

Public Document Pack

Peak District National Park Authority

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



Our Ref: A.1142/1581

Date: 5 January 2017



NOTICE OF MEETING

Meeting: **Planning Committee**

Date: **Friday 13 January 2017**

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 9 December 2016** (*Pages 1 - 4*)
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. **Full Application - Operational Facilities for Brosterfield Camping and Caravan Site to include Amenity Buildings, New Access, Manager's Accommodation and Associated Ancillary Facilities at Brosterfield Caravan Site, Foolow (NP/DDD/1016/0972, P.10457, P.11062 AND P.4484, 03/10/2016, 418941 / 376200/AM)** (*Pages 5 - 38*)
Appendix A

Appendix B

Appendix B - Plan

Appendix C

Site Plan

7. **Review of Old Mineral Permission Application - Old Moor Quarry (Tunstead) Wormhill Buxton (NP/HPK/1013/0898, M11781, JEN) (Pages 39 - 76)**
Annex 1

Site Plan
8. **Monitoring & Enforcement Quarterly Review - January 2017 (A.1533/AJC) (Pages 77 - 82)**
9. **Head of Law Report - Planning Items (A.1536/AMC) (Pages 83 - 86)**

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

Anyone wishing to participate at the meeting under the Authority's Public Participation Scheme is required to give notice to the Director of Corporate Strategy and Development to be received not later than 12.00 noon on the Wednesday preceding the Friday meeting. The Scheme is available on the website www.peakdistrict.gov.uk or on request from Democratic Services 01629 816362, email address: democraticservices@peakdistrict.gov.uk, fax number: 01629 816310.

Written Representations

Other written representations on items on the agenda, except those from formal consultees, will not be reported to the meeting if received after 12noon on the Wednesday preceding the Friday meeting.

Recording of Meetings

In accordance with the Local Audit and Accountability Act 2014 members of the public may record and report on our open meetings using sound, video, film, photograph or any other means this includes

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MINUTES

Meeting: **Planning Committee**

Date: Friday 9 December 2016 at 10.00 am

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

Chair: Mr P Ancell

Present: Cllr D Birkinshaw, Cllr P Brady, Cllr C Carr, Cllr D Chapman, Cllr A Hart, Mr R Helliwell, Cllr Mrs C Howe, Cllr H Laws, Ms S McGuire, Cllr J Macrae, Cllr Mrs K Potter, Cllr Mrs L C Roberts, Cllr Mrs J A Twigg and Cllr D Williams

Apologies for absence: Cllr A McCloy and Cllr F J Walton.

159/16 CHAIRS ANNOUNCEMENTS

The Chair of the Committee reported that item 6 on the agenda relating to the application for operational facilities at Brosterfield Camping and Caravanning site had been withdrawn and will now be heard at the Planning Committee on 13 January 2017.

160/16 MINUTES OF PREVIOUS MEETING

The minutes of the last meeting of the Planning Committee held on 11 November 2016 were approved subject to the amendments below, as a correct record.

Minute 144/16 relating to the application for the temporary use of land for a Horticultural Show at Chatsworth House was amended to show that the RHS will set up the Liaison Committee.

The minute 150/16 was amended to show that the building had intrinsic merit related to water management and treatment in the area.

161/16 MEMBERS DECLARATIONS OF INTEREST

Item 7

Cllr Andrew Hart and Cllr Kath Potter had each received correspondence regarding the application.

Item 8

Mr Robert Helliwell declared a personal interest as he knew the applicant Mr Corbridge.

Item 9

Cllr Kath Potter declared a personal interest as she had asked that the Planning Committee Site Visit on 8 December drive past the site.

162/16 PUBLIC PARTICIPATION

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

163/16 FULL APPLICATION - ERECTION OF WOODEN PODS FOR CAMPING AT NETTLEBEDS FARM, TOP HOUSE LANE, WINCLE

Members had visited the site on the previous day.

The following spoke under the Public Participation at Meetings Scheme:

- Mr John Cartledge for Applicant

The application had been deferred from the last Planning Committee to enable a site visit to take place.

Members had noted on the site visit the severity of the steepness of the site and the distance from the farm yard to the pods as this had been the suggested parking place for those using the camping pods. An alternative site closer to the main farm buildings and on flatter ground would be more appropriate. The applicant had already discounted the farm yard as a parking location, following submission of the application, due to the health and safety risks and a new site for parking also needed to be identified.

It was noted by Members that the size of the pods was due to the fact that there was not an amenity building on site so all washing and toilet facilities were self contained in the pods.

The Officer recommendation to refuse the application was moved, seconded, put to the vote and carried. Members requested that the applicant work with Officers to identify an alternative site.

RESOLVED:

That the application be REFUSED for the following reasons:

1. **By virtue of the siting, size and layout of the proposed camping pods and the engineering works required to facilitate the development on this sloping site, the proposed development would appear unduly intrusive, having an unacceptable adverse visual impact on the character of the surrounding landscape and consequently harming the valued characteristics of the National Park. The development would therefore be contrary to Core Strategy policies GSP1, GSP3, L1 and RT3, saved Local Plan policies LC4 and LR3 and to policies in the National Planning Policy Framework, including the provisions of Paragraph 115 relating to development in National Parks.**

164/16 FULL APPLICATION - ERECTION OF LOCAL NEEDS AFFORDABLE DWELLING AT SHUTTS FARM, SHUTTS LANE, BAKEWELL

Members had visited the site on the previous day.

In introducing the report the Officer corrected the figure in paragraph two as the site size should be 444 sqm and not 640 sqm which was the size of the original application which had been reduced following discussions with the applicant.

The following spoke under the Public Participation at Meetings Scheme:

- Mr Corbridge, Applicant

Following the site visit Members had noted that the location of the proposed dwelling would impact on the landscape and was outside the Bakewell Development Boundary.

Members noted that the Planning Officer had looked at siting the new building with other buildings at Shutts Farm but that the Highways Authority had suggested the access to the road was not safe and that they would appose further development of the site. The Director of Conservation and Planning confirmed that it is in the 'gift' of the National Park Authority to override the decision of the Highways Authority if it was deemed appropriate.

A motion to defer the application to a future Planning Committee to enable officers and the applicant to discuss an alterative location in the existing farm group, consider improvements to access and application of a Section 106 agreement for affordable housing was moved, seconded, put to the vote and carried.

RESOLVED:

The application be deferred to enable further discussion between officers and the applicant on finding an alternative location within the current development at Shutts Farm.

The meeting was adjourned from 11.20 to 11.25

165/16 FULL APPLICATION - DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW TWO STOREY SIDE EXTENSION AND ASSOCIATED WORKS AT 14 PARK ROAD, BAKEWELL

Members had driven past the site on the previous day.

The Officer reported that a further letter of objection had been received from No 23 Park Road which re stated the information already received from the same address.

The Officer recommendation to approve the application was moved, seconded, put to the vote and carried.

RESOLVED:

That the application be APPROVED subject to the following conditions;

- 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 otherwise than in complete accordance with the amended plan, drawing number '1617-02 'D' titled 'Prop Details' received by the Authority 22 November 2016, and submitted plan titled 'Block Plan', received by the Authority on the 4 October 2016; subject to the following conditions;**

3. The door openings shall be provided with a natural gritstone lintel.
4. All new stonework shall be in natural or artificial gritstone faced, coursed and pointed to match the existing stonework.
5. The roof shall be clad with Hardrow slate to match the existing.
6. The rainwater goods shall be 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.
7. The roof light(s) shall be fitted flush with the roof slope.

Cllr Judith Twigg joined the meeting at 11.30, during this item and did not vote.

166/16 HOUSEHOLDER APPLICATION - ERECTION OF FENCING TO PROPERTY BOUNDARY AT TURNPIKE HOUSE, KETTLESHULME

The Officer recommendation for approval subject to additional condition relating to the gable end of Side End Cottage was moved, seconded, put to the vote and carried.

RESOVLED

That the application be APPROVED subject to the following conditions:

1. In accordance with the revised plans
2. Development implemented within 3 years
3. Fence to be stained with Cuprinol 'Woodland Mink' wood stain, or an equivalent colour
4. Fencing to be omitted from the gable end of Side End Cottage and the frontage of Turnpike House and the fencing panels are to be removable to allow maintenance.

167/16 HEAD OF LAW REPORT - PLANNING APPEALS

The motion to receive the report was moved, seconded, put to the vote and carried.

RESOLVED:

That the report be received.

The meeting ended at 12.05 pm

6. FULL APPLICATION – OPERATIONAL FACILITIES FOR BROSTERFIELD CAMPING AND CARAVAN SITE TO INCLUDE AMENITY BUILDING, NEW ACCESS, MANAGER'S ACCOMMODATION AND ASSOCIATED ANCILLARY FACILITIES AT BROSTERFIELD CARAVAN SITE, FOLOW (NP/DDD/1016/0972, P.10457, P.11062 AND P.4484, 03/10/2016, 418941 / 376200/AM)

APPLICANT: PEAK DISTRICT NATIONAL PARK AUTHORITY

Site and Surroundings

The application site is located in open countryside approximately 260m to the south of the edge of Foolow. The site lies outside of the designated Foolow Conservation Area which extends out to Ivy Farm and Home Farm 64m to the north of the application site. The application site is located within the White Peak Landscape Character Area and specifically within the Limestone Village Farmlands Landscape Character Type.

The land under the ownership and control of the National Park Authority, as applicant, includes two fields located to the west of the Housley – Foolow road. Further references in this report to the applicant refer to the Authority solely in its role as applicant, rather than as the local planning authority. The red-edged application site includes the westernmost of these two fields, a belt of planting which separates the two fields and a narrow strip of land along the northern part of the easternmost field which connects to the highway.

The application site is currently used for sheep grazing but benefits from planning permission for the use of the land as a caravan site for up to 50 pitches (see Planning History section later in the report), utilising the existing access to the southern boundary of the site which also serves Brosterfield Farm and Brosterfield Hall to the west which are the nearest neighbouring properties.

A public right of way follows the existing access track along the southern boundary of the site and there is also a public footpath 360m to the north of the site which runs from Foolow towards Wardlow Mires to the south-west.

Proposal

Planning application

This application seeks planning permission for operational facilities for the existing camping and caravan site, including an amenity building, new access, manager's accommodation and ancillary facilities.

The application is supported by plans which show that a total of 50 pitches would be laid out on the application site. 20 pitches in the north western corner of the site would be occupied all year round (year round pitches), whilst the remaining 30 pitches would be seasonal pitches with occupation limited to between Easter and the end of October. Two of the permanent pitches would be surfaced with limestone chippings, with the remaining 18 pitches grass reinforced by heavy duty mesh. All 30 of the seasonal pitches would be grass pitches.

The proposed new access would run along the northern boundary of the easternmost field from the Housley – Foolow road and into the north of the site. A new dropped kerb would be installed at the entrance which would have curved radii of 6m. The first 19m of the access track would be 5.5m wide with the remaining track 3m wide. The first 10m of the access would have a macadam surface with metal drainage channel. The existing adjacent field gate would be closed off and the new access provided with timber gates.

An amenity building is proposed on the northern part of the site adjacent to the proposed access track and would provide toilet, laundry and washing facilities along with a site reception / office.

The building would measure 8m wide by 21.2m long, 3.3m high to eaves and 5.6m high to ridge. The roof and walls of the amenity building would be clad with continuous zinc sheeting. The southern gable of the building would be open sided with a partially protecting office structure. Sliding doors would provide access to storage and plant rooms on the northern side of the building.

A two bedroom site manager's accommodation is also proposed on the northern part of the site adjacent to the proposed amenity building. The building would measure 7m wide by 14.4m long, 3m high to eaves and 5m high to ridge. It would be clad with natural random coursed gritstone under a pitched roof clad with blue slate with concealed gutters. Windows and doors would be dark grey aluminium units.

The application proposes that chemical waste from the site will be disposed of to a cess tank within a compound in the north of the site. The cess tank would be fitted with a high level alarm and would be emptied and waste removed from the site. Foul drainage from the amenity building and manager's accommodation would be to an underground package treatment plant sited to the south of the manager's accommodation.

Finally the submitted application proposed to remove a dilapidated building in the south west corner of the site which was formerly used as office accommodation. The submitted plans also include additional native planting around the boundary of the site and to reinforce the existing group of trees to the east of the site where the new access would cut through.

Discontinuance of use Order ("DO")

The DO is proposed in order to reduce the effect of the 1998 planning permission and to ensure that it cannot be used in the way that the Inspector who determined the lawful use appeal decided it could be used. Subsection 102(1) (b) (ii) allows modified conditions to be incorporated to achieve what the applicant proposes and these are set out in the order replacing the existing conditions. The reasons for making the order are set out in the proposed statement of reasons (see Appendix C).

The procedure following making the DO is set out in Appendix A and the Committee should note that the DO must be confirmed (with or without modifications) by the Secretary of State {for Communities and Local Government}.

Taken together, the proposed planning permission and DO (modifying the 1998 planning permission) will achieve what is proposed by the applicant. Subject to the Planning Committee resolving to approve the application, the new planning permission (NP/DDD/1016/0972) would only be issued following confirmation of the DO by the Secretary of State. If the DO is not confirmed or confirmed with unsuitable conditions, then it may be necessary to bring the matter back to Planning Committee.

