within or immediately adjacent to the site and tree cover in the operational quarry area is largely absent. However, eight principal woodland block areas are within / around the quarry boundary, as follows:

On Site Perimeter Woodland Areas (A)			
A	Location	Woodland Character	Visibility (from)
1	NE site boundary / Deep Dale outer slope / Wye Dale.	Planted mix native deciduous species.	A6 / Monsal Trail car park; part screens quarry plant.
2	E Deep Dale outer slope / embankment slip area.	Naturally regenerated trees / shrubs.	Footpath 15; helps integrate disturbed ground in setting.
3	SE flank of Deep Dale, side adjoining quarry.	Sparse woodland, wide area, disturbed ground.	Footpath 15.
4	E retaining bank ('dam') to Deep Dale tip / silt lagoon.	Dense woodland disturbed ground.	Footpaths 15, 19, and 37.
5	N Deep Dale slopes adjoins north edge of Deep Dale tip.	Single woodland block and individual trees.	Footpaths 15, 19, and 37.
6	S & SE site boundary, in Deep Dale.	Two sets of linear tree/shrub planting.	Footpath 37.
7	SW site edge within Deep Dale.	Woodland on placed quarry waste.	Footpath 37.
8	NE outer slope of quarry, part of Wye Dale.	Mature woodland with understorey species.	A6, Monsal Trail car park, Footpaths 9 and 22.

Assessment of Tree and Woodland Value: The visual value of woodland and trees has been assessed using the Helliwell Amenity Valuation (HAV) System, endorsed by the Tree Council and the Arboricultural Association in Guidance Note 4: *Visual Amenity valuation of trees and woodlands (the Helliwell System)* (2008). For Topley Pike the evaluation is based upon woodlands and tree blocks rather than individual trees, because the vegetation largely comprises woodland block elements rather than distinctive individual trees. The appraisal is based on evaluation of (i) size, (ii) position, (iii) population, (iv) woodland composition and structure, (v) compatibility, and (vi) presence of other trees and woodland in the vicinity), relative to significance to local landscape character.

Helliwell Amenity Valuation (HAV): Summary Scores								
Valuation Factors	Woodland Area							
Scope Range	1	2	3	4	5	6	7	8
Total Scores 2.5min to 23.5max	9	8	8.5	9.5	8.5	7.5	9	15.5

Analysis: The affected woodlands are of relatively low amenity value. Area 8 with the highest amenity value is a main local visual feature. The other woodland areas have relatively low

scores being small, not prominent landscape features (and comprise even-aged young woodland or mature woodland without very large or individual trees).

Impact on Trees and Woodland: The higher valued amenity woodlands Areas 1 and 8 would not be disturbed; Areas 2 and 5 would be part disturbed by restoration works in Deep Dale between 2017 to 2025; Areas 3, 4, 6 and 7 would be removed for restoration of the dale (years 2017 to 2025). Thus the development would result in the loss of 4 woodland blocks and 2 part blocks, totalling 0.85ha within the site; and phased progressive restoration to Deep Dale would temporarily cause visual disturbance to the envelope of amenity views and context of adjacent trees, woodland and shrubs. The greatest visual loss would be the Area 4 woodland necessary to remove the Deep Dale tip and secure reinstatement of the dale. These woodlands are planted or regenerated on landforms created by the quarry operations.

Replacement Planting and Management: Mitigation for tree loss would be achieved by landform and landscape restoration and enhancement planting of locally indigenous trees and scrub with species rich grassland within the quarry and restored areas of Deep Dale. The restoration would result in a more beneficial structure to the tree, woodland and shrub setting and visual amenity value of the vegetation. About 2.85ha of new planting would be undertaken using native and locally indigenous tree and shrub species, including Small leaved Lime, Rowan, Field Maple, Bird Cherry, Hazel, Hawthorn, Blackthorn, Buckthorn and Dog Rose. Whilst the dales woodlands are dominated by Ash, given national and Authority action plans regarding the Chalara (Ash Dieback) disease, Ash is not included in the planting mix. The planting would contribute positively to woodland and landscape character. All new planting would be subject to five years maintenance.

Countryside Access and Recreation Impact Assessment

Open Access Land and Recreational Amenity: The White Peak is a highly valued recreational resource. There are areas of Open Access Countryside, designated under the Countryside and Rights of Way Act 2000, close to the Site, mainly associated with Wye Dale and the Dales that branch off from the River Wye. Deep Dale is a popular recreational amenity. Its valued characteristics are bound up with the qualities of its setting within the wider landscape. It is evident from visitor popularity that the quarry has not had significant detrimental impact on the recreational use and visitor enjoyment of Deep Dale, the Monsal Trail and locality.

Public Rights of Way (PROW): There are several public right of way footpaths in addition to open countryside in the vicinity of the site: The Monsal Trail (former Midland Railway) bridleway runs past Wyedale car park opposite the quarry access. Footpath 15 starts near the quarry entrance and runs southwards outside the eastern quarry boundary; at the south eastern corner of the quarry it splits into three with one route west into Deep Dale as diverted footpath 37, one south-south-west along the Caxterway Lane Track towards the A5270 as footpath 19, and one south through Churn Hole towards the A5270 as footpath 29. The definitive route of footpath 37 is north of the current diverted route; it runs westwards along the original line of the valley bottom in the area now buried under Deep Dale tip, currently neither accessible nor safe to walk on. The diverted route is protected and partly screened from the tip by a fence, mound and tree planting; it rejoins the definitive route at the western end of the tip. The definitive route of footpath 19 is different to the route used by walkers; the used route bypasses the first 50m of the definitive route following footpath 29 for 30m, then the diverted Footpath 37 for 40m before re-joining the definitive route. The development may have significant impacts on the recreational use and visitor enjoyment of Deep Dale. The visual impacts on recreational footpaths are addressed in this report under 'Visual Impact' and dust and noise impacts are addressed in the Air Quality and Dust Impact and Noise Assessments later in this report.

Footpath Closure, Effects and Mitigation: Core Strategy Policy T6 seeks to safeguard and enhance the rights of way network to improve connectivity and accessibility; similarly the Derbyshire Rights of Way Improvement Plan (2007) and Statement of Action (2013–2017) seek to ensure the network is open and available for use and to provide a more connected, safe and accessible network. Wherever possible footpaths should be accommodated along existing legal alignments (or a formal diversion order will need to be applied for). The application includes proposals to use Section 257 of the Town and Country Planning Act 1990 to obtain an Order for temporary closure of 400m of previously diverted footpath No.37 along the southern edge of Deep Dale Tip, for up to eight years. The footpath runs on a level raised by previous tipping and the tipped materials have to be removed to uncover the natural southern valley side slope for the Deep Dale restoration. This closure would indirectly effect the footpath network: users of footpath 37 heading in a northerly direction would not be able to continue along the south of the tip to access footpaths 15, 29 and 19, and vice-versa. However, walkers would be directed along footpaths 19 and 18 to rejoin footpath 37 in Deep Dale 1km further south. The alternative footpath 37 1,300m route would replace the current 1,050m; some 650m would remaining open, but not as a through route. Information boards would be sited and a publicity brochure made available to local Visitor Centres and, if necessary, placed in a weatherproof structure in Wyedale car park. Once the dale is restored, footpath 37 would be reinstated on its original route along the valley floor.

Recreation and Public Safety: The quarry boundary, Deep Dale tip and Deep Dale restoration areas would be securely fenced to prevent public access to the operational area. DCC Public Rights of Way Section had requested consideration be given to providing additional parking for use as a Wyedale overspill car park for Monsal Trail users, a safe A6 road crossing and a footpath link to facilitate an extension of the Monsal Trail into Buxton. In consideration of this the applicant does not own land close to the Monsal Trail car park suitable for use for car parking; and a 'safe crossing' of the A6 would be a complex issue to resolve given that this is a busy A Road. The applicant is, however, willing to work with DCC through discussion with the Highway Authority.

Long Term Footpath Benefits: Footpaths 37 and 19 would be reinstated along their original, definitive routes once Deep Dale is restored. The main benefits on footpaths users would be the Deep Dale restoration and footpath 37 reinstatement along the valley floor. Users of footpath 37 would be able to walk through a natural valley for the full length of Deep Dale, which has not been possible since Deep Dale tip started operating in the 1960's. This would provide a superior route more compatible with the rest of footpath 37 and located within a much improved, natural landscape within which users would experience significantly improved views, consistent with the White Peak guidelines.

Hydrogeological and Hydrological Assessment

Aquifer and Springs: The site bedrock, the Woo Dale Limestone, is a Principal Aquifer requiring protection from pollution and derogation. The site is within a Zone 3 Source Protection Zone (SPZ3) for the groundwater resource. Drainage of the main of limestone mass is eastwards towards the River Derwent; locally the natural drainage has been substantially affected by past mining activities, which increased east-west groundwater flows. The local hydrogeology is complicated and conduit groundwater flows highly unpredictable is because the limestone is heavily faulted; however, it is concluded that the limestone in the quarry is a minor aquifer. Nevertheless it has been important to ensure that there is no potential for significant impacts on groundwater quality, conduit systems, local water resources, licensed abstractions, Deep Dale springs or water quality in the River Wye. The closest springs are north of the site associated with the River Wye and Woo Dale valley. Local springs and seepages vary between perennial, seasonal and ephemeral. Springs are recorded in Chee Dale, Cow Dale, Monks Dale, Deep Dale and Wye Dale; most are overflow

springs (seasonal discharge), indicative of unconfined flow in the vadose zone, but some represent perched groundwater. Springs close to the site discharge to the River Wye and its tributaries; those at the river are baseflow springs; that in Woo Dale is an overflow spring. Some are of European importance, i.e. alkaline fen and tufa-forming springs in Monk's Dale.

Quarry Dewatering: The quarry operates under a discharge consent which allows the discharge of water, non-volatile organics <5mg/l and a suspended solids load of <50mg/l. Much of the quarry had been worked in a dry state, but dewatering took place in the western part of the quarry until early 2007, with limestone extraction down to 230mAOD, then recommenced in January 2011 to enable continued extraction below the water table; the floor is now down to 225mAOD. The dewatering "skims" the top off the groundwater which naturally flows through the limestone. The proposed working depth of 225mAOD would continue to involve extraction to 15m below the water table; dewatering would continue with the water being pumped to the existing settlement lagoons. Since the Environment Agency has raised no objection subject to a depth restriction of 225mAOD, it is implicit that a dewatering licence for that depth may be granted when 'Water Transfer Licence' controls come into effect under Section 1 of the Water Resources Act 2003.

Impact Assessment Data: Dewatering is likely to drawdown groundwater and has potential to impact on local hydrology. A Hydrogeological Impact Assessment (HIA) assesses the impact of continued dewatering to 225mAOD. The HIA includes information on hydrological catchments for the River Wye and Deep Dale, analysis of the river character from Buxton Sewage Treatment Works to Chee Dale, river gauging station data, groundwater and surface water monitoring data, borehole logs, BGS borehole records, hydrographs, flow duration curve, and water quality sampling results. A Technical Note provides information about tracer dye checks of flowpaths in the limestone.

Surface and Groundwater Monitoring: A scheme of monitoring was installed in 2011 to target potential interaction between quarry dewatering and flows within the River Wye and Deep Dale systems. The scheme seeks to quantify the site water balance and assess current and future groundwater inflow rates, to assess natural flows from the dale and potential correlation with groundwater levels, to assess water gains / losses, and to monitor groundwater level changes and any relationship with the Wye and Deep Dale valley systems. The monitoring regime at the quarry includes four monitoring boreholes into the limestone, monitoring dewatering rates (borehole water level); stress (sump) testing; rainfall measurements; and flow monitoring in Deep Dale.

Impact of Dewatering on Deep Dale and River Wye Recharge: Groundwater flows are controlled by stratigraphy and fault zones in close proximity to the quarry boundaries, creating flow zones and low permeability barriers, with a localised flow system through the quarry. The HIA says there is no direct connection from the quarry sump to the River Wye, since the two areas are separated by a fault barrier which creates two independent hydrological facies. Whilst the sump intersects groundwater flow along the Wye corridor, there is no observable influence on the river from dewatering. The monitoring indicates groundwater feeding the river west of the quarry far exceeds that intercepted by dewatering. One borehole monitors Deep Dale and a different hydrogeochemical signature indicates this is within a different localised groundwater flow system, not influenced by dewatering, with groundwater levels 2 to 6m below the northern end of the dale, emphasising the stream is an ephemeral, losing stream. The river stage at the end of the monitoring period showed no net fall compared with the start. The conclusions are that the abstraction process is non-consumptive; all dewatered groundwater is channelled to the river downstream of the quarry; the monitored net baseflow and recharge to the river remained unchanged by dewatering; and it is likely that discharging pumped water into the settlement ponds, and out to the river via the Deep Dale channel and culvert, is compensating the interception, such that dewatering effects are limited to the immediate quarry environs with no direct impact on the dale or the river.

Future Water Monitoring: The current monitoring regime (groundwater levels, surface water locations and rainfall) would continue until limestone extraction ceases; the monitoring would comprise the current scheme supplemented by an annual data report and pentannual interpretive report. As a pre-cautionary measure in the unlikely event that a negative effect is observed, or in the annual data return or interpretive report (of trends in ground water level and measured flows), there would be immediate cessation of pumping until the effect is discussed and agreed with the Environment Agency, Natural England and this Authority. A Section 106 planning obligation should ensure continued off-site monitoring, and conditions are recommended to maintain monitoring within the site and cessation of pumping in the event of an incident potentially deleterious to the water environment and dependent ecology.

Maintenance of Surface Water Quality: The stretch of the River Wye between Ashford Quarry 1.25km northeast of the site and Topley Pike 0.25km northwest of the site has a moderate ecological status and good chemical 'at risk' status. To maintain this, all site water would be pumped to settlement lagoons to allow suspended solids to drop out. In the event of accidental spillage of fuels or oils, the management system incorporates oil absorbent booms to hold and treat water prior to discharge. There should be no change in groundwater chemistry or quality and no impact on discharge water quality, due to dewatering.

Groundwater Quality and Licensed Abstractions: The groundwater is good quality. There are local water producing boreholes and springs. Within 2.5km of the quarry there are, under the Water Resources Act 1991 and Water Act 2003, four deregulated licences, one for Topley Pike Quarry process water; five abstraction licences, one for Aggregate Industries process water; seven discharge permits, one for Topley Pike Quarry to discharge water via settlement lagoons to the River Wye; and three private supplies. The Environment Agency Catchment Abstraction Management Strategy (CAMS) assesses water available for abstraction licensing. An environmental flow indicator (EFI), a scenario where licences abstract at full capacity (Fully Licensed Scenario), and the actual average amount of water abstracted over 6 years (Recent Actual Scenario) are used for different flow conditions which take account of natural change in river flow through the year. The quarry is in the Buxton Groundwater Management Unit (GWMU) area which has assessed "Water Not Available for Licensing" (more water has recently been abstracted than the amount available). However, no licensed or registered private groundwater supplies, landfills or springs have been identified as at risk from the proposed workings.

Quarry Flood Risk Assessment and Surface Water Management: The quarry is not within a defined flood risk zone. All runoff from the quarry void and production area that flows naturally or is pumped to lagoons is captured after settlement in the quarry sump. About 95% of incident rainfall gravitates to low points within the quarry or infiltrates to ground on bench or quarry floors. The remaining 5% is captured by the site drainage system that drains to lagoon 1 which has 300m³ freeboard storage providing attenuation for a 1 in 100 year (+20%) flood event. A high level controlled flow outlet discharges to lagoon 2 prior to discharge from the site. If dewatering ceased at any stage, the base of the quarry would flood to approximately 238-240m AOD and the groundwater flow regime would essentially be restored to the pre-dewatering setting.

Deep Dale Flood Risk Assessment and Surface Water Management: The Environment Agency flood risk map shows flooding within Deep Dale; the flood zone is occupied by Deep Dale tip with flows culverted beneath it, and flooding down the valley is controlled by the culvert capacity. Downstream of the culvert a wide channel accommodates flows, although the stream banks are shallow with low-lying ground 1-2m either side which may be prone to flooding; downstream of the channel is another culvert restriction. Any flooding would be most likely to occur up-gradient of the tip culvert. During the removal of Deep Dale tip, surface water from the disturbed area would drain into a sump. The final phase of tip removal would take place during a dry spell in the summer when the stream is not flowing, to

minimise the risk of workings being flooded; should water have to be removed from the excavation it would be pumped via flexible pipeline to the existing settling lagoons. Since the 2010 landslide, the lagoons have been re-profiled, butyl lined, and a bund of limestone chippings installed on the west bank. A management plan would be agreed with the Agency to include control measures for sediment mobilisation and flood evacuation procedures. The stream would be unaffected until most tip material has been excavated and the culvert removed, following which restriction in the valley would focus on the lower culvert which has capacity to accommodate high magnitude storm events. In the event that the culvert capacity is breached, flows would back up the Deep Dale channel and overbank into a plateau area within the valley.

Contaminants, Fuel Storage and Liquid Waste: No pollution incidents have been recorded at the quarry or from the asphalt plant or Deep Dale tip. Any water pumped would be tested prior to discharge. The environmental management system includes collection and treatment of liquid waste from vehicle maintenance. Liquid storage tanks would comply with pollution prevention guidelines. Foul sewerage would be contained within a holding tank and emptied by tanker. Vehicle maintenance would occur within designated areas that allow for containment of spillages from oils, fuels or lubricants. Based on environmental best practice, the risk to the water environment from potential spillage / discharge is considered to be very low.

Landfills: There are four historic landfill sites within 2.5km of the quarry. None of these landfills should be affected by effects on local hydrology / hydrogeology.

Drainage, Evaporation and Proposed Lake: Hydrological impacts on the Deep Dale stream would be insignificant; the re-creation of open channel would increase the length of the watercourse, but the volume of surface water that enters the channel would not increase significantly. The new quarry lake would change local hydrology and may make sustained flows at the lower end of Deep Dale more common; the open water body would increase annual evaporative losses, but this is negligible within the context of the local water system.

Ecology and Biodiversity

Ecology and Environmental Designations: The site lies immediately adjacent to the Peak District Dales Special Area of Conservation (SAC) (2,326 ha) of international conservation importance (a 'European Site' part of the network 'Natura 2000' sites containing rare, endangered or vulnerable habitats and species), between the Wye Valley Site of Special Scientific Interest (SSSI) immediately north of the quarry, and Topley Pike and Deep Dale SSSI (50.59ha) to the south. The SAC boundary is coincident with both SSSI boundaries in the vicinity of the quarry. The SAC includes a diverse range of habitats and species including semi-natural dry calcareous grasslands and scrubland facies, forests of slopes, screes and ravines, European dry heaths, calamarian grasslands, alkaline fens, calcareous and calcshist screes and rocky slopes with chasmophytic (rock crevice) vegetation, white-clawed crayfish, brook lamprey and bullhead. Both SSSIs are notified for the importance of the White Peak limestone dales, with exposed areas of high geological and geomorphological interest and important semi-natural woodland, scrub, species-rich grassland and stream habitats. Both SSSIs contain some of the most flower-rich habitats that remain in the White Peak, including large areas of species-rich calcareous / calcicolous, mesotrophic and acidic grassland, which support a number of nationally rare or scarce plant species. The Wye Valley SSSI includes several dry side dales including parts of Deep Dale (Taddington), Hay Dale, Tideswell Dale, Blackwell Dale, Flagg Dale, and Woo Dale. A wide variety of habitats within the dale system include permanent running water, woodland, limestone cliffs, local areas of open scree and tall-herb grassland., and woodland developed on cliffs and steep, often scree-covered slopes.

The Topley Pike and Deep Dale SSSI in moist areas contain ferns and bryophytes. The cliffs and screes in Deep Dale have a rich flora, with typical leached limestone grasslands along the upper edge and areas of ash dominated broad leaved woodland with sycamore. A small part (0.2ha) of the Topley Pike and Deep Dale SSSI, on the western edge of the Deep Dale tip area, lies within the site, but it does not include the SAC designated features and loss of grassland here should not affect the SSSI conservation objectives or integrity of the designated site. Limestone dust deposited on the Deep Dale tip has destroyed the typical zonation on limestone dale sides, but calcicolous plants thrive. The calcareous grassland within the SSSI/SAC section of the site is untypical grassland; no national rare or scarce plants are present, but nationally declining or restricted distribution species are; it supports more than 30 plant species associated with semi-natural grassland communities.

Deep Dale and Topley Pike SSSI is a Derbyshire Wildlife Trust Local Nature Reserve (LNR). The site includes a Key Ecological Area of unimproved calcareous grassland, a non-statutory designation based on the historical presence of field woundwort, but not recorded in 2011 and 2013 botanical surveys. The site is also designated a RIGs site. There are no non-statutory sites of nature conservation interest within the site. There are 26 Local Wildlife Sites within 5km of the site, the nearest being Tunstead Quarry 500m to the north, designated for its unimproved calcareous grassland. Five other SSSI's are within 5km of the site [(Wye Valley (the nearest); Monk's Dale; Duchy Quarry; Waterswallows Quarry and Calton Hill)]. The Derbyshire Dales National Nature Reserve (NNR) is approximately 4km northeast of the site. There are also three other LNRs within 5km of the site (Priestcliffe Lees, Miller's Dale Quarry and Chee Dale).

Wildlife Protection: Several species and habitats with potential to exist within the site or local area are collectively protected by the Wildlife and Countryside Act (WCA) 1981 as amended by the Countryside and Rights of Way (CRoW) Act 2000, the Protection of Badgers Act (1992), the Wild Mammals (Protection) Act (1996), the Natural Environment and Rural Communities (NERC) Act 2006, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended 2009), and the Conservation of Habitats and Species Regulations 2010:

The Biodiversity Duty: Regulation 3(4) of the 1994 Regulations imposes a statutory duty on the Authority to have regard to the Habitats Directive 92/43/EEC in the exercise of any functions. The Authority also has a duty, under Section 40 of the NERC Act 2006, to the conservation of biodiversity ('the Biodiversity Duty') including a legal duty to European Protected Species ("EPS") in determining applications for development which may impact on them. The Authority also has a duty to ensure planning decisions include conditions to avoid conflict with the statutory protection afforded to wildlife by the WCA and Regulations, the statutory duty of the Authority to protect wildlife, and compliance with relevant Development Plan policies to protect wildlife. The Governments guidance on 'Protected species and sites: how to review planning proposals' (12 May 2015), and 'Wild birds: surveys and mitigation for development projects' (28 March 2015) collectively requires Natural England's Standing Advice to be applied to planning decisions. Under the Biodiversity Duty the Authority must show regard for conserving biodiversity in all its actions, including issuing planning permissions; the recommended conditions, subject to monitoring and enforcement, would discharge this duty.

Duty to Consider Derogation Tests: The Habitats Directive provides for derogation from the prohibitions providing conditions are met; those derogations are transposed into the Conservation of Habitats and Species Regulations 2010 as a licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully. Under Regulation 53 three "derogation tests" must be applied by Natural England in considering licencing applications. This Authority, when deciding whether to grant planning permission, must consider the

likelihood of derogation and the tests; failure to do so would breach Regulation 3(4). The tests (in summary) are: (i) to preserve public health, public safety, or other imperative reasons of overriding public interest, including of a social or economic nature and beneficial consequences of primary importance for the environment [*Regulation 53(2)(e) 'mitigation licences'*]; (ii) no satisfactory alternative that will cause less harm to the species [*Regulation 53(9)(a)*]; and (iii) that the action authorised will not be detrimental to the maintenance of the population [*Regulation 53(9)(b)*] (i.e. favourable conservation status of the species must be maintained which may necessitate the creation of new habitats to offset any damage).

Habitats Assessment: Regulation 61 applies Article 6(3) of the Habitats Directive making it the responsibility of this Authority (as the 'competent authority') to carry out an Appropriate Assessment if significant impacts on a European Site are considered likely. The European Commission's guidance in relation to Habitats Assessment recommends a four stage approach to address the legislation as follows:

Summary of Habitat Regulations Assessment ('HRA') Process		
Stage	Description	Legislation
1] Screening:	"Test of likely significant effect" on Natura 2000 site	Habitats Directive Article 6(3) & Habitats Regulations 61(1)
2] Appropriate Assessment by the competent authority (in this case PDNPA):	If likely to have significant effect on integrity of a European site; considers impacts, implications relative to the site's conservation objectives, and mitigation.	
3] Assessment of alternative solutions:	If not possible to fully mitigate adverse impacts.	Habitats Directive Article 6(4) & Habitats Regulation 62
4] Assessment where adverse impacts / no alternative solutions:	Assesses compensatory measures where the project or plan should proceed for Imperative Reasons of Overriding Public Interest (IROPI).	

Given confirmation by Natural England that the information provided is sufficient for the stage 1 screening, and conclusions that there would be no 'Likely Significant Effect' upon the Peak District Dales SAC and an Appropriate Assessment / further HRA is not required, it has not been necessary to progress the habitats assessment to stage 2.

Biodiversity Action Plans (BAP) Context: The UK Biodiversity Action Plan (UKBAP 1992-2012) includes detailed action plans for priority habitats and species. The UK Post-2010 Biodiversity Framework succeeds the UKBAP and identifies activities to complement biodiversity strategies in achieving the international Strategic Plan for Biodiversity (2011-2020) 'Aichi targets' supporting the Convention on Biological Diversity. The Peak District Biodiversity Action Plan (LBAP 2011-2020) identifies local priority habitats and species.

Habitats and Species of Principal Importance: Lists of habitats and species of principal importance for conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, comprise 56 habitats and 943 species identified as requiring action in the UK BAP and which are important conservation priorities in the UK Post-2010 Biodiversity Framework.

Ecological (Site Habitat and Species) Surveys: A desk study (2010 trawl data) determined the sites of conservation value within 5km radius of the centre of the site. A range of wildlife field surveys undertaken during appropriate survey seasons recorded the presence and value of habitats and wildlife in the vicinity of the site. These included Extended Phase 1 Habitat Survey (2010 & 2013); Phase 2 Botanical Survey (2010 & 2011); Breeding Birds Surveys (2010-2011); Badger Survey (2010) (confidential); Otter Survey (2010 & 2013); Water Vole Survey (2010 & 2013); Bats (trees and buildings) Surveys (2010 & 2013); Reptile Surveys (2010); Amphibians (Great Crested Newt) Survey (2010) (two settling lagoons); Invertebrate Surveys (2010 & 2011); Invasive Species Surveys (2010, 2011 & 2013); and additional (update) surveys (2013).

Summary of Main Habitats within the Site: A Phase 1 Habitat Survey (2013) identified principal habitats within the site and NVC plant communities: The majority of self-set trees are ash, sycamore and goat willow on grassy slopes along the quarry edge. Within the Deep Dale tip area there are small immature broadleaved plantations with species-poor ground flora composed of tall ruderal vegetation such as common nettle, willowherbs and cow parsley. The south west corner spoil tip has developed sparse open grassland community with patches of scrubby, immature broadleaved woodland that varies from open to closed canopy. The land-slip led to loss of broadleaved plantation woodland on a 30m-wide section of the east-facing slope adjacent to the settling lagoons; this area currently supports an open community of tall-herbs and short, ephemeral plants.

Summary of Botanical Survey Results:

- ❖ Woodland and Scrub (1.5ha) comprising: *Semi-mature woodland*: 1.0ha (UK BAP Priority Habitat); *Immature deciduous* plantation: 0.4ha; *Scrub*: Willow (*Salix*) 0.1ha; No ancient woodland or veteran trees are affected by the development.
- ❖ Semi-Natural Grasslands (2.9ha): These comprise: '*CG2c*' *Grasslands*: UK BAP Priority Habitat; 66 plant species recorded in Deep Dale tip area; 45 in the field east of the tip; species-rich, but lack characteristic species on Deep Dale slopes; conservation interest enhanced by grass-of-parnassus; no rare or scarce plants; nationally declining or restricted distribution species are present; '*MG1*' *Tussocky Grasslands*: Species-rich areas fringing CG2c areas and east end of Deep Dale; potential habitat for small mammals and invertebrates; ubiquitous throughout Britain; no nationally rare or scarce plant species; and '*OV28*' *Marshy / Muddy Grassland*: Several small patches; no rare or scarce species; widespread community; 35 plant species recorded; all except three also found in CG2c and MG1 areas.
- ❖ Aquatic and Swamp Habitat (0.2ha) (includes Settling Lagoons): These comprise: *MG8 Mesotrophic Grassland*: 0.05ha either side of open section of Deep Dale stream; *Marshy Grassland*: Along unculverted eastern section of Deep Dale stream, seasonally wet; sweet vernal grass; marsh marigold; red fescue; *Yorkshire-fog*; meadow buttercup.
- ❖ Invasive Species: None recorded within the site.

Summary of Species Surveys Results:

- *Badger*: A confidential report of any badger activity / setts in the locality.
- *European Brown Hare*: There are 4 records of brown hare, the nearest 0.4km from the site. This species was not recorded during the surveys and, given a lack of arable habitats, it is unlikely that breeding hares and leverets would use the site.
- *Otters and Water Vole*: There are 19 water vole records in the area, the nearest 150m from the northern site boundary at the River Wye. There was no evidence for the presence of otters and water vole using this section of the Deep Dale stream which is unlikely.
- *Bats*: Breeding populations are highly unlikely within the site. Most trees in the Deep Dale area are semi-mature and offer no roosting potential; two willow trees to the east have potential. Site buildings have no internal roof voids or roosting potential; there is no evidence of bats and roosts are unlikely in the buildings. The tip grassland and scattered groups of semi-mature trees offer foraging and commuting habitat, but open areas within the quarry, are sub-optimal.

- **Birds (breeding survey):** 37 recorded bird species include the song thrush, a UKBAP Priority Species and Species of Principal Importance and (Red List) high conservation concern, and ten (Amber List) species of medium conservation concern. The Red List song thrush is a possible breeder and 3 of the 10 Amber List species were breeding on the site. The quarry face is used by jackdaw and peregrine falcon to nest (2013); peregrine, listed on Schedule 1 of the WCA, was recorded as a breeder on site (this species is an uncommon breeder, with breeding attempts registered at 20 sites in Derbyshire in 2009). Raven, an uncommon resident, uses quarry faces to nest and was seen locally (2011 and 2013); but no confirmation of this species breeding was recorded by the surveys. Others recorded are (green list) species of low conservation concern or no recognised status. 24 species identified are confirmed or probable breeders including the (amber list) dunnock, whitethroat and willow warbler. The site provides foraging habitat for several species.
- **Reptiles:** There are 5 records for slow worm, common lizard, adder and grass snake within the area. A common lizard was found within the site in 1997. No reptiles or evidence for them was recorded during targeted surveys; their presence in the quarry, is unlikely.
- **Great crested newts (GCN's):** Not found and unlikely to be present. The nearest record is 600m from the site separated by the A6 and River Wye, physical barriers limiting the movement of newts towards the site.
- **Native White-Clawed Crayfish:** Not found. No records within the search area. The Deep Dale stream is a sub-optimal habitat for and unlikely to support this species, due to the lack of suitable refugia and water during the summer.
- **Invertebrates:** The surveys identified 138 invertebrate species on Deep Dale tip, with 2 beetles of nationally scarce conservation status, but no Red Data Book species. The south west corner survey recorded 207 species with 1 beetle nationally scarce. The Small Heath butterfly was found. Most species common and widespread. No Local BAP species.

Potential Ecological Effects, Mitigation and Compensation: Operational Phases A to C will involve temporary loss and fragmentation of habitats, with potential impacts, as follows:

Woodland and Scrub: In the eastern section of Deep Dale tip 0.4ha of semi-mature broadleaved and immature plantation woodland would be lost for re-profiling the slopes. About 0.7ha of semi-mature woodland (the western section of slope above Deep Dale tip) would not be affected; retained woodland would maintain habitat links with neighbouring woodland. Compensation would be woodland planting around the eastern valley side and where woodland is removed; replanting locally native mixed broadleaved woodland would create a positive net gain in woodland habitat and enhance the quality of woodland within the local landscape. There would be permanent loss of a small area (0.1ha) of grey willow and goat willow, but the impact of this would be insignificant.

Calcareous Grassland: There would be partial temporary loss of 2.3ha of (CG2c) calcareous grassland (including 0.2ha within the SSSI / SAC boundary) in the eastern valley side which is also the Key Ecological Area (NG116), Deep Dale tip area, and Tip 3. However, the grassland is of recent origin, the botanical assemblage is not typical of CG2c communities, extensive areas of adjacent limestone dale support better quality, more-typical CG2c grassland, and loss of the grassland would not fragment grassland in the local area. The Deep Dale reinstatement would promote 2ha of new calcareous grassland habitat, larger than existing, mitigating loss. Extensive parts of the restored dale would be hydro-seeded with a suitable local seed mix if appropriate, but natural regeneration is expected to be the preferred method of establishment. Long-term, the loss of CG2c grassland characterising Key Ecological Area NG116 would be fully compensated with a net gain in this habitat.

Marshy Grassland: The open stream channel east and west of the culvert would not be affected. There would be temporary loss of 0.6ha of (OV28) muddy grassland; given the small area of loss, low botanical diversity, local abundance and ubiquity of this community, and species abundant in neighbouring habitats, its loss would be insignificant; the impact on aquatic macrophyte communities would be neutral. The reinstatement of 472m of stream would provide opportunities to expand this habitat; with removal of the culvert there may be rapid improvements in diversity, invertebrate assemblages and possibly fish species, and the significance of impact would change to positive and significant at site level.

Mesotrophic Grassland: The development would not result in any loss of the *Cynosurus cristatus* - *Caltha palustris* (crested dog's tail-marsh marigold) (MG8) grassland. This habitat would spread into the Deep Dale tip area in association with the reinstated stream, yielding a positive impact on this habitat.

Bare ground: The development would result in loss of 13.6ha of bare ground. The majority of loss would be the working quarry floor. The restoration would provide bare rocky ground on quarry faces and benches, to allow colonisation by pioneer plant communities and micro-habitat niches for invertebrates developing into "Open Mosaic Habitats on Previously Developed Ground", a Habitat of Principal Importance. The Deep Dale restoration may expose rocky outcrops and scree slopes; new outcrops and scree slopes would be created.

Aquatic Habitat: Streams are Habitats of Principal Importance under the NERC Act 2006. The reinstatement of the Deep Dale stream could alter surface water run-off; any impacts on stream flows and water quality could have adverse implications for species within the stream corridor. The removal of material from Deep Dale tip would expose substrates previously stabilised by vegetation; without control measures this could increase sedimentary load in the stream; high levels of suspended solids can impact on aquatic species. Suspended solids would also be deposited downstream, with silt accumulation which may smother the stream bed that support sensitive flora and fauna. Measures for protection of the stream from pollutants and contamination are described earlier in this report. The reinstated stream would develop a natural course and channel, higher ecological value and functionality. The reinstatement to open channel would contribute to the Peak District LBAP target for rivers and streams in SSSIs.

Badger: With mitigation measures and legal protection (administered by Natural England) any badger interests would be protected, and the restoration would enhance habitat opportunity.

Bats: No works would be undertaken on final quarry faces that could affect any roosting bats. The quarry would continue to provide bat commuting links and foraging habitat. Loss of scrub and woodland could disturb bats, but woodland stands and grassland on the south side of the dale would maintain potential foraging and commuting routes. The quarry and asphalt plant operate during darkness in winter, but adverse impact on inactive bats at that time is not anticipated. No adverse impacts on bats are anticipated during restoration which would create new habitats providing additional foraging and roosting habitat and commuting routes.

Birds: Calcareous grassland used by house martin, swallow and swift, and scrub and immature woodland east of Deep Dale, would be temporarily lost. Tree and shrub removal from Deep Dale may displace birds and reduce breeding and foraging habitat; this could impact on species of conservation concern (e.g. dunnoek, whitethroat and willow warbler). Further indirect disturbance from lighting and noise can affect normal diurnal rhythms and communications and the use of machinery during restoration could cause temporary displacement of birds. Impacts would be avoided by carrying out work (e.g. vegetation removal) that may affect nesting habitats outside the nesting season (March-August). Woodland planting within Deep Dale, restoration of calcareous grassland, lake creation with marginal shallows for wetland birds, and reinstatement of the Deep Dale stream, would

provide replacement foraging and nesting habitat for several species. Nesting habitat associated with cliff faces will also be protected and sufficient cliff nesting habitat provided in the long term.