RECOMMENDATION:

That the application be APPROVED subject to the confirmation of the proposed discontinuance of use order and subject to the following conditions and modifications:

- 1. Statutory 3 year time limit for implementation.**
- 2. Development to be carried out in full accordance with specified approved plans.**
- 3. No other works shall commence until the new access has been fully laid out and constructed in accordance with approved plans. Access visibility and vehicular passing places to be maintained throughout the lifetime of the development.**

4. Detailed landscaping scheme to be submitted to and approved in writing by the National Park Authority and thereafter implemented in accordance with approved timescale.
5. No lighting shall be installed other than in accordance with a scheme submitted to and approved in writing by the National Park Authority.
6. The package treatment plant and cess tank hereby approved shall be installed prior to the first occupation of either the amenity building or manager's accommodation hereby approved.
7. Sample of metal sheeting for walls and roof of amenity building to be submitted and approved prior to the erection of the amenity building.
8. Prior to the erection of the office / reception within the amenity building, full details of the external finish of the office / reception shall be submitted to and approved in writing by the National Park Authority.
9. Notwithstanding submitted plans / application forms the walls of the manager's accommodation shall be natural limestone in accordance with a sample panel which shall be approved in writing by the National Park Authority.
10. External finish of windows and doors to the amenity building and manager's accommodation to be submitted and approved in writing prior to installation.
11. Roof of manager's accommodation shall be natural blue slate.
12. Occupation of manager's accommodation to be restricted to site wardens employed at Brosterfield Caravan Site and their dependents only.
13. Restrict use of site to touring caravans and / or tents only. Restrict maximum number of caravans and / or tents to no more than 50 between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive and no more than 20 at any other time.
14. Holiday occupancy condition (no more than 28 day occupancy for any individual per calendar year) and no single caravan or tent shall be retained on site for a period exceeding 28 days in any calendar year.
15. Siting of 'year round' pitches to be restricted in accordance with submitted plans.
16. No caravan or tent shall be sited on the eastern field edged in blue on submitted site plan at any time.
17. Remove permitted development rights for extensions and alterations to manager's accommodation.
18. Remove permitted development rights for development required by the conditions of a site licence.

PROPOSED DISCONTINUANCE OF USE ORDER

Section 102 Town and Country Planning Act 1990 (see Appendix A)

If a motion for the proposed manager's dwelling, toilet block etc. as set out earlier in this report is agreed, then committee is asked to consider a further resolution as follows:

The Brosterfield Caravan Site Discontinuance Order [2016] set out in Appendix B be made; and

The reasons for making the Order are as set out in Appendix C.

Key Issues

- The planning history of the site.
- Whether the proposed development is acceptable in principle.
- The impact of the proposed development upon the landscape and the local area.

Relevant Planning History

1998: NP/DDD/0497/156: Planning permission granted conditionally for change of use of part of agricultural land to caravan site. Permission was granted subject to a S.106 legal agreement which surrendered an existing lawful use of a field to the south for 15 caravans.

Planning condition 2 imposed on the above permission restricts the number of caravans and tents on site and states:

The number of caravans and/or tents on the site on any day shall not exceed the following:

- a) Between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 30 caravans and/or tents.
- b) On Bank Holiday weekends (i.e. Thursday to Tuesday) between 31 March (or Good Friday if earlier than 31 March) and 31 October inclusive – 50 caravans and/or tents.
- c) At any other time – 20 caravans and/or tents.

1999: NP/DDD/1198/545: Planning permission granted temporarily for retention of caravan with extension for use as reception for caravan holiday park.

2002: NP/DDD/0702/351: Planning permission refused for erection of amenity block with managers flat on 1st floor to serve existing caravan park and new septic tank.

2003: NP/DDD/0203/070: Planning permission granted conditionally for erection of amenity block to serve existing caravan park. Officer note: This planning permission was never implemented and has therefore lapsed.

2007: NP/DDD/1007/0956: Planning application for variation of condition to allow for the remaining 10 of 30 approved caravans and/or tents to be sited on a 12 month, year round basis withdrawn prior to determination.

2008: NP/DDD/0708/0648: Application for Certificate of Lawful use refused for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include mobile “Park” homes).

2011: APP/M9496/X/09/2105897: Appeal against the above decision allowed and Certificate of Lawful use granted for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include mobile “Park” homes). The appeal was initially allowed in 2010, but the Authority challenged the decision. The High Court subsequently quashed the appeal decision. It was then re-determined and was allowed in 2011.

2014: NP/DDD/1214/1264: Planning application for touring caravan and camping site to include 20 year – round surfaced pitches with 5 camping pods, 1 warden touring pitch and 14 serviced touring pitches, 30 grass pitches from Easter to 31 October, amenity block, new access from public highway together with ancillary facilities withdrawn prior to determination.

Consultations

Highway Authority – Makes the following comments:

The principle of a new access to serve the site has been agreed. However previous comments also included the suitability of proposed radii for caravans as the Highway Authority would not wish to see any overrunning and damage to the highway verge. Please ask the applicant to provide swept paths demonstrating the suitability of the access for use by caravans.

The Highway Authority would also recommend that the access is widened for the first 15m beyond the highway boundary to a minimum of 5.5m width to allow two vehicles and associated towing caravans to pass. A scheme of passing places within the track was proposed in the previous application but does not appear to have been included in the current submission. Please ask the applicant to clarify this.

Additionally it is noted that the revised access drawing Ref BCC/0816/11 shows a proposed brown tourist sign opposite. Please note that irrespective of any planning consent as may be granted signage cannot be placed in the public highway without the express permission of the Highway Authority.

The revised internal layout is noted and it will be acceptable from a highway point of view.

Officer note: Amended plans have been received which show the access with a radii of 6m and the first 19m of the track widened to 5.5m to allow two vehicles and caravans to pass. The Highway Authority has been re-consulted on the amended plans but no further response has been received to date.

District Council – No response received to date.

Parish Meeting – Object to the development and makes the following comments.

- Whilst the application makes reference to the intention to pursue a Discontinuance Order, no details are provided. It will assist the Foolow Parish Meeting considerably if the intentions are clarified and a draft document is made available before this application is reported to your Committee. The Order should be unambiguous and prohibit the use of the frontage field, save for access purposes.
- Concern that this proposal exacerbates the likely impact of this development, rather than reducing it. This is particularly so, bearing in mind that, throughout the summer months, rather than merely at Bank Holiday weekends, up to 50 units can be stationed at the site. This will intensify, considerably, activity adjoining and within the village and impose adversely on its quiet character and the enjoyment of its residents. Bearing in mind that there are just 112 electors within the Parish, the increased numbers attracted to this site will have a noticeable and adverse impact on this small community.
- A starting point in the determination of this application is the Peak District National Park Authority's Landscape Strategy and Action Plan (July 2009) which reflects, with accuracy, the Parish Meeting's perception of the landscape setting of Foolow. The application site is open to widescale views from both nearby high ground and close at hand. Dominant high ground to the north comprises the series of edges running between Great Hucklow and Eyam. To the south, distinctly open views are available from the northern periphery of

Longstone Edge and the high land to the south of Wardlow. Closer at hand, public rights of way to the south of the site ensure immediate views into the site.

- Unspoiled distant views, and those close at hand, will be dominated by the prominence of the new access road and internal circulation arrangements, the prominence of which cannot be mitigated in this case by uncharacteristic new tree and shrub planting. Equally, although there is an evergreen hedge alongside the access to Brosterfield Farm and Brosterfield Hall, it cannot be relied upon to provide screening in either the short or the long term because the hedgerow is within a neighbour's control.
- The Authority recently refused planning permission for an agricultural building within this landscape due to the impact of the building and the character of the landscape identified within the Authority's Landscape Strategy.
- Foolow Parish Meeting is very concerned with regard to the failure to provide a full Landscape & Visual Impact Assessment, the justification for which, contained within Appendix A accompanying the application, seeks to explain the failure to provide such an Assessment arising from "the site's current permission as a camping and caravan site".
- Be the alleged existence of such a valid permission as it may, it is incumbent upon the Authority, in view of this sensitive matter to provide a full Landscape & Visual Impact Assessment. The failure to do so falls short of the standards that should be expected of an Authority which is charged by Parliament in ensuring that where there is any conflict with regard to the purposes set out in sub-section (1) of Section 5 of the National Parks & Access to the Countryside Act 1949, it "shall attach greater weight to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park".
- The Authority has determined by Screening Opinion that an Environmental Impact Assessment (EIA) is not required. That conclusion is very strongly challenged. A development of the nature proposed, notwithstanding any previous site history which may, or may not, be a material consideration, is not justified having regard to the particular "characteristics, location and potential impact" of this development. It goes without saying, that this is a site within open countryside outside the built confines of Foolow where its location and potential impact, let alone the particular characteristics of the proposed development, render it certain to have "significant impact on the environment". It is submitted that it is particularly incumbent upon the Authority, being itself the proposer of the development, to ensure that every conceivable justification for the proposed development is set out for public consumption.
- There is, in particular, insufficient recognition of the potential impact on neighbouring amenity and the peace and quiet at present enjoyed by the occupiers of adjoining properties. The submitted layout, for example, involves the provision of touring caravan pitches very close to site boundaries. No appreciation has been afforded to the potential adverse impact of the generation of traffic and personnel movements within the presently quiet village of Foolow and its immediate environs. The Parish Meeting believes that there will be a material adverse impact arising on the character and appearance of the Conservation Area if the development is permitted.
- Whereas the matter of highways access has been modified since the previous application, the amendment has been carried out only to disadvantage, in that it moves both vehicles and people closer to the core of the village. Considerations relating to that situation are inadequately reflected in the submitted reports and drawings.
- No acknowledgement appears to have been given to the potential impact on protected species. This was inadequately covered in the application documents, especially since

there is a roaming habitat for great crested newts that is considered to overlap the site from a nearby wetland resource.

- Fundamentally, however, it is the very considerable adverse impact on the open limestone upland landscape that will be so damaging. This cannot be alleviated by the mitigation contained within the application the proposed development appears to rely on the removal of adjacent planting that is not within the Authority's ownership. The relevance of that proposal, given the ownership conflict, is a key issue before the application is determined.
- Likewise, there will be noticeable adverse impact on residential amenity. This will arise from the proximity of the proposed development, and its associated levels of activity, to adjacent homes and holiday facilities at the immediately adjoining Brosterfield Farm and at Brosterfield Hall. Additionally, by "imposing" this development on the village, as a whole, its traditional peace and quiet will be compromised. There will be a very significant increase in visitor activity at Foolow resulting, amongst other things, from the increased number of persons that the application envisages will be attracted to the site at all seasons of the year, most particularly during the busy summer months.
- As a night-time inspection of Foolow and its surroundings will reveal, this tightly-nucleated community of approximately 50 dwellinghouses is surrounded almost entirely by darkness. The new development will inevitably introduce significant new light sources and these would also be contrary to the established character of the locality.
- Approval of the application will result in irreparable damage to the local landscape arising from widespread conflict with existing open views, from both nearby high ground and close at hand, these situations being exacerbated by the prominence of the new access road and new internal circulation arrangements. Further landscape harm is demonstrably emphasised by the all year round intrusiveness of the built elements of the proposals, namely the amenity building and the warden's accommodation. This will also be exacerbated by the prominence of most of the visiting units, the colouration of which will be likely to render the site even more conspicuous when accompanied by the prominence of parked visiting vehicles. For all these reasons, the impact on landscape character is profound.
- It is for all these reasons that the proposed development is regarded as contrary to the provisions of the Peak District National Park Local Development Framework, Core Strategy Development Plan Document.

Environment Agency – No response received to date.

Natural England – No response received to date.

PDNPA Landscape – Raise no objection to the application subject to conditions to secure implementation of an approved planting scheme and maintenance and make the following comments:

"A PRoW runs along the access track to Brosterfield Farm to the south of the site and another runs south west from Foolow to the north of the application site. There may be glimpsed and distant (2km+) views from Hucklow Edge and Eyam Edge.

The Landscape Assessment considers the extant permission for the site as its baseline (up to 20 park style mobile homes).

I do not disagree with the findings of this assessment in terms of effects on landscape character in that the application site is visually well-contained so potential landscape impacts are confined

to the site itself. I think that the proposed access road and the associated post and wire fencing will potentially have a localised impact on character, but this is minimal. The new buildings are in a farmstead style and located adjacent to existing vegetation, so do not conflict with local character.

Visually the site appears to be part of a localised wooded area and is seen in the context of existing agricultural buildings. Again, I do not disagree with the findings of this assessment as the site is visually well contained by landform, tree cover and the belt of Leylandii to the south of the application site. On a site visit I did not consider that the scheme would have any significant adverse visual effects on views from the local footpath network.

A landscape scheme has been submitted with the application which I think provides a suitable landscape structure for the site.

The application does not conflict with any of the identified protection and management priorities – whilst a new access is created I think this will not have significant effects on the management of the network of minor roads and farm access points as it is in keeping with farm tracks in the area.”

PDNPA Ecology – Raise no objection and make the following comments.

The site has been previously assessed for ecological interests. The grassland within the site is improved. There is opportunity to enhance the grassland interest here; however, the long term management of the site needs to be secured before considering habitat creation works.

The presence of Great Crested Newts (GCN) were considered at this location. A small pond located approx. 300 metres southwest of the site at Brosterfield Hall supports common amphibians. This pond was assessed for its suitability to support GCN using the Habitat Suitability Index (HSI). The pond was recorded as average under the HSI. It was then subject to survey in 2015 by Jonathan Eyres, a licenced Ecologist. GCN were not recorded during the survey. Given that the site is more than 250 metres away from the pond and no GCN were found during the survey, no further measures are required for GCN.

The pond was found to support common amphibians which will be present within the wider landscape. The site could be enhanced for amphibians by leaving a 2 metre uncut grass margin around the stone walls. This would provide a wildlife corridor. This would also provide a winter foraging area for seed eating birds. The area could be maintained by cutting on a bi-annual basis in November.

Representations

A total of ninety six (96) representation letters have been received to date, including one letter from the Friends of the Peak District. All of the letters object to the proposed development. The material planning reasons for objection are summarised below. The letters can be read in full on the Authority's website.

- There is already noise at weekends from people who stay in the Foundry Activity Centre (which is in Great Hucklow).
- Proposal would result in a significant increase in the number of touring caravans compared to the previous occupancy. When viewed from neighbouring hillsides the impact will be considerable and will be greater and longer lasting compared to the previous occupancy.
- The proposed development would have an adverse impact on the landscape and visual amenity of this part of the White Peak and create the impression of a sprawling extension of Brosterfield Farm.

- Because of the proposed increase in the number of touring caravans, 20 of the pitches which could only be occupied on bank holidays would increase to the whole summer season. There could be up to 50 touring caravans on the site and therefore the application is proposing to double the population of the village for half the year.
- The site is partially screened by trees, however in winter months Brosterfield Farm to the west can easily be seen through the shelterbelt of bare trees when walking the footpath on the southern boundary of the site or along the Foolow Road. Therefore the top third of caravans on the year round pitches, amenity block and wardens dwelling would be visible through leafless trees.
- In the wider landscape the field would become a focal point for the eye and distract from the overall distinctive view of the landscape.
- Views of the field from the south would not be minimal, much of the field can be seen above the leylandii – consequently visual impact of the site would be adverse in longer distance views.
- The proposed development would dominate the landscape, harming its character and result in a harmful visual impact from closer views.
- The proposed development would harm the designated Foolow Conservation Area.
- Light from the site, buildings and vehicles will have adverse visual impact and impact upon tranquillity.
- The proposed access and gateway would harm the distinctive and pleasant approach to Foolow through a farmed landscape. The wide grass verge would be interrupted by the new access. The eastern field is highly visible in both near and distant views.
- The proposed development would have an overbearing presence and effect on neighbours with pitches adjacent to the boundary of Brosterfield Farm. This is an open landscape with no similar intrusions on privacy.
- Proposed access track would bring the development closer to the village increasing negative impacts in terms of traffic.
- Traffic and service vehicles visiting the site on the new access would impact on visual amenity from all views and result in a negative visual impact.
- Proposals would generate significant additional traffic through the village which would harm amenity. Visitors to the site who miss the entrance would have to travel through the village where there is no easy place to turn around.
- The proposal includes the entire eastern field and it would be possible for caravans and tents to spill into this field. Even if this is not the case then cars and vans would still cross an open field to access the pitches.
- The proposals raise highway safety concerns given that there is a large, high raised mound which impairs visibility in the critical direction of traffic. The proposed access is inappropriate given the limitation on visibility to the drivers of long, slow moving vehicles leaving the site which will be turning across the flow of traffic. With this in mind, the Radar Spot Speed reading monitoring provided as part of the planning application has been carried out on an inappropriate day and at an inappropriate time (Monday morning on 25 April 2016 from 11:45 to 14:45). The village is at its busiest at the weekend, with

significantly increased traffic flow into and out of the village, and an increased numbers of vehicles parking along the road.

- Neither turn into / out of Foolow onto the A623 enjoys great sight lines and therefore the proposal is likely to increase the chance of an accident involving a towed caravan.
- Bungalows are not normally an acceptable building form as they do not reflect traditional scale / proportions. The application includes a bungalow for the managers dwelling which does not reflect local barns.
- The proposed group of buildings do not reflect agricultural buildings and are inappropriate design.
- There is no justification for a full time manager's dwelling. Permanent facilities are not required for modern touring caravans as they only require a fresh water supply, waste disposal and an electrical hook up. A visit by an external manger would be sufficient to manage the site.
- There is no proposed restriction on hours of operation and therefore the proposal is likely to cause local noise nuisance due to larger scale of the proposed development.
- Proposed development will cause problems for drainage and increase pressure on the sewer systems, electricity and broadband.
Officer note: A package treatment plant is proposed for the foul drainage which would have no connection to the public sewer.
- Proposed development would be likely to increase opportunistic crime within Foolow.
- Approval of this application would set a precedent for further campsite development in the local area.
- There is no need for an additional campsite in the area.
- No assessment has been conducted as to the impact a large scale touring site will have on other local sites who are already not running at full capacity. The site has not been used for touring vans for over 13 years and it's reinstatement on a much larger scale the previous needs to be fully assessed to confirm that no further hardship will be put upon already struggling businesses.
- Planning permission was previously refused in 1997 for an increase to 60 touring pitches in the interests of the amenity and due to inconvenience to nearby residents.
Officer note: no planning application can be found in the planning history for the site matching that description or date stated in this representation.
- The previous occupation of the caravan site did not comply with an important planning condition requiring the provision of a vehicle passing place. Therefore historical planning permissions have fallen away because they were never lawfully implemented.
- Passing places can no longer be provided as these relate to a driveway outside of the control of the applicant.
- It is contrary to the principles of natural justice that the National Park Authority should be applicant and arbiter in this case. The application should be determined by a different National Park Authority or called in.

- Measuring the impact of the proposed development against what the current permission allows (20 permanent “Park” homes) is inappropriate given that the National Park Authority intervened and purchased the site to remove that threat. Therefore the assessment should be measured against the current situation which is two empty grazed fields.
- The proposed development is more harmful than the use of the site for siting up to 20 Park homes.
- There are no objections to 30 touring caravans or the proposed new access however the proposed increase in numbers and the managers dwelling is an unjustifiable increase and would be refused under normal circumstances.
- The current extant planning permission for a caravan site should be discontinued and the land remain in agricultural use.
- The current extant planning permission for a caravan site cannot be used as there is no available access.

Letters have also been received from Great Hucklow Parish Council and from Abney, Abney Grange, Highlow and Offerton Parish Meeting. These letters are summarised below.

Great Hucklow Parish Council – Object to the development and make the following comments.

- Raise concern about the scale of the development and the failure of the Authority to apply its planning principles to its own activities. The Parish council consider that the application should be withdrawn and a process of consultation with local people undertaken to reach a consensus on what is acceptable before an application is submitted.

Abney, Abney Grange, Highlow and Offerton Parish Meeting

- The scale of the site is not appropriate for a small village such as Foolow.
- The new buildings and associated light would contravene the Authority’s planning policies.
- The proposed site and entrance to the site would detract from the special character and appearance of the Foolow Conservation Area and the surrounding landscape would be irreparably damaged.

Main Policies

National Planning Policy Framework

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.

Paragraph 17 of the Framework 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 Framework says that planning policies should support economic growth in rural areas and should take a positive approach to sustainable new development. Planning policies 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.

Paragraph 129 in the Framework says the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) should be identified and assessed taking account of the available evidence and any necessary expertise. This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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 the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Development Plan

Relevant Core Strategy policies: GSP1, GSP2, GSP3, DS1, L1, L2, L3, HC2 and RT3

Relevant Local Plan policies: LC4, LC5, LC17, LC21, LR3, LR5, LT10 and LT18

Relevant policies in the Development Plan are consistent with national planning policies in the Framework because they promote sustainable recreational and tourism development in the Peak District (including proposals for camping and caravans) where it is consistent with the conservation and enhancement of the National Park's scenic beauty, cultural heritage and wildlife interests.

Core Strategy policy RT3 is especially important in determining the acceptability of the proposed development. RT3 says that proposals for caravan and camping sites must conform to the following principles:

- A. Small touring camping and caravan sites and backpack camping sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions.
- B. Static caravans, chalets or lodges will not be permitted.
- C. Provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself.
- D. Development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping, or the appearance of existing static caravans, will be encouraged.

The supporting text which precedes RT3 is also a relevant consideration. Paragraph 10.26 says:

“Many landscapes in the National Park are very open, with narrow and often ecologically sensitive valleys and dales, and many areas have poor road access. A restrictive policy is appropriate because national policy gives particular weight to protection of the landscape in national parks. Size is an important factor in assessing the impact of a camping or caravan site on the landscape and traffic movements. The following policy states that small touring camping and caravan sites may be acceptable, but ‘small’ is not defined, either in terms of extent or

number of pitches. Appropriate size will vary from site to site. For guidance, sites up to 30 pitches are more likely to be acceptable, although this may be too large in many circumstances. Exceptionally, static caravans, chalets or lodges may be acceptable in locations where they are not intrusive in the landscape. There may be some locations where, through the use of effective design and landscaping, small, simple timber structures may be acceptable as replacements for existing static caravans where this would result in enhancement”.

Paragraph 10.28 says:

“Permanent homes for site wardens on camping and caravan sites may be acceptable in some circumstances, but must be justified in terms of essential need for a dwelling on-site. Wherever possible, they should be provided by conversion of existing traditional buildings of historic or vernacular merit. Proposals will be considered with reference to policy HC2.”

Core Strategy policy HC2 says that new housing for key workers in rural enterprises must be justified by functional and financial tests and wherever possible must be provided by re-using traditional buildings that are no longer required for their previous use. HC2 C says that any new dwelling will be tied to the rural enterprise for which it is declared to be needed.

Core Strategy policy L1 says that all development must conserve and where possible enhance the landscape character of the National Park, as identified by the Authority’s Landscape Strategy and Action Plan. Core Strategy policy GSP3 and Local Plan policy LC4 require all development to be of a high standard of design (in accordance with the design guide) and landscaping which conserves and enhances the character, appearance and amenity of the site (or buildings) its setting and that of neighboring properties.

Core Strategy policy L2 and Local Plan Policy LC17 together require all development to conserve and enhance the biodiversity of the National Park including designated sites and protected species and habitats.

Core Strategy policy L3 and Local Plan Policy LC5 together require all development to conserve and enhance the significance of any affected archaeological, architectural, artistic or historic assets and their setting. LC5 provides detailed criteria to assess proposals which are either within or affect the setting of designated Conservation Areas.

Local Plan policy LC21 states that development that presents a risk of pollution or disturbance will not be permitted unless adequate measures are to control emissions within acceptable limits are put in place. Local Plan policy LT18 states that the provision of safe access is a pre-requisite for any development within the National Park but that where a new access would harm the valued characteristics of the National Park that refusal of planning permission will be considered. Local Plan policy LT10 requires development to be served by satisfactory parking provision.

The Authority’s adopted Landscape Strategy and Action Plan and the Foolow Conservation Area analysis document dated 1994 are material planning considerations along with the Authority’s design guide which is an adopted supplementary planning document. The English National Parks and the Broads Vision and Circular 2010 is also a relevant material planning consideration.

Assessment

Lawful use of the site

Planning permission was granted at the application site for the change of use of the land to a caravan site in 1998 (the 1998 permission). The 1998 permission was granted subject to conditions to control the maximum numbers of caravans / tents at the site at any one time and to remove permitted development rights for building operations.

Some ten years after the 1998 permission was granted an application for Certificate of Lawful use for the unrestricted all year round occupation of 20 caravans on the site falling within the statutory definition (i.e. to include mobile “Park” homes) was submitted. The application was refused by the Authority in 2008 but an appeal was subsequently allowed by the Planning Inspector in 2011 (see Planning History section above).

The lawful use of the site was fully investigated as part of the lawful development certificate application in 2008 and the subsequent appeal in 2011. The Planning Inspector ultimately allowed the 2011 appeal and issued the Certificate of Lawful use. Officers therefore consider it clear that the application site does benefit from a lawful use as a caravan site subject to the planning conditions imposed upon the 1998 permission. A planning consultant representing the Parish Meeting has raised questions about whether the 1998 permission has been lawfully implemented (if not, it would have lapsed after 5 years). This is a matter which Officers considered at the time of the lawful development certificate application and appeal and they concluded that the development had been lawfully commenced and that, as a consequence, the permission was implemented.

The point has been made in representations that the existing access to the site (which also serves Brosterfield Farm and Brosterfield Hall) is not available to the applicant and therefore that little weight should be given to the 1998 permission because the applicant is not able to access or operate the land as a caravan site. No evidence has been put forward as to whether the applicant benefits from a right of access to the application site, however, private rights such as rights of access are not material planning considerations. It is clear on site that the existing access and field gate remain and could in planning terms be utilised either by the applicant or any future occupant of the land.

A number of representations have also stated that it is inappropriate to take the lawful use of the site into account because the Peak District National Park Authority is the owner of the site and the applicant. A number of representations have also questioned the intentions of the applicant in purchasing the application site and making the current planning application.

In considering a planning application, the identity of any landowner or applicant at that particular point in time is not a material planning consideration. It is a widely accepted principle that any planning permission runs with the land and that an application should be determined on its own merits and in accordance with policies in the Development Plan unless material considerations indicate otherwise. Any planning permission would run with the land and could be occupied by several different parties over its lifetime; therefore it is not appropriate to base planning decisions upon the identity of the applicant or land owner.

The circumstances of an individual or business making a planning application can in some circumstances be relevant (such as a justification for affordable housing based on the need of an individual) but this is not considered to be the case here. It is therefore considered that the existing planning permission is a material consideration for the assessment of the current application.

Principle of proposed development

The application site is located in open countryside but is not designated as Natural Zone or within any designated nature conservation site. Therefore Core Strategy policy DS1 says that recreation and tourism development is acceptable in principle.

Core Strategy policy RT3 and LR3 are relevant for proposals for caravan and camping sites. Both policies say that touring camping and caravan sites will be permitted, particularly in areas where there are few existing sites, provided that they are well screened, have appropriate access to the road network and do not adversely affect living conditions. The term “small” is not defined within the policies, but the supporting text explains that appropriate size will vary from site to site

and that for guidance purposes, sites up to 30 pitches are more likely to be acceptable (although this may be too large in many circumstances).

Core Strategy policy RT3 B says that static caravans, chalets or lodges will not be permitted. Core Strategy policy RT3 C says the provision of improved facilities on existing caravan and camping sites, including shops and recreation opportunities, must be of a scale appropriate to the site itself. Core Strategy policy RT3 D says that development that would improve the quality of existing sites, including improvements to upgrade facilities, access, landscaping or the appearance of existing static caravans, will be encouraged.

It is therefore considered that relevant policies in the development plan say that proposals for small touring caravan and camping sites are acceptable in principle provided that the development conserves the valued characteristics of the National Park and does not harm the amenity of neighbours or the local community or highway safety. The relevant policies also encourage development that would improve the quality of existing sites.

Saved Local Plan policy LR3 (c) says that permanent dwellings for site wardens' accommodation at camping and caravan sites will not be permitted. However this policy referred back to previous structure plan policy which said that sites must be sited close to existing farmsteads. This has been superseded by Core Strategy policy RT3, the supporting text for which says that permanent homes for site wardens may be acceptable in some circumstances and that proposals will be considered with reference to policy HC2.

The submitted application says that the proposed manager's accommodation is required to support the proposed use of the site for up to 50 touring caravan and tent pitches during the summer season. The application says that a warden is required for operational reasons to manage the site all year round and that a warden would need to be available out of normal working hours and at short notice to deal with any emergencies.