Great crested newts: Settling lagoons on the east boundary provide sub-optimal breeding habitat for GCN due to water quality, lack of aquatic vegetation and steep concrete sides. Given physical barriers from the nearest newt site adverse impact on this species is unlikely.

European Brown Hare, Water Vole, Reptiles, Native White-Clawed Crayfish: Adverse impact on any of these species is unlikely.

Lepidoptera and Other Invertebrates: The Small Heath butterfly is a widespread but declining Species of Principal Importance. Suitable grassland habitat in the local area would remain abundant and there would be no loss of habitat continuity in the local area. Habitats that support conservation status invertebrates would be temporarily lost, an impact only significant at a local level. There is considerable scope for creating enhanced invertebrate habitat, with long-term benefits, including creation of south and south-east-facing slopes in Deep Dale; surfacing groundwater forming broad, damp seepages that can support a specialised assemblage of invertebrates; improved calcareous grassland to encourage spread and distribution of small heath butterfly; and microclimates within recreated topography. The mitigation would reduce impact significance to positive and significant at local level. The overall significance of impact would be positive.

Residual Ecological Impacts: The mitigation would reduce residual impacts on ecology and the ecological value of the site would be enhanced. Habitat creation would include large areas of tree planting, a lake with shallows designed for wetland birds (e.g. breeding ducks and waders), and reinstatement of the Deep Dale stream. If appropriate seeds from the SSSI would be sown in the restoration area to accelerate habitat development, and the selective use of soils would enhance suitability for plants and invertebrates. The restoration would create 'Open Mosaic Habitats on Previously Developed Ground', a Habitat of Principal Importance. The impact would change to positive and significant at site level.

Summary of Habitat Gain or Loss			
Habitat type	Current area of habitat	Total area habitat loss	Future habitat area
Calcareous grassland	2.3ha	2.3ha	5.27ha
Ephemeral grassland & scrub	1ha	1ha	0ha
Marshy grassland	0.05ha	0ha	0.08ha
Bare ground	13.6ha	13.6	6.92ha
Rocky outcrops & scree slopes	0ha	0ha	0.22ha
Semi-mature / immature woodland & scrub	1.5ha	1.18ha	0.32ha
Lowland mixed woodland	0ha	0ha	1.04ha
Seasonal stream & marshy grassland	0 m (<i>within site</i>)	0 metres	472 metres
Lake	0ha	0ha	9ha

Summary of Residual Effects on Habitats / Species		
Receptor	Impact significance (prior to mitigation)	Impact significance (after mitigation)
SAC / SSSI's, semi-mature woodland, birds, bats, invertebrates, watercourse (stream/river)	Adverse, significant at local level (high)	Positive (High)
Calcareous Grassland	Adverse, significant at local level (high)	Positive (Moderate)
Badger	Confidential	Neutral

Biodiversity Management Plan (BMP): Without comprehensive restoration and habitat

management, willow scrub would establish within the grassland over 10 to 20 years. The Deep Dale grassland is already rapidly changing to areas of willow scrub, which would significantly decrease botanical diversity and ecological interest. To avoid this, a detailed BMP for the site would be prepared in liaison with this Authority and Derbyshire Wildlife Trust and submitted for approval within 12 months of any permission.

Hydro- Ecological Assessment

Impacts on Important Water Dependent Ecology: It had been thought that the water regime cannot be modelled and confident predictions cannot be made as to where water will flow in the event of disruption of the natural system. This could have potential serious impacts including; draw down of the water table / aquifer, derogation of base flows and water quality in the River Wye; interception / loss of conduit systems; derogation / loss of Deep Dale springs; dewatering of wetlands and water dependent features/habitats with negative impacts on the SAC, the Topley Pike SSSI, the Wye Valley SSSI and the Lathkill Dale SSSI; and effect on licensed abstractions in the locality. Previous proposals to access reserves under extant consents would have involved significant de-watering to 210mAOD and could, potentially, have adverse impacts on local hydrology and designated areas of water dependent ecology that could extend a considerable distance from the quarry. Following extensive discussions, a draft consolidation scheme (May 2010) for scoping indicated working restricted to a depth of 230mAOD throughout the quarry, which would not require active dewatering. This was considered an appropriate solution. However, the current proposals to quarry down to 225mAOD re-introduce the requirement for dewatering (to a maximum level of 227mAOD). Consequently, concern focuses on the potential impacts on hydrology, hydrogeology, the aqueous environment, wildlife dependent species, and habitats associated with the SAC, River Wye and a winterbourne stream in Deep Dale.

Dewatering v Wet Working: It was implicit in the 2010 scheme that there would be no dewatering, although wet extraction would be employed, so quarrying would have still involved part working beneath the water table level. Set against the potential impacts of dewatering, English Nature (now Natural England) had asked that the possibility of wet working be fully investigated, assumed practicable over depths of 10 to 15m, with local groundwater levels of 238-240mAOD, the premise being that extraction to 225mAOD may only require minimal dewatering, reducing potential impacts upon freshwater features. In considering the relative merits of wet working, there remained the potential for 'wet' extraction to significantly and detrimentally impact on the water environment and local ecology, including features of European importance. Also, working below water would be technically difficult, less efficient, and more costly compared with dewatering, and would leave substantial limestone reserves in the base of the water filled void. Given the considerable importance of the water regime and designated status of the adjacent area, a hydrological / hydrogeological assessment has been necessary to demonstrate the (fluctuating) location of the water table, the possibilities of avoiding dewatering, that dewatering or 'wet' working would not adversely impact on designated interests, that any aquifer recharge would be strictly controlled including preserving water quality, and that no unacceptable harm to interests of acknowledged importance would occur.

Potentially Affected Aqueous Species and Habitat: In considering dewatering and the SAC interests and ecology, the following habitats and species are of primary importance:

Alkaline Fens: This is a habitat of European and national importance, a complex assemblage of vegetation types characteristic of sites with tufa-forming springs or peat formation with a high water table and a calcareous base-rich water supply. This habitat is extremely rare in the UK context, due to its very specific hydro-geological characteristics. Of two main NVC types associated with tufa, one (the M37 NVC type) is present in the Peak District Dales SAC as a qualifying feature. Alkaline fen and tufa-forming spring habitats are found in Woo Dale (the

nearest to the quarry about 0.5km to the north), Chee Dale and Monks Dale. Alkaline fen is the only SAC interest feature directly supported by groundwater and surface water.

Bullhead: The only freshwater cottid in the UK; present throughout the Wye catchment but difficult to survey, and there is no species population data within the area. The riverine habitat has pockets of suitable bullhead habitat, some sub-optimal. It is likely that bullheads use tributary streams, but unlikely in the ephemeral Deep Dale stream.

Brook Lamprey: Like the bullhead, brook lamprey are present throughout the Wye catchment, are difficult to survey, and there is no species population data available. The River Wye supports suitable spawning habitat, some likely to provide optimal larvae habitat. Lampreys may use some tributary streams but unlikely in the ephemeral Deep Dale stream.

Habitat Distribution: Four tributary streams are within the area: two have limited access for fish and appear ephemeral; the other two are accessible to fish and support habitats possibly suitable for bullhead and lamprey. The Deep Dale stream is not accessible to fish. Where the Flag Dale stream discharges into the river in Chee Dale it is characterised by springs, in an area that supports a range of plants likely to provide seasonal cover for fish; the most valuable habitat is likely to be in the area of springs near the confluence with the river.

Assessment of Risks of Dewatering to Water Dependent Ecology: The Hydrogeological Impact Assessment indicates groundwater impacts are not anticipated beyond the quarry boundary; that no springs or environmentally sensitive features are at risk from the workings; and it is highly unlikely that quarry dewatering would change the characteristics of surface water features. Given that assessment and having regard to distance to the nearest alkaline fen and separation from the quarry by the River Wye, it is extremely unlikely that the fens, bullhead, or lamprey would be adversely affected by the development.

Geodiversity Assessment

Geology: The geology beneath the site comprises the Woo Dale Limestone Formation of the Carboniferous Limestone. Superficial deposits (alluvium) are present along Deep Dale and River Wye. The limestone surrounding the site comprises the Eyam Limestone Formation, underlain sequentially by the Monsal Dale, Bee Low and Woo Dale Limestone Formations. The Millstone Grit overlies the limestone. Regionally, tectonic activity resulted in beds dipping in a multitude of directions between 1 to 10 degrees; there has been extensive faulting. Mineral lobes are also extensive. There are three faults in close proximity to the quarry; the most northerly is in close proximity to the Wye Valley, with fault features identifiable in the river bed; the second is between the river and quarry, seen as a fault plane in the north eastern corner of the quarry, and transecting the lower section of Deep Dale; the third fault cross cuts the southern boundary of the quarry and Deep Dale.

Geological Conservation Within the Quarry: The NPPF (para.109) seeks the protection and enhancement of geological conservation interests; this is taken into account in the quarry restoration design. Faults and localised mineralisation are exposed in the Woo Dale limestone quarry faces. The continued operation of the quarry would not materially affect visible features of geological interest. Most mineral extraction would take place between 240-225mAOD providing new geological exposures; however, the final faces at this depth would be under water when the quarry is restored and dewatering ceases. Features of geological interest found below 240mAOD should be recorded, the records to be available to this Authority and British Geological Survey.

Deep Dale Regionally Important Geological Site (RIG): This RIG (1992) covers the east west section of Deep Dale south of the quarry and extends south along the full length of the valley to where it splits into Back Dale and Horseshoe Dale. The RIGS Register identifies the

main points of interest as the Deep Dale dry valley; Chee Tor Limestones; fault; and mineralisation. Despite the designation that part of the RIGS affected by the Deep Dale tip is not currently geologically or geomorphologically representative of the majority of the Dale. The removal of tipped material within Deep Dale and reinstatement of the original dale landform would expose the original valley sides; this would be likely to reveal areas of original rocky outcrops and scree slopes which would be retained as part of the restoration. Also, the re-profiling of the southern part of the eastern valley side east of the tip area would change the potentially unstable steep tipped quarry waste materials slope to a shallower gradient consistent with the natural valley sides elsewhere within Deep Dale.

Archaeological and Cultural Heritage Impact Assessment

Cultural Heritage in the Locality: Regard has been given to the Ancient Monuments and Archaeological Areas Act 1979 and Planning, Listed Buildings and Conservation Areas Act 1979 with reference to the National Monuments Record ('NMR'). Scheduled Ancient Monuments (SAM's) present within 2km of the site include Cow Low Bowl Barrow (Tunstead Quarry) and an Oval Cairn and Round Cairn at Gospel Hillocks (Cowdale). Cowdale Quarry is a Scheduled Ancient Monument for its industrial heritage. Ten listed buildings are present within 2km; the nearest are Grade II listed buildings of King Sterndale including the Village Cross, House and Cottages, and Green Farmhouse, all within 250m to the west of the site.

Site Specific Impact on Archaeology / Cultural Heritage: The development would only affect land already subject to quarrying or tipping and related disturbance. All future mineral extraction would be contained within existing deep excavations and the restoration of Deep Dale tip would only disturb the dale where it has been subject to quarry working, tipping and embankment formation, dam and culvert construction; consequently, the whole of the area identified for working and restoration is already substantially disturbed and there would be no site specific impact on archaeology or cultural heritage.

Potential Impacts on the Setting of Heritage Features: English Heritage 'Conservation Principles, Policies and Guidance' (2008) relates 'the setting' to the surroundings in which a place is experienced, its local context, present and past relationships to adjacent landscape; the setting of a significant place will be guided by the extent to which material change within it enhance or diminish the place's significance. In this context the development would have negligible additional impact on the setting of cultural heritage interests in the locality. The temporary visual manifestations of removing Deep Dale tip may be visible, at some distance away, from the interest features. The restoration of the quarry and Deep Dale would enhance the wider setting in which the heritage features reside.

Christ Church: There is local concern that blasting vibration (*see 'Blasting Assessment' later in this report*) may have damaged listed buildings at King Sterndale, notably the Grade 2 Listed Christ Church built in 1848-9. An Authority inspection in 1996 recorded a bulge in the north wall and cracking in the wall and mortar. The 2007 Quinquennial Inspection for the Diocese reported that "old settlement remains active" and recorded bulges in external walls, settlement cracks and other deterioration. In January 2008 English Heritage refused a grant for repairs and an inspection recorded no apparent movement in wall cracks in masonry joints over 10 years. In August 2008 English Heritage identified poor bondage between the outer and inner faces allowing the wall to delaminate and wall fracture induced by corroding ferrous supports. In May 2013 The National Church Fabric Survey assessed the church to be in 'very bad condition' but English Heritage reviewed this considering the church to be in good condition, so it is no longer classed 'at risk'. The structure had moved in the past, there have been references to active settlement and vibration from quarrying, but there is no sustainable conclusion on attribution of cause of past deterioration.

Geotechnical and Stability Assessment

Geotechnical Assessment: A Regulation 33 (Quarries Regulations 1999) Geotechnical Assessment for removal and placement of Deep Dale tip material into the quarry, includes (i) Near surface investigation: topographical survey to show mineralised fault locations and “collapse” features (‘sink-holes’) in the silt lagoon, and old workings of the mineralised fault on the south side of Deep Dale; (ii) Deep investigation: through the whole tip to determine density and derived shear strength; and (iii) Slope and ground bearing stability analysis: using cross sections along the length of the tip to ensure safe removal in successive layers using the suggested plant; across the tip to ensure the valley sides would be stable throughout; and through the extended Tip 4 in the quarry to ensure this would be stable during construction, build-up with silt layers and restoration.

The Landslip Zone: The landslip on 25 June 2010 within the Deep Dale eastern valley side buried the settlement lagoons and part of footpath 15, and destroyed a significant section of a treed embankment. A stability back-analysis of the slope failure concluded that it occurred due to high seismic loading by a blast in the quarry. The eastern valley side south of this location exhibit slope angles near 40° which indicate slopes approaching or possibly exceeding “unity”. The eastern valley side north of the landslip exhibit tree covered slopes at 36°, and it is concluded this should be stable so long as further blasts ensure minimal seismic loading.

Geotechnical Design for Stability: All quarry faces have been designed for long-term stability. Analysis sections show progressive removal of the Deep Dale tip upper, middle and lower layers; and stability of the upper (north) lower (north) and lower (south) tip scree side slopes. The extended Tip 4 would be stable with slope angles of 1:3 (27°); the relocated Deep Dale material onto Tip 4 would be classified under the Mines and Quarries Act as a quarry tip and the design of this and resultant landform must be approved by a qualified, experienced geotechnical specialist. The celled tip restoration slopes would be no steeper than 32° and designed to be stable. A Technical Note details the methodology for layered construction and compaction of the less stable eastern valley slopes. The loose tipped “overly steep” southern part of the eastern valley side, in the 2010 landslip area, would be buttressed with granular material at slopes between 14° and 26° to ensure long term stability; these slopes would be considerably shallower than the 40° existing slopes and would provide geotechnical support (with a factor of safety of 3.24 to 1.66). The northern part of the eastern valley side would be left insitu with a tree covered 36° slope. Quarry face and Deep Dale stability monitoring would continue throughout the development compliant with the Quarries Regulations 1999.

Deep Dale Tip Relocation Impact Assessment

Preliminary Contamination Hazard Assessment: This includes historical maps and data, photographs, exploratory records, groundwater monitoring, laboratory chemical test results, laboratory geotechnical test results, groundwater risk assessment, chemical test results of soil, water and leachate, and guidance for classification of soil as waste. Conceptual site models (schematic sections) of Deep Dale tip and placement of the materials from it in the quarry (on Tip 4) show predicted geological and hydrological settings, major on-site potential contamination sources and vulnerable receptors. The principal issue is how safe it would be (for the environment and operatives) to disturb and excavate the tip and relocate materials from it, notably potential problems in handling and stabilising the lagoon silts. Chemical data from previous investigations had shown potential for shallow materials from the tip lagoon to leach contaminants and impact controlled waters. The potential receptors of contamination are the Deep Dale stream, the principal aquifer, the River Wye, ecosystems and SAC.

Deep Dale Tip Investigation: This included a wide range of exploratory and testing methods, including pits, boreholes, water sampling and soil sampling, an options appraisal

on suitability for reuse of materials in restoration, and a geotechnical assessment of materials for trafficability. The boreholes recorded lagoon depths between 8.34m and 15.88m with low drainage / permeability. The lagoon sediment comprises limestone dust; with calcium (37% by weight) and smaller but significant amounts of magnesium, aluminium and manganese. Low contaminant concentrations were found in both silts and granular materials; the lagoon material was not producing leachate; groundwater & surface water analysis showed most concentrations below laboratory reporting limit; those above exceeded screening criteria for aluminium, antimony, copper, zinc, ammoniacal nitrogen, and petroleum hydrocarbon (PHC); no hydrocarbons measured in the highest risk range; measured phytotoxic metals (copper, chromium, nickel and zinc) are lower than guideline values for protection of plants in the MAFF 'Code of Good Agricultural Practice for the Protection of Soil' and there is no risk to plants due to phytotoxicity.

Contamination Assessments: These conclude that no remediation measures are required to address risks to controlled waters other than the hotspot(s); the existing tip materials in their current location are not a significant source of contaminants, and pose negligible risk to humans, ecology or controlled water receptors and groundwater. Contaminants in groundwater in one 'hot spot' location would need remediation; additional investigation may be necessary to find any other hotspots; deeper lagoon materials will require sampling and chemical analysis as the operation takes place. DCC asks if the tip could be dismantled west to east to limit overall impact and provide some early restoration and habitat creation, with benefits at a later stage in extending habitat along the dale; however, the proposal is to excavate the tip from top down in a series of lifts; this safer technique would prevent lateral 'spill-out' of any rewatered silts during recovery of the waste materials.

Options for Moving Lagoon Silts: The relocation of lagoon material using conventional long reach excavator and loading into dump trucks for transport would have lower safety hazards than slurry pumping and would use negligible water. The granular materials have to be moved this way so all tip materials would be moved using the same machinery; the silts and granular materials can be removed together in horizontal strips and mixed to create a homogenous material that is geotechnically more stable. The disadvantage of this method is that, due to stability and safety issues, only a limited volume of lagoon silts can be moved each season, so it will take up to 8 years to move the whole tip. The alternative slurry pumping option was rejected given several disadvantages: a large volume of water would be required; more settlement of the new landform is likely, as the lagoon material will have much higher initial moisture content; pumping would need surface water control and lagoon construction for recycling water, necessitating a higher level of safety and security; the relocated slurry could produce an unstable tip within the quarry; re-slurrying the silt could mobilise contaminants; uncertainty as to how quickly the lagoon could drain and become stable enough to take the next tranche of slurry; therefore a longer period of time would be required before the final landscaping and vegetation could be established.

Moving Deep Dale Tip Risk Assessment: The tip can be safely removed in a series of layers using 25 tonne excavator and articulated dump trucks. Regular monitoring of ground conditions would be necessary: Perched groundwater is likely to be present in the silt, and possibly the granular materials; with a moisture content around 35%, the lagoon material must be dried before handling and compaction. Temporary access roadways across the tip would have to be constructed. If ground conditions firm with depth, heavier plant could be used to remove the lower levels. A watching brief should be maintained for higher contaminant concentrations; if encountered, these materials should be segregated and stockpiled, pending chemical analysis and off-site disposal or re-use. A surface water control plan would prevent drainage mobilising silt and discharging into the stream. With a design angle of 32° for re-exposed scree slopes underneath the tip, the slopes would be stable but with low factors of safety.

Use of Lagoon Material in the Quarry Risk Assessment: Almost all of the Deep Dale tip materials would be suitable for use for restoration, but a small portion may require treatment, recycling or off-site disposal to landfill. The moisture content of the bund material is 2% above the optimum for use in earthworks. The main risk associated with using the lagoon material is groundwater and surface water contaminants leaching and entering the river; other potential contaminants mostly appear to present no overall risk. The lagoon material is not suitable for bio-remediation given moisture content, grain size, need to add coarser, granular material to aerate it, and need for specialist excavator equipment to allow low bearing pressure and long reach and/or temporary roads for haulage wagons. Whilst this renders the materials unsuitable for placement below the water table, they would be located above projected water table levels.

Waste Impact Assessment

Pollution Impacts of Handling Quarry and Plant Process Waste: The proposals to re-excavate and relocate quarry waste, silt and granular material and the continued generation of quarry and processing plant waste, may have significant environmental impacts. The potential impacts on the aqueous environment and of noise and dust are addressed elsewhere in this report; the effective pollution controls exercised by the Environment Agency are outlined below:

Environment Agency Control and Mitigation: The removal of Deep Dale tip and its placement in the quarry and restoration works would be subject to a Remediation Strategy and Implementation and Verification Plan in accordance with procedures in the Environment Agency Contaminated Land Report CLR 11 'Model Procedures for the Management of Land Contamination'. This would address environmental issues including ecological mitigation, surface water management, dust and noise. The lagoon and bund materials are technically waste once excavated, and can only be re-used on site if (i) procedures are followed in the CL:AIRE ('Contaminated Land: Applications in Real Environments') 'The Definition Of Waste: Development Industry Code of Practice' given certainty that the material would be used "for the purposes of construction in its natural state on the site from which it was excavated" or (ii) the site applies for a full Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2007. Given compliance with the Code of Practice exemption from an Environmental Permit would not be necessary, but a Materials Management Plan would be required for Agency approval. The application provides justification for dealing with the materials by meeting the main requirements of the CL:AIRE protocol that the material (i) will not create unacceptable risk of pollution to the environment or harm to human health; (ii) is suitable for use without treatment (contaminated material in the granular bund would be taken off site to landfill or treated so it can then be reused on site; and there will be (iii) certainty of use and quantity of material.

Environmental Impact Assessments

Air Quality and Dust Impact Assessment

Dust Climate (Existing Air Quality): Levels of deposited dust around Topley Pike Quarry should be 38-39 mg/m²/day annual median subject to variations, particularly during dry weather, influenced by local agriculture, road traffic and the quarry dust. Deposited dust has been measured at the closest residential properties and compared with this norm and standard nuisance deposit level shown below. The recorded measurements are reasonably typical of a rural area; for comparison, 56 mg/m²/day for residential areas and town outskirts and 90 mg/m²/day for commercial centres are typical. During inspection in May 2015 no visible dust was observed beyond the boundaries of the site.

Topley Pike Locality: Baseline and Existing Air Quality and Criteria		
Description	Existing Air Quality (Deposited Dust)	Nuisance Criteria
Expected General Deposit (Rural Area)	39 mg/m ² /day	200 mg/m ² /day
<i>Monitoring Location:</i>		
Woolow Farm (north-west of quarry)	12 mg/m ² /day	200 mg/m ² /day
Upper Farm, Cowlow (north of quarry)	24 mg/m ² /day	200 mg/m ² /day
Sterndale Green Farm (west of quarry)	34 mg/m ² /day	200 mg/m ² /day
Topley Head Farm (east of quarry)	46 mg/m ² /day	200 mg/m ² /day

Potential Dust Generation and Susceptibility: Dust in the community is perceived as an accumulated deposit on surfaces; when the accumulation rate is sufficiently rapid the dust is potentially a nuisance. The generation and dispersal of dust is dependent on prevalent meteorological conditions, in particular dry weather, wind speed and direction. Particles less than 30 microns may be wind carried as fugitive dust. Potential dust sources include vegetation clearance, soils stripping and handling, drilling, use of explosives, excavations, earthworks, tipping quarry and process waste, dismantling Deep Dale tip, relocation and tipping of granular material and fines, plant and vehicles on haul roads, mineral treatment, loading, transportation, and restoration works.

Dust Impact on Footpaths and Ecology: Users of Footpath 15 would pass within 20m of operations on the eastern valley side, dump trucks moving Deep Dale material into the quarry, and any related dust fallout. Dust may also impact on the woodland, scrub and grassland by smothering stomatal pores, which can affect respiration and evapotranspiration, and changes to leaf biochemistry and on invertebrates. The proper control of dust would be important to prevent all this.

Dust Control, Mitigation and Dust Action Plan (DAP): The quarrying operations are subject to substantial dust control in the Environmental Permit. The controls extend over (i) materials handling (for open storage, stockpiles, drop heights, spillage, containment, arrestment on plant, machinery, in buildings, water suppression, limit on operating units, crushing and screening locations); (ii) over roadstone coating (arrestment on equipment); (iii) over transport and loading (roadways wetted and kept clean; segregated quarry and highway traffic, material water conditioned, loading vehicles, vehicles sheeted or enclosed other than for specified washed stone, vehicle exhausts, radiator fans blanking plates on dump trucks and loading shovels); and (iv) over preventative maintenance on plant and equipment. Water is effectively used at the site for dust suppression. These dust control measures would also be employed as appropriate to operations within Deep Dale. The Deep Dale tip lagoon silts have high water content which would prevent fugitive dust emissions during disturbance; the granular material is damp and coarser. Other measures can be required as part of an Environmental Management System (EMS), including vehicle washing in the event this becomes necessary (no vehicle washing is undertaken on site at present).

Air Quality and the Asphalt Plant: Quarrying and roadstone coating are prescribed processes under the Pollution Prevention and Control Act 1999, and Environmental Permitting (England and Wales) Regulations 2010 (as amended). The Benninghoven plant is subject to air quality control. High Peak Borough regulates the installation under an Environmental Permit which limits particulate emissions to 50mg/m³. The permit requires continuous monitoring of stack emissions; an alarm triggers if the concentration exceeds 40 mg/m³; consultants annually monitor and report on particulate emissions and records are submitted to the Borough quarterly. Air Quality Assessments since 2006 have shown that

the plant generates significantly less particulate release than the former pre-dryer and Parker wet arrestment coating plant. The average particulate concentration is well within the 50mg/m³ limit; the Benninghoven plant a yields 96.5% reduction in dust mass from the old plant which produced an excess 11.8 kg of dust per hour over current levels; operation of the Benninghoven plant 8 hours per day, 6 days per week, 50 weeks per year amounts to an annual reduction of 28.3 tonnes of dust; particulate emissions are reproducibly low, well-controlled and effectively monitored. During EHO inspection in April 2015 the level was down to 4.2 mg/m³ and all other emissions were compliant; retention of the plant is recommended given substantial reductions in dust release.

Air Quality and Climate Change Management

Relevant Climate Change Action Plan Criteria: These are: appropriate ecosystem management to reduce impact on species and habitats; protected species surveys; robust, expanded and linked habitats; biodiversity gains; actions through the BAP and programmes of low carbon land management; protected landscape and cultural heritage; sustainable drainage, flood risk alleviation; conserving water; minimising waste and waste water; use of site derived waste on site; efficient and sustainable use of land and buildings; sustainable transport and accessibility.

Climate Change Mitigation: With no proposals to materially increase the level of traffic serving the site there would be no significant additional environmental burdens including carbon, fumes and dust on the public highway and communities consistent with the objectives of Core Strategy Policies CC1 (mitigation) and CC2 (low carbon). The proposed development management, air pollution control, water conservation and containment, sustainable drainage, traffic control, green use restoration using site derived wastes, landscaping, habitat creation, landscape and biodiversity management, would collectively minimise impacts in terms of carbon loss and airborne emissions. Landscaped areas would contribute to oxygen replenishment in the local environment.

Noise Assessment

Noise Sensitive Locations and Noise Climate: The locations chosen for assessment are Sterndale Green Farm, Woolow Farm, Upper Farm Cowlow, Topley Head Farm (and holiday cottages), and footpaths 15, 19, 29 and 37. Measured ambient noise [LAeq or A-weighted equivalent continuous noise level (average sound energy)] at noise sensitive locations in July 2013 used calibrated sound level meters; four 2 hour daytime noise surveys were undertaken where possible in compliance with BS7445:2003. Noise levels on footpaths southeast of the quarry were measured in July 2014 in two 1-hour and two 2-hour daytime noise surveys.

Noise Nuisance Criteria, Attenuation and Predictions: The World Health Organisation (WHO), Guidelines for Community Noise (1999) (Section 4) states that, during daytime, the outdoor sound level from steady, continuous noise should not exceed (i) to protect most people from being seriously annoyed, 55 dB LAeq on balconies, terraces and outdoor living areas, and (ii) to protect most people from being moderately annoyed, 50 dB LAeq. Noise predictions have been calculated in accordance with BS5228-1: 2009 'Code of Practice for Noise and vibration control on construction and open sites - Part 1: Noise' The predictions take account of a barrier attenuation of 15 dB(A), plant complement, reverse warning systems, periods of plant operation, distances, presence or absence of screening, soft ground absorption, reflection from building façades and angle of view corrections. The predictions assume 48 vehicle movements per hour, a correction factor for mobile plant and all combinations of plant working simultaneously at the closest point to prediction locations; they are intermittent "worst possible case scenarios" to indicate the maximum noise level to which properties may be exposed, but they may be of relatively short duration and noise

beyond the site should be significantly less most of the time.

Measured Environmental Noise Levels around Topley Pike Quarry compared with Worst Case Predicted Noise Levels at Noise Sensitive Residential Properties						
Location	Existing Noise Levels / dB(A)		Predicted Worst Case /dB L _{Aeq,1h}	Difference / dB(A)		
	L _{Aeq,1hr} Ambient	L _{A90,1hr} Background		Existing LAeq	NPPF L _{A90+ 10}	NPPF Max 55 L _{Aeq}
Woolow Farm	43	37	42	-1	-5	-13
Upper Farm, Cowlow	45	33	40	-5	-3	-15
Sterndale Green Farm	43	36	42	-1	-4	-13
Topley Head Farm	47	38	41	-6	-7	-14

Analysis: The worst case predicted noise levels occur at Woolow Farm and Upper Farm, Cowlow during placement of material in the north-western part of the quarry; at Sterndale Green Farm during placement of material in the west of the quarry void; and at Topley Head Farm during placement of material in the eastern part of the tipping area. However, the predicted levels fall below the measured ambient level at each of these properties, well below the 55 dB LAeq,1h criterion, and accords with the NPPF.

Measured Environmental Noise Levels around Topley Pike Quarry compared with Worst Case Predicted Noise Levels at Recreational Footpaths									
Location / Footpath	Existing Noise Levels / dB(A)		Predicted Worst Case dB L _{Aeq,1h}	Difference / dB(A)					
	L _{Aeq,1hr} Ambient	L _{A90,1hr} Background		Existing LAeq	NPPF		WHO Guidelines		
				L _{A90} + 10	Max 55 L _{Aeq}	L _{Aeq} 55+	L _{Aeq} 50+		
						'Seriously Annoyed'	'Moderately Annoyed'		
South of lagoons15	49	42	55	+6	+3	0	0	+5	
Junction 15/19/29	45	40	56	+11	+16	+1	+1	+6	
37	45	39	Temporary closure						
Junction 37/19	46	38	67	+21	+19	+12	+12	+17	

Analysis: The worst case predicted noise level for footpath 15, 5dB above the 'moderately annoyed' criterion, would only occur along short stretches of the footpath, beyond which it is screened by topography and tree cover. The worst case at the junction of footpaths 15/19/29 is 1dB above 'seriously annoyed' criterion; from this junction the route south along footpath 29 to Churn Hole provides a screen from site activity which attenuates the worst case level; and the connection to footpath 19 from this junction is further south along footpath 29 affording increased attenuation. Temporary closure of footpath 37 would ensure footpath users do not experience significant noise from restoration operations in Deep Dale. The worst case 67dB LAeq,1h at the junction of footpaths 37/19 would be significant, at 19dB above the LA90 + 10dB NPPF criterion. All worst case predictions relate to works undertaken at their closest approach to Deep Dale tip.

Noise Standards v Noise Level Recommendations: The MPPG on 'Noise emissions' specifies recommended noise limits at noise sensitive property, as follows: aim to establish a limit that does not exceed background noise level (L_{A90,1h}) by +10dB(A) during normal working hours (0700-1900hrs); if difficult to achieve without imposing unreasonable burdens on the mineral operator, the limit to be as near that level as practicable and not to exceed 55dB(A) LAeq 1hr (free field); for evening operations (1900-2200hrs) limits should not

exceed background noise level (LA90,1h) by +10dB(A) nor exceed 55dB(A) LAeq, 1h (free field); night-time (2200 – 0700hrs) limits should not exceed 42dB(A) LAeq 1hr (free field); tonal noise may require specific limits and peak or impulsive noise (including some reversing beepers) may require separate limits independent of background noise; increased temporary daytime noise limits up to 70dB(A) LAeq 1hr (free field) (regarded as the normal maximum) for periods up to 8 weeks in a year are permissible for site preparation, soil-stripping, construction and removal of baffle, soil storage and spoil mounds, haul road construction and maintenance, construction of new permanent landforms and restoration work that brings longer-term environmental benefits; a lower limit over a longer period where work is likely to take longer than 8 weeks; in some wholly exceptional cases, a higher limit for a very limited period may be appropriate to attain the environmental benefits.

Asphalt Plant Noise: Previous assessments based on measured surveys at Woolow Farm, King Sterndale, Sterndale Green Farm, Cowlow and Topley Head Farm calculated that the impact of noise from the asphalt plant is minimal and not detrimental to local amenity. An assessment in August 2011 found compliance with permitted noise limits at all locations (at Topley Head Farm the night-time permissible level was increased by road traffic not the asphalt plant). The plant operates within modern noise limits set out in current guidance. The current permission imposes noise limits at nearby noise sensitive properties; monitoring confirms previous and ongoing compliance with these limits. The Authority has not received complaints about noise from the operation of the plant.

Noise Control and Mitigation: The officer recommendation includes noise maxima and controls for the whole site to ensure continued mitigation to acceptable limits; including adoption of noise control recommendations by the noise consultants. Importantly, most mineral working would take place in the eastern half of the quarry, more distant from King Sterndale properties than would be the case under the current permissions. The predictions demonstrate that, without exception, the noise at residential receptors would not exceed the recommended limits.

Blasting Assessment

Quarry Blasting and Blast Sensitive Properties: The use of high explosives involves drilling and detonation at supersonic speeds, with potential impacts of noise, dust, vibration, air blast and flyrock. The proposed extraction would utilise up to 15m face heights employing explosive charge weights of 60-65 kg. The optimum blast design may vary from blast to blast given site specific conditions in order to comply with recommended vibration criteria. Sterndale Green Farm, Woolow Farm, Upper Farm (Cowlow) and Topley Head Farm are identified as the nearest potential blast vibration sensitive receptors.

Prediction, Control and Measurement of Ground Vibration: The application sets out the vibration the detailed criteria used in assessing the potential impact of vibration. Ground vibration radiates away from blast points attenuating at distance. Parameters for assessing impulsive vibration are particle velocity and frequency; the prediction method utilises separation distances and charge weights. The maximum peak particle velocity (ppv) is plotted against scaled distance. Levels of vibration from production blasts have been used to generate a regression line plot for blasting to a controlled maximum peak particle velocity with a 95% confidence limit. This defines the maximum instantaneous explosive charge weights (MIC'S) to comply to vibration criterion of 6 mms-1, as follows.

Allowable Maximum Instantaneous Explosive Charge Weights										
Blast to Receiver Separation Distance (metres)										
100	150	200	250	300	350	400	450	500	550	600

Allowable MIC (kg) to limit to 6 mms-1 95% confidence										
14	31	56	88	126	171	224	283	350	423	504

This regression analysis shows the presently utilised instantaneous charge weight of 64 kg could be used about 220m from property whilst complying with recommended vibration criterion. Using this analysis, predicted future vibration levels at the nearest vibration sensitive properties from blasting in the quarry using an instantaneous explosive charge weight of 64 kg are as follows:

Topley Pike Locality: Predicted Ground Vibration Levels				
Location	Nearest Distance to Site (m)	Vibration criterion mms-1 95% confidence	Vibration Level (64 kg MIC) Peak Particle Velocity mms-1	
		Recommended	Mean	Maximum 95% confidence
Woolow Farm	350	6.0	1.3	1.8
Upper Farm, Cowlow	350	6.0	1.1	1.5
Topley Head Farm	550	6.0	0.7	1.0
Sterndale Green Farmhouse	120	6.0	4.8	6.0*

(* Maximum instantaneous explosive charge weights reduced to comply with vibration criteria).