Given the number of proposed pitches it is considered reasonable to conclude that a single site warden is required. Given the nature of the use it is considered clear that the caravan and camping site would operate all year round and that a warden would be relied upon to deal with any emergencies which could arise at any time of day or night.

It is therefore considered that there is a functional need for the proposed manager's accommodation. Taking the proposed development as a whole, which replace the permission for the siting of 20 permanent residential caravans on the site, it is considered that the proposed manager's accommodation is acceptable in principle. If permission is granted, a condition to restrict the occupancy of the proposed manager's accommodation would be recommended.

Therefore having regard to relevant development plan policies, consultation responses and representations it is considered that the key issue is the impact of the proposed development upon the locality and the wider landscape and upon the local community.

Landscape and visual impact

The application site is located within the White Peak and specifically within the Limestone Village Farmlands character area identified within the Authority's adopted Landscape Strategy and Action Plan. This is a small-scale settled agricultural landscape characterised by limestone villages, set within a repeating pattern of narrow strip fields bounded by drystone walls. Some of the key characteristics of this landscape type are gently undulating plateau, pastoral farmland enclosed by limestone drystone walls, scattered boundary trees and tree groups around buildings and discrete limestone villages and clusters of stone dwellings.

The application site and the surrounding landscape reflect the character identified in the Landscape Strategy and Action Plan. The application site comprises fields on the plateau bounded by drystone walls with scattered boundary trees and tree groups.

The boundary trees around the application site include a belt of native trees and hedges along the eastern boundary of the field which were planted following the grant of planning permission in 1998 and more mature trees to the south and west of the site which form part of Brosterfield Farm. A row of Cedar trees have been planted outside of the southern boundary of the site along part of the existing access track and footpath which runs along the southern boundary of the application site.

When viewed in the wider landscape the application site and the neighbouring Brosterfield Farm and Brosterfield Hall are viewed as a cluster of traditional domestic properties and more modern farm buildings away from the main settlement of Foolow. The cluster of buildings is viewed in the context of the surrounding pastoral fields and drystone walls and amongst the established boundary and groups of trees.

As discussed earlier in the report, the application site benefits from the 1998 planning permission which allows the use as a camping and caravan site. The 1998 planning permission allows for up to 20 permanent pitches without any restriction upon the type of caravan that can be sited on the land or the maximum duration of occupation. Therefore the existing site can be utilised for siting static caravans, chalets or “park” homes which could be occupied as permanent dwellings. The 1998 permission allows for a further 10 caravans on a seasonal basis and a further 20 during bank holiday weekends.

The existing planting around the site would mitigate the siting of up to 20 permanent residential caravans to a certain degree. However it is considered that due to the increased size and mass of static caravans, chalets or “park” homes and the formal layout typically found on permanent caravan sites that up to 20 permanent residential caravans along with associated garden areas, and activity could not be accommodated on the application site without a significant harmful impact upon visual amenity from nearby public vantage points and the wider landscape.

This application proposes various building operations, including the creation of a new access track, new amenity block and new manager’s accommodation for the existing caravan and campsite. The submitted application documents and plans make clear that the proposed operational development would facilitate the laying out of the site for a total of 50 pitches for touring caravans and tents.

The applicant proposes that 20 of the pitches would be occupied on a ‘year round’ basis and that the remaining 30 pitches would be occupied on a seasonal basis (31 March or Good Friday until the 31 October). The applicant also proposes that if planning permission is granted then a discontinuance order (DO) would be made. The DO would have the effect of restricting the use of the 1998 planning permission to touring caravans and tents only and would restrict the maximum number and season of the site to match that shown on the submitted plans.

Therefore the impact of approving the proposals would be to restrict the use of the application site for touring caravans and tents only. The total number of permanent ‘year round’ pitches would remain unchanged at 20 but the total number of seasonal pitches would increase from 10 to 30 (see table below).

	Existing site	Proposal
Permanent unrestricted pitches (including “Park” homes)	20	0
Permanent pitches restricted to touring caravans / tents	0	20
Seasonal pitches restricted to touring caravans / tents	10	30
Pitches restricted to bank holiday weekend in summer season	20	0

The application also proposes additional planting including additional Beech and Hawthorn planting along the northern boundary, Sycamore, Field Maple and Hawthorn on either side of

where the proposed access track would cross the existing boundary trees, Beech trees along the southern boundary, a block of Hawthorn, Mountain Ash, Sycamore and Field Maple in the south east corner of the site and Mountain Ash, Hawthorn and Field Maple along the eastern boundary.

In assessing the impact of the proposed development Officers have visited the site and also viewed the site from more distant vantage points including Bretton and Hucklow Edge to the north, Thunderpit Lane and the public footpath at Burnt Heath to the south east and Wardlow Hay Cop to the south west. Officers have also consulted the Authority's Landscape Officer who has assessed the proposals independently and provided written comments (see consultation section of this report). The Authority's Landscape Officer concludes that the application does not conflict with any of the identified protection and management priorities and that whilst a new access is created this will not have significant effects on the management of the network of minor roads and farm access points as it is in keeping with farm tracks in the area.

Several concerns have been raised in representations in regard to the potential visual and landscape impact of the proposals both from nearby vantage points and in the wider landscape.

Following the 1998 planning permission planting was carried out along the eastern boundary of the application site and this has now become established and provides what is considered to an effective screen of the camping and caravan site from nearby views from the highway to the east and north east. It is considered that this planting does effectively screen the application site from these views and from the approach from Foolow such that the visual impact of the proposed development would be limited to the proposed new access.

From the adjacent highway the proposed new access and the majority of the proposed track would be visible before the land dips towards the eastern boundary of the camping field. When viewed from the highway to the north the proposed access would be visible but the track would be effectively hidden behind the existing northern field boundary wall. When viewed from the highway to the south the proposed access track would be visible but would run along the northern field boundary which would mitigate the impact of the track as it crosses the open field in accordance with the Authority's policy guidance.

The proposed access would widen the existing field gate and cut across a section of the public footpath and grass verge. It is accepted that this would be a visual change which would interrupt the existing grass verge and that the access would be utilised by cars and caravans which would have an impact but it is considered that the access would be designed and surfaced to reflect existing agricultural access tracks in the local area and would not result in a harmful visual impact or harm identified landscape character.

There would also be close views into the site from the public footpath which runs along the southern boundary of the site and along the access track which serves Brosterfield Farm and Brosterfield Hall. Views from the majority of the footpath as it passes the site boundary are effectively screened by existing Cedar trees planted on neighbouring land. There is however glimpses of the site between planting and through the existing field gate on the southern boundary of the site.

The application site is clearly seen from the footpath where there are breaks in the planting, however the visual impact of these views is limited to these specific points rather than for an extended period. It is therefore considered that the proposed buildings, layout of 'year round' and seasonal pitches and circulation route within the site would not have an adverse visual impact from these views especially taking into account the lawful use of the site.

Officers have reached the same conclusion in regard to when viewing the site from the public footpath which runs east to west 370m to the north of the site. There are very limited views of the application site from this footpath which are filtered through the existing planting along the eastern and western boundary of the application site.

Officers therefore agree with the Landscape Officer that the existing application site is generally well contained within the existing planting around the site. It is noted some of the planting which contains the site is outside of the land controlled by the applicant and that therefore there is no guarantee that this planting will be maintained. The application proposes additional planting along these boundaries which will reinforce the existing planting with native species and provide some mitigation in the event that the planting on the neighbouring land is removed.

If permission is granted, Officers agree with the Landscape Officer that a planning condition should be imposed to require the submission, approval and implementation of a detailed landscaping scheme, including a planting schedule. This will ensure that appropriate new planting is carried out to reinforce the existing planting around the site and to mitigate in the event that planting on neighbouring property is removed in the future. Subject to this condition Officers are satisfied that the proposed development can be accommodated without a harmful visual impact from nearby vantage points.

Furthermore it is considered that the proposed development can be accommodated on the site without harm to the setting of the Foolow Conservation Area. The application site is viewed from within the Conservation Area to the north at its boundary at Ivy Farm and from the footpath to the north of the site as it passes South Barn. However from both these vantage points the site would be well screened and therefore not have an adverse impact upon the setting of the Conservation Area. Similarly views of the development on the approach to the village would be limited and would not result in any harmful impact.

The site is seen in the wider landscape from more distant viewpoints including from Bretton / Hucklow Edge, Thunderpit Lane and the footpath at Burnt Heath to the south east and from Wardlow Hay Cop to the south west. Due to the distance from these viewpoints the application site is viewed as a field adjacent to the existing group of buildings at Brosterfield Farm and amongst the existing mature tree and hedge planting which surrounds both the application site and the adjacent group of buildings. Officers have considered these vantage points carefully and have concluded that from the views in the wider landscape that there would be glimpsed views to the proposed amenity building, manager's accommodation and the upper part of the 'year round' permanent touring pitches.

However, any views of the proposed buildings and touring caravans and tents on the site would be limited and seen through the existing mature planting which would be reinforced by the proposed planting. The proposed buildings would be read in the wider landscape as a modest extension to the existing group of buildings at Brosterfield Farm and it is considered would not result in an adverse visual impact or harm landscape character.

Concern is raised in representations that light generated by the site would result in light pollution which would harm dark skies, which is a valued characteristic of the National Park. The submitted application states that proposed lighting would be limited to low level lights for the amenity block, managers accommodation and permanent 'year round' pitches. Officers are sensitive to the concerns raised but it is considered that subject to appropriate low-powered down lighting, which could be secured by an appropriate planning condition, that the impact of light pollution could be mitigated such that the development would not have an adverse impact.

Therefore, taking the proposals as a whole, including impacts of the proposed access track, amenity building, manager's accommodation and the proposed Discontinuance Order it is considered that the proposed development would result in an enhancement to the site and its setting within the landscape. It is considered that the impact of the proposed increase in seasonal pitches and the proposed operational development would be limited and that the proposals on their own merits would conserve visual amenity and landscape character. The removal of the possibility for up to 20 permanent unrestricted residential caravans on the site would result in a significant enhancement.

It is therefore considered that taken as a whole the proposed development is in accordance with Core Strategy policy RT3, L1, L3 and saved Local Plan policies LC5 and LR3. In coming to this conclusion Officers have taken into account the lawful use of the site, set out earlier in the report.

Design, amenity and highway safety

The proposed development includes the erection of two buildings within the site including an amenity block and a dwelling for manager's accommodation. The submitted application says that the buildings have been designed to reflect a small group of single storey agricultural buildings and therefore the buildings have a similar form but utilise different external materials.

The proposed amenity block would be clad with zinc sheeting which would be continuous up the walls and roof. The building would have no gutter detailing with rainwater running to drainage at the base of the walls. The southern part of the building would be open with an office structure within. Openings would be limited to vertical window openings and doors for the proposed storage areas.

The proposed manager's accommodation would have a similar form but be built from natural stone under a natural slate roof with dark coloured recessed glazing. The two buildings would be linked by a wall which would form the garden and parking area for the manager's accommodation. The amenity block would be accessed from a path to the west and east to serve the proposed pitches.

Buildings around the application site and the wider limestone plateau, including vernacular barns are built from natural limestone with gritstone detailing. It is therefore considered that the use of gritstone for the walls of the manager's accommodation is in appropriate in landscape terms and that natural limestone should be utilised to reflect existing landscape character. If permission was granted a condition requiring the use of natural limestone would be recommended.

Subject to the above, it is considered that the proposed buildings are to a high standard of design which responds positively to the established landscape character. Taken together the two buildings would have a similar appearance to low height agricultural buildings especially when viewed in the wider landscape. The proposed detailing is considered to be simple and of a high standard, utilising openings with vertical proportions, ridge glazing and solar panels on the rear roof slope of the manager's accommodation.

It is therefore considered that subject to conditions to ensure approval of proposed materials and architectural specifications, the design of the proposed buildings is of a high standard and in accordance with adopted design guidance.

Concern has been raised in representations that the proposed manager's accommodation would have the appearance of a bungalow which is not in accordance with the design guide. However, Officers consider that the design of the proposed manager's dwelling would more closely reflect a single storey traditional farm building with simple eaves and window detailing rather than a domestic bungalow which would have domestic detailing and typically have wide gables.

The layout of the site is considered to be acceptable, with each proposed pitch provided with sufficient space and ample amenity in relation to nearby pitches. The proposed permanent 'year round' pitches would be surfaced with either buff limestone to match the access track or reinforced grass which would be appropriate in visual terms but also prevent damage to the site during the wetter winter months. The proposed manager's accommodation would be provided with a modest garden and parking area and would have sufficient amenity space.

Given the distance from the proposed amenity building, manager's accommodation and pitches to the nearest neighbouring property at Brosterfield Farm, and the intervening planting and buildings between the dwelling and holiday accommodation at that property, there are no

concerns that the proposed development would result in any loss of privacy or overlooking towards the neighbouring property.

Activity at the site is likely to be audible from Brosterfield Farm; however any additional impact from the increased number of seasonal pitches (as compared to the use permitted by the existing planning permission) would not be significant as the majority of these are located further away from Brosterfield Farm to the east of the site. The proposed new access would separate from the shared existing access serving Brosterfield Farm and Brosterfield Hall. The removal of vehicles and caravans utilising the existing access would potentially benefit the amenity of both Brosterfield Farm and Brosterfield Hall as occupants would no longer meet visitors to the caravan site along the shared access route.

Concern has been raised that the development would be likely to result in additional vehicular traffic on the local highway network and within Foolow which would harm the amenity of the area. The proposed increase in seasonal pitches would potentially increase numbers of vehicles towing caravans during the summer months however any additional impact upon traffic within the local area is not considered to be significant and would not result in harm to local amenity.

The Highway Authority advises that the principle of the proposed new access is acceptable and has recommended that the radii of the access be increased to reduce the likelihood of caravans overrunning and damaging the highway verge and that the first 15m of the access be widened to a minimum of 5.5m to allow to vehicles and towed caravans to pass. The applicant has submitted amended plans which show these changes.

A speed survey has been undertaken and the Highway Authority advises that based on the survey that users of the proposed access would have sufficient visibility. Officers have visited the site and agree that there would be sufficient visibility even taking into account the raised bank to the right hand side of the access. Concerns raised in regard to the speed survey are noted, however this survey is of vehicle speeds approaching the site rather than the amount of traffic and therefore there are no concerns in regard to the day and time the survey was carried out.

Subject to the amended plans it is considered that the proposed access would be safe and that visitors to the site would have adequate visibility upon entering and exiting the site taking into account speeds on the existing highway which have been recorded in the submitted speed survey. Therefore subject to conditions to secure the amended plans it is considered that the development would be served by safe access and satisfactory parking in accordance with saved Local Plan policy LT11 and LT18.

It is noted that a proposed advert and brown tourist sign for the site is shown on the submitted plans. These advertisements fall under the advertisement regulations and therefore if separate express consent is required for the signage then this would need to come forward under a separate application. Therefore the proposed signage should not be taken into account in the determination of the current application.

Other issues

The Authority's Ecologist has visited the site and advises that the site is improved grassland. The application site itself is therefore considered to be of limited ecological significance. The presence of Great Crested Newts (GCN) has been considered by the Authority's Ecologist, there is a pond at Brosterfield Hall some 300m to the south west of the site but surveys have concluded that while the pond supports common amphibians no GCN were found.

It is therefore concluded that the proposed development would not be likely to have any adverse impact upon protected species on site or their habitats. Given the distance from the site to the nearest designated sites it is considered that the proposed development would not have any adverse impact upon these sites.

The application proposes that two foul drainage systems would be installed as part of the proposed development. A package treatment plant is proposed to deal with foul waste from the amenity building and manager's accommodation and a cess tank is proposed to store chemical waste from touring caravans. The cess tank would be provided with a high level alarm and be emptied by a vehicle which would take the waste to an appropriate disposal facility.

The application is supported by correspondence from Seven Trent Water which confirms that there is insufficient capacity within the local sewage works at Foolow to receive and treat the waste from the proposed development. Therefore Officers accept that it is not feasible to connect to the main sewer and therefore that a package treatment plant is acceptable in principle and in accordance with Government guidance.

The proposed method of foul drainage for both foul and chemical waste has followed previous advice from the Environment Agency and is considered to be acceptable. The Environment Agency has been consulted on the current application but no response has been received to date. Any further response from the Environment Agency will be reported at the meeting.

Concern has been raised that the proposed development would put additional strain upon the existing electricity and broadband infrastructure. There is however no evidence to suggest that additional demand from the development would put unsustainable pressure on existing infrastructure provided that the development includes appropriate services. Moreover, it is important to compare the likely impact with what could happen under the existing permission, with permanently occupied units.

Concern has been raised about the lack of public consultation by the Authority in making this application and that there is no demonstrable need for a campsite which could harm the viability of existing sites in the area. Full details of the consultation process the applicant has undertaken is provided within the application documents which is available to read in full on the Authority's website. These concerns raised are noted, but Officers consider that consultation on the application has followed the Authority's procedures and the deferral of the application from the December Planning Committee meeting has given Officers sufficient time to consider the consultation responses. As noted several times in the preceding report, the existing planning permission for the site is an important material consideration. It is therefore recommended that the proposal is determined on its own merits and that the need for the development and the consultation process carried out by the application should not weigh heavily either in favour of or against the proposals.

Officers have received confirmation from the office of the Secretary of State for Communities that a request has been made for the determination of the application to be 'called in' by the Secretary of State. Therefore in the event that the Authority is minded to approve planning permission the issuing of any final decision would be held in abeyance until a determination has been made by the Secretary of State.

Conclusion

The application site benefits from a lawful use as a caravan and camping site which has been confirmed by a Planning Inspector to allow for the siting of up to 20 "Park" homes. The lawful use of the site is a very strong material consideration to which significant weight must be attached and sets the starting point for the assessment of the proposed development.

It is considered that the proposed development can be accommodated on the site without harming the scenic beauty of the landscape or the setting of the designated Foolow Conservation Area. Subject to conditions, it is considered that the proposed building represents a high standard of design in accordance with the design guide. The proposed development would be served by safe access and adequate parking and would not harm the amenity of neighbouring properties.

The proposed discontinuance order would prevent the use of the site for permanent “Park” homes which would enhance the site and its setting within the landscape.

In the absence of any further material considerations it is considered that the proposed development is in accordance with the development plan and therefore is recommended for approval subject to the confirmation of the discontinuance order and the conditions outlined in the report.

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

APPENDIX A

TOWN AND COUNTRY PLANNING ACT 1990-extract of relevant provisions

Section 102.— Orders requiring discontinuance of use or alteration ...

(1) If, having regard to the development plan and to any other material considerations, it appears to a local planning authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity)—
(a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land;

they may by order—

(b)
(i) require the discontinuance of that use, or
(ii) impose such conditions as may be specified in the order on the continuance of it, or as the case may be.

(2)

(3) Section 97 shall apply in relation to any planning permission granted by an order under this section as it applies in relation to planning permission granted by the local planning authority on an application made under this Part.

Section 103.— Confirmation by Secretary of State of section 102 orders.

(1) An order under section 102 shall not take effect unless it is confirmed by the Secretary of State, either without modification or subject to such modifications as he considers expedient.

(2) The power of the Secretary of State under this section to confirm an order subject to modifications includes power—

(a)

(b) to include in the order any grant of planning permission which might have been included in the order as submitted to him.

(3) Where a local planning authority submit an order to the Secretary of State for his confirmation under this section, they shall serve notice—

(a) on the owner of the land affected,
(b) on the occupier of that land, and
(c) on any other person who in their opinion will be affected by the order.

(4) The notice shall specify the period within which any person on whom it is served may require the Secretary of State to give him an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(5) If within that period such a person so requires, before the Secretary of State confirms the order, he shall give such an opportunity both to him and to the local planning authority.

(6) The period referred to in subsection (4) must not be less than 28 days from the service of the notice.

(7) Where an order under section 102 has been confirmed by the Secretary of State, the local planning authority shall serve a copy of the order on the owner and occupier of the land to which the order relates.

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APPENDIX B

ORDER FOR DISCONTINUANCE OF USE OR
REMOVAL OF BUILDING OR WORKS
PEAK DISTRICT NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 102

BROSTERFIELD CARAVAN SITE DISCONTINUANCE ORDER 2016

RECITALS

1. Peak District National Park Authority (“the Authority”) is the local planning authority in respect of the land described in the First Schedule (“the site”).
2. It appears to the Authority that it is expedient in the interests of the proper planning of their area (including the interests of amenity), having regard to the development plan and to all other material considerations, that the condition referred to herein should be imposed on the continuance of the use referred to herein to replace condition numbered 2 on planning permission reference NP/DDD/0497/156.

NOW THEREFORE the Authority as local planning authority and in pursuance of section 102 of the Town and Country Planning Act 1990 and of all other powers enabling hereby make the following Order:

1. Within one day after this Order takes effect the use specified in the Second Schedule shall continue only in accordance with the condition numbered 7 in the Third Schedule

and

the condition numbered 2 on planning permission reference NP/DDD/0497/156 shall cease to have effect.
2. This Order shall take effect on the date when a copy thereof as confirmed by the Secretary of State is served on the owner and occupier of the land and in the event of such service being effected on different dates the last of such dates.

FIRST SCHEDULE

Land known as Brosterfield Caravan Site, Brosterfield Farm, Foolow, Derbyshire as shown edged in red and coloured pink on the attached plan

SECOND SCHEDULE

Camping and caravan site

THIRD SCHEDULE

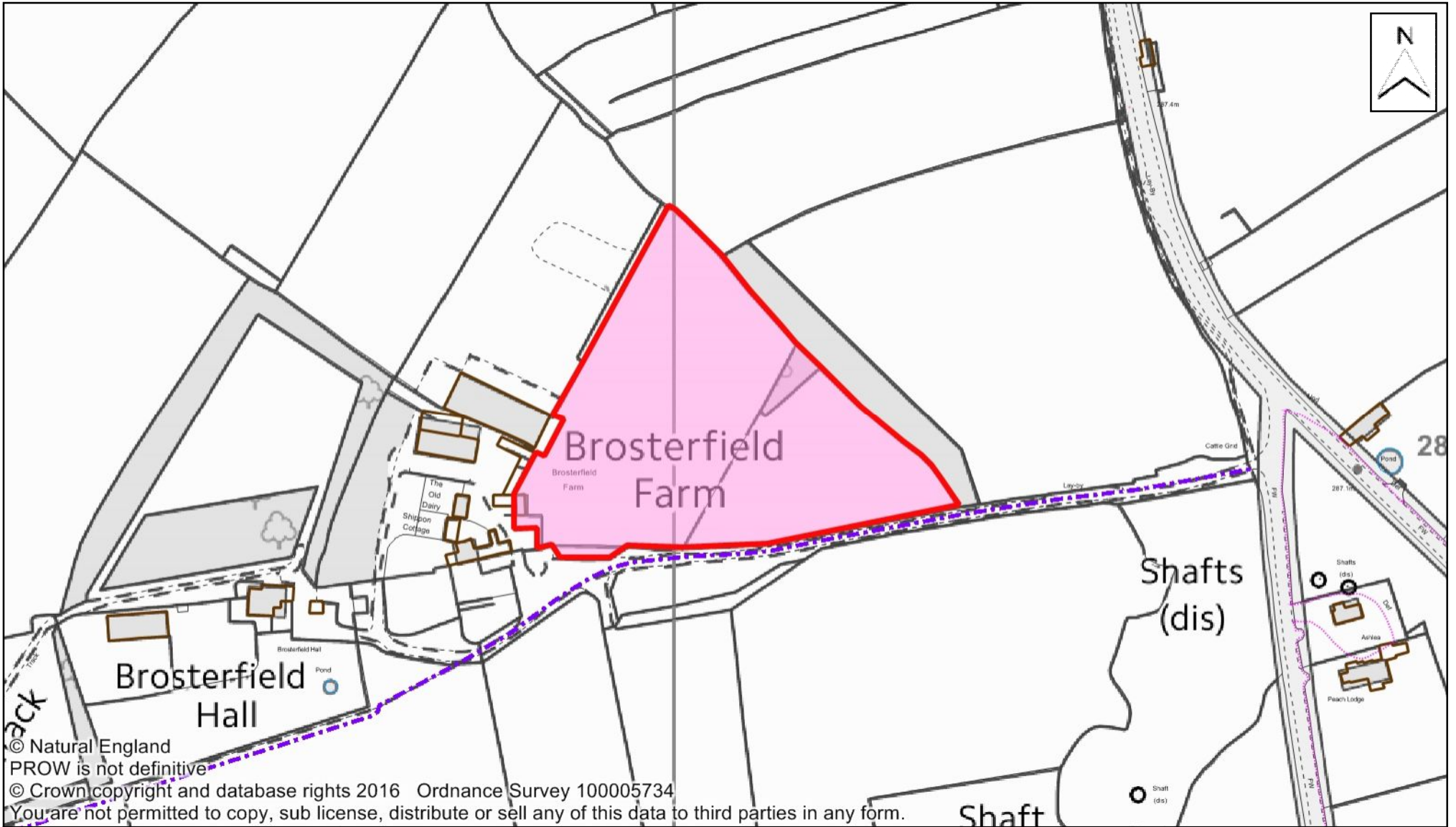
7

- (a) The term “touring caravan” means any single or twin axle caravan capable of being lawfully towed or driven on a public highway without division into separate parts.
- (b) Only touring caravans or tents may be stationed on the site.
- (c) All touring caravans shall be effectively maintained and capable of being towed or driven on a public highway without division into separate parts.
- (d)
 - (i) no touring caravan or tent shall be stationed on the site for more than 28 days in any calendar year; and
 - (ii) no more than 20 touring caravans or tents shall be stationed on the site except between 31st March or Good Friday if earlier and 31st October (all inclusive) when no more than 50 touring caravans or tents shall be stationed on the site.

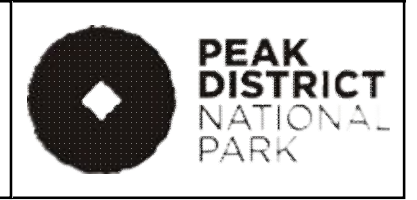
GIVEN UNDER THE COMMON SEAL

of the PEAK DISTRICT NATIONAL PARK AUTHORITY

this day of



Drawn by:	Collins Rich	Title:	Plan Referred to in Brosterfield Caravan Site Discontinuance Order
Date:	05 January 2017		
Drawing No:	Plan 3		
Scale:	1:2500 at A4		
			Planning Committee 13 January 2017 - Item 6 Appendix B - Plan



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APPENDIX C

BROSTERFIELD CARAVAN SITE DISCONTINUANCE ORDER [2016] SECTION 102 TOWN AND COUNTRY PLANNING ACT 1990 STATEMENT OF REASONS

Introduction

This Statement of Reasons is a non-statutory document. It sets out the reasons why it is expedient in the interests of the proper planning of the area that the conditions on the use of Brosterfield Caravan Site (“The Land”) should be changed and new conditions should be imposed on the continuance of the use.

The Discontinuance Order will be submitted to the Secretary of State for Communities and Local Government for confirmation pursuant to Section 103 of the Town and Country Planning Act 1990.

Site and Surroundings

The Land is located in open countryside, approximately 440 metres to the south of Foolow, Derbyshire (grid reference 418941 / 376200). Access to it is from a track which runs along the southern boundary of the site and joins the Foolow – Housley Road to the east. The track is used jointly with Brosterfield Farm and Brosterfield Hall. A public footpath runs along this track towards the south west. The Land is owned by the Peak District National Park Authority (“the Authority”).