Airborne Vibration (Air Overpressure) Criteria, Control and Mitigation: The detonation of explosives generates transient airborne pressure waves; the maximum pressure above atmospheric is peak air overpressure. These waves comprise energy over a wide frequency range; energy above 20 Hz is perceptible to the human ear as sound, that below is inaudible but sensed as concussion; sound and concussion together is air overpressure measured in decibels (dB) or pounds per square inch (p.s.i.) over the frequency range. Airborne pressure waves are produced from rock displacement, ground induced airborne vibration, release of gases and insufficiently confined explosive charges. Meteorological factors (wind speed and direction, temperature, humidity, cloud cover at various altitudes) influence air overpressure. The planning standard for maximum air overpressure is 120dB, nuisance standard 130Db, and recommended safe limit 133dB at property. King Sterndale Parish Meeting requests air overpressure from blasting not to exceed 120dB; however, Government guidance does not recommend a limit; it is generally accepted that a limit should not be defined because it is impracticable to predict the effects of variable weather conditions. Adequate control depends on well designed and executed blasts with controlled ground vibration limits, attention to accurate face profiling and drilling, loading, placement, stemming and confinement of explosives, having regard to geological weaknesses, and optimum detonation technique.

Investigation of Blast Incident Complaints: Blasting incidents in 2014-15 in the western area of the quarry have given rise to complaints and these have been investigated. The operator's blast monitoring results have been obtained and analysed. The instrumentation used recorded peak values of seismic vibration in terms of particle velocity, acceleration and displacement in the longitudinal, vertical and transverse axes together with resultant velocity value, frequency, air overpressure, and the dates and times at which the vibration events occurred. All recorded ground vibration levels fell within Government and British standards, substantially below trigger levels for cosmetic damage; nevertheless some recordings were higher than normally expected, conducive to a high level of perception by residents, highlighting the need to secure effective controls. Discussions have taken place with the operator and EHO about self-regulated blasting practice, blast monitoring, future working and blasting, mitigation and likely control by this Authority.

Perception and Damage Levels: There is a difference between public perception of ground vibration and air overpressure ('airblast') (the noise element) and British Standard accepted trigger levels for cosmetic and structural damage to properties: "There is a major difference

between the sensitivity of people in feeling vibration and the onset of levels of vibration which damage the structure. Levels of vibration at which adverse comment from people is likely are below levels of vibration which damage buildings, except at lower frequencies” (BS.7385). Air pressure wave frequency components, audible and inaudible, cause structures to vibrate in a way which can be confused with ground vibrations and cause residents to think the ground is shaking their homes. The weakest parts exposed to air overpressure are windows; poorly mounted prestressed windows may crack at 150 dB (0.1 p.s.i.), most crack at 170 dB (1.0 p.s.i.); structural damage may occur at 180 dB (3.0 p.s.i.). The maximum value of peak particle velocity is of most significance and the standard worldwide for investigations into vibration with respect to damage of structures and human perception. Awareness of blast induced vibration occurs at around 1.5 mms⁻¹, sometimes as low as 0.5 mms⁻¹. Such levels routinely occur in domestic property but when associated with blasting activities give rise to subjective concern. Changes in humidity and temperature can induce strain equivalent to blast induced vibration from 30–75 mms⁻¹ and domestic activities will produce strain levels corresponding to vibration of up to 20 mms⁻¹. Cracks in domestic properties may be wrongly attributed to blasting and may be caused by fatigue, ageing, drying out of plaster, shrinkage, swelling of wood, chemical changes in mortar, bricks, plaster and stucco, structural overloading and differential foundations.

Blasting, Property Damage and Listed Buildings: Most complaints arise from concern over possible rather than actual property damage. The representations suggest a causal link between blasting and past damage to listed buildings, notably Christ Church. Most buildings in King Sterndale are of limestone construction comprised of two mortared stone walls with loose rubble infill between them, keyed by through stones; the Parish consider that vibration could / has caused settlement in the rubble infill resulting in bowing and cracking of walls, as seen in the Grade listed Green Farm (in contrast to brick and concrete buildings, which it is claimed are more resistant to vibration damage). However, there is no specific or conclusive evidence for attribution of structural defects in the protected buildings to use of explosives in the quarry; or whether or not previous / historical blasting has contributed to the structural condition of the Church, Green Farm, the Grade II listed Cottages (also with cracks in walls), and other King Sterndale buildings. Nevertheless, positive action for the future protection of buildings and amenity should be pursued through (i) statutory duties for protection of cultural heritage and historic (listed) buildings in the Parish, and (ii) securing, through this application if approved, better controls for the mitigation of blasting effects.

Existing Inadequate Control v Reduced Blasting Impact: There are no controls on blasting in force for the western half of the quarry other than condition 6 of NP/CHA/866/6 which restricts blasting to between 1500hrs and 1700hrs weekdays and 12 noon to 1500hrs Saturdays (scheme approved in 1968), an unsatisfactory situation for that part of the quarry closest to King Sterndale. For the eastern (IDO) area condition 21 (of NP/HPK/1093/127) restricts blasting to between 0900hrs to 1700hrs weekdays (except for safety in exceptional circumstances) with no blasting Saturdays, Sundays or Bank Holidays; condition 22 limits ground vibration at occupied residential premises to 10mm/sec ppv (95% confidence level), and requires ‘Best Available Techniques Not Entailing Excessive Cost’ to be adopted to limit air over pressure. Over time it had been incumbent upon the operator to self-regulate in line with current standards. The current application offers an opportunity to address the impacts of blasting through revised extraction depths and improved planning control. Throughout the remaining life of the quarry less blasting would take place at the western end (the operators would no longer have consent to quarry much deeper in that area). The final area of stone in the south-western corner of the quarry down to 225mAOD would be extracted within two years, compared with working down to 210mAOD over a considerably longer period under extant consent. That means less blasting overall closer to King Sterndale. The Authority would gain better control over blasting through new modern standard conditions.

Future Blasting Mitigation: This is down to good blasting design, including maximum

instantaneous charge weight (MIC), blast ratio (tonnes of rock per kilogramme of explosive), free face reflection, delay interval, initiation technique, direction and blast geometry associated with hole diameter, depth, burden, spacing, loading density, stemming, and double-decking (splits explosives in two, to half MIC levels). Vibration can be controlled by charge reduction methods, decking strategies, blast geometry, smaller boreholes, and use of electronic detonators. With competent blasting specifications and drillhole stemming, resultant air overpressure should be to safe levels with minimal risk of flyrock. It is proposed that blasts be designed to a vibration criteria of 6 mms⁻¹ ppv at 95% confidence level, with a maximum vibration limit of 12 mms⁻¹ ppv (in accordance with BS.6472-2: 2008: 'Guide to evaluation of human exposure to vibration in buildings. Blast-induced vibration') for mitigation of magnitude of vibration to acceptable levels, such as not to cause cosmetic damage to property. The recommended conditions can address these matters.

Blasting Times: Given anomalies between approved west and east quarry blasting times, regularisation is sought to allow blasting in both areas of the quarry between 0900-1700hrs weekdays (current practice). King Sterndale Parish requests restriction on blasting to between 1230-1600hrs weekdays; but given daily variations in weather, optimum periods to blast in conditions that minimise air overpressure, and health and safety considerations, officers consider that that such restriction would be onerous and not conducive to minimising impact. It is recommended the longer hours sought (0900-1700hrs) be accepted subject to a 1000hrs start for the western part of the quarry, and, where practicable, blasting in that area should be carried out during the times specified by the Parish, with no blasting at weekends or on public holidays.

Blasting and Footpath Users: Vibration and noise from blasting would be perceptible on footpaths 15, 29, 19 and 37 east and south of the quarry. To ensure the safety of users of footpath 15, blast sentries are stationed on the footpath at key locations. Audible siren warnings are made five minutes, one minute and immediately before each blast. It is recommended that signage be provided and maintained along the footpath routes to warn users of blasting times and that, when blasting is imminent at the closest approach to the footpaths, sentries will continue to be used.

Future Blasting Rate and Monitoring: The blasting rate should not materially increase (production would not significantly change). It would not be practicable to quantify programming / frequency and number of future blasts (rock splitting from each blast depends on many factors). Nevertheless, an envisaged number of blasts programme for each working area of the quarry would aid continuing assessment of impact, reflecting reduction in blasting at the western end of the quarry in exchange for increased blasting at the eastern end further away from King Sterndale. It would be important to secure a continuing programme of blast vibration monitoring at potentially affected buildings (e.g. Green Farm) for each and every blast, to ensure compliance with recommended vibration criteria and continually updated regression analysis. The operator will keep the EHO advised of future blasting events to facilitate combined monitoring (to check vibrograph calibration and accuracy / reliability of records); and monitoring separate stations for a wider range of recordings.

Lighting Impact Assessment

Site Lighting: It is important to prevent light spillage beyond site boundaries and to mitigate glare into the night sky in line with the UNESCO supported Dark Skies Initiative and quest for international recognition as a "Dark Sky Park". External lighting at Topley Pike Quarry is necessary for security and safety for the movement of people, machines and vehicles in hazardous areas, and 24 hour operation of the asphalt plant. The operations within Deep Dale would only take place during daylight hours so artificial lighting within the Dale would not be needed. The application does not propose additional floodlighting and but a condition is recommended to control this.

Highways and Traffic Impact Assessment

Mineral Transport, Highway Capacity and Road Safety: There is no restriction on HGV movements, numbers or routeing, and this is proposed to continue as it is essential that quarry products, particularly asphalt, can be supplied 24 hours per day to supply off peak and night time road works. There are no congestion issues with traffic entering and leaving the site and the traffic is acceptable to the Local Highway Authority. Monthly operational quarry HGV movement data shows relatively consistent product movements during spring/summer/autumn months, with less movements reflecting lower demand during winter months. Should a higher production level be required at any time, that would be subject to a Transport Statement for DCC Highways / Authority approval.

Topley Pike Quarry Annual Total HGV Movements (Despatch) 2011 – 2012			
Year	Asphalt	Dry Stone	Year Total
2011	7,611	3,716	11,327
2012	7,170	3,236	10,406

In 2006 new vehicle movement arrangements for asphalt plant traffic were introduced and changes to the plant and stockfield area removed quarry traffic from the top of the banking above the A6, reducing visual impact. The weighbridges record HGV arrival and departure. About 20-25 light vehicles per day (employees, visitors, contractors) also access the quarry. The road safety record shows no accidents or HGV related accidents within the local area.

Site Access, Parking Highway Cleanliness: Access and egress is via an established asphalt surfaced access road, wide enough for two HGVs, direct from the A6. The access is secured by gate 40m in from the highway, locked when the quarry is not operating. The access junction is on a straight stretch of highway with good visibility in both directions (the speed limit on this section of the A6 is 50mph). Adequate parking and manoeuvring space is available. The access road and plant site are kept clean by road sweeper. All loaded HGVs are sheeted. These measures limit dust and dirt on the highway; there is little evidence of deposition onto the highway from site vehicles and no recent record of related complaints. There is no wheel wash for HGVs; I recommend to provide one if this become necessary.

Cumulative Impacts: The NPPF (para.143) and Policy LM1 require account to be taken of the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality. The LVIA rating of cumulative landscape and visual effects of the proposed development in the context of the surrounding area and other quarry sites in the vicinity (e.g. Ashford Dale, Cowdale, Tunstead) is slight to negligible/neutral during working, and moderate and beneficial following restoration.

Economic Considerations: Aggregate Industries is the second largest producer and supplier of construction materials including aggregates, coated roadstone (asphalt), ready-mixed concrete and pre-cast concrete products; imports and supplies cement materials; and has a national road surfacing and contracting service. It operates over 60 quarries and 40 asphalt plants in the UK, with sales in excess of 25mt per annum, and employs about 5,000 people. The Core Strategy (para.4.28) says “*the challenge is to manage down the adverse environmental impacts of the (sic: minerals) industry, respecting the fact that it provides jobs and building materials that are valuable locally and nationally*”. The 2011 National Parks Census identified 185 residents employed in ‘Mining & Quarrying’ (1% of all employment) in the Peak District National Park. In that context the quarry makes a useful contribution to the local economy, directly employs 12 staff and provides work for four full time contractors. Most of these workers live in the local area. The annual wages and salaries bill for the quarry is in excess of £500,000. The asphalt plant, which supplies coated roadstone to contracts in

the Park and nearby counties, provides direct employment, and indirect employment for haulage services. Aggregate Industries spends around £1.2 million per annum on external haulage, providing employment for 18-20 contract hauliers. This haulage work sustains local employment; the quarry also uses a wide range of sub-contractors and suppliers, many locally based.

Alternatives to the Grant of Planning Permission

Alternative Sites: The quarry already has planning permission to extract mineral reserves which form part of the landbank of permitted aggregate reserves in the Peak District National Park, and the proposed additional reserves are limited and associated with the redesigned working and restoration methodology for the quarry; the applicant has not, therefore, considered a study of alternative reserve sites to be necessary for the proposed development.

Alternatives to the Submitted Working Scheme: Several possible working strategies for the quarry had been identified as an alternative to (i) the scheme in this application and (ii) pursuing the ROMPs. These included various methods of working the western face of the quarry to enable excavating down to 210mAOD whilst retaining the eastern IDO area at 240mAOD. Any options should be based on the premise that the potential hydrological impact of continued quarrying would predominantly (although not wholly) be a factor of depth. It is considered that the submitted scheme strikes the right balance in that it would facilitate level working across the quarry to no deeper than 225mAOD, with less potential implications for hydrological effects, an improved landform, and better quality restoration whilst securing removal of Deep Dale tip and reinstatement of the dale.

Alternative Mechanism for Depth Restriction by Review: Possible alternative mechanisms for restricting the excavation depth by Review rather than through this application and the pecuniary disbenefits of that approach are addressed under 'Reserve Equitability and Compensation Issues'.

Alternatives to Topley Pike Limestone: Other possible options considered include the grant of permission for an extension of quarrying elsewhere, in a less sensitive environment, in exchange for revocation in whole or in part of quarrying rights at Topley Pike. No suitable alternative sites for such an exchange have been identified, and the applicant asserts that Topley Pike stone is of particularly good quality. Given current permitted reserves at the site and elsewhere and the availability of alternative sources, it cannot be conclusively demonstrated that the development is essential to meet a national need which overrides national policy to protect the National Park. Other aggregate resources exist outside and within the Park and national policy favours maintenance of landbanks of non-energy minerals from outside the Park. There is an estimated reserve (active + inactive sites) of 789.5 million tonnes [including 710mt limestone in Derbyshire (including Topley Pike) + 78.2mt limestone in the National Park] of rock for aggregate use in this area, sufficient for 62 years provision (based on the former joint apportionment figure for 2005-2020 of 12.8 million tonnes (8.74mt for Derbyshire and 4.05mt for the PDNP).

Alternative Location for the Asphalt Plant: The asphalt plant stands in an area identified for plant in the 1994 review. Alternative locations considered do not provide similar opportunities for visual screening. Relocating the plant into the quarry void was ruled out for operational and safety reasons. The applicant considered an off-site location but this would generate additional vehicular movements. Asphalt has historically been produced at Topley Pike as an ancillary operation and policy LM9 supports ancillary mineral development where there are clear benefits in a close link with the quarry producing the mineral to be processed, and the development is removed when mineral working expires.

Alternative Options and Outcomes if Permission is Refused: These could be: (1) the applicant submits an appeal which is upheld; (2) the applicant submits an appeal which is dismissed; or (3) the applicant does not submit an appeal. In the event of options (2) or (3) the Authority would be statutorily bound to progress and determine the stalled ROMP application by recommencing the 2008 Regulations multi-stage procedure for submission of a new environmental statement to relate to the extant ministerial permissions. In this eventuality quarrying would continue in the manner described in *'Future Site Development under the Extant Permissions'* earlier in this report. The disbenefits of this are summarised below under *'Disbenefits of Retaining the Old Permissions and Determining the ROMP'*.

Summary Assessment of Benefits, Concessions and Disbenefits: The issue is whether there are exceptional and sustainable circumstances and it is in the public interest to allow the development. The following summary lists assessed criteria that cumulatively demonstrate net environmental benefits, sustainability, and exceptional circumstances.

Applicant's / Consultant's Stated Benefits of the Proposal: (Officer collation):

- A single, comprehensive, modern planning permission for the whole quarry.
- No need to progress Environment Act Reviews under the current mineral permissions.
- A shorter end date for cessation of mineral operations (December 2025 instead of 2042).
- Gives certainty as to when quarrying operations will finish and the quarry will be restored.
- Restoration of the Deep Dale tip area back to its original valley landform.
- Protection and enhancement of a valued landscape, significantly improved.
- Removal of a tip feature that has an adverse visual impact.
- Enhanced landscape character and visual amenity.
- Restoration of a stretch of Deep Dale stream that is currently culverted.
- Increased and enhanced biodiversity through habitat creation.
- Will improve the quality of the footpath network and recreational opportunities.
- 15 metres reduction in depth of limestone extraction in the western half of the quarry.
- Enables the MPA to limit this depth of extraction without payment of compensation.
- Prevents dewatering below 225mAOD and potential adverse impacts on local hydrology.
- Prevents any potential adverse impacts on designated areas of ecological interest.

Concessions obtained from Applicant: (*'Without Prejudice' Pre-Application Negotiations*)

- Surrender of deeper working in hydrological / hydro-ecological sensitive western area.
- This is a "once and for all" quarry development plan, no options for extensions.

Officer Summary of the Benefits of the Proposal:

- ✓ More environmentally beneficial than progressing the ROMP.
- ✓ Shorter working timescale (for working and restoration reduced by as much as -16 years).
- ✓ Relinquishment of all the old permissions in exchange for a new permission.
- ✓ New permission for whole site with imposition of modern standards of regulatory control.
- ✓ The new mineral development to be confined to within the current quarry site footprint.
- ✓ Brings all site development and operations under modern environmental conditions.
- ✓ Secures better planning control over environmental effects (noise, dust, blasting, etc).
- ✓ Less blasting in the western end of the quarry closest to King Sterndale.
- ✓ Early cessation of quarrying (within about 2 years) in the area closest to King Sterndale.
- ✓ Eliminates unrestricted working depth in the western half of the quarry.
- ✓ Quarrying in western half of quarry reduced to 225mAOD instead of 210mAOD.
- ✓ Depth of extraction in area closest to King Sterndale to be reduced by 15m.
- ✓ Shallower working, less dewatering, protects water dependent ecological interests.
- ✓ Secures progressive dismantling and removal of Deep Dale tip (currently not required).
- ✓ Deep Dale would be freed of the incongruous tip within eight years.
- ✓ Secures the stabilization and reinstatement of Deep Dale.
- ✓ Secures removal of the culvert and return to open watercourse of the Deep Dale stream.
- ✓ Substantially better (modern standard, negotiated) phased and progressive restoration.

- ✓ Promotes habitat creation and biodiversity.
- ✓ Enables aftercare and land management.
- ✓ Secures reinstatement of Footpath No.37 on its correct (definitive map) alignment.

Officer Summary of the Disbenefits of the Proposal:

- × Continued quarrying (increased reserve) in the National Park.
- × Major development set against policies to constrain and gradually reduce quarrying.
- × Quarrying 15m deeper (240mAOD down to 210mAOD, eastern half of quarry).
- × Additional disturbance from removal of Deep Dale tip.
- × Loss of small trees for stabilising and restoring the sides of Deep Dale.
- × Temporary closure of 400m length of Footpath No.37.

Benefits of Retaining the Old Permissions and Determining the ROMP:

- Imposition of updated conditions for environmental controls, restoration and aftercare.

Disbenefits of Retaining the Old Permissions and Determining the ROMP:

- Retention of the 2042 timescale.
- Improved environmental controls less than consolidation scheme.
- Quarrying to greater depth within the western area.
- Potentially more environmentally damaging.
- Increased dewatering, potentially prejudicial to hydrology and water dependent ecology.
- Greater potential risk to SAC and SSSI's.
- Increased potential of perception, blasting, noise and dust disturbance for residents.
- Undesirable retention of the Deep Dale tip and less restoration potential for Deep Dale.
- Long term landscape and visual attributes of Deep Dale despoiled by the Tip.
- Reduced long term visitor enjoyment of Deep Dale.
- Deep Dale stream remains in culvert.
- Less wildlife / biodiversity gain.
- Less landscape and visual impact.

Conclusions

This proposal would consolidate and bring all development, operations and uses under one permission, with revised working depths and alternate reserves within ancillary mining land. Notwithstanding additional extraction, the application carries overall net benefits for the National Park that meet the public interest test as set out in the NPPF and the Authority's Core Strategy. The application offers net planning control and environmental benefits beyond that which may be achieved through the ROMP. The most significant benefits would be removal of the Deep Dale tip and reclamation of Deep Dale; protection of the water environment, SAC, SSSI and important water dependent ecology by reducing the depth of working and dewatering; the opportunity for improved quarry restoration design and biodiversity; and a considerably shorter working timescale. There would be updated standards of working, restoration, landscaping and aftercare, substantial progressive restoration, biodiversity and wildlife habitat development, and long term land management.

Weighed against the benefits, and given implementation of effective impact mitigation measures, the development would not adversely impact to an unacceptable degree on the characteristics of the National Park (landscape character, environment and amenity, in terms of visual appearance, the aqueous environment, ecology, recreation, archaeology, cultural heritage, residential amenity, noise, dust, blasting, lighting, highways and traffic). The alternative continued quarrying under extant consents would have greater impacts and less residual major benefits.

The continued use of the asphalt coating plant is unlikely to have any additional effects on

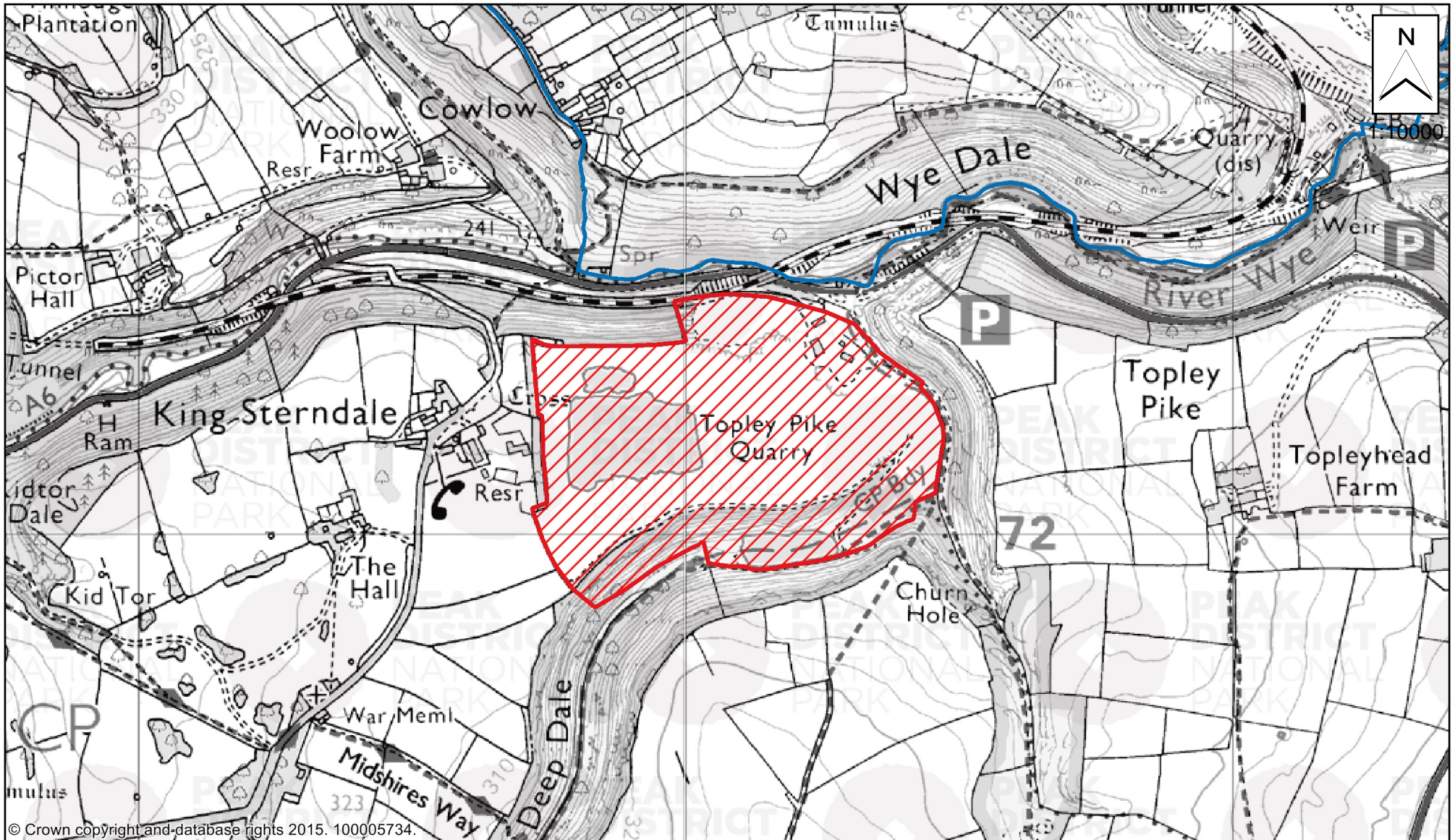
the environment and, given effective permit and emissions control, it would be in the public interest to retain and use the plant for continued processing of the limestone.


The proposal supports controlled, time limited sustainable economic development whilst seeking to protect and enhance the natural and historic environment in line with principles for sustainability; the development is sustainable within the context of guidelines which trigger presumption in favour of approval. Exceptional circumstances have been demonstrated to support the proposals within the National Park. Whilst specific policy issues arise, on balance, the development complies with Development Plan policies and the NPPF.

Human Rights: Any human rights issues have been considered and addressed in preparing this report.

Financial Considerations: The correct application fee has been paid.

List of Background Papers (not previously published): None.



Committee Date:	09/10/2015	Title: Topley Pike Quarry King Sterndale SK179TE	 PEAK DISTRICT NATIONAL PARK
Item Number:	7		
Application No:	NP/HPK/0814/0882		
Grid Reference:	410290, 372321		

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8. FULL APPLICATION – CONVERSION OF BARN TO LOCAL NEEDS DWELLING ADJACENT TO THE B.5056, WINSTER (NP/DDD/0815/0796, P.691, 424118/359436, 21/08/2015/KW/CF)

APPLICANT: MISS E GOULD

Site and Surroundings

The building is a fairly substantial detached barn situated in an isolated and exposed position adjacent to the B5056 road, about 1km south of Winster. It is situated within a gently sloping field, about 16m to the west of the B5056, at right-angles to the main road and occupies a prominent position in the landscape, particularly when approaching the site along the B5056 in both directions.

The barn has a low two-storey form and is constructed mainly of random-coursed natural limestone under a natural blue slate roof. It has a fairly simple robust appearance, but has a pleasant symmetrical frontage with three door openings on the ground floor and three small 'vent slit' openings within the upper wall section. The external corners of the barn are dressed with dressed, natural gritstone quoinwork and the gable ends are provided with natural gritstone copings. The door and window openings are provided with dressed natural gritstone quoinwork surrounds and there is an attractive full-length first floor door opening in the screened west gable wall. The barn also has some attractive internal features with dressed gritstone plinth walls to the cattle stalls and a kingpost truss roof construction.

It is therefore considered that the barn is of significant architectural and historic merit with features that elevate the building above that of a humble field barn. Together with its landscape setting, these factors are sufficient for it to be classed as 'valued vernacular' building within the terms of the authority's Core strategy policy HC1 C and the barn forms part of a pleasing composition in the landscape that makes a significant contribution to the character and scenic beauty of its landscape setting.

Proposal:

The application proposes the conversion of the barn to local needs dwelling for the applicant who presently lives with her parents at Sacheveral Farm 1km to the west, and her partner who presently lives at Pikehall.

The submitted scheme proposes the conversion of the barn to a two-bedroomed local needs dwelling. The accommodation is provided over two floors with the central part of the first floor space left as a void over the ground floor sitting room. The overall usable floor area excluding the void area is 94m², which just exceeds the size of a 5 person local needs dwelling (87m²).

The scheme proposes no new openings in the walls. Two rooflights are proposed in a central position the southern roofslope with a smaller single rooflight on the northern roofslope, serving the bathroom.

RECOMMENDATION:

That the revised application be REFUSED for the following reasons:

- 1. The barn occupies a prominent, exposed and isolated position in this part of the White Peak landscape that should be safeguarded because of its intrinsic scenic beauty. The current proposals would fail to meet achieve this objective and the proposed residential conversion of the barn would spoil the character and setting of the barn by the introduction of a domestic use and associated developments in this sensitive location. The proposals would therefore be contrary to Core Strategy**

policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8, and national planning policies in the Framework.

Key Issues

1. Whether the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable local needs dwellings.
2. The potential impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.
3. Ecological issues.

History

June 1974 – Refusal of outline planning consent for the renovation and reconstruction of the barn to a dwelling. It was refused on landscape grounds in view of its isolated and prominent position in open landscape.

December 2014 – Authority officer response to the agent following the submission of a pre-application enquiry seeking advice on whether the principle of the conversion of the barn to a dwelling would comply with the Authority's Core Strategy and Local Plan policies. This response was given following a site meeting.

The subsequent officer advice to the agent was that the barn was a strong, robust building of architectural and historic merit, which contributed to the character of the surrounding landscape. However, because of its prominent position in an open landscape officers advised that the introduction of a residential use into the building would seriously impact upon the internal and external character of the building itself and its wider landscape setting.

Officer's acknowledged the strong local need case advanced in support of the proposal, however, it was considered that this did not, in this case, outweigh the strong landscape impacts of a residential use being introduced into this building.

The agent was advised that if a formal planning application was submitted, this should be accompanied by information supporting the local need case, and the provision of financial costings to accommodate the residential conversion, which should include the provision of sewage facilities and undergrounding of services. The agent was also requested to investigate the possibility of accommodating the dwelling within the traditional farm building complex at Sacheveral Farm, which could be assimilated more easily into the landscape than the preferred option.

May 2015 – Application submitted for the conversion of the barn to a local needs dwelling. This was subsequently withdrawn by the agent in order to address the concerns of the Authority's officer and the parish council, and to ensure that support of the local community was registered and taken into account.

Consultations

External Consultees

County Council (Highway Authority) – No response to date

District Council – No response to date

Natural England - The proposal is unlikely to affect any statutorily protected sites. Natural England have not assessed this application and associated documents for impacts on protected species, but request that the Authority refers to their Standing Advice on protected species.

Parish Council – The meeting resolved to recommend the application for approval on condition that improvements can be achieved through the introduction of glazing bars and all external woodwork is painted an appropriate colour rather than the use of dark stain.

Internal Consultees

National Park Authority (Landscape Architect) – Recommends should be refused because of its impact on the visual and landscape character of the area. for the following reasons:

The barn is situated in the Limestone Plateau Pastures landscape character type of the White Peak landscape character area. Some key characteristic of which are:

- A rolling upland plateau
- Pastoral farmland enclosed by limestone walls
- Isolated stone farmsteads and field barns

Specifically “This is a landscape of isolated stone farmsteads and scattered stone barns, mostly dating from the period of Parliamentary Enclosure in the late 18th and early 19th centuries...” The overall strategy for the White Peak is: “Protect and manage the distinctive and valued historic character of the settled, agricultural landscapes, whilst seeking opportunities to enhance the wild character and diversity of remoter areas”

The Landscape Guidelines for the White Peak state that throughout the Limestone Plateau Pastures landscape Character type; Protect and Maintain historic field barns is a priority. Specifically:

“... Isolated field barns are a special cultural feature in the White Peak, especially in the Plateau Pastures. Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages.”

In respect of the current proposal, the barn is a prominent landscape visual feature within this part of the White Peak. Due to the nature of the landform the barn is seen in isolation within the landscape, no other agricultural buildings being seen, within the immediate viewpoint. Some of the proposals such as roof lights, domestic curtilage and parking areas have an impact on the building clearly defining it as a domestic property. This is further exacerbated by the barns proximity to the road. It is clear from the Landscape Strategy that the development of isolated residential buildings is inappropriate for this landscape character area where settlement occurs in nucleated villages.

The proposal should, therefore, be refused on the impact on the visual and landscape character of the area.

National Park Authority (Archaeologist) – Recommends refusal of the current application for the following reasons:

The field barn proposed for conversion has an entry on the Derbyshire Historic Environment Record (MPD2426), and was recorded during the PDNPA’s archaeological survey of Ivonbrook

Grange Farm in 1997 (feature 15). It is a well-made two storey barn pre-dating 1840 on historic map evidence. There was a small enclosure attached to the west side of the barn which has now been removed. The Historic Landscape Character of the area is recorded as post-1650 enclosures (Parliamentary Enclosure Award).

This field barn makes a significant contribution to the landscape character of the locality. In general, however, conversion to residential use is not an appropriate way to conserve these structures in their landscape. Buildings of this nature should be maintained for agricultural use, an approach which has been recognised by Natural England in its funding for the conservation of field barns as part of the Environmental Stewardship initiative. The current proposals will introduce landscape clutter around the simple field barn structure by altering the entrance to create visibility splay and adding a new curtilage wall, parking and garden areas.

The Government has withdrawn advice on the conversion of redundant agricultural buildings in relation to National Parks in recognition of the potential this has to irreversibly change the valued landscape character of these places. It therefore seems inappropriate that a development of this nature should be put forward for approval at this point.

If this proposal does receive planning consent it is recommended that there be a full historic building record made of the building and wider site before any conversion takes place. In this case the following condition should be attached:

No development shall take place until a Written Scheme of Investigation for historic building recording has been submitted to and approved by the local planning authority in writing, until all on-site elements of the approved scheme have been completed to the written satisfaction of the local planning authority, and until the provision to be made for analysis, reporting, publication and dissemination of the results and archive deposition has been secured.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme and provision for post-investigation analysis and reporting
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation
4. Provision to be made for archive deposition of the analysis and records of the site investigation
5. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

National Park Authority (Ecologist) – No overriding objections to the proposals subject to conditions, for the following reasons:

The building has been identified as suitable for bat roosting and nesting birds. A bat survey has been undertaken.

A site visit was conducted by the PDNPA ecologist. The ground floor area was examined for evidence of bat usage and breeding birds. On entering the barn a pair of swallows were observed within the roof space, a nest in the south east corner of the barn showed fresh signs of construction with a layer of damp mud, indicating the birds are likely to be attempting to breed within the barn, the barn also contains numerous old swallow nests and nests likely to be from songbirds such as pied wagtail.

The barn is of traditional stone construction, with wooden trusses supporting a blue slate roof, waterproof membrane has been installed on one half of the roof, the rest is open and the undersides of the slates were visible. There are numerous large cracks in the walls, gaps above

windows/doors and holes leading into the cavities, these present suitable roosting areas for bats particularly crevice dwelling species such as *Pipistrellus* sp, a number of these cavities contained no cobwebs. A small number of bat droppings were recorded on the internal walls of the barn in both the central area and in the northwest corner. No inspection of the first floor sections was undertaken.

The submitted bat report now includes emergent bat surveys, which observed that no bats were seen emerging from the barn, however, a small number of bats were observed foraging around the barn. The recommendations in the submitted bat report suggest provision for bat boxes and access points into the wall cavities to provide alternative roost locations for hibernating bats.

The barn is used by breeding swallows extensively and therefore provision should be made to provide alternative nesting opportunity for this species by the inclusion of nesting space via a suitable roof void or eave, preferably on the gable end of the building. These bat and bird enhancement and mitigations measures can be accommodated through the attaching of appropriate ecological conditions.