The Land consists of two fields bounded by dry stone walls and extends to 1.7 Ha (4.2 acres). A block of native trees and hedges has been planted along the eastern boundary of the westernmost field. There are a number of native trees and hedges planted along parts of the western and southern boundaries outside of the Land along with a leylandii hedge. The Land is currently used for grazing but retains a dilapidated former office building in the south west corner of the site along with fire and water points.

For the purposes of the Authority’s adopted Landscape Strategy and Action Plan the Land is located within the White Peak and specifically within the Limestone Village Farmlands landscape character type.

It was purchased by the Peak District National Park Authority with the specific intention of changing the 1998 planning permission (ref NP/DDD/0497/156) (“the 1998 permission”) to align it with development plan policies.

Relevant Planning History

The 1998 permission was granted conditionally for the change of use of part of agricultural land to caravan site. Planning permission was also granted conditionally in 2003 for the erection of amenity block to serve existing caravan park (ref NP/DDD/0203/070), however, the 2003 permission was not implemented and has expired.

In 2011, a Planning Inspector issued a certificate of lawful use for the unrestricted all year round occupation of 20 caravans falling within the statutory definition (i.e. to include “Park” homes) (ref APP/M9496/X/09/2105897).

The Inspector determined that there is no restriction on the type of caravan that can be sited, period of stay or purpose of occupation. The effect of the 1998 permission and the Inspector’s decision is that 20 residential caravans can be permanently sited on the Land. This includes static caravans or any other structure that falls within the definition of a ‘twin-unit caravan’ as set

out in the Caravan Sites Act 1968 section 13. This would conflict with development plans policies if it were to be implemented as set out below.

Justification for Discontinuance Order

Core Strategy policy HC1 says that provision for housing to meet open market demand will not be made within the National Park. Open market housing is only acceptable in exceptional circumstances within the National Park where it is required in order to achieve conservation or enhancement in accordance with HC1 C. There is no provision within housing policies for sites for permanent residential caravans.

The Authority's housing policies closely reflect paragraphs 54 and 55 of the National Planning Policy Framework (the Framework) which restricts the provision of new housing in the countryside unless there are special circumstances. The National Parks Circular (2010) also makes clear that government considers it inappropriate to set general housing targets within National Parks.

It is clear that the siting of 20 permanent residential caravans on the Land would be wholly contrary to housing policies within the Development Plan and national policies within the Framework because this would represent wholly unsustainable development.

Core Strategy policy RT3 and saved Local Plan policies LR3 and LR5 say that small touring camping and caravanning sites will be acceptable in principle provided that their use is restricted to holiday accommodation. RT3 specifically states that static caravans, chalets or lodges will not be permitted. These policies are consistent with paragraph 28 of the Framework which supports sustainable rural tourism which conserves the valued characteristics of the National Park. The siting of static caravans or 'park' homes would be clearly contrary in principle to Core Strategy policy RT3.

Core Strategy policy L1 says that all development must conserve and enhance the landscape character of the National Park. This policy is consistent with paragraph 115 within the Framework which states that great weight should be given to conserving landscape and scenic beauty in National Parks.

The siting of up to 20 static caravans, chalets, "Park" homes or similar structures upon the Land would also have a considerable impact upon the character of it. They would have a visual impact on the public views from nearby footpaths and highways and in the wider landscape where the larger size of static caravans or 'park' homes and formal layout typically found on these types of sites would be obvious and would draw attention to the Land.

It is clear that the siting of 20 permanent residential caravans on the Land would be contrary to conservation, recreation and tourism policies within the Development Plan. The siting of 20 static caravans, chalets or "Park" homes falling within the definition of a 'twin-unit caravan' set out in the Caravan Sites Act 1986 section 13 could not be accommodated without a significant harmful impact upon visual amenity and the scenic beauty of the surrounding landscape which is given the highest status of protection in local and national planning policies.

The continued use of the Land as a caravan site in the absence of planning conditions to restrict the type, period of stay or purpose of occupation of any caravan is wholly unsustainable development and is contrary to local housing, recreation and conservation policies and the National Planning Policy Framework.

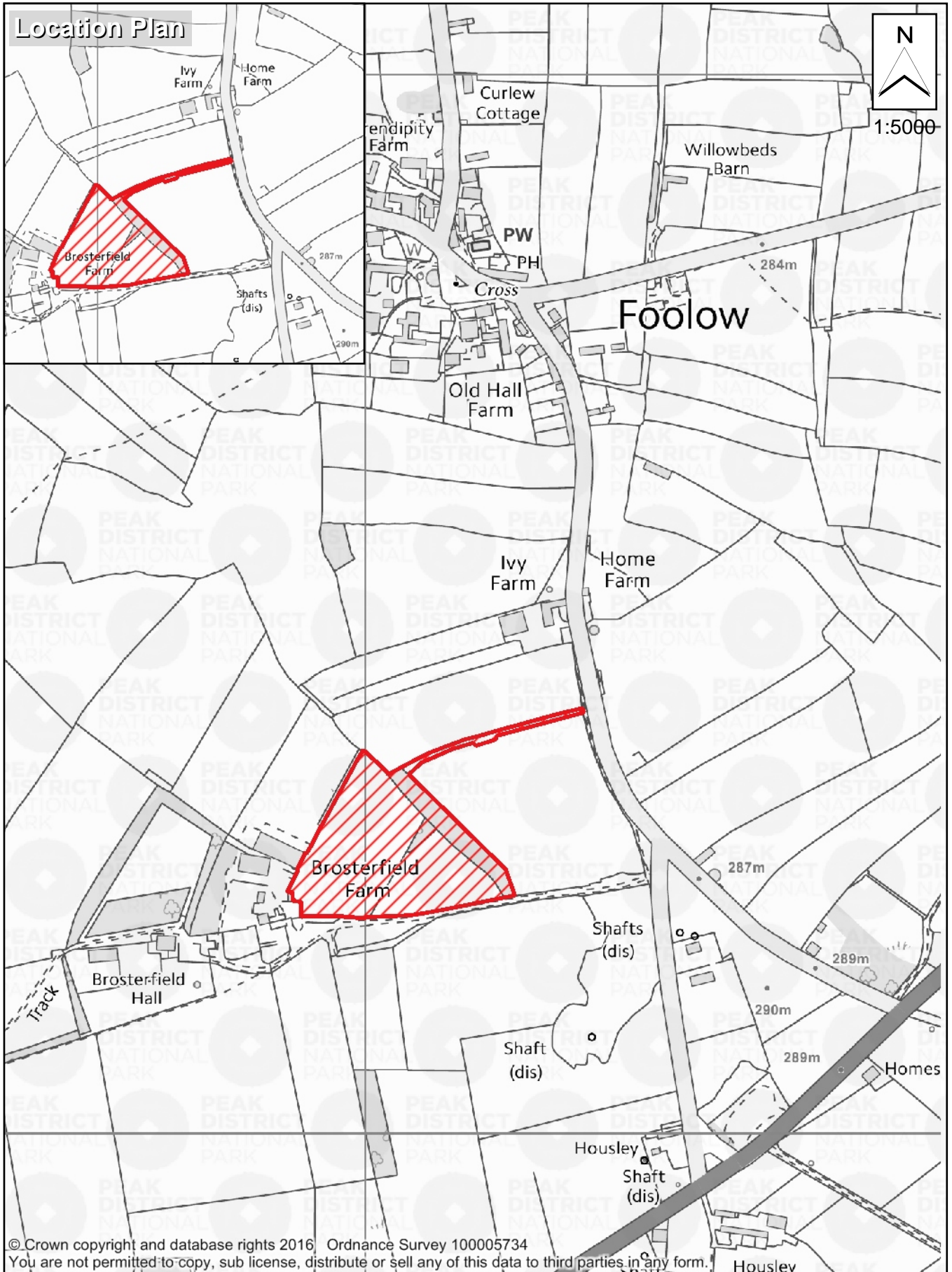
Effect of the Discontinuance Order


The Discontinuance Order has the effect of imposing a new planning condition upon the 1998 permission to replace condition 2. The proposed condition would allow touring caravans or tents only on the Land. Any touring caravan would be single or twin axle and capable of being lawfully towed or driven on a public highway without division into separate parts.

The proposed condition would also restrict the period of occupation for any one caravan or tent for no more than 28 days in any calendar year. It would also restrict the total number of caravans or tents to no more than 20 except between 31st March or Good Friday, if earlier, and 31st October (all inclusive) when no more than 50 touring caravans or tents can be stationed on the Land.

The proposed new condition would control the on-going use of the Land in a way compatible with development plan policies. It ensures that camping and caravanning can be accommodated without harming the visual amenity of the local area or the scenic beauty of the National Park. For these reasons the Authority has made and wishes to have confirmed an order for alteration of the use under section 102 of the 1990 Town and Country Planning Act ('The Brosterfield Caravan Site Discontinuance Order 2016').

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Committee Date:	13/01/2017	Title: Brosterfield Caravan Site Foolow	 PEAK DISTRICT NATIONAL PARK
Item Number:	6		
Application No:	NP/DDD/1016/0972		
Grid Reference:	418941, 376200		

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7. REVIEW OF OLD MINERAL PERMISSION APPLICATION - OLD MOOR QUARRY (TUNSTEAD) WORMHILL BUXTON (NP/HPK/1013/0898, M11781, JEN)

APPLICANT: LAFARGE TARMAC (SITE NOW OPERATED BY TARMAC)

Site and Surroundings

Old Moor Quarry is part of a wider site incorporating both Tunstead Quarry and Old Moor Quarry. The sites are worked together as one operation by the operator. However, for the purposes of planning, 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).

Both Tunstead and Old Moor are undergoing the necessary processes to enable the relevant planning authorities to determine modern working conditions.

Tunstead/Old Moor Quarry is located approximately 4 kilometres to the east of Buxton and is one of the largest quarries in Britain encompassing an area of over one square mile. The quarry produces a range of limestone products.

Tunstead Quarry was established in the 1920s to supply high purity industrial limestone for use within the chemical and other industries. Tunstead has operated under planning controls since 1946 benefiting from several related permissions for the winning and working of minerals and the disposal of mineral waste.

Tunstead Quarry and Old Moor Quarry are separated by Great Rocks Dale, a dry valley, within which runs a freight railway line. The quarries are connected by a causeway bridge over the railway. An application was made in 1974 to the Peak Park Joint Planning Board (PPPB) for the majority of the area of Old Moor (and application was also made to Derbyshire County Council for the small part of Old Moor within their administrative control). The application in the National Park was refused and an appeal was made against this decision. The appeal was allowed by the Inspector on behalf of the Secretary of State and planning permission was granted in 1980 for the working of the site within the National Park. Derbyshire County Council granted permission for the winning and working of minerals at the remainder of Old Moor Quarry. This effectively formed an extension of the Tunstead site.

Stone extracted from both quarries is processed within Tunstead Quarry. The applications consider the two quarries as a single site and the applicant has submitted a single Environmental Statement that covers them both.

As well as the main Tunstead / Old Moor site the application also includes related sites within Derbyshire County Council's control that are ancillary to the quarrying operation along Great Rocks Dale. These are Dove Holes Dale Quarry, Bold Venture Lagoon, and Buxton Central Quarry, all of which are mineral waste disposal sites; referred to by the applicant as the Tip Permissions.

The overall operational area of the quarry, including ancillary areas is over 340 hectares. The combined operation at the site is one of the largest in the UK's, with between 5 and 6 million tonnes of limestone currently being extracted from the site per year.

The site produces powders for industrial uses. The site also produces aggregates for the construction industry, and cement. All mineral processing takes place within Tunstead Quarry. Products from the site are despatched by both road and rail, the split currently being around 50:50. The operational access to the site is from Waterswallows Road to the north of the quarry (outside of the National Park boundary). Operations at the site are permitted to be carried out 24

hours a day throughout the year. However, the quarries are operated on a two shift basis; 0600-1400 and 1400-2200 Monday to Friday and 0600-1400 Saturday and Sunday and most activities are carried out during these periods.

Approximately 2 kilometres to the east of the quarry is the large residential area of Fairfield in Buxton. Several farmsteads and small settlements lie within a kilometre of the site, most notably Blackwell Mill Cottages to the south, and Wormhill, Hargate Wall and Tunstead to the east.

A public right of way (PRoW) (FP19) passes through Tunstead Quarry north of the plant site, crosses the railway and skirts the northern soil storage area of Old Moor Quarry. A public bridleway to the north-east of Tunstead Quarry begins adjacent to Buxton Bridge near the Quarry entrance and runs south-east towards Tunstead settlement and links to the Pennine Way.

As well as the site being located within the National Park, there are six International, European, or Nationally designated sites of nature conservation importance within 2km of the Site. The most notable of these are the Wye Valley Site of Special Scientific Interest (SSSI), Topley Pike SSSI, Deep Dale SSSI and Monk's Dale SSSI which are components of the Peak District Dales Special Area of Conservation (SAC). The River Wye which forms part of the Peak District Dales SAC is located to the south of the quarry. A number of non-statutory designated sites of nature conservation importance are located in close proximity, including within the Site at Tunstead Quarry and adjacent to Dove Holes Dale Mining Waste Operation.

The Proposal

The ROMP Procedures

The Environment Act 1995 requires conditions attached to all mineral planning permissions to be periodically reviewed and updated to ensure they reflect modern best practice (known as the Review of Old Mineral Permissions, or 'ROMP' procedures).

This procedure involves an Initial Review and then Periodic Reviews to be carried out every 15 years thereafter. A ROMP application is an application for determination of the planning conditions under which the remaining mineral development shall be carried out, in this case as set out in Schedules 13 and 14 of the Act.

It is for the applicant company, in the first place, to submit a scheme of conditions to the Mineral Planning Authority for consideration, and for the Mineral Planning Authority to determine whether the submitted conditions are acceptable, or should be modified or added to in light of the particular circumstances of the case and Government guidance set out in the NPPG.

The procedure does not call into question whether or not the planning permissions should or should not have been granted, and a ROMP application cannot be refused

The ROMP review procedures result in the issue of a revised schedule of planning conditions with which the Operator of the quarry must comply.

On 26 July 1996, the Peak District National Park Authority approved an application for the deferral of the Review of the Old Moor consent within its jurisdiction until 01 September 2013 (later further deferred to the 30 September 2013).

Review submissions do not attract a fee. There are potential compensation implications for an Initial Review of an active site. The applicant can claim compensation as a result of any reviews of planning conditions where:

- i. the mineral planning authority determines conditions different from those submitted by the applicant; and
- ii. The effect of new conditions, other than restoration or aftercare conditions, is to prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site, taking account of the expected remaining life of the site.
- iii. Where provisos (i) and (ii) are satisfied, the Authority must issue a notice to say so, to identify the rights restricted and to say whether, in its opinion, the third proviso is satisfied or not.

As is set out in paragraph 10.1 of this report, where conditions have been altered, this has been undertaken in discussion with the applicant and with consideration of the potential effect on working rights and the economic viability and asset value of the site. It is considered that the working rights of the land or mineral owner are not affected by the new conditions. Even if it could be alleged that working rights are affected, it is not considered that the new conditions would lead to a significant quantity of workable material would be lost, relative to the current planning permission, or that any extra operating costs would impact to an unreasonable degree on economic viability, therefore no compensation is likely to arise from any of the conditions.

The Development

The submission sets out the applicant's proposals for the continuation of limestone extraction from both Tunstead and Old Moor quarries, restoration proposals and afteruse of the site. The future working and restoration of the quarries would take place in three phases and in a similar manner to current site operations. The maximum total extraction of limestone from the combined Tunstead and Old Moor operation is limited to 10 million tonnes per annum. The combined limestone reserves within the two quarries are considered by the applicant to be sufficient for in excess of 30 years. The expiry date for the Tunstead Permissions is the 22 February 2042 and for the Old Moor permissions is the 30 January 2040; limestone extraction is anticipated to continue until this time.

Extraction commenced at Tunstead in 1929 and has progressed laterally to its practical limits in all but the south west and south east corners of Tunstead Quarry. Some of the remaining reserve is located beneath the primary, secondary and areas with permission for further development of plant and associated infrastructure. Since the early 1980's extraction in Tunstead has been carried out in tandem and coordinated with extraction from Old Moor, the two quarries being worked together to ensure a consistent flow of stone with the desired chemical and physical properties.

A maximum working depth for Old Moor quarry of 227m AOD has been proposed. The quarry would be worked in two stages, the operator has agreed to a condition specifying that soil stripping in stage 2 will not commence prior to 1 January 2024, in order to allay concerns that the site could otherwise be stripped in its entirety at any point. All mineral processing would continue to take place within Tunstead Quarry with products being dispatched from the site by both road and rail. No fixed plant and equipment is located in Old Moor and the proposal does not alter this.

Stage 1

Development in Old Moor would continue in a similar format to that currently followed, working faces would continue to be developed southwards along the western side of the quarry and then turning and working west to east. The northern end of the quarry would be advanced to its lateral limits. Three main lifts are proposed (300, 278 and 265 m AOD).

Stage 2

From 1 January 2024, Old Moor would continue to be expanded to its final limits and to a depth of 227 AOD, working in a similar manner to stage 1, with the principal direction of working being west to east.

Restoration

The submission provides details for the progressive restoration of the quarry. The submission includes a restoration masterplan for the site and a restoration and aftercare strategy (RAS). The long term restoration strategy is to create a 'limestone quarry farmland' character. The stated aims of the RAS are in summary to enhance landscape character and biodiversity, to achieve visual integration and enhancement, to visually merge the peripheral areas of the quarry with adjacent areas, efficient and optimal use of all available soil material and the delivery of long term benefits for biodiversity.

The restoration of site would involve the use of a number of restoration techniques, such as the creation of roll-over slopes on some of the upper quarry faces, daleside features, quarry face infill and quarry bench placement, with grass and tree planting. The quarry floor would be restored predominantly to calcareous grassland suitable for grazing, together with wetland areas, some tree planting and drystone wall features.

The restoration of the majority of the site cannot be completed until the cessation of extraction operations thus allowing the quarry floor to be restored. However, the formation of peripheral restoration features such as roll-overs, quarry bench placement and quarry face infill will be implemented on a progressive basis.

Environmental Statement

The application is accompanied by an ES which includes a description of development including the physical, land-use and production characteristics, a description of the scheme of development, and baseline information and technical reports prepared by specialist consultants relating to ecology and natural heritage, landscape and visual amenity, hydrology and hydrogeology, flood risk, traffic and transport, noise and vibration, air quality and dust, socio-economics, combined and cumulative effects and alternatives which assess the potential environmental impact of the scheme of development. The ES considers the environmental impact of the continuation of operations for both Tunstead and Old Moor Quarries, including ancillary areas.

The Company has also submitted supplementary environmental information (SEI) to the ES in response to a formal request made by the Authority under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and responding to comments made by consultees. The further information includes a supplementary hydrogeological report, a restoration and aftercare strategy, an ecological management plan (EMP), substitute phasing and restoration plans, a woodland management scheme, a revised schedule of conditions and updates to other technical annexes and reports.

Overall the ES concludes it has assessed the likely significant effects of the scheme on the environment and has identified appropriate mitigation to eliminate, reduce or manage any adverse impacts and the submitted schedule of conditions constitute modern, up to date, firm and robust basis for controlling the on-going development of the quarries and delivering a staged restoration and associated biodiversity based after-use appropriate to the high quality landscape setting within which it sits.

RECOMMENDATION:

That the Review of Old Mineral Permission scheme at Old Moor Quarry be determined for the purposes of Paragraph 9 of Schedule 13 of the Environment Act 1995, in line with the conditions at annex 1 of this report.

Key Issues

The purpose of this report is to enable the Committee to determine a new scheme of conditions under the powers of the Environment Act 1995 to replace those of the original planning permission.

As this is a ROMP application, the principle of the permission for the development is not under question. Valid planning permission exists and, therefore, the main planning issues are whether:

- the submission as a whole, including operational and restoration proposals, meet the aspirations of the relevant development plans for the area;
- the proposed planning conditions are sufficient to ensure that the development can be controlled, such that it does not cause unacceptable impacts upon local residents or the wider environment; and,
- the proposed conditions prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site, taking account of the expected remaining life of the site, and thus may result in a successful claim for compensation.

Consultations

There have been three rounds of consultations on the ROMP application. The initial consultation was in relation to the ES and supporting statement to accompany both ROMP applications in 2013, further consultations were carried out in December 2014 following the submission of further information to the ES as required by Regulation 22 of the Environmental Impact Assessment Regulations 2011. The most recent consultation has been in relation to amended phasing plans in September 2016.

Derbyshire County Council Highways: On the basis that the development may result in an increase in production (from actual current levels), and a commensurate increase in HGV transport (of around 650 additional movements per day, total 1500 movements per day), the Highways Authority suggests that a limit on vehicle numbers of 950 per day and a maximum of 2.3 million tonnes per annum to be moved by road (current levels are around 2.1 million tonnes per annum).

Environment Agency: The agency in its initial response to the applications raised concerns about the proposals for ground water monitoring and the condition that had been put forward by the applicant in relation to groundwater monitoring. The agency requested further clarification and information on a number of technical matters to ensure that there are appropriate levels of protection to controlled waters.

The agency also commented that the site is subject to an environmental permit regulated by the Environment Agency and do not have a history of complaints for noise or dust, although they had been informed of a complaint made directly to Tarmac in December 2013. The agency confirmed that they do not have a major concern regarding the proposal to include a condition that would permit night-time working and it should be noted that operation of the cement and lime kilns, and associated plant, have always been 24 hour, without giving rise to noise issues.

The agency also consider that the proposed planning conditions are suitable and appropriate from a biodiversity perspective but requested that consideration is given under condition to the appropriateness of lighting so as to minimise disturbance to foraging bats.

Following the submission of further information in relation to groundwater the agency was satisfied with the information provided and made a number of recommendations for conditions, including mitigation measures, to be imposed.

High Peak Borough Council Environmental Health: No comments to make.

Natural England: provided two consultation responses a first initial response and a second following the submission of further environmental information the main points that were raised are summarised below:

Designated sites

The site lies in close proximity to a European Wildlife Site (the Peak District Dales SAC), and therefore has the potential to affect its ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the “Habitats Regulations”). Natural England advised that the Authority, as the competent Authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. If the authority is not able to rule out the likelihood of significant effects, if there are uncertainties, or if information to clarify areas of concern cannot be easily requested by the authority to form part of the formal proposal, an Appropriate Assessment should be undertaken in accordance with Regulations 61 and 62 of the Habitats Regulations.

Natural England also made comments on the Habitat Regulations Assessment carried out by the applicant and the report that is included in the ES. Natural England welcomed the thoroughness of the assessment and confirmed that the HRA report addressed the relevant issues and draws robust conclusions.

In relation to the SSSI's in close proximity to the site, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the continued operation of the quarry, on the basis that it is carried out in strict accordance with the details of this current submission and in particular the proposed conditions.

Protected Species

Natural England raised no objections to the scheme of development in relation to bats.

With regard to Great Crested Newts (GCN's) Natural England in its first response requested further information so that the likely impact on GCN could be assessed. Following the submission of further information that included a GCN survey and Habitat Suitability Index, Natural England advised in its later response that all advice on protected species is now provided via its standing advice and that the Authority should apply this standing advice to these applications.

Protected landscapes

The development site lies partially within the Peak District National Park, and Natural England advised that consideration needs to be given to any potential impacts upon the National Park landscape and the purposes of its designation. Natural England does not wish to comment on this submission in relation to the potential landscape character or visual impacts. However, Natural England advice is to seek the views of landscape specialists within the National Park Authority.

Biodiversity enhancements

The proposal provides significant opportunities to incorporate features into the working method and final restoration design which are beneficial to wildlife, which Natural England hope are

used to their full potential in the detailed Landscape and Ecological Management Plan. Natural England advise the authority do everything it can to maximise the potential presented by this current submission to secure measures to enhance the biodiversity.

Restoration Strategy

Natural England fully supports the principles underpinning the proposed restoration strategy. However, they commented that it is difficult to comment further than this given that the detailed proposals are to be incorporated into the Landscape and Ecological Management Plan (LEMP), to which a proposed condition refers. Natural England strongly recommends that detailed proposals are submitted as part of the LEMP which clearly identify areas and extent for the creation of different habitat types.

Other advice

Natural England would expect the authority to assess and give consideration to other possible impacts on local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species.

Wormhill and Green Fairfield Parish Council: No objections to the application.

PDNPA Archaeology – Recommends a condition be included for submission of a Written Scheme of Investigation for an archaeological watching brief.

PDNPA Ecology – Initial comments:

Providing that the mitigation measures continue to be put in place, Ecology has no objections in relation to the hydrological regime and impact on water supported ecology in the River Wye.

The report states that the relationship between the final elevations of both quarry floors and groundwater is such that they will be in part seasonally wet. This situation provides the opportunity to create habitats of value to flora and fauna as part of the restoration scheme.

Field surveys have been undertaken at an appropriate time of year to establish habitats present. Further survey has been completed in the north-west corner of Old Moor Quarry, the slope of great Rocks Dale in the South West corner of Tunstead and at Dove Holes MWO site. All of the three areas identified comprised of diverse habitat and calcareous grassland (secondary calcareous grassland was recorded at Dove Holes MWO) which will be lost to the permitted development.

Section 4.2.1 of the report states that the restoration of the quarries will provide opportunities for recreation of the habitats to be lost and in the long-term there will be habitat gain. Opportunities will be taken to use freshly stripped soils for immediate use in restoration, but no clear commitment is given. Details of the mitigation will be provided in the Landscape and Ecological Management Plan.

This approach is not sufficient. An assessment of alternative options to the loss of this habitat, along with clear reasoning as to why the preferred option (continued quarrying) has been chosen does not appear to have been provided. In addition, an outline of the proposals to mitigate against the loss of this habitat must be provided prior to determining the application so that thorough assessment can be made measures can be conditioned. The measures put forward must include the translocation of the existing turfs and soils to a suitable receptor site. Suitability must be based on similar aspect, nutrient levels and drainage to the existing site and the ability to graze the site in the medium/long term. The information provided must also include outline methodology for carrying out the work, storage, receptor sites, timing, monitoring etc.

Details on future management must also be provided for the medium and long term. The success of translocation can be variable and measures to ensure success throughout the operational period of the quarry and beyond should be put in place to maximise the chances of

success. These measures should be outlined in the details provided and should include:

- Monitoring
 - establishment of the grassland
 - the presence of undesirable species (e.g. weeds falling under the Weed Act, should their presence impact on grassland interest and non-native invasive species)
- Details of any proposed control measures (if required)
- Management proposals once the sward has established (e.g. a cutting regime if the site can't be grazed in the medium term).

The report states ponds within 250 metres of the quarry were assessed for their ability to support amphibians and great crested newts. The assessment (i.e. HSI) has not been provided in the report or appendices. This information needs to be submitted to the MPA so that thorough assessment on the impact of great crested newts can be made.

Trees present within or bordering the site were assessed for their potential for supporting bat roosts. The method used was inspection from the ground using binoculars where necessary. A number of trees were identified as having potential to support roosting bats and their locations have been provided on a map (Figure 8). From the methodology provided, it appears that no detailed inspection of these features has been provided to establish whether bat roosts are present (i.e. survey using ladders, torch and endoscope). The report recommends that further inspections are carried out prior to quarrying within 50m of the identified trees. If bats are found to be present, an assessment of the potential disturbance will be undertaken and a mitigation scheme will be agreed. This approach is insufficient and full survey of these features must be provided to the MPA along with mitigation if bats are found to be present. This information is required in order for the MPA to make thorough assessment on the impact on bats. There are existing and potential future lighting impacts from the operations at this site. These impacts should be properly evaluated (esp. in relation to bats) and mechanisms for reducing lighting and light spill should be considered. The impacts of lighting on wildlife does not seem to have been considered.

- Further information required in relation to badgers.
- Mitigation required for loss of reptile habitat.
- Further information and mitigation required in relation to birds.