Representations

17 individual letters of support have been received in connection with this application, one of these is from a Staffordshire Ward councillor and another is anonymous. 12 of these letters are from Winster parish residents and adjoining/ nearby parishes. These make the following representations:

- The Gould family have always lived and farmed at Sacheveral Farm and it is extremely important that in rural areas the next generation are able to remain local so they can help with the family farm, thus bringing advantages and support for the services provided in local villages, and schools who's numbers continue to fall.
- The local house prices are just not affordable for local people who are being pushed out of the area, unless they are able to build new houses or convert barns in family ownership.
- Converting the barn to a local needs dwelling seems a much better alternative than letting it fall down as so many in the area already have. As the barn is very visible from the road, this would mean that if it did fall into disrepair it would be very noticeable and a real shame given the craftsmanship that went into building the barn.
- The barn is no longer suitable for modern agricultural purposes and its condition is deteriorating. It needs an alternative use before it joins the number of derelict disused barns in the area.
- The remains of the derelict barns in this area cause more harm to the landscape than a smart barn conversion would.
- Since the barn is already there, the landscape itself is not being significantly changed by this application.
- Already in the area there is a power station down the road from the barn which has a new metal building; there are the overhead cables and the Carsington wind turbines are also visible from the barn.

Main Policies

Relevant Core Strategy policies include: GSP1, GSP3, GSP4, DS1, HC1, HC2, L1, L2, L3, HC1, T1 & T7

Relevant Local Plan policies include: LC4, LH1, LH2, LC17, LT11 & LT18

National Planning Policy Framework

Policies HC1 of the Core Strategy and LH1 and LH2 of the Local Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because these policies set out the relevant criteria for assessing proposals for the re-use of existing buildings to meet local need.

It is considered that there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the National Planning Policy Framework with regard to the issues that are raised. This is because the Framework continues support the re-use of existing buildings specifically for affordable local needs housing in small rural communities that would not normally be made available for the provision of open market housing subject to normal planning considerations.

Notwithstanding this general support for principle of the provision of affordable housing to meet local need, the Framework also states that the conservation of heritage assets in a manner appropriate to their significance forms one of the 12 core planning principles within the Framework.

Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. Paragraph 115 in the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Assessment

Issue 1 - Whether principle of the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable local needs dwellings.

In assessing the principle of this proposal the key policies in relation to the provision of affordable local needs dwellings are Core Strategy policies HC1(A), and Local plan policies LH1 and LH2. In addition to this Core Strategy policy HC1 C I is also of relevance to this proposal.

Policy HC1(A) of the Core Strategy and Local plan policies LH1 and LH2 allow for new residential development through the conversion of an existing building of traditional design and materials in the countryside, where it addresses eligible local needs and provides homes that remain affordable with occupation restricted to local people in perpetuity.

This is also provided that the five criteria stated in Local Plan policy are met. These five criteria are as follows.

- i. there is a proven need for the dwelling;
- ii. the need cannot be met within the existing housing stock;
- iii. the intended occupants meet the requirements of the National Park Authority's local occupancy criteria (policy LH2);
- iv. the dwelling will be affordable by size and type to local people on low or moderate incomes and will remain so in perpetuity; and

- v. the requirements of Policy LC4 are complied with.

Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, particular attention will be paid to scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting.

These policies are consistent with the National Planning Policy Framework ('the Framework'), which says at Paragraph 55 that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The National Planning Practice Guidance does not contain any further information on assessing need

Assessment of Need/Affordability

The applicant presently lives with her parents at Sacheveral Farm 1km to the west. She and her partner are forming a household for the first time. The applicant and her partner have strong connections with the local area, the applicant having resided in Winster parish in excess of the 10-year requirement to meet the Authority's local qualification criteria for persons setting up a household for the first time.

The applicants have been actively seeking a property in the locality to allow them to get on the property ladder. However, following a review of properties for sale in the locality, these are well in excess of their budget.

The agent also states that there are no suitable buildings available for conversion at the Sacheveral farmstead. There is a small traditional farm building attached to the farmhouse, which is presently in use for agricultural storage. This has been inspected by the Authority officer, who concurs that as it is still in agricultural use, it is not currently available to provide the residential accommodation currently being sought.

The agent states that the barn is currently in family ownership and has been valued at £25,000 in its current state. The conversion costs including the provision of underground mains electricity supply and provision of a private package sewage treatment plant are estimated to be in the region of £120,000, including the remedial works to the barn structure, with the applicant's partner carrying out the majority of the construction works himself. Although the barn appears to be in a reasonable structural condition, there are some visible cracks in the internal stonework below the roof trusses and some evidence of inadequate structural support for the roof structure. The westernmost kingpost truss frame has snapped at its base and is being supported via Acro props.

Further information has been submitted by the agent from a building contractor, which states that there is cracking of stonework in the roadside gable end, a new roof is required and timber roof frames need repairs and replacement and several cracks in the internal stonework. Their conclusion is that after close inspection of the building, if the building repair work is not carried out within the next 18-36 months, major damage to the building will occur.

The accompanying supporting information does not confirm that the applicant is willing to accept the Authority's standard S.106 legal obligation relating to local need/affordability, however, the Authority officer has since received verbal confirmation that this would be the case.

In respect of the size of the proposed local need dwelling, the submitted scheme proposes the conversion of the barn to a two-bedroomed local needs dwelling. The accommodation is provided over two floors with the central part of the first floor space left as a void over the ground floor sitting room. The overall usable floor area excluding the void area is 94m², which just exceeds the size of a 5 person local needs dwelling (87m²). Given that this a barn conversion, it is considered that the additional 7m² of floorspace is within acceptable parameters, subject to a planning condition being attached to retain the first floor void space. The retention of the void space would also allow the full-height space and the internal character the original barn to be appreciated.

Notwithstanding the above omissions, it is considered that sufficient information has been submitted to comply with criteria (i)–(iv) of the Authority's local Plan policy LH1 and the applicant's circumstances also easily meet the criterion (ii) of Local Plan policy LH2, which relates to the definition of people with a local qualification. In these respects, it would not be appropriate to consider conversion of the barn to an open market house to meet general demand under the provisions of HC1(C) despite the barn being of vernacular merit because the submitted application demonstrates that the impetus of open market values are not required for the conservation of the barn.

However, the proposal still has to comply with the requirements of criterion (v) of LP policy LH1, which states that the requirements of LP policy LC4 must be complied with. This requires the development to conserve, and where possible enhance the landscape, built environment and other valued characteristics of the area. These issues are examined in detail in the following section of this report, which deals with the potential landscape and visual impacts associated with the current proposals.

Issue 2 - The impact of the proposed dwelling conversion on the character and setting of the barn and the surrounding landscape.

Local Plan policy LC4(a) says where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, conserves and where possible it enhances the landscape, built environment and other valued characteristics of the area. Local Plan policy LC4(b) goes on to say, amongst other things, particular attention will be paid to scale, form, mass and orientation in relation to existing buildings, settlement form and character, landscape features and the wider landscape setting.

Local Plan policy LC4 is now also supported by the more recently adopted policy GSP3 of the Core Strategy which says development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal. GSP3 goes on to say, amongst other things, particular attention will be paid to:

- A. impact on the character and setting of buildings
- B. scale of development appropriate to the character and appearance of the National Park
- C. siting, landscaping and building materials
- D. design in accordance with the National Park Authority Design Guide

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

LC8 and L3 otherwise set out further guidance relating to any new use of a traditional building with vernacular merit. L3 states, amongst other things, that development must conserve and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including other heritage assets of regional or local importance or special interest. Local plan policy LC8 reinforces policy L3, and states, amongst other things, that the new use should not lead to changes to the building's curtilage or require new access or services that would adversely affect its character or have an adverse impact on its surroundings.

It is considered that the current application does not meet the requirements of these policies in the Development Plan for the following reasons:

The barn is a prominent landscape visual feature within this part of the White Peak. Due to the nature of the landform the barn is seen in isolation within the landscape and no other agricultural buildings are seen in its setting from any immediate viewpoint or more distant vantage points. In this respect, officers concur with the views of the Authority's Landscape Architect that what makes this barn unique is that it stands in isolation separate from any farm buildings, most farm buildings in the area both modern and traditional are associated with a farm complex.

The relevant guidance in the Authority's Landscape Strategy and Action Plan for the White Peak state that throughout the Limestone Plateau Pastures landscape Character type protecting and maintaining historic field barns is a priority saying specifically:

"... Isolated field barns are a special cultural feature in the White Peak, especially in the Plateau Pastures. Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages."

In this case, the barn sits in an isolated location in an open pastoral landscape. It is visible from close views from the adjacent road and from the wider landscape when approaching the barn in both directions along the B5056. Consequently, it is considered that the proposed conversion of the barn to a dwelling would have a significant adverse impact, not on only the character and immediate setting of the barn itself, but also on the scenic beauty of its wider landscape setting when considering the guidance in the Authority's Landscape Strategy and Action Plan.

Furthermore, officers acknowledge that the physical building conversion scheme is sympathetic to the character and appearance of the existing barn and involves no new openings (except for the three additional rooflights) and a restricted curtilage contained by new sections of drystone walling. However, it is considered that the building is in such an exposed and prominent position that that the changes to the barn through the introduction of a residential use into the building, such as the glazing of openings, the separation of the barn from the field through the creation of the enclosed residential curtilage, and the activities generated around the barn would significantly and adversely impact upon the character and setting of the barn and the surrounding landscape.

Some of the proposals such as roof lights, domestic curtilage and parking areas would also have an impact on the building clearly defining it as a domestic property, which would detract from its intrinsic character. This is further exacerbated by the barns proximity to the road. It is clear from the Landscape Strategy that the development of isolated residential buildings is inappropriate for this landscape character area where settlement occurs in nucleated villages.

In this case, even at a distance, the visual effect of the works proposed, together with that of vehicles parking at the site and using the access, would be clear. Moreover, the domestication of a building that occurs from a residential use and associated domestic paraphernalia are difficult to control by condition and the domestication of an isolated field barn would have a significant and adverse impact on the landscape setting of the barn. Therefore, the character and appearance of the area and the valued scenic qualities of this part of the White Peak landscape would be significantly harmed by the proposed conversion of the barn and the proposed conversion would detract from the valued characteristics of the local area.

For these reasons it is considered that even though there is a strong and convincing justification for the principle of the conversion of the barn to a local needs dwelling, the proposal would still be open to strong landscape objections and would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8. These policies and the Authority's adopted supplementary planning documents are considered to be consistent with the Framework because they promote and encourage development proposals that would be of a high standard of design and sensitive to the valued characteristics of the National Park.

Paragraph 115 in the Framework also states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage. The proposals in the current application conflict with these objectives and therefore conflict with the statutory purpose of the National Park's designation. In these circumstances, landscape conservation must take precedence over the duty placed on the Authority to seek to foster the social and economic welfare of the local community and consequently; the current application is recommended for refusal.

Issue 3 – Ecological issues

Core Strategy policy L2 and Local Plan policy LC17 state, amongst other things, that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. National planning policies in the Framework promote and encourage the conservation and enhancement of the natural environment.

The building has been identified as suitable for bat roosting and nesting birds. A bat survey has been undertaken. A site visit was also conducted by the PDNPA ecologist at the time of the previous application. The ground floor area was examined for evidence of bat usage and breeding birds. On entering the barn a pair of swallows were observed within the roof space, a nest in the south east corner of the barn showed fresh signs of construction with a layer of damp mud, indicating the birds are likely to be attempting to breed within the barn, the barn also contains numerous old swallow nests and nests likely to be from songbirds such as pied wagtail.

Therefore, in the first instance, provision should be made to provide alternative nesting opportunity for this species by the inclusion of nesting space via a suitable roof void or eave, preferably on the gable end of the building if permission were to be granted for the current application.

As set out in the above report, the barn is of traditional stone construction, with wooden trusses supporting a blue slate roof, waterproof membrane has been installed on one half of the roof, the rest is open and the undersides of the slates were visible. There are numerous large cracks in the walls, gaps above windows/doors and holes leading into the cavities, these present suitable roosting areas for bats particularly crevice dwelling species such as *Pipistrellus* sp, a number of these cavities contained no cobwebs. A small number of bat droppings were recorded on the internal walls of the barn in both the central area and in the northwest corner. No inspection of the first floor sections was undertaken.

Consequently, the Authority's Ecologist advised that in order to establish the current extent of bat usage of the building a further bat activity survey was required to ascertain what species of bat are present within the roost and the nature of their use (i.e. feeding, breeding or hibernating). The bat report submitted with this current application now includes emergent bat surveys, which observed that no bats were seen emerging from the barn, however, a small number of bats were observed foraging around the barn. The recommendations in the submitted bat report suggest provision for bat boxes and access points into the wall cavities to provide alternative roost locations for hibernating bats. The Authority's Ecologist has since confirmed that these mitigation measures for bats can be achieved through the attaching of appropriate conditions to any permission for the current application

It is therefore considered that the proposals would comply with Core Strategy policy L2 and Local Plan LC17 subject to conditions securing appropriate mitigations measures for bats and birds.

Conclusions

Officers acknowledge that this is a genuine local needs case, which has generated a significant level of local support, and the applicant has demonstrated that there are no suitable alternative options available for her. It is also acknowledged that the position of the barn and the fact that as it is owned and is situated within the applicant's family's owned parcel of land this would be the preferred option.

It is considered, however, that even though there is a sufficient justification for the proposed dwelling, the current proposals cannot be accepted because the proposals conflict with landscape conservation objectives and the proposed barn conversion would significantly detract from the scenic beauty of the National Park.

Therefore any approval for the current application would be contrary to Core Strategy policies GSP1, GSP2, GSP3, L1 and L3, saved Local Plan policies LC4 and LC8 and national planning policies in the Framework, which individually and collectively say great weight should be afforded to the conservation and enhancement of the valued characteristics of the National Park.

Accordingly, the current application is recommended for refusal because the proposals do not comply with the relevant policies in the Development Plan or national planning policies in the Framework.

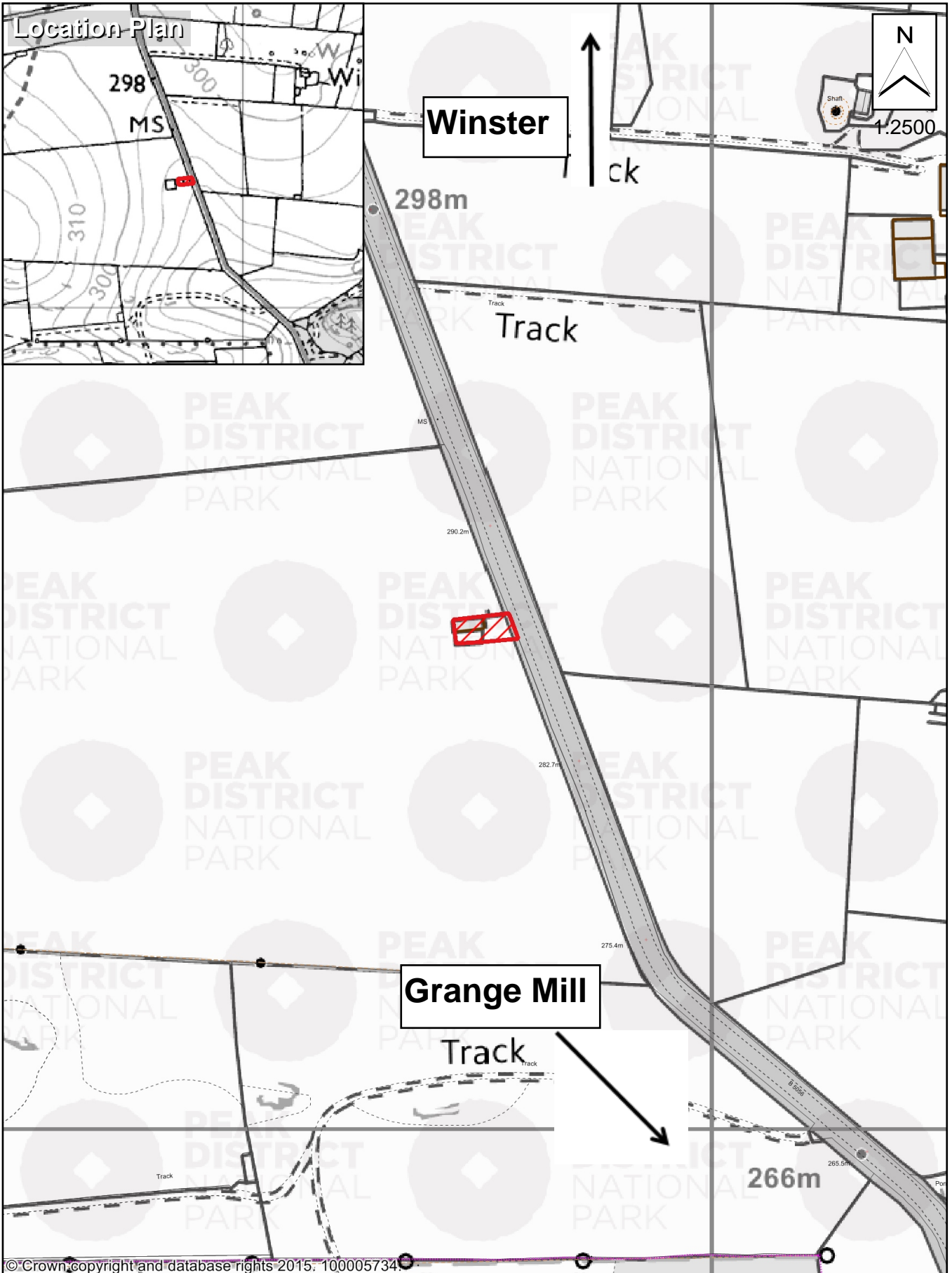
Human Rights


Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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Committee Date:	09/10/2015	Title: Barn adjacent to the B5056 Winster	 PEAK DISTRICT NATIONAL PARK
Item Number:	8		
Application No:	NP/DDD/0815/0796		
Grid Reference:	424118, 359436		

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9. FULL APPLICATION – ERECTION OF AN AFFORDABLE DWELLING TO MEET A LOCAL NEED AT GREEN FARM, ALDWARK (NP/DDD/0515/0425, P.2656, 422786/357367, 23/09/2015/KW)

APPLICANT: MR DANIEL WAIN

Site and Surroundings

The application site is situated on the northern edge of Aldwark hamlet and within the designated Aldwark Conservation Area. It comprises a small croft bounded by a neighbouring detached cottage (Ivy Cottage) to the east and a modern farm building to the west. The frontage of the croft is set behind a small enclosed area of land, which fronts on to the central grassed area that forms a distinctive part of the character of Aldwark hamlet. The rear boundary of the croft is situated adjacent to open farmland.

Access to the croft is via a short grass track which leads directly off the western side of the central grassed area. A public footpath also passes close to the site along the track on the north-western side of the central open grassed area.

Proposals

The current application proposes the erection of a newly-built affordable local needs dwelling for the applicant who works on the family farm in Aldwark. The applicant also runs a local contracting firm based near the application site.

The amended plans submitted in support of the application show a detached affordable, two-bedroomed local needs dwelling positioned in the centre of the croft. The two storey house would have a simple traditional double-fronted design and would be constructed of natural limestone under a natural blue slate roof. The internal floor area of the dwelling measures around 81m², which is within the Authority's maximum size guidelines for affordable local needs dwellings (87m²).

Vehicular access would be via the existing grassed track with a grassed driveway/parking area provided to the front of the dwelling.

RECOMMENDATION:

That the revised application be REFUSED for the following reasons:

- 1. The application site is not within or on the edge of a named settlement as defined in Core Strategy policy DS1 and there is more appropriate accommodation in the locality that could be made available for occupation by the applicant. Therefore, the proposals would represent an unsustainable form of development that is contrary to policy GSP1 of the Core Strategy, contrary to saved Local Plan policy LH1, and contrary to national policies in the National Planning Policy Framework.**

Key Issues

1. Whether principle of the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable local needs dwellings.
2. The potential impact of the proposed dwelling on the character and setting of Aldwark hamlet, Aldwark Conservation Area and the surrounding landscape.
3. Archaeological issues.

4. Impact upon the residential amenities of the adjacent cottage (Ivy Cottage).
5. Highway issues.

History

There is no relevant planning history on the proposed dwelling site, however, the following planning history on Green Farm is considered to be relevant to this proposal.

January 2009 – Refusal of full planning consent for the conversion of a barn to the south of green Farm to a holiday unit and a dependant relative unit on grounds that the resultant dwelling would not be ancillary and insufficient evidence had been submitted to satisfy the requirements of the Authority's affordable local needs dwelling conversion policies.

April 2009 – Consent granted for the conversion of the barn to the south of Green Farm to two holiday units.

November 2011 – Refusal of consent for extension between two detached outbuildings and conversion to a holiday unit, on grounds that the scheme would require significant enlargement and alteration to the existing buildings, which would harm their character and setting and the Conservation area.

August 2014 – Enquiry from the applicant seeking advice on whether an extension between the two detached buildings to the north-west of Green farmhouse and their conversion to a local needs dwelling would be acceptable.

Following a site visit by the Authority officers, the applicant was advised that as the proposal would require demolition and rebuilding of the larger of the two buildings, the principle of conversion/extension of the buildings to a separate local needs dwelling would not meet the Authority's affordable local needs dwelling policies as it would comprise primarily new-build local needs dwelling accommodation outside of a 'Named Settlement'.

Officers also advised verbally that the principle of the rebuilding/extension and conversion of the buildings to an ancillary dwelling for the applicant tied to Green farm via a Section 106 legal agreement would receive officer support. Further detailed design advice was also given by officers to resolve outstanding design issues with respect to the initial sketch scheme submitted by the applicant. The amended scheme was for a modest, low two-storey ancillary dwelling unit with an approximate internal floor area of around 90m². Notwithstanding this advice, the applicant subsequently confirmed that this option was no longer available, for family reasons

Consultations

External Consultees

County Council (Highway Authority) – No objections, subject to the attaching of conditions requiring space to be provided for storage of plant and materials etc.; the new vehicular driveway (min. width 2.75m) and sightlines on to the highway being provided; parking spaces being provided prior to occupation and details of the measures taken to prevent the discharge of water from the site onto the highway.

District Council – No reply to date.

Parish Council - There is no Parish Council or Parish Meeting representing Aldwark, however, seven individual letters of support have been received. These are reported in the Letters of Representation section of this report below.

Internal Consultees

Authority Conservation Architect – Detailed comments have been received, which state that the site comprises an irregular-shaped field located within the northern part of the village core. The site is enclosed by drystone walls built from locally-derived limestone. The site access is located at the south-west corner. This is approached via a short narrow route off the road that encloses the village Green. A small rectangular field, containing a former pig sty and store, separates the development site from the road.

To the east of the site stands a 17th century listed cottage with outbuildings. This property and many other dwellings in the northern part of the village face south. A large modern agricultural structure is located to the western edge of the site. To the north are open fields, enclosed by a network of drystone walls, which then drop in level towards the north. The historic Ordnance Survey map records show a rectangular feature, possibly a building, on this site. Additionally, Aldwark is one of the oldest settled villages in the National Park. Consequently, it is recommended that the Authority Archaeologist be consulted on the proposal.

Aldwark Conservation Area appraisal describes the centre of the village as, 'Most of Aldwark encircles the central field with farms and a few houses widely spaced around it'. Constructing a property on the proposed site will maintain the wide spaces between the buildings, therefore the settlement pattern and grain will not be harmed. There is also no objection to the proposed position of the building on the site or its orientation. The latter is in keeping with neighbouring properties.

There are no objections to the density or general mass of the building; however, it would be preferable if the dwelling was excavated into the slightly sloping ground levels across the site. The dwelling proportions, design and materials reflect the local vernacular; however, the proposed use of photovoltaics on the front roof pitch, facing the village centre will detract from the host building and the Conservation Area. Subject to minor design amendments and a sympathetic landscaping scheme for the building and the access track, this proposal will not harm the setting of the listed buildings in the vicinity of the site. The new-build will obstruct long-ranging views out of the Conservation Area when viewed from the south of the site, but this will not harm its character.

Authority Archaeologist – The application has archaeological implications. The field which is proposed for development is within the historic core of Aldwark village and is within its Conservation Area.

There are a number of archaeologically significant, but none designated heritage assets within relatively close proximity of the development site. The closest of these is the village green which is registered on the Derbyshire Historic Environment Record as a medieval embanked enclosure. There is also a square enclosure shown on the historic Ordnance Survey maps.

In view of the location of this development proposal site, and the fact that a feature is depicted within it on historic maps there is strong probability that archaeological remains will survive here. It is therefore recommended that an archaeological evaluation of the site is undertaken in advance of a planning decision being made. This would involve a geophysical survey and trial trenching of any resulting anomalies undertaken to a brief provided by the Authority.

Representations

Seven individual letter of support have been received from Aldwark residents, which make the following points:

- The applicant is a hard-working Aldwark resident who provides an important service for the local farming community. He deserves to be able to live and work in Aldwark where he has lived all his life.

- There is a need for a better balance of age groups in the hamlet; young people are forced to move as they cannot afford to buy here.
- There are plenty of holiday-lets; more permanent residents are needed in order to keep the rural community alive and to prevent the village dying.
- The proposed dwelling is in keeping with the village.

Main Policies

Local and National Housing Policies

National policies in the National Planning Policy Framework ('the Framework') and local policies in the Development Plan set out a consistent approach to new housing in the National Park.

Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. However, the Framework does not offer any support for the provision of affordable housing to meet local need anywhere other than in existing settlements.

Policy DS1 of the Core Strategy reflects the objectives of national policy and sets out very clearly new residential development should normally be built within existing settlements within the National Park. In this case, there is some residential development in and around Aldwark but Aldwark is not a named settlement for the purposes of DS1 and the application site is within open countryside for the purposes of local and national planning policies.

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements. In accordance with national policies in the Framework, and policies DS1 and HC1 in the Core Strategy, policy LH1 of the Local Plan says that, exceptionally, newly built dwellings will be permitted in or on the edge of named settlements subject to certain criteria including proof of need; local qualification and the affordability of the proposed housing.

Design and Conservation Policies

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Policy GSP3 of the Core Strategy and Policy LC4 of the Local Plan are also directly to the current application because they set out the design principles for all new development in the National Park, seeking to safeguard the amenities of properties affected by development proposals, and setting out criteria to assess design, siting and landscaping. The Authority's Supplementary Planning Documents (SPD) the Design Guide and the Building Design Guidance offer further advice on design issues.

Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should

not impact negatively on the environmental quality of the National Park. Policy CC1 of the Core Strategy and the associated supplementary planning document on climate change and sustainable development encourage incorporating energy saving measures and renewable energy into new development.

Policies GSP2 and L1 of the Core Strategy are also especially relevant to the current application because they reiterate that landscape conservation is a priority in the National Park. L1 also cross refers to the Authority's Landscape Strategy and Action Plan. With reference to the Authority's adopted Landscape Strategy and Action Plan. The application site is within the White Peak, and specifically within the Limestone Village Farmlands landscape type.

In these respects, the application site and its landscape setting is characterised as pastoral farmland enclosed by drystone walls made from limestone with repeating pattern of narrow strip fields originating from medieval open fields, scattered boundary trees and tree groups around buildings, and discrete limestone villages centred on clusters of stone-built dwellings. Taken together, L1 and Landscape Strategy and Action Plan seek to ensure development proposals would not harm these valued characteristics of the Limestone Village Farmlands or the scenic beauty of the National Park

These policies are otherwise consistent with national planning policies in the Framework that afford great weight to the conservation of the natural beauty of the National Park and promote high standards of design for development proposals, which should be sensitive to the locally distinctive characteristics of their landscape setting.

The location of the application site within a Conservation Area is also a highly relevant consideration noting that the Framework states that the conservation of heritage assets in a manner appropriate to their significance forms one of 12 core planning principles. Paragraph 132 of the Framework states that great weight should be given to the conservation of a designated heritage asset and that the more important the asset, the greater the weight should be. These provisions are consistent with the criteria for assessing development within a Conservation Area set out in policy L3 of the Core Strategy and saved Local Plan policy LC5.

L3 states that development must conserve and where appropriate enhance and reveal the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of national, regional or local importance or special interest. LC5 also states that applications for development in a Conservation Area, or for development that affects its setting or important views into or out of the area, should assess and clearly demonstrate how the existing character and appearance of the conservation area will be preserved and, where possible, enhanced.

Finally, saved Local Plan policies LC15 and LC16 require an appropriate archaeological assessment of sites that may be of archaeological interest. Where development affecting a site of archaeological interest is acceptable, this will require the implementation of an appropriate scheme for archaeological investigation prior to and during development in accordance with these policies and in accordance the overarching objectives of Core Strategy policy L3.

Assessment

Issue 1 - Whether principle of the proposed development meets the terms of the Authority's Core Strategy and Local Plan policies in relation to the provision of affordable local needs dwellings.

Scope for the erection of new-build local needs housing in Aldwark

Core Strategy policies DS1 and HC1 and Local Plan policy LH1 support newly-built affordable housing on an exceptional basis where there is evidence of local need and providing the site is

within a 'named settlement' or on the edge of a 'named settlement' if no suitable site is available within the settlement. Aldwark is a relatively small collection of residential properties with no existing services and is not included in the list of 'named settlements' in CS DS1. The 'named settlements' were devised in the Authority's Core Strategy policy following an analysis of their location, size and function, range of services and/or ease of access to public services by public transport, and their capacity for new development.

The explanatory text accompanying CS policy DS1 states that the remaining settlements not classified as a 'named settlement' are very small and policy clarifies the limited opportunities for development appropriate to these places, including the provision of new-build affordable local needs housing. The policy states that the need of these smaller settlements will continue to be met by the cascade approach defined in the affordable local needs housing SPG, which allows for the eligible affordable housing need of the settlements in these parishes to be met in nearby larger settlements.

The explanatory text further acknowledges that there may be exceptional circumstances in some smaller settlements which do not fit easily within the scope of the settlement strategy. In these cases, the Authority will assist communities to prepare parish plans, taking into account valued characteristics and community priorities. This approach would provide opportunities to address local aspirations in an open and constructive dialogue, seeking to identify the best solution to deliver the spatial strategy. However, the current position in Aldwark is that there are limited opportunities for neighbourhood planning because of the absence of a Parish meeting or Council to lead on a neighbourhood plan.

Therefore, granting planning permission for the current proposals for a newly-built house in open countryside would be a departure from the Development Plan and national planning policies in the Framework and there is little prospect that a neighbourhood plan would be likely to be adopted that might provide better support for the current proposals. Notwithstanding these issues, there is clear evidence that the applicant is in need of affordable housing within the local area.

Housing Need

Where a single house is being proposed, the Authority's housing policies accept that the need for affordable housing can be determined with reference to the applicant's individual circumstances. In respect of the need for the house proposed in this application, the proposed dwelling is for the applicant, a life-long resident of Aldwark, with strong family and work ties to Aldwark. He works on the family farm as well as running a part-time local contracting firm based near the application site. The applicant now wishes to move out of the family home and given his strong family ties to Aldwark and his desire to live near to his work, has a need to stay within the village. The applicant is also looking to start a family in the village and considers that a new family home in this location would contribute positively towards the vitality and variety of the local community and the Peak District in general.

The supporting statement submitted with the application also states that a new home in one of the larger settlements identified in the Authority's Core Strategy policies would not meet the applicant's specific needs. The nearest 'named settlements' are the villages of Elton and Winster two miles to the north and would result in the applicant commuting to work in the village, which would be less sustainable than if he were able to live near his source of employment. A search of alternative available accommodation in Aldwark and the adjoining parishes has also been undertaken and concluded that there were no properties available to the applicant. The search was based on the availability of properties being marketed for sale at less than £120,000 or advertised for rental at less than £500pcm.

The agent also states that there are no suitable buildings available to the applicant, which could be converted to a dwelling. The outbuilding associated with his parent's property has been

converted to a holiday-let, which provides an essential source of income for the farm and cannot therefore be disposed of. The outbuildings at Green Farm are owned by the applicant's uncle and are either required for agricultural purposes or unsuitable for residential conversion.

Notwithstanding the agent's comments in respect of the unsuitability of the outbuildings to the north of Green Farm, these were the subject of an enquiry by the applicant in 2014 (see planning history section above). Following this enquiry officers advised that the demolition and rebuilding of one of the outbuildings and a sympathetic link extension to the remaining outbuilding to provide an ancillary dwelling applicant tied to Green farm via a Section 106 legal agreement would receive officer support. The officers are also aware of similar cases where farm businesses have offset the loss of income from a holiday let against the costs of converting another building or a newly-built house deciding to vary a holiday occupancy restriction as the most cost effective way of providing accommodation for a farm worker.

Therefore, in terms of need and local eligibility, officers do consider that the applicant meets the Authority's definition of a person with a local qualification as the applicant clearly exceeds the minimum 10-year permanent residency in Aldwark and is forming a household for the first time. Moreover, it is acknowledged that this need case is strengthened by the fact that the applicant's work base is also in Aldwark. However, there are other alternatives to a newly-built house that would provide equally appropriate accommodation and officers consider this issue exacerbates the potential departure from policy arising from the erection of a newly-built house outside of a named settlement.

Affordability

In terms of affordability, the estimated build cost for the proposed dwelling is in the region of £130,000-£150,000. No open-market valuations or valuations of the proposed dwelling with the local occupancy restriction attached have been submitted, however, the agent is hoping to provide these. However, it is considered that the estimated market value with the local occupancy restriction attached is likely to be commensurate with other similar detached local needs dwellings that have been accepted elsewhere in the National Park. The proposed dwelling has an internal floor area of 80.80m². Therefore, officers are satisfied that the newly-building would comply with the Authority's housing policies in terms of affordability.

Reasons for Refusal

In conclusion, it is considered that the applicant has demonstrated that there is a demonstrable need for the dwelling, and he has a local qualification. The proposed dwelling also meets the relevant affordable floorspace guidelines and affordability criteria set out in the Authority's proposals. There is also an argument that the provision of a dwelling at Aldwark, rather than within a 'named settlement' village in an adjoining parish would be the most sustainable option for the applicant.

However, the dwelling has not been justified on the basis that it would be for a key worker and officers have concerns that the applicant's need for accommodation through the conversion/remodelling of the existing outbuildings on the farm, or by varying the holiday occupancy restriction attached to the existing holiday let on the farm. The proposals also represent a departure from the Development Plan because the newly-built dwelling would not be located within or on the edge of a named settlement.

Consequently, it is considered that the proposals would represent an unsustainable form of development that is contrary to policies GSP1 and HC1 of the Core Strategy, contrary to saved Local Plan policy LH1, and contrary to national policies in the National Planning Policy Framework.

Issue 2 - The potential impact of the proposed dwelling on the character and setting of Aldwark hamlet, Aldwark Conservation Area and the surrounding landscape.

The proposed dwelling would be sited in a small croft situated on the north-western side of the village green. This croft is situated immediately behind a smaller enclosure which fronts directly on to the green and is accessed via a narrow green track along the western boundary of this small enclosure. The site is also within the designated Conservation Area.

The two-storey cottage style dwelling would occupy the centre of the croft and would be flanked by a modern agricultural building to the west and a dilapidated former outbuilding within the curtilage of the adjacent listed cottage (Ivy cottage) to the east. The frontage of the site, when seen from the green is partially masked by a small single-storey outbuilding and a tree in the smaller enclosure, which abuts the site to the south. In these respects and subject to minor design amendments, it is considered that the proposed dwelling would be sympathetic to the established character, setting and grain of the village and would preserve the character and setting of the Conservation Area.

The design amendments suggested by officers would include excavating the dwelling into the slightly sloping ground levels across the site frontage, reduction in window openings and provision of a gable chimney stack. The scheme also proposes the use of solar voltaic tiles on the southern roof slope facing towards the village green. These would be visible from the centre of the village and given the prominence of the roof within the Conservation Area, the use of solar voltaic tiles in this instance is considered to be inappropriate. The Authority's Conservation Officer has undertaken a detailed assessment of the impact of the dwelling on the character and setting of the conservation area and concurs with these views and the applicant's agent is currently preparing amended plans to address these design issues.

Amended plans have now been submitted by the agent, which incorporate all the suggested amendments, with the exception of the repositioning of the central ridge chimney stack on to the eastern gable. The agent states that the applicants wish to retain the central ridge stack in order to provide better heating to the house. Officers consider, however, that gable chimney stacks are a traditional feature of the local building vernacular and, therefore, a condition should be attached the repositioning the chimney stack on to the gable in the traditional manner. The agent has also confirmed that the applicant no longer wishes to install solar tiles on the roof.

It is therefore considered that, subject to conditions relating to the repositioning of the chimney stack and the omission of the solar tiles, the revised scheme results in a newly-built dwelling that is well-related to its landscape setting that will harmonise with the pattern of development within the surrounding Conservation Area, in a manner that would accord with the wide range of relevant design and conservation policies in the Development Plan and the Framework.

Issue 3 – Archaeological issues

The application site was identified by the Authority's Archaeologist as having archaeological implications. The field which is proposed for development is within the historic core of Aldwark village and is within its Conservation Area. There are a number of archaeologically significant, but non-designated heritage assets within relatively close proximity of the development site. The closest of these is the village green which is registered on the Derbyshire Historic Environment Record as a medieval embanked enclosure. There is also a square enclosure shown on the historic Ordnance Survey maps.

In view of the location of this development proposal site, and the fact that a feature is depicted within it on historic maps there was considered to be a strong probability that archaeological remains would have survived here. It was therefore recommended that an archaeological evaluation of the site be undertaken in advance of a planning decision being made. This would involve a geophysical survey and trial trenching of any resulting anomalies undertaken to a brief

provided by the Authority.

A comprehensive archaeological assessment has now been carried out on the site. This identified remains of two 'cobbled pathways' within the proposal site, but elsewhere came down onto natural deposits associated with the limestone bedrock. The Authority's Archaeologist is not convinced of the interpretation of these remains as paths – the photographic record shows a kerbstone edging an area of flat slab material. This could just as easily represent an area of hardstanding/yard surface. All finds came from the topsoil, so the 'path' structures are undated. Topsoil finds were limited to 18th -19th century material.

The evaluation results were therefore a little inconclusive. There are fragments of undated structural evidence within the site, representing paths or other surfaces. There is no artefactual evidence to suggest early activity, but because the structures are undated neither is this ruled out. In the absence of remains of high significance or complexity, however, The Authority's archaeologist advises that there is no archaeological objection to the development proposals.

It is possible, however, that the development groundworks may impact upon further structural fragments similar to those encountered in the evaluation trenches, and given the archaeological sensitivity of the site it is still possible that fragmentary early remains might be present. There is consequently a requirement for a conditioned scheme of archaeological work to record any such remains in line with paragraph 141 of the Framework and policies LC15 and LC16 of the Local Plan.

In this light, it is considered that the proposed development would not harm any extant archaeological interest within the local area subject to an appropriate planning condition, and such a condition requiring archaeological monitoring and recording during the development groundworks would be reasonable and necessary if permission were to be granted for the current application.

Issue 4 - Impact upon the residential amenities of the adjacent cottage (Ivy Cottage).

The eastern boundary of the proposed dwelling site abuts the garden of the adjacent listed cottage (Ivy Cottage), which is situated on a lower ground level to that of the proposed dwelling site. The submitted plans propose no window openings in the eastern-facing gable of the proposed dwelling and permitted development rights could be removed for future alterations, thus controlling any adverse overlooking impacts on the adjacent cottage.

In terms of any adverse overlooking from the garden of the proposed dwelling down on to the garden of the adjacent cottage, this is partially mitigated by the wall of the existing dilapidated outbuilding in the garden of the adjacent cottage. There is, however, a section of the eastern boundary, which is not enclosed by the existing outbuilding where the garden of the adjacent cottage could be overlooked and would be un-neighbourly. It is considered, however, that this adverse impact upon the residential amenities currently enjoyed by the occupier of the adjacent cottage could be sufficiently mitigated by the erection of a 1.8m high close-boarded timber fence. The lower half of the fence would be screened by the existing drystone boundary wall.

Subject to a condition requiring the erection of the fence prior to the occupation of the dwelling, this would resolve and address any issues relating to the impacts of the dwelling on the residential amenities of the neighbouring cottage, in compliance with policies GSP3 and LC4.

Issue 5 – Highway issues

Access to the site is presently via a short section of grassed track, which is a pleasant feature that contributes to the character and setting of this part of the village and the Conservation Area. This grassed trackway is presently undisturbed because of the lack of vehicular use over recent years. It is inevitable that the condition and appearance of the track will be diminished by the

dwelling proposal and it is acknowledged that a firmer surface will need to be provided to provide a practical vehicular access to the croft.

In this respect, given that the current condition of the site makes a positive contribution to the character and setting of the village, it is considered that the access track should take the form of two individual wheel tracks using plastic grass grid surfacing material, which when established should preserve the character and appearance of the existing grassed track arrangement. Therefore, subject to details of the surfacing of the access track and parking areas being submitted and agreed and subject to the highway conditions suggested by the highway authority, the proposals are considered to be acceptable in highway terms.

Conclusions

In conclusion, officers acknowledge that the newly-built house would not result in any substantial harm to the valued characteristics of the local area subject to appropriate planning condition. Officers also acknowledge that there is a strong local need case for the proposed dwelling and in physical design and location terms it will preserve the character and setting of Aldwark Conservation Area. It is also acknowledged that in view of the applicant's particular work circumstances, it would be beneficial for him to live in Aldwark rather than in one of the nearest named settlements.

However, a newly built dwelling does not accord with the terms of the Authority's Core Strategy policy DS1 and Local Plan policy LH1 or housing policies in the Framework as Aldwark is not a 'named settlement'. In the absence of an adopted neighbourhood or parish plan for Aldwark that has identified the need for new-build affordable housing on an exceptional basis, it is considered that the proposal should be recommended for refusal on this basis. Moreover, it is considered that there is a more appropriate alternative, which would provide appropriate accommodation for the applicant and which would be a more sustainable alternative.

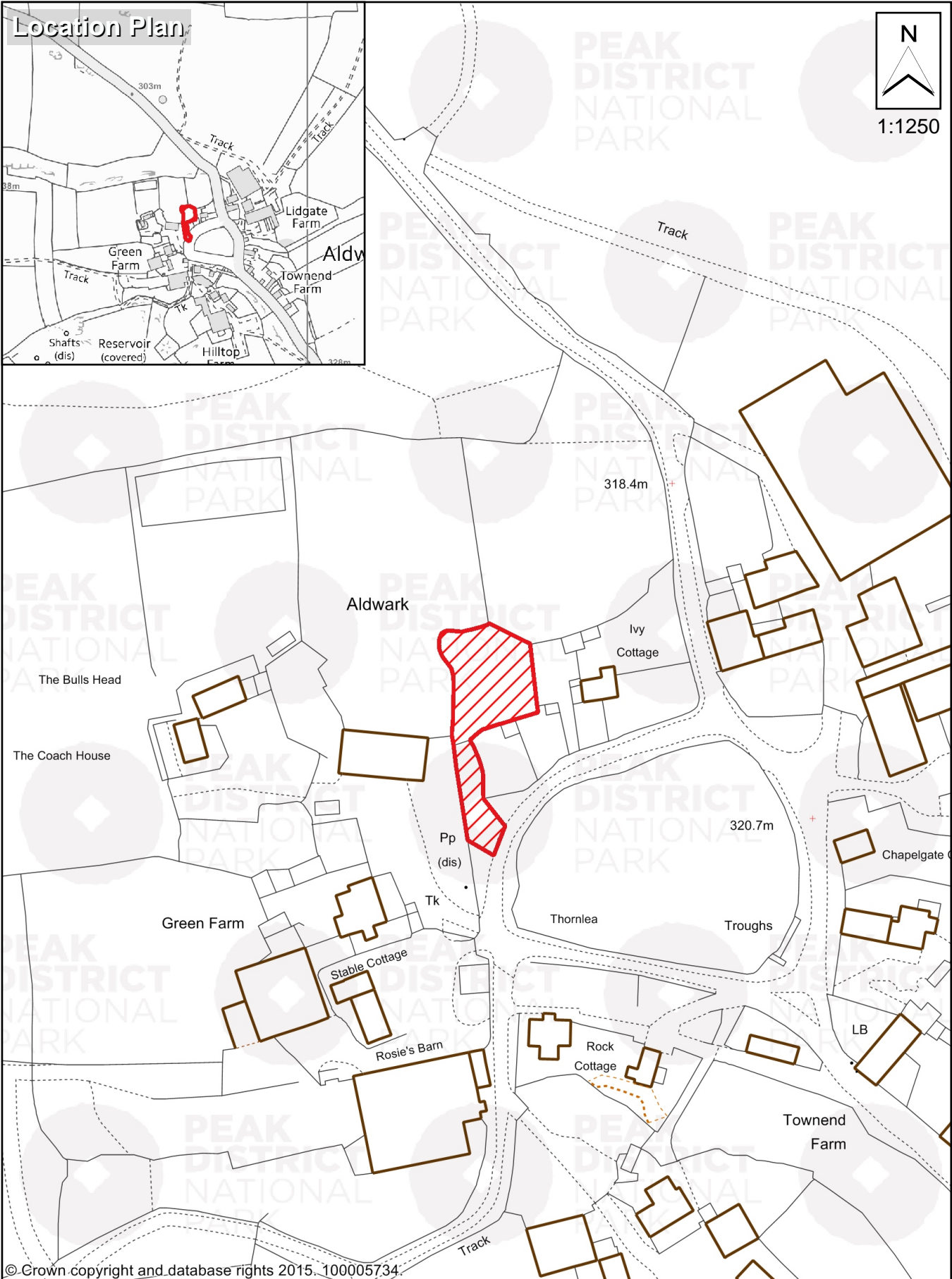
Accordingly, the current application is recommended for refusal because the proposals would constitute a substantial departure from housing policies the Development Plan and national planning policies in the Framework


Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil



Committee Date:	09/10/2015	Title: Green Farm	 PEAK DISTRICT NATIONAL PARK
Item Number:	9	Aldwark	
Application No:	NP/DDD/0515/0425	Grange Mill	
Grid Reference:	422786, 357367		

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10. FULL APPLICATION: CONVERSION OF BARN TO DWELLING, TAGG LANE BARN, TAGG LANE, MONYASH (NP/DDD/0715/0713 P.6043 413606/366357 28/09/2015/CF)

APPLICANT: MR AND MRS M RILEY

Site and Surroundings

The current application site concerns a disused stone-built field barn known as Tagg Lane Barn, which is situated in an isolated, yet prominent position immediately adjacent to the B5055 Tagg Lane, approximately 1km to the west of Monyash. A farm access track, which is also a public right of way runs from the road, past the barn and on to Whim Farm. A rough paddock area which extends to the north and west of the barn is also included in the application site.

The two-storey barn is simple and robust in its form and detailing but it does have a subsidiary single storey lean-to off the west facing gable and its original stone slate roof has been removed and replaced by protective sheeting. The road facing external wall of the barn also continues to appear to be bowing outwards despite an internal steel work structure having been inserted into the barn to keep it standing.

Proposal

The current application proposes the conversion of TagG Lane Barn to an open market dwelling to meet general demand. The design of the proposed conversion is intended to conserve and enhance the character and appearance of the barn by utilising existing openings, restoring original features, and re-roofing the main building with stone slates. The road facing wall would also be re-built and the supporting steel structure inside the building would be removed

The ground floor of the barn would be subdivided into 3 main bedrooms, a hall way and associated bathrooms making use of the greater number of windows at this level whilst the upper floor would provide the living accommodation. The submitted plans show a relatively modest domestic curtilage to the rear of the building and two parking spaces off the access track to Whim Farm.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions / modifications:

Statutory Time Limit

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**

Approved Plans

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plans, Drawing No.1503-05 Revision A and Drawing No.1503-06 Revision B, subject to the following conditions or modifications:**

Landscaping

- 3. No development shall take place until a tree management plan has been submitted to and agreed in writing by the National Park Authority. Thereafter, the management plan shall be carried out in complete accordance with the approved scheme.**

Conversion within Existing Shell

- 4. The conversion hereby approved shall be carried out entirely within the shell of the existing building. No part of the building shall be rebuilt without the prior written consent of the National Park Authority.**

Underground Service Lines

- 5. All new service lines associated with the approved development, and on land with the applicant's ownership and control, shall be placed underground and the ground restored to its original condition thereafter.**

Disposal of Foul Sewage

- 6. No development shall take place until a scheme for the disposal of foul sewage to a package treatment plant has been submitted to and approved in writing by the Authority. Thereafter, the package treatment plant shall be installed in complete accordance with the approved plans prior to the first occupation of the dwelling hereby permitted.**

Parking and Access

- 7. No development shall take place until a specification or sample of the material to be used for the surfacing of the drive, parking and manoeuvring areas has been submitted to and approved in writing by the National Park Authority.**
- 8. Prior to the first occupation of the dwelling hereby permitted, the access, parking and turning areas shall be completed in accordance with the specifications approved under Condition 7 (above).**

Residential Curtilage

- 9. Prior to the first occupation of the dwelling hereby permitted, the curtilage of the converted barn shall be defined with a drystone wall along the boundaries of the proposed garden shown on Drawing No.1503-06 Revision B. The drystone wall shall be constructed in locally obtained natural stone, to a height of 1.2m - 1.5m, coursed and pointed to match the stonework of the existing boundary walls.**

External Lighting

- 10. Unless otherwise agreed in writing by the National Park Authority, there shall be no external lighting and the converted building and associated curtilage shall not be provided with any other external source of illumination at any time during the lifetime of the development hereby approved.**

Design Details and Architectural Specifications

- 11. Prior to the installation of any new windows, full details of their precise design, including any glazing bar detail, recess from the external face of the wall and external finish, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.**
- 12. Prior to the installation of any new doors, full details of their precise design including external finish and recess from the external face of the wall, shall be submitted to and approved in writing by the National Park Authority. The**

development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.

13. Prior to the installation of any external flue pipe for a wood burner or any other heating appliance, full details of its precise design including its size, location and external finish shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.
14. All pipework, other than rainwater goods but including soil vent pipes and drainage pipes, shall be completely internal within the building.
15. The rainwater goods shall be cast metal, painted black. The gutters shall be fixed directly to the stonework with brackets and without the use of fascia boards. There shall be no projecting or exposed rafters.
16. The roof verges shall be flush cement pointed, with no barge boards or projecting timberwork.

Permitted Development Rights

17. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order) no alterations to the external appearance of the converted building shall be carried out and no extensions, porches, sheds, or ancillary outbuildings shall be erected on the site without the National Park Authority's prior written consent.

Key Issues

- whether an exception to HC1(C)II is justified

History

- | | |
|------|---|
| 2013 | Appeal dismissed for conversion of the barn to a single open market dwelling to meet general demand 2013 on the grounds that the building is not valued vernacular and the adverse landscape and visual impact of domestic paraphernalia associated with the domestic use of the barn. The Inspector concluded that the barn was now structurally sound because of the insertion of the internal steelwork frame supporting the weight of the building. |
| 2012 | Appeal dismissed for conversion of barn to a studio and workshop on the grounds that the four proposed parking spaces plus inevitable parking on the grass verges in front of the barn would be harmful to the character and appearance of the area. |
| 2008 | Appeal dismissed for conversion of barn to two holiday units. Despite the offer of a unilateral undertaking to control the use of the curtilage, there would be more overt signs of occupation including the two grasscrete parking spaces, bin store and presence of parked cars. The Inspector also concluded that the barn was not structurally sound. |
| 2006 | Appeal dismissed for conversion of barn to two holiday lets on the grounds that the proposals would introduce domestic style paraphernalia and this, together with the presence of a more manicured curtilage and vehicle parking would represent discordant elements in the open rural surroundings. The Inspector also concluded that the barn was not structurally sound. |

Consultation

County Council (Highway Authority) - No response to date

District Council – No response to date

Parish Council – Recommend approval of the current application for the following reasons:

- The proposed work will greatly improve the barns appearance which has been in a dilapidated state for years. It is clear when viewed that currently the barn requires to be made safe, as the fear has always been that it will deteriorate and fall down into the road.
- It is hoped that it will bring another family into the parish of Monyash.
- Broadly, the Parish Council are in favour of development of barns that have stood empty for years to be utilised for housing, (providing it is done in a manner in keeping with the surrounding area) rather than erect new builds.

Representations

Three letters of support for the current application have been received to date. Two of the letters offer general support for the conversion and restoration of this derelict farm building for residential use. The author of the third letter says: "I fully support the application as the renovation of this building is long overdue. It is a shame that this limestone barn has been allowed to deteriorate in such a way. The renovated building will enhance the surrounding area and improve this entrance road to the village."

Main Policies

National Planning Policy Framework

The National Planning Policy Framework ('the Framework') says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

In these respects, the Framework reiterates a long standing principle that local planning authorities should avoid granting planning permission for isolated new homes in open countryside except in exceptional circumstances.

This approach is generally consistent with the Authority's development strategy set out in DS1 of the Authority's Core Strategy, which says new residential development should normally be sited within named settlements, and policy HC1(C) of the Authority's Core Strategy, which sets out very similar criteria to the Framework in terms of the exceptional circumstances in which a new house can be granted permission outside of a named settlement.

In this respect, paragraph 55 of the Framework says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. However, the Framework is more permissive where residential development in the open countryside would make use of a redundant or disused building and lead to an enhancement to the immediate setting.

Main Development Plan Policies

Core Strategy policies: GSP1, GSP2, GSP3, HC1, L1 & L3

Policy HC1 of the Core Strategy sets out the Authority's approach to new housing in the National Park; and policy HC1(C) I says exceptionally new housing will be permitted in accordance with core policies GSP1 and GSP2 if it is required in order to achieve conservation and/or enhancement of valued vernacular or listed buildings. HC1(C)II says exceptionally new housing will be permitted if it is required in order to achieve conservation or enhancement in settlements listed in core policy DS1.

GSP1 states that all development in the National Park must be consistent with the conservation purpose of the National Park's statutory designation and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area. GSP2 says that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon but proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area, and they should not undermine the achievement of other Core Policies.

Policy GSP3 of the Core Strategy is also relevant because it sets out detailed criteria for judging the impacts of new development on the valued characteristics of the National Park, and should be used to achieve the sensitive management of new development. L1 says that development must conserve and enhance the valued characteristics and landscape character of the National Park in accordance with the priorities for landscape conservation set out in the Authority's Landscape Strategy and Action Plan.

Landscape Strategy and Action Plan

The Landscape Strategy and Action Plan shows that the barn is situated in the Limestone Plateau Pastures landscape character type of the White Peak landscape character area. Key characteristics of the White Peak include a rolling upland plateau; pastoral farmland enclosed by limestone walls, and isolated stone farmsteads and field barns. The guidelines in the Landscape Strategy and Action Plan for the White Peak state that protecting and maintaining historic field barns is a priority throughout the Limestone Plateau Pastures landscape Character type. In particular, the Landscape Strategy and Action Plan says:

"... Isolated field barns are a special cultural feature in the White Peak, especially in the Plateau Pastures. Where they can no longer be maintained in agricultural use, careful consideration needs to be given to appropriate alternatives. Changes to the building or its surroundings should be avoided, especially where these are not in keeping with the rural character of the landscape. Conversion to residential use would be particularly inappropriate in a region where settlement is strongly nucleated in small villages."

Wider Policy Context

Relevant Core Strategy policies include: HC2, L2 and L3

Relevant Local Plan policies include: LC4, LC8, LC12, LC17, LH1, LH2, LT11 and LT18

LH1, LH2 and HC2 reaffirm the Authority's approach to new residential development in the National Park, and the strict controls on new housing outside of named settlements. These policies also provide criteria for assessing applications for affordable housing to meet local need, and for occupational dwellings.

Policy LC4 sets out guidance on design, siting and landscaping whilst policy LC8 and L3 set out guidance relating to any new use of a traditional building with vernacular merit. L2 and LC17 promote and encourage biodiversity within the National Park and seek to safeguard nature conservation interests. LT11 and LT18 otherwise require development to be provided with appropriate access and parking provision that would harm the environmental quality of the National Park. Further detailed advice on the conversion of buildings to other uses is provided in

the Authority's supplementary planning documents: the Design Guide and its appendix, the Building Design Guide.

In this case, it is considered the Authority's adopted design guidance and the wider range of design and conservation policies in the Development Plan are consistent with national policies in the Framework, which emphasise the great weight that should be attached to the conservation and enhancement of the National Park landscape, its wildlife and cultural heritage in any planning decision, and also promote high standards of design that would be sensitive to the valued characteristics of the National Park.

Assessment

Tagg Lane Barn has recently returned to the same ownership as Whim Farm, which shares the same access from Tagg Lane. The current applicants have bought Tagg Lane Barn and have submitted this application despite the recent appeal decisions that suggest that conversion of the barn to a new use would give rise to objections on landscape and visual impact grounds, and in the knowledge that the Inspector in the most recent appeal decision did not consider the barn to have any particular vernacular merit. However, the applicants also see that the barn detracts from the amenities of Whim Farm, and in its current condition, clearly detracts from the character and appearance of the local area.

Therefore, the applicants see the current proposals for the change of the use of the barn as required to conserve and enhance the building and its setting. The submitted budget costings demonstrate that the barn would not be a suitable candidate for affordable housing and that the impetus of open market values would be required to bring the barn back into use. It is also clear that whilst the barn appears to be in a poor state of repair, the internal steel work means that the barn is structurally sound and is actually capable of being converted in its existing shell. However, the internal steel work is an insensitive response to previous concerns that the barn was not structurally sound and would be removed if the current application were to be approved.

In these respects, whilst HC1(C)II does not permit residential development to achieve conservation and enhancements of despoiled sites outside of named settlements, national planning policies in the Framework do. In particular paragraph 55 of the Framework says local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where residential development in the open countryside would make use of a redundant or disused building and lead to an enhancement to the immediate setting. In this respect, it is clear that the proposed conversion would be of a high quality of design and not only make use of a redundant building that is somewhat derelict in appearance, it would restore the building to a field barn more in keeping with the local building tradition that would contribute much more positively to its landscape setting.

In reaching this conclusion, it is acknowledged that the Authority's Landscape Strategy and Action Plan is not supportive of the conversion of field barns in the open countryside. However, it is considered that if proper management of the small copse of trees adjacent to the building were to be secured, and in view of the barn's roadside setting, the proposed conversion would not have significant adverse impact on landscape character. Equally, whilst it is acknowledged previous appeal decisions indicate that a new use, complete with domestic curtilage and parking, would be harmful, the submitted plans show a modest curtilage with enclosed parking spaces that officers consider could be accommodated in this location without being unduly obtrusive.

Consequently, it is considered the proposed conversion would result in very limited harm to the scenic beauty of the surrounding landscape but provide substantial benefits to the character and appearance of the barn's landscape setting. This is a view supported by the Parish Council and in other representations, and the Parish Council also consider that the proposed conversion would provide a home and help maintain the vitality and viability of the nearby village of Monyash. In these respects, the proposed conversion can be considered to be a form of sustainable development supported by paragraph 14 of the Framework and policy GSP1 of the

Core Strategy also taking into account that the barn would otherwise remain in its current condition for a significant period of time if an appropriate new use cannot be found.

It is therefore considered an exception to the specific provisions of HC1(C)II can be justified and a positive recommendation of approval can be made on the individual planning merits of the current application despite the previous planning history attached to this barn. In all other respects, there are no overriding objections to the proposals on archaeological or ecological grounds, and there are no near residential properties that would be affected by the proposed conversions. It is also considered that parking provision would be adequate and the proposed conversion would be provided with a safe and suitable access from Tagg Lane.

Conclusion

It is therefore concluded that the current proposals do not comply with the specific provisions of policy HC1(C)II because the barn is not within a named settlement but the current application does accord with design and conservation policies in the Development Plan and national planning policies in the Framework when taken as a whole. Accordingly, the current application is recommended for conditional approval.

In this case, appropriate planning conditions would be required to minimise the visual impact of the proposed development and safeguard the character of the surrounding landscape, including a condition securing appropriate management of the copse of mature trees in the applicant's ownership adjacent to the barn. Equally, it is considered exceptional circumstances exist that warrant removing permitted development rights for extensions and alterations to the barn, and to restrict development within the curtilage taking into account that further domestication of the barn and domestic paraphernalia within its curtilage would be harmful to the character of the surrounding landscape also taking into account the relatively isolated location of the barn.

Similarly, it would be reasonable and necessary to seek prior approval of design details, including parking and access, external lighting and foul water drainage alongside undergrounding of services on land in the applicant's control and controlling the extent of the domestic curtilage, again, to minimise the visual impact of the proposed development and safeguard the character of the surrounding landscape also taking into account the conversion is also immediately adjacent to a public right of way. Finally, it would also be important to ensure the barn is converted within its existing shell with rebuilding limited to the roadside elevation to ensure the barn maintains its intrinsic character as a modest roadside field barn.

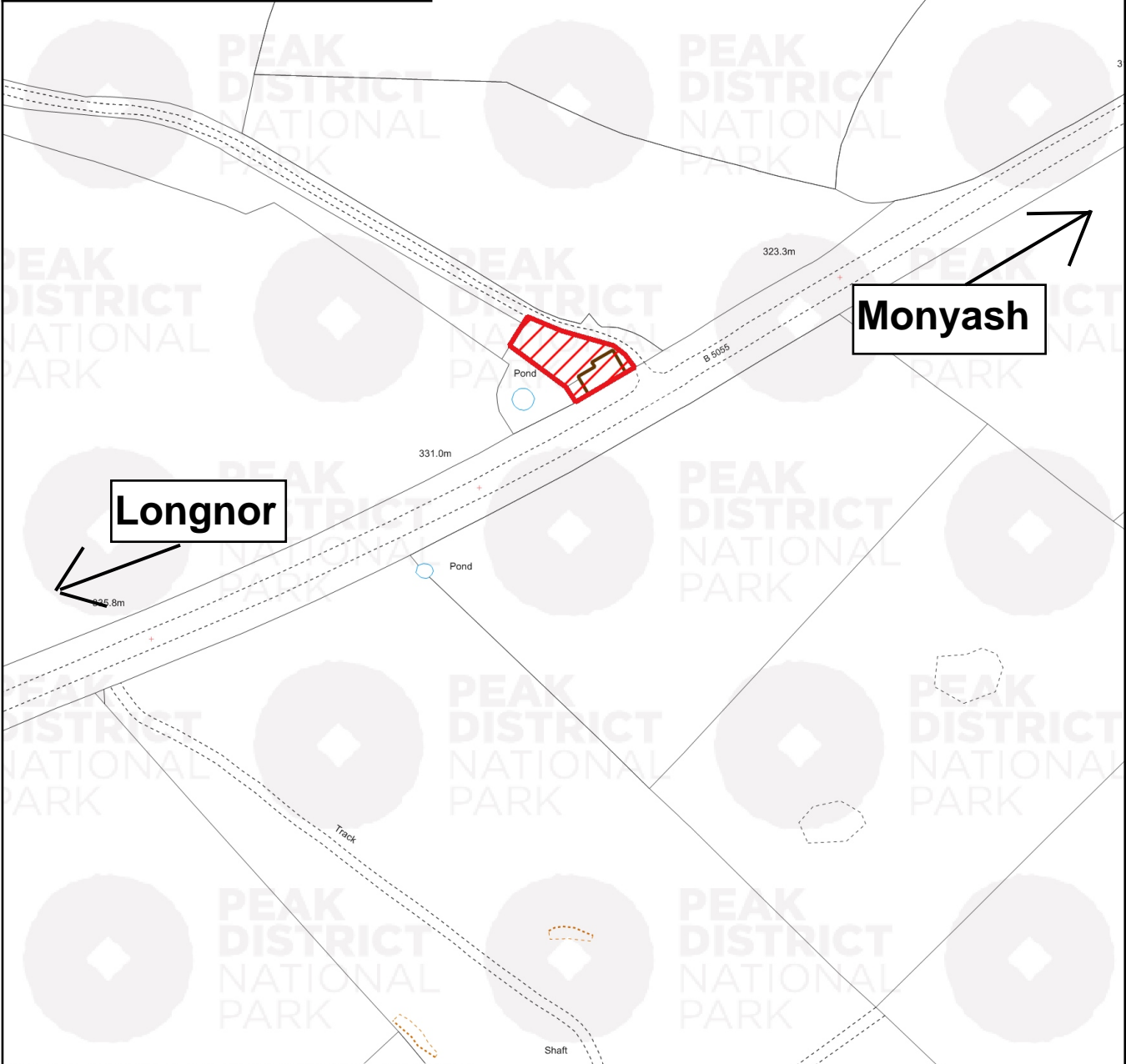
Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

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Committee Date:	09/10/2015	Title: Tagg Lane Barn Tagg Lane Monyash	 PEAK DISTRICT NATIONAL PARK
Item Number:	10		
Application No:	NP/DDD/0715/0713		
Grid Reference:	413394, 365957		

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11. OUTLINE APPLICATION – RE-DEVELOPMENT OF INDUSTRIAL SITE TO RESIDENTIAL USES; ALTERATIONS TO INDUSTRIAL BUILDING TO FORM A DWELLING, ERECTION OF WORKSHOP/BOILER HOUSE, ALTERATIONS TO/CONVERSION OF WATER TANK TO ANCILLARY ACCOMMODATION AND ERECTION OF SOLAR PANEL ARRAY AT STONE PIT YARD, CRESSBROOK (NP/DDD/0515/0460, P.6809, 416885 / 373131, 10/09/2015/AM)

APPLICANT: GARDEN STREET LTD

Site and Surroundings

The application site comprises the base of a former shallow quarry located between the steep wooded valleys of Cressbrook Dale and the River Wye which converge to the south east. The lower slopes of the valley are occupied by terraces of mill cottages to house the workers of Cressbrook Mill. The application site is approximately 50m to the west of the highest of these terraces known as Top Cottages. The application site is outside but adjacent to the designated Cressbrook and Ravensdale Conservation Area.

The western boundary of the application site has a frontage onto Bottomhill Road which turns sharply east some 20 metres south of the application site to drop steeply towards Cressbrook and the valley bottom. The road is narrow and without footways in the vicinity of the application site. Some 100m to the further to the north is a small isolated group of buildings comprising St. John's Church and a cottage.

The former quarry benefits from planning permission granted in 1994 for light industrial and storage uses (Use Classes B1 and B8). Two of the industrial units approved in 1994 have been erected which back onto the northern boundary of the site which is also the former quarry face. Two concrete open fronted aggregate stores and two concrete water stores are also positioned on the site.

Proposal

This application seeks outline planning permission for the re-development of the site to create a single dwelling house through converting and altering the existing industrial building on site. The application also proposes to erect a new building to be used as a domestic workshop and to house a boiler for the house as well as the conversion of one of the water tanks to create ancillary accommodation and the erection of a solar panel array. The proposed solar array would be sited along the northern boundary of the site.

The application is for outline permission with some matters reserved for later approval. The application does seek approval for access, landscaping, layout and scale of the development but reserves details of the appearance of the development. If permission is granted in outline then a further planning application would be required for approval of the appearance of the development.

The plans show that the existing industrial building would be converted to create a two storey detached dwelling with three bedrooms at first floor and living accommodation at ground floor. The submitted elevations show that the ridge height of the industrial building would be increased to facilitate the provision of accommodation over two floors while part of the roof would be lowered and provided with a sedum roof with cladding for the upper roof and parts of the upper walls.

The underground reservoir would be converted to create three or four habitable rooms but the precise function of these is not specified. The proposed workshop and boiler room would be to the front of the site and dug into the earth bund under a sedum roof. The boiler room would house a biomass boiler with backup diesel generator.

Access to the site would use the existing opening onto Bottomhill Road with three spaces for guest parking adjacent to the access and space for a further six vehicles to the east of the house access by a driveway along the northern boundary.

The submitted landscaping plan shows that the domestic curtilage of the house would be effectively limited to within the former quarried area. Parking and turning areas around the house would be surfaced with limestone chippings with a strip of macadam and stone setts along the access. New drystone walls are proposed along the access and to form the boundaries for the proposed parking and turning areas. The area to the south of the house is proposed to be grassed and new estate railings are proposed above the southern edge of the quarry to create a boundary to the adjacent field. An orchard and an area of mixed woodland is proposed to the east of the dwelling consisting of native broadleaf trees. New hedge planting is also proposed behind the boundary walls adjacent to the access.

RECOMMENDATION:

That the application be REFUSED for the following reason:

- 1. The application site is located in the open countryside within the National Park. The Authority's Core Strategy takes forward the policy approach that it is not appropriate to permit new housing simply in response to the significant market demand to live in its sought after environment. In common with the National Planning Policy Framework, the Authority's policies therefore do not make provision for housing other than in exceptional circumstances which in the open countryside would be where housing provides for key rural workers or where housing is required to achieve conservation or enhancement of valued vernacular or listed buildings.**

The benefits of the proposed re-development of the application site will be limited because the proposed development would facilitate the conversion and retention a substantial existing modern industrial building on an isolated site and therefore the proposed development would continue to be read as an isolated and incongruous feature which would not reflect, respect or enhance the valued characteristics of the National Park. The benefits of the proposed development therefore would not outweigh the strong presumption against the creation of new housing in unsustainable locations within the National Park in the development plan or the National Planning Policy Framework.

Therefore it is considered that any approval of the proposed development would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to Core Strategy policies GSP1, GSP2, GSP3, DS1, L1, L3, CC1 and HC1 and saved Local Plan policies LC4, LC5, LH1 and LH2 and the National Planning Policy Framework.

Key Issues

- Whether the proposed development is acceptable in principle.
- The design and scale of the proposed development and the impact upon the scenic beauty of the landscape and the significance of the adjacent Cressbrook and Ravensdale Conservation Area.

Relevant Planning History

1977: NP/WED/1177/469: Planning permission refused for the erection of two dwellings.

1978: Appeal against the above refusal dismissed on the grounds that the site is in open countryside and that the development of the two proposed dwellings would be contrary to the Authority's housing policies and harmful to the landscape.

1989: NP/WED/289/99: Planning permission refused for the erection of two dwellings.

1989: Appeal against the above refusal dismissed on the grounds that the site is in open countryside and that the development of the proposed two dwellings would be contrary to the Authority's housing policies and harmful to the landscape. The inspector also considered that the condition of the buildings which were on the site at that time did not justify the establishment of another form of inappropriate development.

1990: NP/WED/190/45: Planning permission refused for the erection of two dwellings.

1991: Appeal against the above refusal dismissed on the same grounds as the previous decisions. The inspector noted that a number of proposals for housing had been refused on this site and dismissed at appeal and that there was no good reason to come to a different decision.

1992: Certificate of lawful use issued for the use of the site for storage and distribution (Use Class B8).

1993: NP/WED/1193/533: Planning permission refused for erection of dwelling.

1994: NP/WED/0594/227: Planning permission granted conditionally for the demolition of existing building and erection of replacement building for industrial purposes.

The 1994 permission was granted subject to conditions to limit the use to within use classes B1 and B8, limiting hours of operation, implementation of a scheme of landscaping and noise mitigation, access and parking and design details.

The 1994 permission was implemented but has not been completed. The first two units have been constructed and the foundations for the remainder of the buildings have been laid. The site has and constructed buildings have only been occupied sporadically and the agent advises that the site is currently vacant other than a tenant who periodically repairs specialist cars.

Consultations

Highway Authority – No objection subject to conditions to secure details of construction site compound and parking, access, parking and turning and bin storage for the dwelling.

District Council – No response to date.

Parish Council – The Parish Council resolved to support the application provided that:

- The site does not become developed in any way other than in the original planning application.
- That there be no further residential development of the site.
- That the needs of local residents be borne in mind and any disruption minimised.
- That any business activities from the site be limited to a home working office only and no other business be permitted.

The Council also say that while it supports the application it would be concerned to see a more detailed application being submitted at a later date which deviates from the current planning application.

Natural England – Make the following comments:

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Cressbrook Dale Site of Special Scientific Interest (SSSI) and Derbyshire Dales National Nature Reserve (NNR) and the Wye Valley SSSI which form part of the wider Peak District Dales Special Area of Conservation (SAC) which is a European site.

In considering the European site interest, Natural England advises that as a competent authority under the provisions of the Habitats Regulations, the National Park Authority should have regard for any potential impacts that the proposed development may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment: Details on the sustainable disposal of both foul and surface water.

This application is in close proximity to Cressbrook Dale SSSI and the Wye Valley SSSI Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Natural England advises that a condition is attached to any planning permission for this proposal which should require details on the sustainable disposal of both foul and surface water to be submitted prior to any development works to ensure that sufficient provision is taken to protect water quality of the watercourses close to this site. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Cressbrook Dale SSSI and the Wye Valley SSSI are notified.

Natural England refers the Authority to advice from its own experts in regard to landscape impact and to standing advice in regard to protected species and the scope to incorporate biodiversity enhancements into the development.

PDNPA Cultural Heritage: Makes the following comment:

The Authority's Conservation Officer has no objection in principle to the establishment of a house on this site because despite the fact that the site is elevated, the extraction of stone in the past means that the interior of the site lies low and is perceived as something clearly distinct from the surrounding countryside. This, coupled with the sharp fall of the land to the south, means that a discreet development could in principle be accommodated without harm. A discreet appearance is required both in the interests of preserving the character of the countryside, and of preserving the setting of the adjacent conservation area.

However, the proposal as submitted perpetuates the worst feature of the site, which is the existing building. This is a poor quality construction, incomplete and of semi-permanent nature, built in the 1990s. It is wholly without merit and unworthy of retention, and the application as submitted envisages total reconstruction of the roof. In some respects the present proposals

make the building worse, as the proposed fenestration increases its prominence and apparent scale, and the conversion scheme would also make it a little higher than at present.

Exceptional design should be required on an exceptional site to justify an isolated dwelling in the countryside. Something low-lying that fuses with the terrain, e.g. single storey and earth-sheltered building, would seem to be an appropriate response to a site like this, allowing creativity and ingenuity without impinging on the setting of the conservation area or the countryside. Special attention should also be paid to the entrance off the road, in order to restore and maintain the rural character of the area. Overtly domestic detailing should be avoided.

PDNPA Landscape: Makes the following comment:

The photos submitted with the application are not hugely informative, but it is accepted that while the proposed development would be visible from the south it is not likely to be highly visually intrusive in views.

Whilst it is recognised that the application is outline, the landscape plan submitted with the application is not considered to meet the requirements of Policy LC4 and the landscape strategy. To meet these objectives a revised landscape plan should be submitted as part of any subsequent full / reserved matters application. This should include maintenance and management of planting, details of the proposed green roof, amendments to planting mix and numbers along with further details of the proposed access, hardstanding and grassed areas.

A tree survey to BS 5837 would also be expected including proposals for tree retention and protection to be required for submission with any full / reserved matters application as retention of existing trees will be an issue for landscape character and visual integration of the scheme.

Subject to the applicant suitably addressing the above issues in any subsequent reserved matters or full application, as the site is a semi-derelict quarry / industrial area, the proposal is not considered to conflict with Policy L1 (A) in that it offers potential enhancement opportunities to landscape character and also for the setting of the adjacent Conservation Area.

Representations

Four representations have been received to date, one letter objects to the application, two letters support the application and one makes general comments. The comments made are summarised below, the letters can be read in full on the Authority's website.

Support

- The re-development of this long-vacant brownfield land and the use of features such as green roofs and renewable energy is welcomed.
- One letter supports the proposal to convert the building to a house and says that this option is preferred to the suggested alternative development for social housing.

Object

- Disappointed that an application for one large expensive house is being considered when the need for social housing is pressing. This site could accommodate four to six affordable homes which would go some way to helping to address the local housing crisis.

General Comment

- Concern that the land between the proposed house and Top Cottages which is currently used for grazing may be developed in a way which could affect natural light and views to those properties.
- One letter asks questions about the nature of the light industrial use on the site and does not make comment on the proposed development.

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, CC1, E2 and HC1

Relevant Local Plan policies: LC3, LC4, LC5, LC17, LH1, LH2, LT11 and LT18.

Development Plan

Policies HC1, LH1 and LH2 set out the Authority's approach to new housing in the National Park; GSP1 requires all new development in the National Park to respect and reflect the conservation purpose of the National Park's statutory designation and promotes sustainable development; GSP2 supports development that would enhance the valued characteristics of the National Park; LC4 and GSP3 set out further criteria to assess the acceptability of all new development in the National Park.

E2 is relevant for businesses located in the countryside. E2 says that businesses should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, on farmsteads and in groups of buildings in sustainable locations. Proposals for estate or farm diversification will also be acceptable in principle. Proposals for business use in an isolated existing or new building in the countryside will not be permitted.

L1, L2, L3 and LC17 seek to ensure that all development conserves and where possible enhances the landscape character (as identified in the Landscape Strategy and Action Plan), biodiversity and cultural heritage of the National Park. LT11 and LT18 set out the requirement for adequate parking and safe access as a pre-requisite for any development within the National Park.

The National Planning Policy Framework (the Framework) is a material consideration and carries particular weight where a development plan is absent, silent or relevant policies are out of date.

Of particular note is the fact that at paragraph 55 the Framework says that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would represent the optimal viable use of a heritage asset or where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting, for example, which are essentially the same criteria that are set out in HC1 (C) I.

The fact that the site is within the National Park is an important because the Framework maintains within paragraphs 115, 132, 133 and 134 that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage within our National Parks.

Therefore it is considered that policies within the development plan are up-to-date and in accordance with the more recently published National Planning Policy Framework and therefore should be afforded full weight in the determination of this planning application.

Assessment

Principle

For the purposes of the Development Plan the application site is considered to lie in open countryside because of the distance between the application site and any nearby named settlement (DS1 and LC3). There is an existing business use on the site which is considered to be isolated given the position of the site in open countryside, the narrow and restricted nature of the nearby road network and the distance of the site to any named settlements. In common with the Framework, the Authority's housing policies do not permit new isolated homes in the countryside unless there are special circumstances.

There is no evidence within the submitted application which demonstrates that the proposed dwelling is intended to meet any functional need or any eligible local need for affordable housing. It is therefore considered that the proposed house is intended to meet general demand rather than an established local need or to house a worker to meet the essential functional need of a rural enterprise.

Therefore, the special circumstances in which planning permission could be granted are set out in policy HC1(C) I. HC1 (C) II does not apply in this case because the application site is not in a settlement listed in policy DS1.

HC1 (C) says in accordance with policies GSP1 and GSP2 that, exceptionally, new housing (whether newly built or from re-use of an existing building) can be accepted where (I) it is required in order to achieve conservation and / or enhancement of valued vernacular or listed buildings.

The supporting text to policy HC1(C) says that occasionally new housing (whether newly built or from the re-use of an existing building) may be the best way to achieve conservation and enhancement (for example of a valued building or listed building) where conservation and enhancement of the building could only be reasonably achieved by the impetus provided by open market values.

The application site is a former quarry which has an extant planning permission for the erection of four units for use as either light industrial uses (within use class B1) or for storage and distribution (within use class B8). The development of the site has not been completed and while two of the industrial units on site have been built the site has not been occupied for the approved uses and is currently vacant.

The completed industrial building is a modern industrial unit which does not possess any architectural or historic merit. There are no other vernacular or listed buildings on the application site or evidence that the development is required to achieve the conservation or enhancement of any other valued vernacular or listed building. It is therefore considered clear in this case that the principle of the proposed development is in conflict with policies DS1 and HC1.

Impacts and benefits of proposed development

The submitted application is supported by a design and access statement which while accepting that the application site lies outside of any named settlement makes the case that there are other site specific considerations which mean that the Authority should approve the proposed development as an exception to its normal housing policies to achieve enhancement of the site and the surrounding area. The statement also makes the case that there is support for the principle of the proposed development within paragraph 55 of the National Planning Policy Framework (the Framework).

Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and

that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Those special circumstances include where the dwelling would be for a rural worker (for example an agricultural workers dwelling), would represent the optimal use of a heritage asset, would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or where a truly outstanding and innovative design of exceptional quality is proposed.

Importantly, however, no single paragraph of the Framework should be read in isolation and the impacts and acceptability of any housing proposal within the National Park must also be considered in the context of the need to give great weight to the conservation of the National Park's landscapes, biodiversity and cultural heritage. Taken as a whole it is considered that the Authority's approach to new housing within the National Park strikes the right balance and is up-to-date and in accordance with the Framework. The Authority has been consistently supported on this point by the Planning Inspectorate at appeal.

Policy GSP1 makes clear that all policies which make up the Authority's development plan must be read in combination including GSP2 which generally seeks enhancement of the valued characteristics of the National Park. Therefore opportunities to enhance the National Park must also be in accordance with the HC1 which generally seeks to ensure that housing development within the National Park is located in sustainable locations unless there are exceptional circumstances. Full weight should therefore be given to relevant policies in the development plan when taking a decision on this planning application. The conclusion that the proposal would not be in accordance with DS1 and HC1 must weigh against the proposal.

Officers do accept that the existing industrial site is not well located either in terms of the likely functional requirements of potential businesses which would occupy the site or in terms of highway safety. The site is in an isolated location which would not normally be considered acceptable under policy E2 for the creation of a new business use and is not served by good road links or public transport. The highways leading to and from the site in both directions are narrow and vehicles exiting to the south would need to pass through Cressbrook. Furthermore despite being located in the former quarry, the existing building on site (along with activity if the site was in active use) is prominent from the adjacent roadside and from more distant vantage points from access land looking north across the site towards Litton.

Therefore Officers do accept that a proposal to re-develop the site could offer the potential to enhance the built development, biodiversity and landscaping of the site itself but also to significantly reduce vehicle movements to and from the site along the local narrow road network.

This proposal seeks permission for the retention and conversion of the existing industrial building on the site along with other ancillary development to create the proposed dwelling. The application is in outline but the only reserved matter relates to the appearance of the proposed development. Plans showing the general appearance, scale and layout of the development have been submitted.

It is considered that the proposed approach of retaining and altering the existing industrial building would not offer very significant enhancement to the built environment of landscape of the site or its setting. It is considered that the proposal would perpetuates the worst feature of the site, which is the existing building – a modern industrial building which while a relatively simple and utilitarian design is not of exceptional quality and does not possess any architectural or historic merit.

The proposed alterations to the building would potentially result in a more obtrusive design by introducing a higher overall ridge height and lower pitched element. The proposed domestic fenestration in such a substantial building would also potentially increase the prominence and apparent scale of the building where viewed from nearby vantage points. The opportunity would also not be taken to remove a building which currently does 'sky-line' above the valley edge where viewed from the access land to the south.

Though the altered building would be concealed to some extent by the former quarry the completed house would nevertheless appear as a sporadic isolated housing which does not reflect or complement either built development within Cressbrook, the local building tradition or outstanding contemporary design of an exceptional quality. The house would bear no relationship to the character and form of the village and its impact would be wholly upon the appearance of the open countryside in which the dwelling would be viewed as isolated and intrusive.

In coming to this conclusion Officers have taken into account that converting the existing building may reduce the carbon footprint of the development as a whole, but this is not considered to be a factor which would justify development which would be contrary to the Authority's development plan. The environmental performance of any buildings erected as part of the re-development of this site would rest heavily upon the design approach and it may be that a well-designed new building would offer comparable or potentially greater potential to reducing carbon emissions.

The appearance of the proposed development is reserved to be approved later, however given that the proposal is for the alteration of the existing industrial building and that the scale and layout of the development is not reserved it is considered that any changes to the appearance of the building itself would effectively represent minor variations to the fenestration and cladding of the roof and walls of the building which would not make the proposals acceptable.

It is therefore considered that the potential benefits of the proposed development would not outweigh the presumption against the development of this site to create a market house and that the proposed alteration and conversion of the existing building would actually perpetuate the impact of a building which does not have a positive relationship to the surrounding area or landscape. It is therefore considered the proposed development is contrary to Core Strategy policies DS1, HC1 and CC1 and saved Local Plan policies LC4, LH1 and LH2. Approval of the proposed dwelling would therefore represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to the framework.

Other Issues

The application site is in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect the interest and features of these sites. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations). The application site is in close proximity to the Cressbrook Dale Site of Special Scientific Interest (SSSI) and Derbyshire Dales National Nature Reserve (NNR) and the Wye Valley SSSI which form part of the wider Peak District Dales Special Area of Conservation (SAC) which is a European site.

Officers agree with advice from Natural England that the proposed development is not necessary for the management of the European Site. In this case it is considered that subject to the imposition of planning conditions to secure appropriate surface and foul drainage that the proposed development would not have any significant impact upon the European site or any other nature conservation interests. In coming to this conclusion Officers have taken into account that the proposed dwelling would potentially have less impact compared to the existing lawful industrial use of the site. Officers also agree with Natural England that the development would not have an adverse impact upon the nearby Sites of Special Scientific Interest.

The proposed development would be served by ample off-street parking and would utilise the existing access. The proposed house would generate considerably fewer vehicle movements than the lawful use of the site and therefore Officers agree with the Highway Authority that the development would not harm highway safety or the amenity of road users.

Given the distance between the application site and the nearest neighbouring properties it is not considered that the development would have any harmful impact upon the privacy, security or amenity of any neighbouring property or land use.

Conclusion

The proposed development is in principle contrary to Core Strategy policies DS1, HC1 and CC1 and Local Plan policies LH1 and LH2 because the proposal is for the creation of an open market dwelling which would not conserve or enhance a valued vernacular or listed building.

It is considered that the potential benefits of the development would be limited because the proposed development would facilitate the conversion and retention a substantial existing modern industrial building on an isolated site and therefore the proposed development would continue to be read as an isolated and incongruous feature which would not reflect or respect the valued characteristics of the National Park. The benefits of the proposed development therefore would not outweigh the strong presumption against the creation of new housing in unsustainable locations within the National Park in local and national planning policy.

It is therefore considered that any approval of the proposed dwelling would represent unsustainable development which would have a harmful impact upon the valued characteristics of the National Park contrary to the framework.

The erection of the proposed dwelling would not have any significant impact upon the residential amenity of any neighbouring property or adversely affect highway safety. The proposal would not raise any additional issues in terms of potential impact upon any nature conservation interests. However, these issues do not add any significant weight either for or against the proposal and do not otherwise overcome the more fundamental concerns that the creation of the proposed open market dwelling would not meet the requirements of a range of policies within the Development Plan.

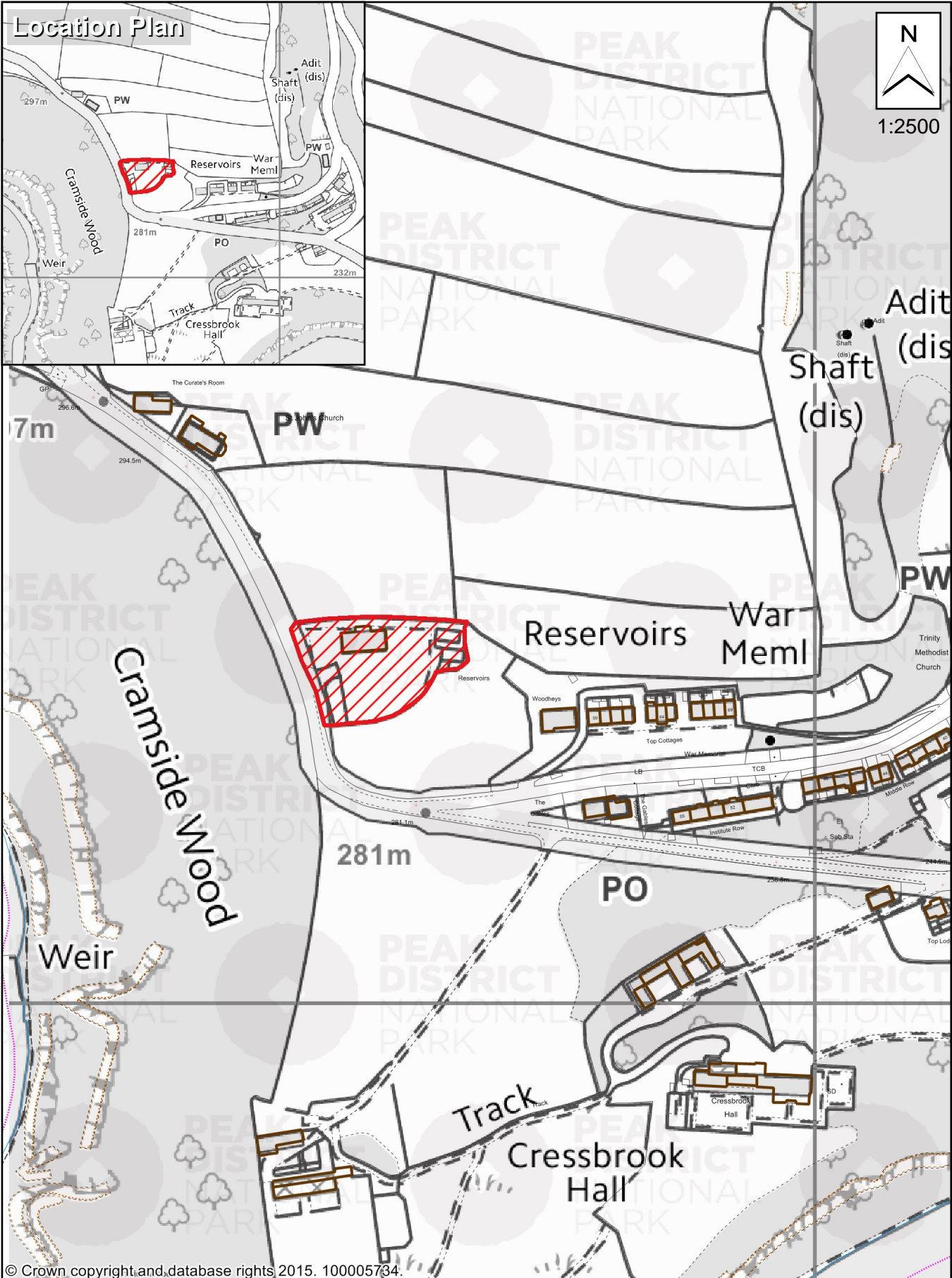
The proposal is therefore considered to be contrary to the development plan. In the absence of any further material considerations the application is accordingly recommended for refusal.

Human Rights


Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil



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Committee Date:	09/10/2015	Title: Stone Pit Yard Cressbrook	 PEAK DISTRICT NATIONAL PARK
Item Number:	11		
Application No:	NP/DDD/0515/0460		
Grid Reference:	416885, 373131		

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12. FULL APPLICATION – INSTALLATION OF A 20 METRE HIGH SHARED TELECOMMUNICATIONS BASE STATION WITH 6 ANTENNA AND ASSOCIATED GROUND-BASED CABINETS AT CLIFFE HOUSE FARM, HIGH BRADFIELD (NP/S/0715/0663, P.1252, 427668 / 391738, 11/09/2015/AM)

APPLICANT: ARQIVA

Site and Surroundings

The application site is located at Cliffe House Farm which is located in open countryside in an elevated position on the northern slope of the Loxley Valley, approximately 1.1km to the south east of High Bradfield and 870m to the north of Damflask Reservoir.

The farm comprises a recently erected modern agricultural shed and a smaller range of older sheds and sits close to the edge of an escarpment on the hillside. Immediately to the south of the agricultural buildings there are two detached dwellings, Hill Top and the original Cliffe House Farmhouse, both of which are in separate ownership. There are two accesses serving the building group. The first is via a narrow track off Loxley Road to the south west. This serves the dwellings and the farm buildings and also carries a public footpath which runs past the south side of the new farm building into the fields east of the farm. The second and main access for the farm buildings comes down off Kirk Edge Road to the north and also carries a public footpath which links with one running west to east through the site.

From the west the land falls away from the site and on this side the buildings which make up the property are partly screened by a combination of the landform, tree cover on the slopes of the escarpment and by a stand of mature trees on the south west corner of the building group. The site and nearby farm buildings are clearly visible from Kirk Edge Road to the north. The proposed site for the proposed mast is small area of land to the west of the access track and adjacent to an existing earth mound and planting which run along the edge of the escarpment.

Proposal

This application seeks planning permission for the erection of a telecommunications base station with six antenna and associated ground-based cabinets.

The submitted plans show that the proposed antenna, dishes and remote radio units would be mounted to a lattice tower which would have a maximum height of 20m above the adjacent existing ground level. The equipment would be fixed to the top 3.5m of the lattice tower.

The lattice tower would be sited within a compound measuring 6.25m by 6.25m which would be formed by 2.2m high timber close boarded fencing. A total of five cabinets would be sited within the compound and one cabinet would be sited outside of the fence on the norther side.

The proposed telecommunications mast has come forward as part of the Mobile Infrastructure Project (MIP) which is publically funded by the Department for Culture, Media and Sport. The aim of the project is to extend mobile phone coverage to a number of communities across the United Kingdom where no coverage is currently available (these areas are referred to as 'not spots'). The MIP is one of the 40 top priority projects identified in the National Infrastructure Plan.

RECOMMENDATION:

That the application be REFUSED for the following reasons:

- 1. The proposed base station would be read as a tall, isolated structure within this protected landscape and would be very prominent from many viewpoints within the Loxley Valley. The proposed development would also be seen from and in the context of Castle Hill Scheduled Monument and from the Grade II listed cottage and**

barn at Fair Flatts Farm. The proposed development would have a significant harmful impact upon the scenic beauty of the landscape and upon the setting of Castle Hill and the cottage and barn at Fair Flatts Farm contrary to Core Strategy policies GSP1, GSP3, L1 and L3 and saved Local Plan policies LC4, LC6, LC15, LC16 and LU5.

2. The proposed development would be very likely to result in significant economic and social benefits by facilitating the provision of mobile communications to the local community, however, in this case it is considered that the harm that has been identified would outweigh the public benefits of the development and that therefore the proposal does not represent sustainable development and that any approval would be contrary to the National Planning Policy Framework.

Key Issues

- The impact of the development upon the scenic beauty and other valued characteristics of the National Park.
- The economic and social benefits of the development.

History

2012: NP/S/0712/0725: Planning permission granted conditionally for demolition of a collection of existing concrete framed agricultural buildings at Cliffe House Farm and provision of a single replacement steel framed agricultural building with associated vehicle turning area and associated landscaping. This building was completed in 2014.

2015: NP/S/1214/1273: Planning permission refused for the erection of two agricultural buildings at Cliffe House Farm on the grounds of adverse landscape impact and adverse impact upon the setting of nearby listed buildings.

An appeal has been lodged against the above refusal and is awaiting a decision.

Consultations

Highway Authority – No response to date.

District Council – No response to date.

Parish Council – Make the following comment.

As this will be an extremely tall structure on one of the highest points in the area, in an area of outstanding natural beauty, Councillors would suggest that there may be an alternative technology that could be used.

Representations

A total of five letters of representation have been received to date. Four of the letters object to the proposed development while one makes general comments. The issues that are raised are summarised below. The letters can be read in full on the Authority's website.

Objection

- The mast is excessive in scale for its prominent location on a ridge on the edge of the Bradfield valley. The mast would have a high visual impact on the skyline from both the Bradfield valley and Sheffield.

- The mast is on an elevated hillside and adjacent to a footpath in a well-walked area of the National Park. The mast will therefore be highly visible and clearly seen in the surrounding area.
- The mast would dominate the traditional farm house and the large agricultural building which has been recently completed at the farm.
- The mast would be close to the 17th Century Grade II listed barn at Fair Flatts Farm.
- The negative impact upon the protected landscape within the National Park outweighs any argument for placing the mast in this location.
- Despite the applications description of trees to the west of the site it must be noted that all adjacent trees are down slope and will provide little if any screening. There are also no trees to the north east and no planting has been proposed.
- Query whether the structure would be stable in high winds.
- Query whether the emissions of the mast will have an impact upon bats.
- Query whether the telecommunication mast will give off any radiation or be harmful to human health.

General comments

- States that whilst mobile signal coverage of Bradfield is to be welcomed, a 20m tower in a prominent position should not be accepted without provision of effective camouflage.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, L1 and L3

Relevant Local Plan policies: LC4, LC6, LC15, LC16 and LU5

National Planning Policy Framework

The fact that the site is within the Peak District National Park is an important consideration and paragraph 115 of the Framework says that great weight should be given to conserving landscape, scenic beauty, biodiversity and cultural heritage in the National Park.

The Framework (paragraphs 132 – 135) also makes a strong presumption against development within the setting of designated heritage assets which would harm the significance of that heritage asset. Any harm or loss should require a clear and convincing justification. Where development would lead to substantial harm or total loss of significance of a heritage asset planning permission should normally be refused. Where development would lead to less than substantial harm this should be weighed against the public benefits of the proposal.

Paragraph 42 of the Framework says that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of high speed broadband and other communications networks plays a vital role in enhancing the provision of local community facilities and services. Paragraph 43 goes on to say that local planning authorities should support the expansion of electronic communications networks while aiming to keep the numbers of masts and sites to a minimum. Existing masts and buildings should be used unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

Paragraphs 45 and 46 say that proposals for new masts must be supported by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met. Local planning authorities must not seek to prevent competition between different operators, question the need for the system or determine health safeguards if the proposal meets the International Commission guidelines for public exposure.

Development Plan

Saved Local Plan policy LU5 (a) is particularly relevant to this proposal and says that telecommunications infrastructure will be permitted provided that:

- i. the landscape, built heritage or other valued characteristics of the National Park are not harmed; and
- ii. it is not feasible to locate the development outside the National Park where it would have less impact; and
- iii. the least obtrusive or damaging, technically practicable location, size, design and colouring of the structure and any ancillary equipment, together with appropriate landscaping, can be secured.

GSP3 and LC4 say that all development must conserve and enhance the valued characteristics of the site, paying particular attention to impact on the character and setting of buildings, scale of development appropriate to the National Park, siting and design. L1 and L3 say that all development must conserve or where possible enhance the landscape character and cultural heritage of the National Park.

GSP1 says that all development shall be consistent with the National Park's legal purposes and duty and that where there is irreconcilable conflict between the statutory purposes, the Sandford Principle will be applied and the conservation and enhancement of the National Park will be given priority.

Assessment

The application site is adjacent to the existing farm track which would provide access from Kirk Edge Road. Access visibility from the track is good and likely levels of traffic to maintain the development would be very low. Therefore there are no concerns that the development would have any harmful impact upon highway safety. Given the distance from the site to the nearest neighbouring properties and Cliffe House Farm there are no concerns that the proposal would have a harmful impact upon the privacy, security or amenity of neighbouring properties.

The application is supported by a certificate which states that, when operational, the International Commission guidelines for public exposure will be met. In line with the Framework therefore there are no further concerns that the development would have any adverse impact upon public health. There is also no evidence to indicate that emissions from the equipment mounted on the mast would have any adverse impact upon local bat populations or any other protected species. Having had regard to the comments made by the Parish Council and in representations it is therefore considered that the main issue in this case is the impact of the proposed development upon the valued characteristics of the National Park including the scenic beauty of the landscape and the setting of nearby heritage assets.

Impact of the proposed development

Relevant policies in the development plan offer support in principle for the erection of new telecommunications infrastructure provided that the development does not harm the valued characteristics of the National Park and where it is not feasible to site the development outside

the National Park. The Authority's policies are broadly consistent with the Framework which is supportive of the development of communication networks where justified but also states that great weight should be given to conserving the Peak District National Park.

The application site is located adjacent to a field used as part of the agricultural unit associated with Cliffe House Farm. The site is located in an elevated position on a ridge which forms part of the northern slope of the Loxley Valley.

The proposed base station which would mount the telecommunications antenna would have a maximum height of 20m above the adjacent ground level. The proposed structure would be significantly taller than the adjacent earth mound (5m high) and tree planting (6m high) and consequently would be clearly visible within the valley from a number of nearby vantage points.

Officers viewed the site from three main positions in the valley; from Kirk Edge Road looking south, from New Road looking north east and from Oaks Lane (on the south side of the valley) looking north. Having done so it is considered clear that by virtue of the height of the proposed structure that it would be visually prominent in all three of these view points and within the wider valley more generally. From all three viewpoints the development would appear as a tall, isolated man made structure which would break the skyline from a number of vantage points.

The development would also be clearly visible from the local public footpath network which is well used by local people and by visitors to the National Park.

It is considered that the proposed development would therefore result in a significant harmful impact upon the scenic beauty of the National Park in conflict with Core Strategy policies GSP3, LC4 and L1 and saved Local Plan policies LC4 and LU5 (a) (i).

The proposed structure would also be viewed from and in the context of Castle Hill (approximately 500m to the north west) which is a Scheduled Monument and also from the cottage and barn at Fair Flatts Farm (approximately 250m to the south east) which are both grade II listed.

The structure would be sited on part of the ridge which continues to the south east from Castle Hill and which forms an important aspect of the setting of the historic motte and bailey castle which would have been sited here to take advantage of commanding views across the valley. The proposed structure would project above the ridge line and would be clearly visible from Castle Hill. The erection of a tall isolated man made structure which projects into the views from Castle Hill would have a harmful impact upon the setting of the Scheduled Monument.

The structure would also clearly be visible from the listed cottage and barn at Fair Flatts Farm where the structure would be more dominant due to the closer proximity and skyline above the wide and open agricultural fields which form the setting of these buildings. For these reasons it is also considered that the erection of the proposed structure would also have a harmful impact upon the setting of both the listed cottage and barn.

It is therefore considered that the proposed development would be contrary to Core Strategy policy L3 and saved Local Plan policies LC6, LC15 and LC16 because the development would have a harmful impact upon the setting of the above heritage assets. The Framework makes clear that there is a strong presumption against development within the setting of designated heritage assets which would harm the significance of that heritage asset and that any harm or loss should require clear and convincing justification.

The harm in this case would be less than substantial and therefore it is appropriate to weigh any public benefits of the proposal against the harm that has been identified.

Benefits of the proposed development

As mentioned earlier in the report, the proposed telecommunications mast has come forward as part of the Mobile Infrastructure Project (MIP) which is publically funded by the Department for Culture, Media and Sport. The aim of the project is to extend mobile phone coverage to a number of communities across the United Kingdom where no coverage is currently available (these areas are referred to as 'not spots'). The MIP is one of the 40 top priority projects identified in the National Infrastructure Plan.

The benefits of the proposed development would therefore be to provide high speed wireless communications to an area where there is no coverage currently available. Officers agree with the agent that the provision of fast mobile telecommunication infrastructure facilitated by the development would be likely to offer significant economic and social benefits for members of the public living and working within the affected area.

The submitted application also states that a new base station of the design proposed is needed to help provide coverage to the 'not spot'. This is due to constraints which revolve around the transmission of signals to users and to the existing network, the need for the structure to provide access to all the main operators and to allow for future upgrades along with more basic requirements such as power, access and a willing landowner.

The Framework does place emphasis upon the need to encourage the continued rollout and improvement of digital infrastructure network, however, great weight also needs to be given to the conservation of the National Park and the setting of heritage assets. Therefore for the proposals to be considered sustainable development it must also be demonstrated that the development will conserve the valued characteristics of the Peak District National Park including the scenic beauty of its landscape and the setting of its heritage assets.

In this case it is considered that the proposed development would result in significantly harmful and wide ranging impacts upon the scenic beauty of the landscape and would also harm the setting of the heritage assets listed above. The public benefits of the development are significant but it is considered that the impacts of the proposed development would outweigh the benefits in this case. In coming to this conclusion Officers have taken into account the views of the Parish Council and local people, which while supporting the principle of the development, do raise strong objections related to the impact of the proposed structure.

A number of representations raise the possibility of either siting a structure in an alternative location or designing a more discreet structure which would be better integrated into the landscape.

The parameters of the Mobile Infrastructure Project are such that the agent is not able to consider alternative design solutions or technologies. The funding for the project is due to end in March 2016 and therefore the agent argues that if this development is not allowed that it would be very unlikely that alternative proposals would come forward in the near future, especially since mobile operators have found it unviable to provide a service to the local area.

While the loss of an opportunity to provide coverage is very unfortunate it is considered that this in itself does not justify development which would have an overriding harmful impact upon the National Park contrary to local and national policies. There may be other solutions which could come forward as part of future schemes or alternatively there may be options to utilise or re-develop the existing Airwave mast structure located near Edge Mount to the north of High Bradfield.

Conclusion

It is considered that the proposed development would be a tall, isolated and prominent man made structure which would have a significant adverse impact upon the scenic beauty of the

surrounding landscape. The proposed development would also result in a harmful impact upon the setting of Castle Hill Scheduled Monument and the cottage and barn at Fair Flatts Farm both of which are Grade II listed.

The proposal would result in significant public benefits related to the provision of fast mobile telecommunication infrastructure. This would be likely to result in significant economic and social benefits for members of the public living and working within the affected area.

Great weight must be given to the desirability of conserving the valued characteristics of the National Park including the scenic beauty of its landscape and the setting of its heritage assets. In this case it is considered that any approval of the development would have a significant harmful impact upon the National Park and taking into account the views of the Parish Council and representations it is considered that this harm would outweigh the benefits of approving the proposal.

It is therefore considered that for the above reasons the proposed development is contrary to Core Strategy policies GSP1, GSP3, L1 and L3 and saved Local Plan policies LC4, LC6, LC15, LC16 and LU5. These policies are considered to be up-to-date and in accordance with the Framework and therefore it is considered that the proposed development would not represent sustainable development and is contrary to the Framework.

It is therefore recommended that the application be refused.

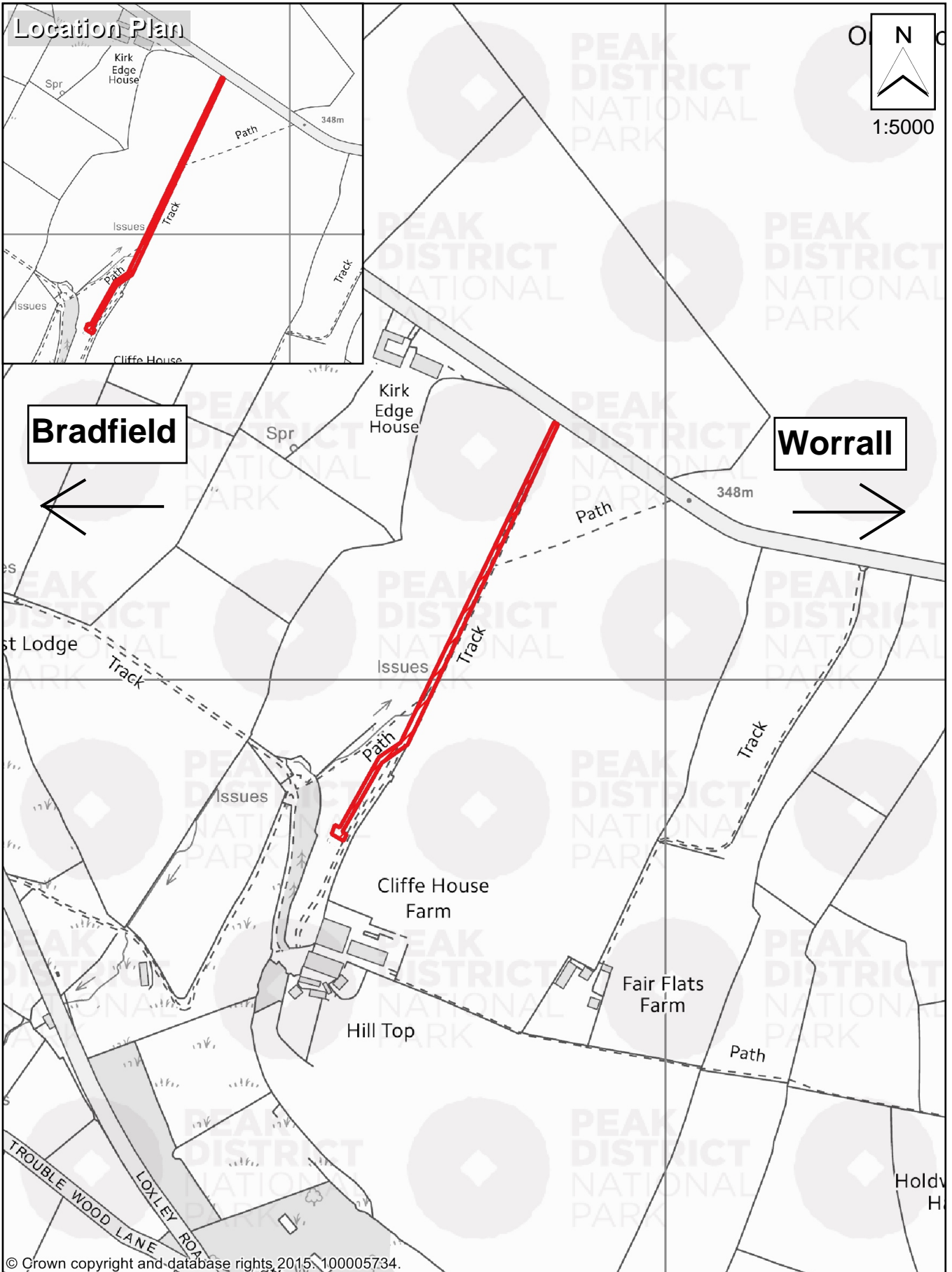
Human Rights


Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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Committee Date:	09/10/2015	Title: Land at Cliffe House Farm High Bradfield Bradfield	 PEAK DISTRICT NATIONAL PARK
Item Number:	12		
Application No:	NP/S/0715/0663		
Grid Reference:	427668, 391738		

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13. FULL APPLICATION - USE AS RESIDENTIAL ACCOMMODATION OF CARAVAN SITED AT BUSHEY HEATH FARM, BUSHEY HEATH FARM, TIDESWELL MOOR, TIDESWELL (NP/DDD/0515/0416, P.10591, 414620 / 378500, 21/07/2015/AM)

APPLICANT: MR RODERICK BARAONA

Site and Surroundings

Bushey Heath Farm (sometimes spelt “Bushy”) is located in a relatively remote location to the north side of Pittlemere Lane on Tideswell Moor, approximately 2km to the north of Tideswell and north of the A623. The property is in open countryside for the purposes of the development plan.

The property comprises a traditional farm house and range of stone barns which are individually grade II listed buildings. To the side and rear of these buildings are more modern portal framed buildings and a small-scale wind turbine.

The application site comprises land to front (south) of the listed barns and east of the farmhouse upon which a static caravan has been sited, together with an area of land to the front of the caravan bounded by a fence. There is no separate access or parking area to the caravan. Access is from Pittlemere Lane and shared with Bushey Heath Farm. The nearest neighbouring property is Forest Lane Farm, approximately 360m to the east.

Proposal

This application seeks planning permission for the change of use of the application site to allow the caravan which is currently on the site to be occupied as residential accommodation.

This application follows an application for the siting of a permanent residential caravan on the same site which was refused planning permission by the Authority earlier this year.

Officers have sought to clarify the proposed development with the applicant and his agent. Permission is sought to allow the use of the caravan to be occupied as residential accommodation, but the applicant seeks the flexibility to let the accommodation for periodic residential lettings, short term holiday lets and for use by employees and family in connection with activities at Bushey Heath Farm.

Therefore it is considered that the application is properly described as the proposed change of use of the land for the siting of a residential caravan.

RECOMMENDATION:

That the application be REFUSED for the following reason.

- 1. The proposed development would have an adverse visual impact and harm the setting of the grade II listed farmhouse and barn at Bushey Heath Farm. The proposed permanent residential caravan is not required to achieve conservation or enhancement or to meet the essential functional need of a rural enterprise. In the absence of overriding justification it is considered that any approval of the proposed development would represent wholly unsustainable development contrary to Core Strategy policies GSP1, GSP3, DS1, HC1, and L3, saved Local Plan policies LC4 and LC6 and the National Planning Policy Framework.**

Key Issues

- Whether the principle of the proposed development is in accordance with the development plan and the National Planning Policy Framework.
- Whether the proposed development would have an adverse visual impact or harm the setting of nearby listed buildings.

History

2013: Application for a lawful development certificate (existing use) NP/DDD/0713/0595: The application sought a Certificate for “Use as a residential caravan as defined in the Caravan Sites Act 1968 - section 13, used continuously for long term residence for farm workers and family, used as short term residence for visitors staying as holiday makers and that the area marked in red, outside, had been used as a garden area for caravan occupants.

The above application as refused for the following reasons:

1. *Having considered the evidence supplied by the Applicant, evidence from third parties and its own records, the Authority is not satisfied that the Applicant has shown, on the balance of probabilities, that the land shown edged red on the attached plan has been used for the purposes outlined in the application for a continuous period of ten years prior to the date of the application.*
2. *It is considered that the submitted evidence does not demonstrate that the use of the caravan for the purposes described in the application, was in existence at the time the application was submitted, in accordance with S.191(4) of the Town & Country Planning Act 1990 (as amended).*

2014: Appeal against the above decision (APP/M9496/X/13/2205578). The appeal was dismissed. The Inspector agreed with the Authority that the evidence submitted was not sufficient to demonstrate on the balance of probability that the caravan has been in continuous occupation for residential purposes for a period of ten years. A copy of the appeal decision letter is attached for information.

2015: Planning permission refused for the siting of a permanent residential caravan at Bushey Heath Farm NP/DDD/1114/1120 for the following reason:

1. *The proposed development would have an adverse visual impact and harm the setting of the grade II listed farmhouse and barn at Bushey Heath Farm. The proposed permanent residential caravan is not required to achieve conservation or enhancement or to meet the essential functional need of a rural enterprise. In the absence of overriding justification it is considered that any approval of the proposed development would represent wholly unsustainable development contrary to Core Strategy policies GSP1, GSP3, DS1, HC1 and L3, saved Local Plan policies LC4 and LC6 and the National Planning Policy Framework.*

Consultations

Highway Authority - No objection subject to all use remaining ancillary to Bushey Heath Farm.

District Council - No response to date.

Parish Council - No objection.

Representations

No representations have been received to date.

Main Policies

Relevant Core Strategy policies: GSP1, GSP3, DS1, HC1, HC2 and L3

Relevant Local Plan policies: LC4, LC6, LH1

National Planning Policy Framework

National policies in the National Planning Policy Framework (the Framework) and local policies in the Development Plan set out a consistent approach to new housing development in the National Park. Paragraph 54 of the Framework states that in rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.

Paragraph 55 of the Framework says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances (such as meeting the essential need for a rural worker to live at or near their place of work in the countryside or where development would represent the optimal viable use of a heritage asset).

Core Strategy policy HC1 reflects the priorities set out in national policies and the development strategy for new housing in the National Park set out in Core Strategy policy DS1 because HC1 states that provision will not be made for housing solely to meet open market demand and prioritises the delivery of affordable housing to meet local needs within named settlements.

Core Strategy policy HC1 also sets out the exceptional circumstances where new housing can be accepted in open countryside which closely reflects those set out in paragraph 55 of the Framework. These exceptional circumstances are where a new house would be for key workers in agriculture, forestry or other rural enterprises (in accordance with Core Strategy policy HC2), where the conversion of an existing building is required to achieve the conservation and enhancement of a valued vernacular or listed building or where the conversion of an existing building would be for affordable housing to meet local need.

Paragraph 115 of the Framework says that great weight should be given to conserving landscape and scenic beauty in National Parks and that the conservation of wildlife and cultural heritage are important considerations and should be given great weight in National Parks.

Paragraph 132 of the Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Significance can be harmed or lost through alteration or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The Authority's housing policies are supported by a wider range of design and conservation policies including GSP1 of the Core Strategy which states all policies should be read in combination. GSP1 also says all development in the National Park shall be consistent with the National Park's legal purposes and duty and where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.

Core Strategy policy L3 requires all development to conserve and enhance the National Park's cultural heritage and states that other than in exceptional circumstances, development which will have a harmful impact will not be permitted.

Policy GSP3 of the Core Strategy and Policies LC4 are also directly to the current application because they seek to safeguard the amenities of properties affected by development proposals, and set out criteria to assess design, siting and landscaping. Policies LT11 and LT18 of the Local Plan require new development to be provided with adequate access and parking provision but also say that access and parking provision should not impact negatively on the environmental quality of the National Park.

Assessment

Planning history

There is a static caravan sited on the application site. The planning history relating to the site is an important consideration in this case. There is evidence on the planning file that a caravan has been sited on this land for a significant period of time. The static caravan currently sited on the land does not appear to be occupied for any particular purpose and it therefore appears that the land is currently used for the storage of the caravan.

Whether or not there is any lawful use of the land for either the storage of or residential use of a caravan on the land is particularly relevant for the understanding and consideration of the current proposal and it is a point upon which there is substantial disagreement between Officers and the applicant and his agent.

The covering letter written by the agent and submitted in support of the previous application states that the recent lawful development certificate application and subsequent appeal has established that the "*Authority accepts that this residential caravan and associated curtilage has been lawfully and permanently sited at Bushey Heath Farm since July 1992*". The letter goes on to state that the lawful development certificate application only failed "*because the applicant could not show, on the balance of probability, that such residential occupation had been 'continuous and unbroken' over a 10 year period.*"

The covering letter written by the agent in support of the current application again asserts that the Authority's Officers have accepted that that a residential caravan has been sited at Bushey Heath Farm since July 1982 and that the Authority is not able to take enforcement action against the siting of the caravan because the caravan has been sited on the land since 1982 and used for a combination of residential uses during that period.

Officers agree that the evidence does indicate that a caravan has been sited on the land for a significant period of time. However, Officers disagree with the applicant and his agent that this means that there is any lawful use of the land 'for the siting of a caravan'. In coming to this conclusion Officers have sought advice from the Authority's Legal team and this advice has been incorporated into this report.

The key issue in determining whether or not any use of land is lawful is whether that use has been taking place continuously and unbroken over a 10 year period. As the Inspector confirmed in the 2014 appeal decision, it is the use of the caravan that determines whether any material change of use of land has occurred. The siting of a caravan on land is not itself a use of the land, it is the purpose for which the caravan is occupied (for example as a dwelling, or office or any other purpose). If an unoccupied caravan remains on land then the use of the land is for the storage of a caravan.

The determinations under the lawful development certificate application, and the subsequent appeal, were that the evidence did not demonstrate that the use of the land for the siting of a residential caravan (or any other use) was lawful. It could not be demonstrated that this use had been taking place continuously and unbroken over a 10 year period. For that reason the Authority refused the application for a lawful development certificate and for the same reason the Inspector agreed with the Authority and dismissed the subsequent appeal.

Therefore Officers consider that the assertion that the siting of a caravan on the application site is lawful is not correct. The Inspector's appeal decision is a very strong material consideration in this respect and there is no further evidence to indicate that there is any lawful use for the siting of a caravan for any particular purpose or for the storage of a caravan on the land. It is therefore considered that no weight is given to the agent's assertion that the proposed use is actually lawful.

The fact that a caravan has been on the land for a significant period of time and the fact that the Authority has never sought to take enforcement action against any alleged breach of planning control is capable of being a material consideration. However, it is considered that this should be given limited weight because it has only become apparent following the Authority's refusal of the application for a lawful development certificate and the subsequent dismissed appeal that the application site does not benefit from any lawful use for occupation of a caravan for any particular purpose of for the storage of a caravan on the land.

Principle of proposed development

The application site clearly lies in open countryside and outside of any designated settlement. In common with national policy within the Framework, the Authority's housing policies do not permit new homes in isolated locations such as this unless there are special circumstances.

The application seeks the change of use of the application site for the permanent siting of a residential caravan. The applicant wishes to have flexibility to use the caravan for residential lettings, short term holiday lets and for occupation by employees and family. The submitted application therefore does not propose that occupancy of the caravan be restricted for any individual or specific purpose. Therefore the occupation of the proposed dwelling would be unrestricted and available to meet general market demand rather than any functional need or local need for affordable housing.

The submitted application does not include any evidence to demonstrate that the proposed dwelling is required to meet the essential functional need of a rural enterprise based at Bushey Heath Farm or why any such need could not be met by the existing accommodation within the farmhouse or the barns converted to holiday accommodation at the farmstead (CS policy HC2).

The special circumstances in which permission could be granted for the current application are set out in Core Strategy (CS) policy HC1C. In this case, the proposal is for the change of use of the application site for the siting of a permanent residential caravan and not the conversion of a valued vernacular or listed building as envisaged by HC1C(II). There is no evidence to demonstrate that the proposed development is required to facilitate the conservation or enhancement of such a building.

Therefore it is considered that, in principle, the proposed development would be contrary to CS policy HC1 and the Framework which both seek to preclude new residential development in the countryside other than in exceptional circumstances.

Visual impact and impact upon the setting of nearby listed buildings

The application site is located to the front (south) of the group of buildings which make up the farmstead. The application site and the static caravan currently sited on the land are visually prominent from Pittlemere Lane by virtue of the relatively close proximity to the lane and lack of any screening between the application site and the lane. It is considered that the static caravan currently stored on the land has an adverse visual impact by virtue of its form, design, colouring and materials which do not reflect the adjacent buildings at the farmstead or that of traditional buildings found more generally in the National Park.

In views from the lane, the application site and the static caravan are seen in the context of, and in close proximity to, the grade II listed farmhouse and barn. For these reasons and for the

reasons given above it is considered that the existing static caravan has a harmful impact on the setting of the listed farmhouse and barn.

The submitted application includes photographs of the existing caravan and the submitted block plan shows a proposed static caravan. The application therefore appears to seek the retention of the existing caravan. However, it is important to note that if permission was granted for the proposed use of the land then the applicant would be entitled to replace the existing caravan with a new caravan provided that the replacement fell within the definition of a 'Twin-unit caravan' set out in the Caravan Sites Act 1968 s.13. A new caravan could potentially be larger and have an even greater impact than the existing static caravan, particularly given the legal definition of a caravan, which could allow structures such as timber lodges or park homes.

It is considered that approval of the current application would perpetuate the adverse visual impact of the caravan upon the local area contrary to Core Strategy policy GSP3 and saved Local Plan policy LC4 and the harm to the setting of the listed farmhouse and barn contrary to Core Strategy policy L3 and Local Plan policy LC6. Planning conditions requiring the caravan to be finished a specific colour or require a scheme of planting to be carried out would not sufficiently mitigate the harm identified.

The harm to the setting of the listed buildings that has been identified in this case would be less than substantial, however in this case there are no overriding public benefits which outweigh the harm identified. In these circumstances national and local policies and guidance make clear that great weight must be attached to the importance of conserving the visual amenity of the National Park and the setting of listed buildings and this must weigh heavily against the proposed development.

Other Issues

In this case, there is no concern that the proposed development would have any adverse impact upon nature conservation interests or any archaeological interest.

The proposed development would share access with the existing farmstead. Access visibility is considered to be sufficient because adequate visibility splays are achievable. There is adequate parking within the existing yard to accommodate the proposed development. A planning condition could be imposed to require details of parking and turning space to be submitted and retained throughout the lifetime of the development. Therefore it is considered that the proposal would not harm highway safety or the amenity of road users.

Given the distance and orientation of the site in relation to the existing buildings within the farmstead and neighbouring properties, there are no concerns in this case that the development would harm the amenity, security or privacy of any neighbouring property or land use.

Conclusion

In this case, there are no concerns that the proposed development would be un-neighbourly primarily because of the significant distance from the nearest neighbouring property. The development would be served by a safe access and adequate parking. The proposed development would not harm any protected species, or their habitat.

However, these factors do not outweigh or override the fundamental objection to the proposed development on the grounds that the proposed permanent residential caravan conflicts with local and national planning policies which seek to restrict new residential development in the open countryside. Furthermore, the proposed development would result in an adverse visual impact and harm the setting of the grade II listed farmhouse and barn at Bushey Heath Farm.

In this case no exceptional circumstances have been put forward to justify the proposed development and therefore the proposal would represent unsustainable development contrary to

CS policies GSP1, GSP3, HC1 and L3, LP policies LC4 and LC6 and the National Planning Policy Framework.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil

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Appeal Decision

Site visit made on 19 March 2014

by C L Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2014

Appeal Ref: APP/M9496/X/13/2205578

Bushey Heath Farm, Pittlemere Lane, Tideswell Moor, Tideswell, Buxton, Derbyshire SK17 8JE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Roderick A Baraona against the decision of Peak District National Park Authority.
 - The application Ref NP/DDD/0713/0596, dated 9 July 2013, was refused by notice dated 3 September 2013.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is "use as a residential caravan as defined in the Caravan Sites Act 1968 - Section 13. Used continuously for long term residence for farm workers and family. Used as short term residence for visitors staying as holiday makers. The area marked in red, outside, has been used as a garden area for caravan occupants."
-

Decision

1. The appeal is dismissed.

Reasons

2. The appeal site forms part of a wider planning unit comprising Bushey Heath Farm which includes a dwellinghouse, barns which have been converted to holiday units and further outbuildings.
3. It is not disputed that a caravan has been stationed on the land for 30 years or thereabouts. However, the stationing of a caravan is not in itself development; it is the use of the caravan that determines whether any material change of use of land has occurred.
4. For the appeal to succeed and a certificate of lawfulness to be issued, the onus is on the appellant to demonstrate that, on the balance of probability, the land that is identified in the application has been used for the stationing of a caravan for residential purposes for a continuous period of 10 years or more, prior to the date of the application.
5. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. In this case the Council does not seek to produce any contradictory

evidence but considers the applicant's evidence is not sufficient to demonstrate a continuous use. The appellant's evidence in relation to the use of the caravan comprises statutory declarations from the appellant who has occupied Bushey Heath Farm since 8 June 2004, previous owners, some occupiers of the caravan and neighbours.

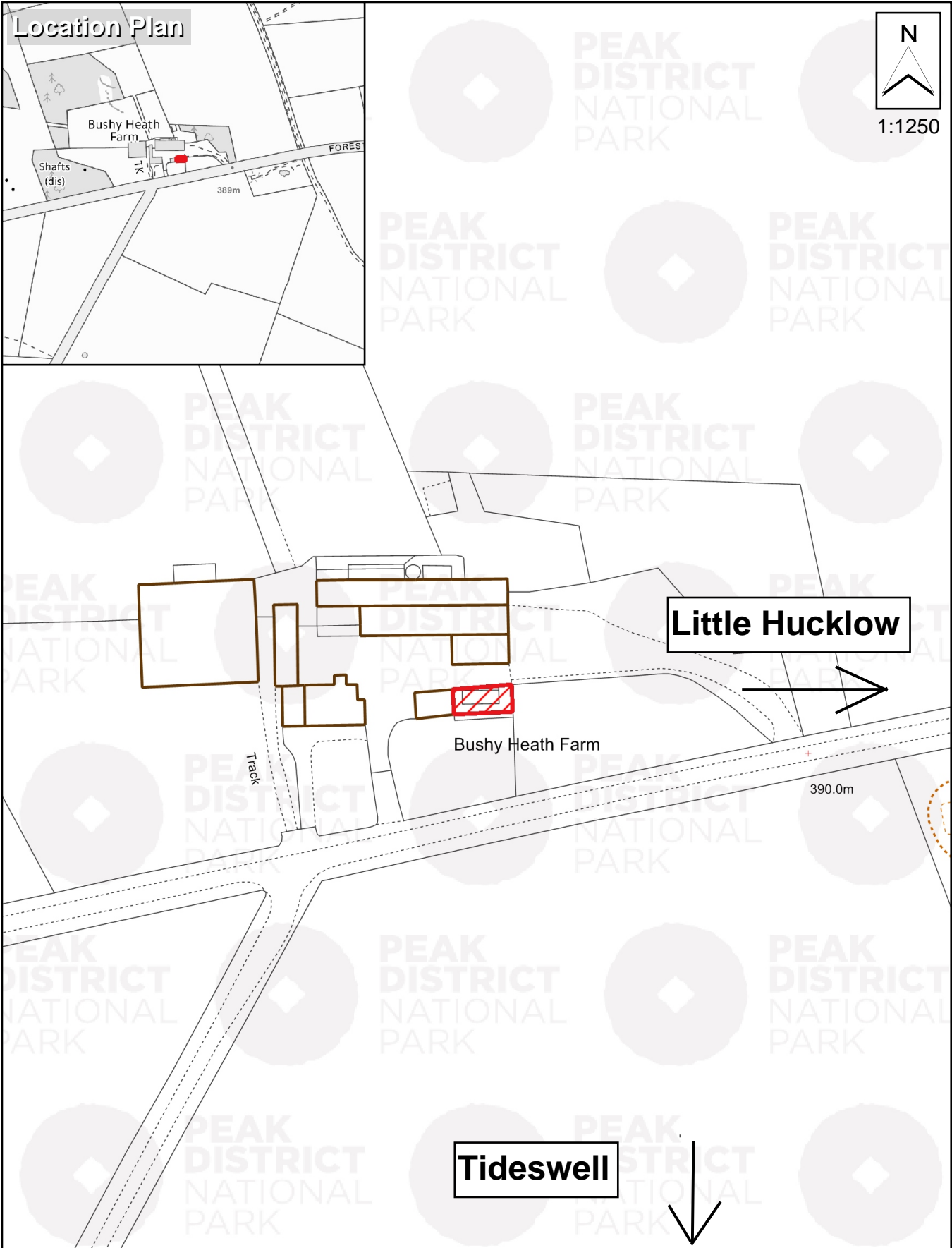
6. The statutory declaration from the appellant and his wife refers to a business diary confirming paying visitors who have stayed in the static caravan and the dates they stayed. This diary demonstrates some regular seasonal use of the caravan, primarily between the months of March to October, for short term holiday accommodation between 2004 and 2010, but this alone falls short of the ten years required to demonstrate a lawful use for that purpose.
7. Between June 2004 and 2010, longer term occupancy by farm workers is also recorded. Mr James Haddon confirms the dates he stayed in the caravan between June 2004 and December 2006 inclusive, which ranged from short periods of 1 or 2 weeks throughout 2005 and longer periods of 3 to 7 months in 2004, 2004/05 and 2006. Adrian Walker confirms in a letter that he stayed in the caravan for various periods of times since 2004 ranging from 1 night to 1 week.
8. The appellant's statement confirms that friends and family also occupied the caravan. However, it is unclear to what extent the caravan was occupied and the nature of that occupation and whether the caravan was simply used as an adjunct to the main dwelling when friends and family came to stay. This evidence is insufficiently precise in this regard and can be afforded little weight in support of the application.
9. Prior to June 2004, the appellant is reliant upon evidence from previous occupiers. The statutory declarations from Mr & Mrs Hadfield are not precise. It is unclear from the statutory declaration when and for how long the caravan was occupied by their son, Mr Fairburn or Mr Robinson and when, how frequently and in what capacity it was occupied by friends and family. It is acknowledged however that dates of stays are confirmed in some supporting letters. Mr Robinson confirms in a letter that he stayed in the caravan from August 1996 to November 1996. Mr Fairburn confirms in a letter that he stayed in the caravan from August 2000 to February 2001.
10. The evidence of Marilyn Fearn (nee Hadfield) provides no detailed information in relation to when or the extent the caravan was occupied by Mr Hadfield between 1995 and 1998. The term 'long periods' is not precise. Nor is it clear whether he occupied the caravan independently of the dwellinghouse. Similarly the nature of occupation by family and friends is not clear; in particular whether the caravan was simply used as an adjunct to the main dwelling when friends and family came to stay.
11. Overall, the evidence of occupation prior to 2004 is not sufficiently precise or unambiguous to demonstrate continuous occupation of the caravan prior to June 2004.
12. The appellant confirms that records ceased after 2010 because the caravan was renovated (over a winter period) and then occupied by the appellant's son, Thomas Baraona until May 2012. However, the nature of his occupation and whether it was ancillary to the main residence or not is not explained. No supporting evidence is provided from Thomas Baraona. Adrian Walker confirms

in his letter that he also stayed in the caravan from May 2012 until November 2012. The evidence beyond 2010 is vague and does not demonstrate a continuous occupation of the caravan for residential purposes.


13. Like the Council, I consider the evidence is not sufficient to demonstrate that, on the balance of probability, the caravan has been in continuous occupation for residential purposes for a period of 10 years. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of *'use as a residential caravan as defined in the Caravan Sites Act 1968 - Section 13; Used continuously for long term residence for farm workers and family; Used as short term residence for visitors staying as holiday makers; The area marked in red, outside, has been used as a garden area for caravan occupants'* was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Claire S herratt
INSPECTOR

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Committee Date:	09/10/2015	Title: Bushy Heath Farm	 PEAK DISTRICT NATIONAL PARK
Item Number:	13	Tideswell Moor	
Application No:	NP/DDD/0515/0416	Tideswell	
Grid Reference:	414620, 378500		

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14. PART RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF A CONVERTED SHIPPON TO HOLIDAY LET, AND REPLACEMENT OF AN EXISTING GARAGE WITH A NEW GARAGE – WEST END COTTAGE, EYAM (NP/DDD/0715/0647, P.5143, 29/7/2015, 421391 / 376718, MN)

APPLICANT: MR RICK LINDEN

Site and Surroundings

West End Cottage is a detached dwellinghouse located in Townhead, Eyam. It is situated to the south of the main street, a short distance behind a terrace of four houses that line the street. The property is situated in the Eyam Conservation Area.

The property is two storey and is of traditional design and some age. It is constructed of limestone under a stone slate roof and with gritstone quoins, window and door surrounds. The eastern end the building was formerly a shippon that was taken in to residential use as an extension to the house and is currently being let out as a holiday let, a use for which planning permission has not been granted and is therefore currently unauthorised.

The land to rear of the property, which is given over to garden and parking and garaging rises to the south. The garage is sited adjacent to the western edge of the curtilage and follows a non-traditional flat roofed design.

The property is accessed along a shared driveway (in separate ownership) that runs between the terrace immediately north of the dwelling and another terrace of properties that is sited to the immediate north west. There is a further neighbour immediately to the east of the boundary of the rear garden, and two further recently constructed houses are sited to the north east of this, fronting on to Townhead.

Proposal

To change the use of the converted shippon to a holiday let (retrospective) and to demolish the existing garage and replace it with a new one in a revised location.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1. 3 year time limit.**
- 2. In accordance with revised plans.**
- 3. Prior to the erection of the garage, plans showing external ground levels and finished floor levels for the garage shall be submitted and agreed by the Authority.**
- 4. Materials to be natural limestone, dry dash limestone render, natural blue or stone slate roof.**
- 5. Garage door to be vertically planked timber.**
- 6. Rainwater goods fixed directly to stonework with no fascias or bargeboards.**
- 7. The accommodation shall not be occupied other than as a short-let holiday residential use ancillary to West End Cottage and not be occupied by any one person for a period exceeding 28 days in any calendar year.**

8. Garaging to remain available for parking of vehicles at all times and ancillary to West End Cottage.

Key Issues

- The principle of permitting the change of use of the converted shippon to holiday let
- The design of the garage
- The impact of the proposals on neighbouring amenity
- The impact of the development on highway safety

History

2015 – Enforcement case opened relating to the unauthorised use of the converted shippon as a holiday let property.

Consultations

Derbyshire County Council (Highways) – The access is narrow with restricted visibility, therefore recommend refusal. Acknowledge however that this is a retrospective application and the holiday let is already operational and does not appear to have caused severe harm on the surrounding network and accordingly if the Authority is minded to grant consent, recommend condition requiring maintenance of parking spaces and for the proposed garage to remain ancillary to West End Cottage.

Derbyshire Dales District Council – No response at time of writing.

Eyam Parish Council – Object to the application for the following reasons:

- Raise concerns over it being made retrospectively
- The site location plan is out of date [since updated]
- Plans showing external changes already made to the external appearance of the shippon have not been submitted
- The garage would be an invasion of privacy to the residents to the east of the site

Representations

Nine letters of representation have been received in relation to the proposal. Five of these support the application, three object, and one makes general comments.

The material grounds for support are:

- The garage, and its positioning, would provide a further parking space and a turning area, improving road safety
- The maintenance of the buildings appearance is facilitated by the holiday let use, contributing to the conservation and enhancement of the area
- A holiday let contributes to the local economy through visitor spend

The material grounds for objection are:

- The garage would be overbearing on the neighbouring property to the west
- The garage would cause harmful overshadowing of the neighbouring garden to the west and dwelling to the east
- The scale and dominance of the garage is out of keeping with the location
- The garage should be flat roofed to match neighbouring garages
- A holiday let will lead to an increase in traffic and demand for parking spaces, which are already in short supply in the area

- An overabundance of holiday lets in the village will, over time, spoil the unique character of the village
- The holiday let use is detrimental to local businesses due to the seasonal nature of occupation.

General comments raised the following material matters:

- There is an inaccuracy in the submitted location plan (since amended)
- The seating area for the shippon is close to neighbouring properties resulting in a loss of privacy; some screening such as a trellis would provide better privacy for all parties.

A number of non-material matters were also raised.

Main Policies

Core Strategy: GSP3, DS1 and RT2, T1

Relevant policies in the Development Plan (listed at the top of this report) are broadly consistent with national planning policies in the NPPF because they promote the conversion of existing buildings, and leisure and tourism development in the Peak District where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests. GSP1 also sets out the Sanford Principle whereby conservation of the National Park landscape takes precedence over recreational interests where there is irreconcilable conflict between the two statutory purposes of the National Park's designation.

Core Strategy policy DS1 states that in settlements, amongst other things, extensions to existing buildings and the conversion or change of use of traditional buildings for visitor accommodation, preferably by re-use of traditional buildings will be acceptable in principle.

Core Strategy policy RT2 relevant in regard to the principle of the use of part of the building as a holiday let. In these respects, RT2 says that proposals for hotels, bed and breakfast and self-catering accommodation must conform to the following principles:

A. The change of use of a traditional building of historic or vernacular merit to serviced or self-catering holiday accommodation will be permitted, except where it would create unacceptable landscape impact in open countryside. The change of use of entire farmsteads to holiday accommodation will not be permitted.

B. Appropriate minor developments which extend or make quality improvements to existing holiday accommodation will be permitted.

C. New build holiday accommodation will not be permitted, except for a new hotel in Bakewell.

Core Strategy policy T1 states that conserving the valued characteristics of the National Park will be the primary criterion in the planning and design of transport and its management.

Local Plan: LC4, LH4, LR6, LT11 and LT18

Local Plan policy LC4 states that where development is acceptable in principle it will be permitted provided it is of a high standard of design that respects and conserves the landscape, built environment and characteristics of the area.

Local Plan policy LC5 states that development in conservation areas should assess and clearly demonstrate how the existing appearance of the conservation area will be preserved and, where possible, enhanced.

LT11 and LT18 require that transport infrastructure and access arrangements are safe and conserve the National Park's valued characteristics. The design and number of parking spaces associated with residential development, including any communal residential parking, must respect the valued characteristics of the area, particularly in Conservation Areas.

National Planning Policy Framework

Paragraph 115 in the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Paragraph 17 of the NPPF sets out core planning principles including supporting sustainable economic development and high standards of design taking into account the roles and character of different areas, recognising the intrinsic character and beauty within the countryside and supporting thriving rural communities.

Paragraph 28 in the NPPF states that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies should support the sustainable growth of all types of business both through conversion and well-designed new buildings and should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. Both give substantial weight to the conservation of the landscapes of the National Park, whilst also seeking to support economic growth in rural areas.

Assessment

Change of use of shippon from ancillary accommodation to holiday let

The shippon would have been likely to originally been in agricultural use. Prior to this application being received, the applicant has previously advised that the shippon had been in use for domestic storage for many years prior to its conversion to ancillary living accommodation in 2013. Such a development would not constitute a change of use requiring planning permission. Nor would the external changes that were made to the building during its conversion. However, the applicant has since taken this part of the building in to use as a self-contained holiday let, which constitutes a material change of use.

The submitted application proposes no changes to the external appearance of the building over those undertaken previously when converting it to ancillary accommodation previously, nor does it require changes to the curtilage of the building to facilitate the use as holiday accommodation.

Core Strategy policy DS1 in principle allows for the creation of holiday accommodation preferably by re-use of traditional buildings. Core Strategy policy RT2 specifically allows for the change of use of a traditional building of historic or vernacular merit to visitor accommodation except where the new use of the building would create unacceptable landscape impact in open countryside. The NPPF also supports the provision of sustainable tourist facilities in the countryside either through the conversion of existing buildings or the erection of well-designed new buildings.

In these respects, national planning policies are less restrictive than policies in the Development Plan in terms of the nature of buildings which can be converted to create holiday accommodation but contain the same provisions that when taken as a whole, the development must conserve the valued characteristics of the National Park before it could be deemed to be acceptable. In this

case, the building in question is of traditional construction and age, and is considered to be of sufficient historic and vernacular merit to meet the tests of RT2.

In this case, policies within the NPPF are material considerations. Paragraph 28 in the NPPF states that policies should support sustainable growth of all types of business in the countryside through conversion and well-designed new buildings and support sustainable rural tourism that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. In these respects, the NPPF offers support for the proposed development which would conserve the landscape character and other valued characteristics of the National Park. Therefore, it is considered that the proposed development is in accordance with relevant Development Plan policies which are generally in accordance with the NPPF.

Whilst some objectors have suggested that holiday let properties do not represent sustainable or beneficial development in the area, the Authority's policies are clear that such provision can contribute to the local economy, and also contribute to meeting the Authority's statutory purpose of promoting opportunities for the understanding and enjoyment of the special qualities of national parks.

If permission is granted a condition would be recommended to restrict the occupancy of the holiday accommodation to any individual to no more than 28 days per calendar year in accordance with policy LR6; separation of the building as an independent dwelling or its permanent occupancy would be contrary to the Authority's housing policies and could have further amenity or other impacts over which the Authority would wish to retain control.

Garage design

The existing garage is of a non-traditional design and has an untidy appearance, although it does reflect the appearance of the garage of the adjacent properties.

The proposed garage would follow a much more traditional design and also uses traditional materials. As originally proposed the pitched roof spanned the length of the garage. As the garage is shorter in width than it is in length it was considered that the roof should be rotated through 90 degrees. Revised plans have been submitted that re-orientate the roof. The applicant has also decided to omit a side facing window on the revised plans in order to try and overcome neighbouring concerns relating to overlooking from the garage.

Materials are proposed as natural stone to the front and rear, with render to the side elevations. In this setting the side walls would not be exposed to public view, and the materials proposed are considered acceptable. The roof would be clad with natural slate. It has not been specified whether this would be blue slate or stone slate. As both are present in the area surrounding the site – and indeed on the main house – it is considered that either would be acceptable. Materials for the garage door are not noted, but it is considered that this should be vertically planked timber in order to reflect the traditional appearance of the building and building traditions of the area. If permission was to be granted then this could be controlled by planning condition.

Overall, the appearance of the garage as revised reflects local building traditions and the character of the area, and is considered to comply with policies LC4 and LC5, subject to conditions controlling its detailed design.

Amenity

The application building is within the curtilage of West End Cottage, being directly attached to it, and already has the benefit of being able to be used as residential accommodation as part of the cottage. It is not considered that the proposal would be likely to give rise to additional noise or disturbance over and above the permitted use of the building, as it would have similar facilities and provide no further internal living spaces that could accommodate larger groups of people. In

addition, there would be no further openings that would prejudice the neighbours' privacy that are not already present. It is therefore not considered to alter the existing situation in any significant way in relation to the amenity of neighbouring properties.

The gravelled area to the east of the shippon could be used as a sitting area for the holiday let. This area is already in residential curtilage however and could be used for the same purpose already. It is not therefore considered that there would be such a change to the nature of the use of this space as to significantly affect neighbouring privacy.

The revised garage design has moved the window which an objection had identified would overlook a neighbour. There is not considered to be any further risk of overlooking as a result of the development.

In terms of impact on the neighbouring garden to the west, there is a difference in height within the applicant's garden between where the western wall of the garage would be, and where the eastern wall would be. To the west the ground is higher, not least because spoil from previous works on the house have been spread on this area of land. Were the garage to be built atop this then it would be more imposing on the neighbouring garden. However, were the levels to be brought down to at least those present further east then the garage would be less dominant. The garage wall facing this neighbour (with the revised roof orientation that has been agreed) would in that case project only a short distance above the height of the existing boundary wall due to this being a retaining wall and the applicants garden being at a lower level than that of the neighbour. The roof above would slope away from the neighbour. It is not considered that such an arrangement would be overbearing or oppressive. If Members are minded to approve the application, it is therefore recommended that a condition requiring further block and sectional plans showing existing and proposed levels through the site to be submitted in order that the height of the building above the wall can be properly controlled.

Subject to the levels being properly controlled and the revised garage design being secured it is not considered that the development would result in significant overshadowing of the neighbouring garden. Whilst the orientation of the site is such that shadow would be cast across some of the neighbouring garden this would be for only part of the day, and would only affect only part of the garden. It is not considered to have such an impact as to significantly compromise amenity.

Concerns have been raised about the potential for the construction of the garage to undermine the structural stability of the boundary wall. Whilst this is not a planning matter, the applicant has moved the garage 60cm further from the wall on the revised plans in an effort to overcome this concern. They would also need to comply with the requirements of the Party Wall Act whilst undertaking works affecting a common boundary.

The garage would be some ten metres from the neighbour to the east and would not be overbearing or cause significant overshadowing of that property.

Parking and access

If the development was to be approved the property would have parking space for up to five vehicles. This exceeds the recommended highway standards for a two bedroom house and one bedroom holiday let property.

Moving the garage further south would also make turning within the site easier, reducing the likelihood of vehicles reversing out on to the highway.

The Highway Authority has objected to the proposal on the grounds that it would lead to the intensification of use of a substandard access. However, they have acknowledged that the use has been ongoing for some time with no reported issues, and have recommended mitigating

conditions if the Authority is minded to approve the proposal. Officers agree that visibility from the access is limited and substandard. However, the access is already shared by five properties – all of which could also have visitors who are not familiar with the access. A one bedroom holiday let would be likely to attract visitors arriving in a single car. Given the existing situation, and the relatively low traffic levels that the road at this location receives, Officers do not consider that the sometime use of the access by occupants of the holiday let would make a significant difference to the highway safety of the area, and the proposal is considered to comply with policies T1, LT11 and LT18.

Environmental Management

There are no physical changes proposed to the existing house and converted shippon, and so no environmental management measures are considered necessary to comply with planning policy.

Conclusion

It is considered that the development accords with the policies of the Development Plan, and that highway and amenity impacts are not so significant as to justify refusal of the application. Having also taken account of all other relevant material considerations, the application is recommended for approval.

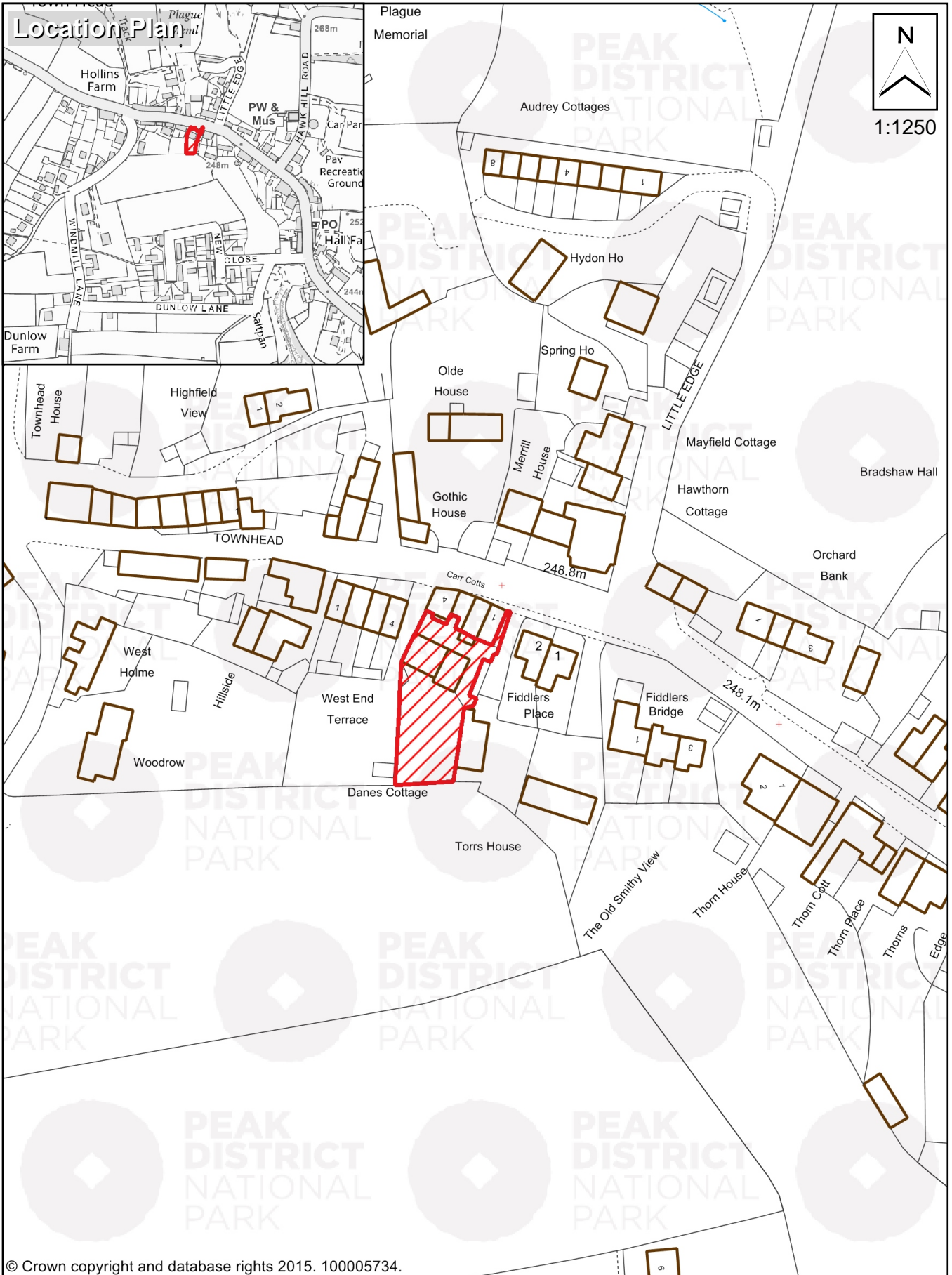
Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.


List of Background Papers (not previously published)

Nil

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Committee Date:	09/10/2015	Title: West End Cottage Townhead Eyam	 PEAK DISTRICT NATIONAL PARK
Item Number:	Item 14		
Application No:	NP/DDD/0715/0647		
Grid Reference:	421391, 376718		

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15. HOUSEHOLDER APPLICATION: ERECTION OF A TIMBER SHED/OUTBUILDING/BIN STORE AT 8 ROCK TERRACE, BAKEWELL (NP/DDD/0615/0542 P.504 421552/368680 18/08/2015 CF/DH)

APPLICANT: MS HELEN LANGHOLM

Site and Surroundings

8 Rock Terrace is set within a terrace of 11 three storey dwellings located on the north side of Bakewell within the designated Conservation Area. The main terrace is built into the hillside, the properties are constructed of sandstone with blue slate roofs, these properties back directly onto an access track off Fly Hill. A narrow access track also passes directly in front of the terrace. No.s 1 to 7 Rock Terrace have a small area of garden on the other side of this track; to the front of number 8 is a set of steps down to a communal area which is set at a lower level. This communal area is also shared by no.s 12 to 14, which are set at a lower level and on a right angle to the main terrace. The main terrace has a ridge line running north to south with the principal elevations in these properties facing east.

Proposal

The current application seeks planning permission for the erection of a timber shed. The shed would be used as a bin store and for other household storage, it would be 2m high at its highest point, and would have a base that measures 2.4m x 1.2m. The shed would be sited on an area of land forward of 8 Rock Terrace but opposite no. 7 Rock Terrace. This area of land is also in the applicant's ownership and is currently used for parking on an ad-hoc basis.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions / modifications:

- 1. The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2. The development hereby permitted shall not be carried out other than in complete accordance with the submitted plans received by the Authority on 15 June 2015.**
- 3. At the time of its installation, the shed shall be painted a recessive grey colour and shall be permanently maintained so thereafter.**

Key Issues

- whether the shed would detract from the character, appearance or amenity of 8 Rock Terrace and/or neighbouring properties, or harm the special qualities of the surrounding Conservation Area.

History

- 2010 Planning permission refused for conversion of 8 Rock Terrace to two holiday apartments (NP/DDD/0810/0853)
- 2015 Application seeking planning permission for the erection of a shed on the current application site withdrawn prior to determination.

Consultations

Derbyshire County Council (Highway Authority) - No objections subject to no loss of off-street parking.

Derbyshire Dales District Council – No response to date.

Bakewell Town Council – No objection to the amended plans which have reduced the height of the shed and omitted the glazed doors.

Representations

Eleven representations have been received regarding the proposed shed, from eight people who have an interest in the area (three of the representations are adding to previous comments) Some of the Terrace is owner occupied and some are tenanted, representations have been received from occupiers, some from property owners. The concerns raised are:

- The shed is to be sited within the area which has been used as a communal area for many years
- The shed will further restrict the number of parking spaces available within the communal area
- The shed will impinge on the rights of the residents of the Terrace to access the laundry drying area as it would block their right of way
- The view from numbers 7 and 12 would be ruined by the visual impact of the shed
- The shed would have a serious, detrimental effect on the outlook of number 12
- The shed would have a significant and unacceptable impact on the daily lives of numbers 12 and 13
- The former toilets were only 730mm wide, therefore the footprint of the shed would exceed the area in the ownership of number 8
- A structure as proposed would look out of place and unsightly, and would detract from the character and appearance of the area
- The shed would be an eyesore in the picturesque setting of the Terrace
- The shed would throw shade onto the garden of number 7 and block access to the east side of it
- Rock Terrace is a very visible landmark in the view of Bakewell from across the valley
- The height of the shed is invasive
- The block plan does not show the rear extensions at numbers 13 and 14 and is therefore out of date and not representative of the area
- Number 8 does not have a garden therefore the description as a garden shed is misleading (this refers to the previous application which was withdrawn)
- The storage of waste bins outside the properties of others

- The shed is unneighbourly and its proposed positioning anti-social
- The shed would block daylight from some of the properties
- The design of the shed with the glazed doors suggests its intended use is for more than a garden shed/bin store (this refers to the previous application which was withdrawn)
- Reduction in the privacy of number 12
- Materials not in keeping with the local building tradition and materials of the houses on the Terrace
- The shed would be prominent and out of keeping with the area
- The shed would not be in the interests of the immediate community
- The shed will set a precedent for householder development in the communal area as currently none of the properties have a shed

Main Policies

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1 & L3

Relevant Local Plan policies: LC4, LC5 & LH4

In principle, DS1 of the Core Strategy is supportive of ancillary buildings for the extensions to existing buildings and policy LH4 of the Local Plan provides specific criteria for assessing householder extensions. LH4 says extensions and alterations to dwellings will be permitted provided that the proposal does not:

- i. detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings; or
- ii. dominate the original dwelling where it is of architectural, historic or vernacular merit; or
- iii. amount to the creation of a separate dwelling or an annexe that could be used as a separate dwelling.

The Authority has also adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. This guidance offers specific criteria for assessing the impacts of householder development on neighbouring properties and contains a number of suggestions for the appropriate design of outbuildings such as garaging.

Wider Policy Context

The provisions of policies DS1 and LH4 and guidance in the Authority's adopted SPD are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core Strategy and policy LC4 of the Local Plan, which promote and encourage sustainable development that would be sensitive to the locally distinctive building traditions of the National Park and its landscape setting. Policy LC4 and GSP3 also say the impact of a development proposal on the living conditions of other residents is a further important consideration in the determination of this planning application.

As the proposed development is within the boundary of the Conservation Area, policy L3 of the Core Strategy and Local Plan policy LC5 are also relevant. These policies seek to ensure the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced, including its setting and important views into or out of the area.

These policies are consistent with national planning policies in the Framework (the National Planning Policy Framework) not least because core planning principles in the Framework require local planning authorities to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Assessment

The applicant has previously proposed a taller shed with glazed doors on the same piece of land where this application is proposing a smaller shed. The current application proposes a shed of reduced height and solid doors seeking to address the concerns which had been raised in respects of the previous application by the owner/occupants of the neighbouring residential properties. The shed proposed in this application is of a modest size and scale with a simple rectangular footprint measuring 2.4m by 1.2m and a pent roof that would be 1.8m in height at the rear and 2m high at the front. The shed would be of timber construction and the shed would have a felt roof. The north elevation (side) would have a single solid timber door measuring 1.6m high and 0.5m wide, the east facing elevation (front) would have double solid timber doors measuring 1.3m high and 1.1m wide, with a glazed horizontal panel above measuring 1.7m wide and 0.25m deep

In these respects, the shed proposed in this application is a typical garden shed that would be used for domestic storage purposes and would not have a significantly detrimental impact on its setting as it would be seen within a yard area that is used for a variety of domestic uses (mainly drying clothes, bin store and car parking) and it would be seen in the context of a group of residential properties and associated domestic paraphernalia. Therefore, officers do not have any overriding concerns that the shed would harm the character and appearance of the surrounding Conservation Area and officers do not consider the shed would detract from the character and appearance of the local area.

In these respects, a shed as proposed in this application would not normally be contentious either in design terms or in terms of its visual impact also taking into account sheds would not normally need planning permission in the back garden of an ordinary dwelling house. However, in this case, the shed would be to the front of 8 Rock Terrace and whilst it would be on land in the applicant's ownership, this land is not necessarily within the curtilage of 8 Rock Terrace. Therefore, the shed proposed in this application needs planning permission and its siting has given rise to a significant number of objections despite this application proposing a smaller shed than before. Beyond objections relating to the design and appearance of the shed, the main issues raised in representations on this application relate to the potential adverse impact of the shed on the amenities of numbers 7, 12, 13 and 14 Rock Terrace.

In the first instance, the shed would be sited in front of No. 7 Rock Terrace but on land at a lower level in the ownership of 8 Rock Terrace. There is a wall between the application site and 7 Rock Terrace that is 1.1m high. This means that only the top part of the shed would be seen above this wall from 7 Rock Terrace and the part of the shed that would be seen from no.7 would be at a lower level than the main outlook from the windows facing the application site. Intervening planting would provide further screening for the shed. Therefore, it is considered by officers that the proposed shed would not detract from the living conditions enjoyed by the occupants of no.7 because the shed would not harm the outlook from this property and the shed would not be overbearing or block light to no.7 to any significant extent because of its orientation relative to this property and because of its relatively modest size and scale.

The shed would be sited at a slightly higher level than the finished floor levels of no.s 12 to 14, Rock Terrace, which are down a step from the ground level of the communal area in front of the main terrace. These properties are orientated at 90° to the main terrace and their south facing elevations face towards the yard area and the application site. No.s 13 and 14 have been extended on their south facing elevations, and these extensions actually extend into what was regarded as the communal yard area at the front of the main terrace. A further impact of the extension at no.13 is that this extension block any views of the shed from the ground floor windows in no.14. The first floor window in no.14 is not orientated towards the application site. Similarly, the first floor window in no.13 is at an angle to the application site and the ground floor window in this property has been obscured.

Therefore, officers do not consider that the proposed shed would harm the outlook from either no.13 or no.14 Rock Terrace and the shed would not be unduly oppressive or overbearing in respects of these properties, again, taking into account the modest size and scale of the shed and its orientation relative to the south facing elevations of these properties. However, the shed would be in view from a facing door and rear window at ground level in no.12; the affected window serves a room which is described as being the kitchen/dining room. The intervening distance between the door and the shed is 4.2m and the shed would be 4.3m from the affected ground floor window.

Therefore, the shed would be seen from no.12 but at the distances involved, and taking into account the maximum height of the shed is 2m, it is difficult to sustain an argument that the shed would have an unduly overbearing or oppressive impact on the living conditions enjoyed by the occupants of no.12. Equally, the shed would be sited 'sideways on' to no.12, which means that the shed would not block any significant amount of natural light that would normally be enjoyed by no.12. The first floor window at no.12 overlooks the application site but would not be adversely affected by the shed other than by its potential to harm the outlook from no.12. However, it is not considered that a typically domestic shed within a yard area characterised by its domestic use within a residential area would demonstrably harm the outlook from no.12 regardless of whether the shed would be seen from the first floor window or from the door and window on the ground floor facing the application site.

It is therefore concluded that the shed would not have such a substantial detrimental impact on the neighbouring properties most directly affected by the current proposals (i.e. no.s 7, 11, 13 and 14 Rock Terrace) to be deemed to be unneighbourly. In this case, there are no other properties likely to be affected the proposals given that the shed would be for storage and has no windows that look directly towards the nearest properties, which also means that there are no concerns that the proposals, if allowed, would impact on the privacy of the nearest neighbouring residential properties. Equally, the proposed use including its use as a bin store does not give rise to overriding concerns given that bins belonging to other properties are kept in the open air within the communal yard area and along the access from Fly Hill.

Finally, it is acknowledged that there are concerns that these proposals would impinge on an area that is considered by many residents to be part of a communal yard area but the land is within the sole control of the applicant, it used to be the site of an outside toilet, the application site is within a discreet area of the yard area where it would not obstruct other people's access to their properties, and the shed would take up a very small area of land and would not in itself compromise the amount of off-road parking available for residents living on Rock Terrace.

Conclusion

It is therefore concluded that the proposed shed would not be unneighbourly or harm the amenities of the local area and it would not detract from the character and appearance of its immediate setting within the existing group of properties at Rock Terrace. It is also considered that the shed would not detract from the special qualities of the surrounding Conservation Area. It is therefore considered that the current application conforms to the relevant policies in the

Development Plan and national planning policies in the Framework. Accordingly, the current application is recommended for conditional approval.

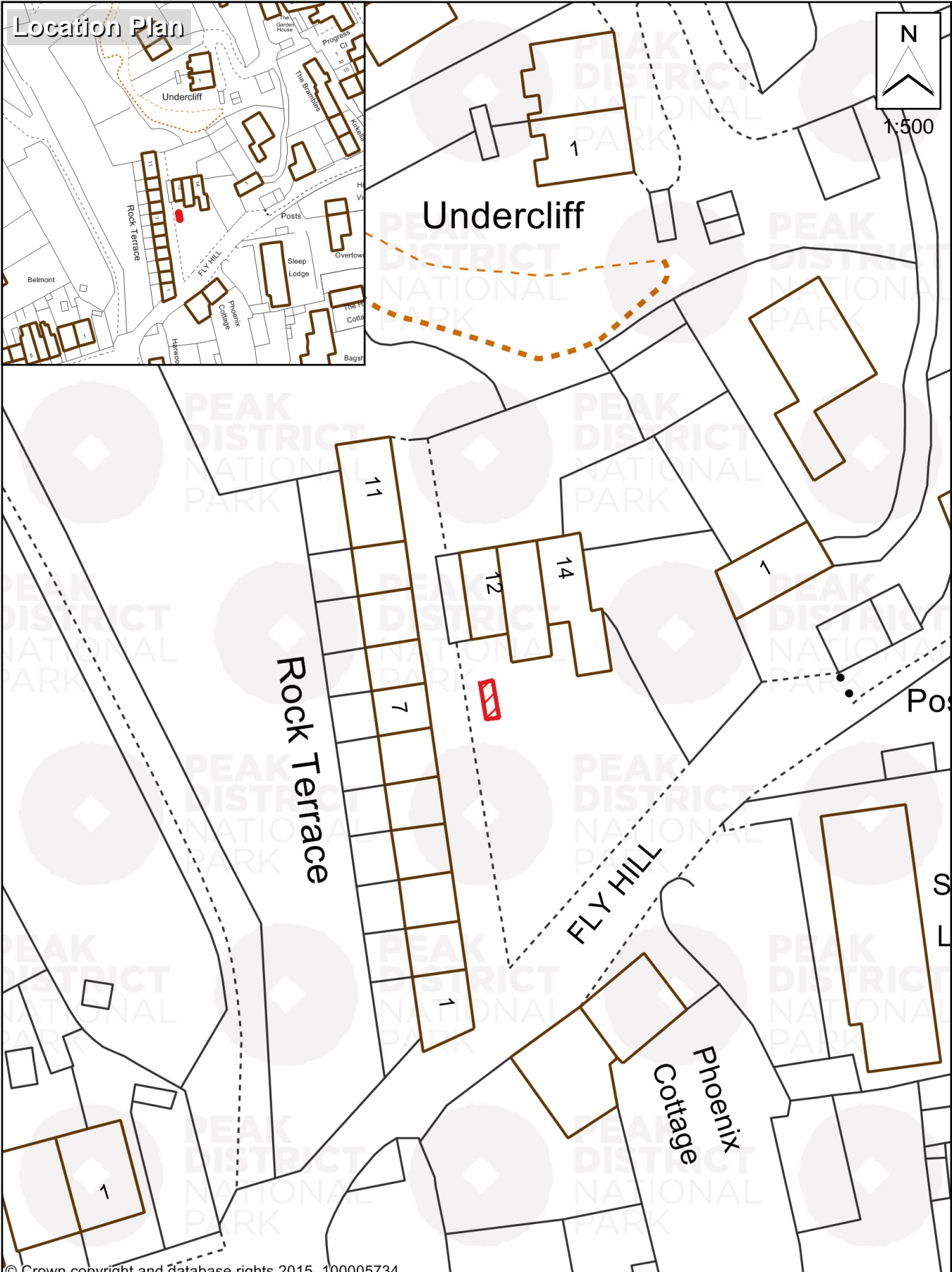
In this case, conditions ensuring compliance with the plans and imposing a time limit for the commencement of the proposed development would be necessary in the interests of the proper planning of the local area. It would also be reasonable and necessary to specify the paint finish for the shed to minimise the visual impact of the shed in the interests of the character and appearance of the completed development and to minimise further the visual impact of the development on the surrounding Conservation Area.

Human Rights


Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil



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Committee Date:	09/10/2015	Title: 8 Rock Terrace Bakewell	 PEAK DISTRICT NATIONAL PARK
Item Number:	15		
Application No:	NP/DDD/0615/0542		
Grid Reference:	421552, 368680		

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16. MONITORING & ENFORCEMENT QUARTERLY REVIEW – OCTOBER 2015 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team in the last quarter (July – September 2015). The majority of breaches are resolved voluntarily or through negotiation with the landowner (or other relevant persons) without resorting to formal enforcement action. In cases where formal action is considered necessary, the Director of Planning and Head of Law have joint delegated powers to authorise such action whereas delegated authority not to take formal action is held by the Director of Planning and Planning Team Managers.

The Authority has a duty to investigate alleged breaches of planning control, but enforcement action is discretionary and must only be taken where it is 'expedient' to do so and any action taken will need to be proportionate with the breach of planning control to which it relates. This means that the breach must be causing unacceptable harm to the appearance of the landscape, conservation interests, public amenity or highway safety, for example. It must also be clear that resolving the breach would be in the public interest.

The NPPF states that Local Planning Authorities (LPAs) should consider publishing a Local Enforcement Plan to manage enforcement proactively, in a way that is appropriate to their area. Many, but by no means all, LPAs have published a Plan. In March 2014 the Authority published its Local Enforcement Plan, which sets out what breaches of planning control are, how potential breaches can be brought to the attention of the Authority, what matters may or may not be investigated and the priorities for investigation and action. It also outlines the tools that are available to the Authority to resolve any breaches. The Local Enforcement Plan is available on the Authority's website or in paper form.

RECOMMENDATION:

That the report be noted.

Summary of Activity

(a) Formal notices have been issued in the following cases this quarter:

11/0161 Burrs Farm Chelmorton Buxton	Mixed use for agriculture and siting and residential use of a static caravan (and associated operational development)	Enforcement Notice
07/0042 Hurdlow Grange Farm Hurdlow Buxton	(1) Erection of a lean-to building and a timber car port; (2) Mixed use for agriculture and siting of a static caravan for human habitation	Enforcement Notice
15/0083 Maynestone Farm Hayfield Road Chinley	Erection of extension to dwelling	Enforcement Notice

(b) The following breaches have been resolved this quarter:

14/0536 6 Victoria Terrace Gt Longstone	Extension of domestic curtilage	Duplicate record
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14/0354 New House Farm The Brund Sheen Buxton	LISTED BUILDING - satellite dish and double-glazed windows	No evidence of a breach
15/0026 Running Hill Head Farm Running Hill Lane Dobcross Oldham	Construction of menage	Planning permission granted
14/0431 Land adjacent to Cornerways Curbar Lane Calver	Erection of field shelter	Planning permission granted
11/0013 Former Water works Low Bradfield Sheffield	Untidy building/land	No breach of planning control – application for development being considered
15/0034 21 New Close Eyam	Erection of garage	Planning permission granted
13/0017 Greystones Cross Street Castleton	Installation of flue	Flue removed
12/0160 Land rear of Warren Cottage The Green Curbar	Erection of stables and field shelter	Field shelter removed, not expedient to take action against stables
14/0333 Pott Hall Farm Shrigley Road Pott Shrigley Macclesfield	LISTED BUILDING -. Plastic vents and downpipes	Listed building consent granted
14/0551 20 The Village Holme Holmfirth	LISTED BUILDING Unauthorised internal and external alterations	Remedial works carried out to Authority's satisfaction
14/0556 Hillfoot Farm Castleton Road Hathersage	Erection of building	Building removed
14/0593 'Go' Sandwich shop The Square Bakewell	Erection of fascia sign not in accordance with advertisement consent	Not expedient to pursue enforcement action

11/0134 Wesleyan Reform Chapel East Bank Winster	Removal of original windows and replacement with UPVC double glazed units	Not expedient to pursue enforcement action
10/0119 The Croft House Wetton	Storage of vehicles on agricultural land	Number of vehicles reduced to acceptable level
15/0046 Area surrounding Fairhomes Visitor Centre/ Howden Dam	Installation of solar powered sensors	Permitted development
14/0552 Highfields Farm Middleton Lane Stoney Middleton	Erection of silo	Not expedient to take enforcement action
15/0070 Fieldhead Saltergate Lane Bamford	Non-compliance with approved plans for extensions to dwelling	Section 73 application approved
15/0064 Forge House Nether End Baslow	Drainage not completed in accordance with approval	NMA approved
07/0029 2, Glebe Court Great Longstone	Breach of local needs occupancy condition	BCN issued and condition now being complied with
10/0017 1 White cottages Flouch Crow Edge	Erection of timber building	Not expedient to take enforcement action
14/0537 Ice Creams & Dreams (Former Toy Shop) Matlock Street Bakewell	LISTED BUILDING- Erection of fascia sign and change of use from A1 (shop) to A3 (ice cream parlour)	Retrospective permissions granted
15/0011 Land North of Elton Road, Winster	Use of land for keeping horses and erection of building	Unauthorised use ceased, building removed
15/0044 Land near Howden Dam Upper Derwent	Creation of track and carrying out groundworks	Planning permission granted for installation of hydroelectric station and associated building
14/0584 Gable House Main Street Winster	LISTED BUILDING – Internal alterations and erection of satellite dish. Breach of condition 3 (door details to be agreed) on NP/DDD/0212/0209.	Works rectified and listed building consent granted

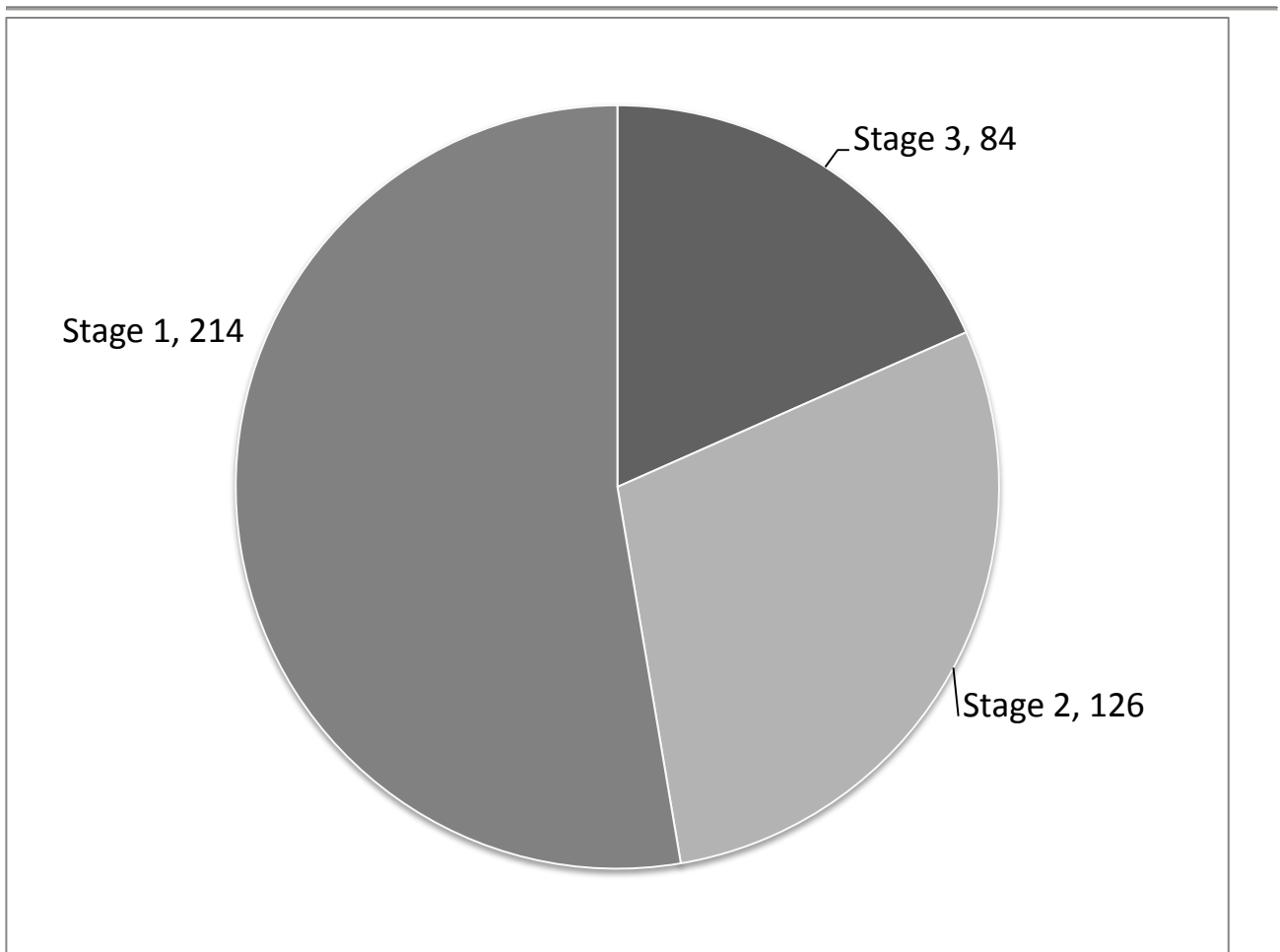
Overview of Caseload

The following table provides an overview of the Team’s caseload. Figures for the preceding quarter are shown in brackets :

	Received	Investigated/Resolved	Outstanding
Enquiries	96 (114)	93 (93)	80 (73)
Breaches	34 (42)	24 (25)	431 (421)

In order to help focus resources and increase the pace of progress on casework, officers have recently introduced a system which classifies breaches, as early as possible in the process, as Stage 1, Stage 2 or Stage 3. Stage 1 cases are those where it is likely to be ‘not expedient’ to take enforcement action; Stage 2 are those where a conditional planning permission would be likely to resolve the breach and Stage 3 are those where formal enforcement action is likely to be required. This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage it is expected that cases will be progressed more quickly with a greater emphasis on moving to formal action in cases identified as Stage 3. To encourage the submission of applications for Stage 2 cases we intend to make more use of Planning Contravention Notices and give a clearer indication to owners that the absence of planning permission is likely to adversely affect any future sale of the property. For cases assessed as Stage 1 a delegated decision not to take enforcement action will be made at the outset and we will not normally devote resources to seeking the submission of an application.

The following chart shows the outstanding breaches broken down into each of the three stages.



High Profile Cases

The following cases are those which are considered to be of particular interest to Members due to the nature of the breach(es) and/or the high level of community concern.

Case Reference	Breach	Current Position
05/0087 New Mixon Hay Farm Onecote	Use of land for storage of building materials, vehicles, scrap etc	Site meeting held May 2015. Owner being encouraged to continue clearing stored materials.
06/0010 Midfield Kettlehulme	Storage of vehicles, vehicle parts, building materials and equipment	Enforcement notice in place. Owner is in process of clearing site. Regular site meetings being held to check on progress.
08/0104 Fernhill Cottage, Hollow Meadows	Excavations and re-profiling works and erection of walls/buildings	Enforcement notice in place. Discussions ongoing with new agents over submission of application for access drive etc.
11/0015 Home Farm Sheldon	Excavations at rear of guest house	Discussions ongoing over a suitable scheme for extension at rear following refusal of application in November 2014.
11/0222 Land off Stanedge Road Bakewell	Erection of building and use of land and building for storage of building materials	Enforcement Notice upheld on appeal with compliance date of 7 February 2016.
09/0032 New Mere Farm Flagg	Use of agricultural building as dwelling and storage of static caravan	Planning permission granted for agricultural worker's dwelling and works started.

The following case has previously been reported to the Committee on a quarterly basis with an update on the current position. For the reasons stated below, however, it is no longer considered necessary to report this case to Committee on a regular basis. It is important to note that this does not mean that the case will be closed or that no further action being taken. Officers will continue to seek resolution of the outstanding issues and will consider formal action if appropriate.

12/0118 Land and Buildings East of Lane End Farm, Abney	Non-compliance with conditions attached to permission for conversion of barns to holiday accommodation	The most significant issue has been the full-time residential occupation of a former barn in breach of a holiday occupancy condition. However, in February 2015 planning permission was granted for conversion to an open market dwelling.
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17. HEAD OF LAW - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following Appeals have been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/S/0415/0315 3133512	Erection of double garage and utility room with workshop/home office space above at Dyson House, New Road, Low Bradfield, Sheffield, S6 6HW	Householder	Delegated
NP/DDD/1014/1045 3053101	Demolition of existing factory dwelling and construct 26 dwellings including 4 affordable homes and conversion of former factory buildings to 2 dwellings at Dove Dairy, Stonewell Lane, Hartington	Hearing	Committee
NP/DDD/0415/0271 3131600	Domestic garage at Swallow Cottage, Pilhough, Rowsley, Matlock, DE4 2NE	Householder	Delegated
12/0064 3133214	Erection of a building on land off Cliff Lane in Curbar without planning permission	Enforcement	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

There were 2 appeals decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1114/1164 3049298	Conversion of stone outbuilding to open market dwelling at 1The Cross, Great Longstone, Bakewell, DE45 1TZ	Written Representations	Dismissed	Delegated
<p>Although the Inspector felt the proposal would not have resulted in a harmful loss of privacy for the occupants of the neighbouring property, or directly cause any significant additional on-street car parking or result in the loss of private outdoor space associated with No.1 The Cross, he felt that based on the evidence provided, that a new open market dwelling was not required to secure the conservation or enhancement of the building so therefore dismissed the Appeal.</p>				
NP/DDD/1014/1068 3053050	Change of use/conversion of an agricultural barn to provide a single local need/affordable residence – Barn adjacent to B5056, Winster, DE4 2DR	Written Representations	Allowed with Conditions	Delegated

The Inspector allowed the Appeal as he felt that it would not set a precedent for the conversion of other barns in the area. The Authority had not objected to the application in principle, the only objection being highway grounds. He was not persuaded that any serious conflicts would arise with other road users on the B5056, as the access to the site was good and the scheme would not materially increase its use to such a level that highway safety would be compromised, but did list as one of the conditions that parking spaces for 2 cars must be made available within the site boundary to keep the highway clear, and that the dwelling permitted should not be occupied until this had been done.

4. **RECOMMENDATION:**

That the report be received.