Further comments after receipt of additional information:

Hydrology - No further comments

Dust - No further comments

Noise - As discussed at the previous meeting, a comment is needed stating the noise levels are not going over those quoted by Natural England (the Ecologist provided this information at the meeting, we just need it in the report as well).

Habitats - The LEMP provides brief mitigation for Calcareous grassland (section E), however, the wording does not provide commitment that this will be carried out. The detail is also lacking (e.g. maps of receptor sites for the soils etc).

Protected and Notable Species

Great crested newts and other amphibians: Further survey has been completed. A copy of the survey report is required to ensure that sufficient survey has been completed.

A number of ponds to the west and south of Tunstead have been found to support great crested newts. Medium populations have been found in some ponds at Tunstead and Bold Venture Lagoon. The LEMP refers to mitigation for this species. Section 2.5.3 is incomplete and mentions the requirement for revision subject to agreement of the final restoration scheme.

Section 5.8 provides further mitigation for amphibians. It would be useful to clarify the distance between the ponds and the plantations that will be lost as part of the development, to clarify whether these are within the area used as GCN terrestrial habitat.

The pond and Orient Lodge and Upper Cowlow farm are >250m from the working areas and works are considered to be low impact, but a license may still be required.

The text also states that the restoration scheme is under review. I think this is referring to an area of landscaping that is proposed to the south of the pond that supports an area of calcareous grassland (BAP habitat). The proposals are to level this area and create an area more suitable for agricultural grazing. As stated in my previous comments, I would prefer this area to be left rather than modified to create a parcel of rough grazing, retaining the calcareous grassland habitat and also disturbing less GCN terrestrial habitat.

I am happy with the approach outlined in section 4.8 relating to water bodies.

Bats: I am happy with the traffic light system approach, with further survey as and when suitable sites will be disturbed as outlined in the LEMP and ES. I am also happy with the approach taken to disturbance.

Birds: A bird survey was carried out in 2014. A copy is required. The survey did not find any Scheduled species occupying the site. I am happy with the measures outlined in section 5.5 (EE) to protect nesting birds and I am also happy with the approach set out in section 5.5.1 relating to Peregrine Falcon and other cliff nesting species.

Badger: A badger survey was completed in 2013. A number of measures to mitigate for badgers are set out, I am happy with the general approach, but the location of the artificial sett still needs to be provided.

Invertebrates: Invertebrate surveys were completed in 2013. Previous mitigation referred to invertebrates colonising restored areas that are adjacent to the sites being lost. No details of these locations were provided. This needs to be provided in a plan, which has not been provided in the LEMP.

Reptiles: I support the approach outlined in section 5.6 (FF) of the LEMP. However, further information needs to be provided on the translocation methodology.

Other considerations: As stated previously, mitigation/compensation measures should be compatible with other disciplines and should be cross referenced accordingly. If there are none to cross-reference, there should be a paragraph stating this.

As stated previously, any grass mix applied to stock piles should be agreed with the MPA to prevent establishment of unsuitable species and build-up of seed. Any undesirable species that establish on these areas should be controlled. Once established, these features should be trimmed/cut and arising removed to prevent build up of nutrients.

Lighting – at the meeting it was mentioned that all on site lighting was associated with plant.

Restoration: Please refer to previous comments on soils (Restoration proposals section). The comments provided on soil depths have not been taken on board.

The wording relating to improved pasture has been changed, which we support. However, Section 4.5 of the LEMP refers to the loss of improved pasture and the restoration providing for this habitat on completion of quarrying at Old Moor. We would expect the restored quarry floor at Old Moor to contain species rich pastures, marshy grasslands and hay meadows as detailed in my previous comments. The comments in the LEMP don't marry up with the comments made in the restoration plan (section 1.3.13). Clarification is required.

The restoration report refers to seeding mixes and a species list is provided in section 1.3.26 of the Restoration Report. We would wish to see a mixture of natural regeneration and locally sourced seed at the quarry to ensure local provenance, rather than using seed mixes from elsewhere.

Tree species to be used in the restoration process need to be agreed with the MPA. Section 1.5.2 (Aftercare and Management) talks about H&S issues when it comes to maintaining woodland on benches. Would prefer to see natural regeneration here.

The restoration of the soils at Buxton Central refers to a soil scalplings mix. It would be useful to have the ratios of soil:scalplings provided in the report.

Woodland Management Scheme: We support the development of the Woodland management plan. I have read through this and have the following comments to make:

PDNPA Landscape: Initial comments: Need to ensure that the final restoration on site is similar/close to what has been proposed – basically not happy with the wording indicative.

- Quarry floor level appears to be lower in Old Moor compared to Tunstead if this is the case will there be more standing water?
- No to proposed amorphous blocks of woodland on quarry floor – this does not reflect the local surrounding landscape character. I would suggest planting individual trees along wall lines, similar to areas outside of the quarry area in particular to the East. Large rectangular shelter belts would also not be appropriate in this area.
- On QBP areas allow for natural regeneration of grasses, scrub and trees, unless it is important from a visual issue. I would also stress that these areas should be of low fertility to reduce weed growth.
- Quarry floor grasses - if possible create hay meadows or herb rich grasslands using a locally approved source. This will need a management agreement with the tenant farmer. If this is not possible then a grass mix without rye and white clover would be preferred.
- Daleside treatment - if possible and the timing and material was available it would be ideal to increase the area of daleside. Planting and seeding of dalesides should use local provenance seed.
- I am pleased to see the proposal of developing a management plan for all the surrounding woods, with the long term aim of developing a woodland landscape that reflects the adjacent landscape character and plans for the future loss of Ash trees.

Subsequent comments on revised information:

Sought clarification regarding proposal to restore to 'improved grasslands'. Content that applicant confirmed this was calcareous grassland managed by grazing. Would welcome calcareous grassland on the roll over slopes and ecology colleague will advise about recommendations for soiling and seeding them as natural regeneration is an issue visually. Rollover slopes to be seeded first with a recommended grass mixture and then with herbaceous seeds collected locally. There are sites within Lafarge Tarmac ownership where seed can be collected to add herb interest, in addition there are nearby sites owned by Derbyshire Wildlife Trust. It will be important to control undesirable species and to graze the sites. On a landscape

visual point there are many occasions in the National Park where species rich dalesides meet managed pasture. Visually there is a change due to the lack of species on the 'managed' farmland. In most cases, but not all there are dry stone walls separating the two different ecological areas, however at Old Moor, there is a greater visual separation due to the surrounding woodland. This blocks visual continuity between the roll over slopes and the existing managed farmland and field pattern. However I do not have any objections to creating a farmed calcareous grassland on the roll over slopes.

I would support creation of daleside features and I would confirm that I would prefer to see natural regeneration. With regards to the quarry floor treatment I am still a little unsure of the proposed woodland blocks. On the limestone plateau there is reasoning behind the location of these woods, but at the moment I feel that the proposed planting as being arbitrary. However at the moment I accept in principle the planting of rectangular blocks of woodland but not on where and how much. The provision of deeper soils to create hay meadows will be important both ecological but also for visual impact to contrast lower growing calcareous grassland.

It is important to retain the existing woodland planting for the life of the quarry to act as a visual screen. As part of the final stages of restoration these need to be managed to enable them to fit better into the wider landscape. A woodland management strategy to cope with ash dieback should be prepared and implemented as early as possible as this disease will have a significant impact on the woods that currently screen the quarry. As part of the woodland management plan opportunities may arise to increase the biodiversity of these woods. Need to also consider the best way of maintaining the created landscapes beyond the life of the quarry as they take years to create and minutes to destroy.

High Peak Borough Council (Planning), East Midlands Electricity, and Department for Communities and Local Government were also consulted and did not make any comments.

Derbyshire County Council (Planning) were also consulted and officers have worked closely with them to ensure that our approaches to the site were consistent and conditions can be determined which are as close as possible across the two administrative areas.

No representations were received from members of the public.

Planning Policy

Mineral working at this scale in the National Park would generally be contrary to the NPPF and policies GPS1, and M1, other than in exceptional circumstances. However, it is not appropriate to consider the development against these policies as it is already permitted, and review schemes submitted under the Environment Act do not revisit the principle of planning permission and are not planning applications as such (although they are applications which are likely to require an EIA). The ROMP process seeks to ensure that all old mineral permissions are subject to a set of modern conditions and environmental controls. The process does not result in new development consent in as much as it imposes up to date conditions on existing planning permission. It is open to the Authority to consider the merits of the working and restoration scheme but not open to the Authority to change the scope of the parent permission in terms of site area, workable resources and production levels.

Since the primary purpose of the ROMP process is to put in place a scheme of modern up to date planning conditions, together with a modern scheme of working and restoration, the application is assessed against those planning policies relating to environmental considerations. In the context of this application, the policies considered to be most pertinent are contained in the development plan. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001.

Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of the conditions. The Authority has considered the relationship between the Core Strategy and the National Planning Policy Framework (NPPF) and resolved that they are consistent. This application does not raise matters that suggest otherwise.

Development Plan Policies

Peak District National Park Local Development Framework Core Strategy Development Plan Document ("LDF") (adopted October 2011) which provides the spatial planning expression of the *National Park Management Plan (NPMP)* Policies: MIN1 Minerals development; GSP1 Securing national park purposes and sustainable development; GSP2 Enhancing the National Park; GSP3 Development management principles; GSP4 Planning conditions and legal agreements; L1 Landscape character and valued characteristics; CC1 Climate change mitigation and adaptation.

Relevant Peak District National Park Saved Local Plan (LP) Policies: LM1 Minimising the impact of mineral working; LC17 Sites, features or species of wildlife, geological or geomorphological importance; LC19 Assessing the nature conservation importance of sites not subject to statutory designation; LC20 Protecting trees, woodlands or other landscape features put at risk by development; LC21 Pollution and disturbance.

Peak District Landscape Strategy and Action Plan (LSAP): The LSAP identifies the National Park as a treasured and diverse landscape subject to impacts from unpreventable forces of change. Amongst other things it aims to maintain and enhance the valued and key characteristics of the landscape, and conserve and enhance natural beauty.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection in relation to landscape and scenic beauty, reflecting primary legislation.

Core Planning Principles in the NPPF relevant to this application relate to conserving and enhancing the natural environment and reducing pollution. Relevant NPPF policy include achieving sustainable development, meeting the climate change challenge, promoting sustainable transport, conserving and enhancing the historic environment and protecting and enhancing valued landscapes, geological conservation interests, minimising impacts on and providing net gains in biodiversity, preventing air and noise pollution and land instability, and remediating and mitigating despoiled, degraded and derelict land.

Assessment

Landscape

The NPPF (paragraph 115) gives the National Park the highest status of landscape protection.

LDF Policy L1 stipulates development must conserve and enhance values character identified in the LSAP.

Policy MIN1 states that restoration schemes should focus on nature conservation afteruses and should include a combination of wildlife and landscape enhancement, recreation and recognition of cultural heritage and industrial archaeological features.

The ES considers the landscape and visual effects resulting from the ongoing extraction and restoration operations at the quarries and then considers mitigation proposals where they are deemed to be necessary.

The land within the quarries has been affected by mineral extraction activities and the landform has been significantly altered and as such is at odds with the landscape character of the area. The ongoing development of the quarries would continue have an impact on the landscape, whilst Tunstead quarry has reached its lateral extraction limits and its effects on landscape character would remain broadly unchanged, there remains approximately 33 hectares (3 ha in Derbyshire and 30ha in the PDNP) of pasture land to be removed in Old Moor. The development would affect landscape character from an alteration of scale and through modification of natural features. In the long term the restoration of the quarries as well as the removal of the Cement Plant is likely to provide significant beneficial effects, the restoration scheme is designed to complement the surrounding landscape.

The ES concludes that the overall significance of effects are such that the future working would have only minor degradation of the current situation and the longer term effects would be notably beneficial and significant enhancement, the significance of effect relates to the changes that would occur to the landscape character as well as those that relate to visual amenity.

As a result of the Landscape and Visual Impact Assessment (LVIA) some of the quarry development proposals have been modified to mitigate the highest level of potential visual impact, resulting in extraction being moderated and scope provided for the restoration of those areas as early as possible.

It is acknowledged the quarry already exerts a significant impact in landscape and visual terms and that there would be further impacts from the continued development of the quarries. However, the conclusion of the ES, that the future working would have only minor degradation of the current situation is acceptable. The scheme represents an acceptable method of working to minimise impacts on the landscape within the scope of development that already has planning permission. The potential landscape and visual impacts associated with the development are capable of being controlled by the conditions. In the longer term there are benefits through the restoration of the quarries. There is currently no approved restoration scheme for the site and the approval of the proposed restoration scheme as part of this ROMP review process would provide certainty about restoration, including some progressive restoration to the quarry faces where possible, which is a significant improvement on the current situation. The proposal is therefore considered to be in accordance with policy.

Hydrology, Hydrogeology and Flood Risk

The site lies in close proximity to the River Wye, which forms part of the Peak District Dales SAC and the Wye Valley SSSI, there is potential for the continued development of the quarries to impact the flow of ground water which supports both the River and various associated habitats. In particular mineral working may reduce ground water levels, disturb natural drainage patterns, reduce the capacity of the flood plain, and pollute local water resources.

Core strategy policy CC5 requires that flood risk is not increased elsewhere by development. Policy L2 states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting, and that other than in exceptional circumstances development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.

A hydrogeological investigation of the water environment has been undertaken in the vicinity of the site and a hydrology and hydrogeology assessment report is included in the ES. The main objective of the assessment was to develop and test a conceptual model of groundwater movement in order to evaluate the magnitude and significance of risks to the hydrological environment in the locality and to inform the design of mitigation measures, as required.

Analysis of the data was used to design the scheme of development and in particular the maximum depths of working within the quarries. The ES concludes that the risk from the scheme to ground water flow and therefore the dependent designated habitats is negligible and that measures can be adopted to mitigate and prevent adverse impact occurring.

Flood risk at the site has also been assessed in the ES, taking account of the small changes in relation to surface water flow that are likely to occur, the potential impact upon flooding is considered to negligible.

It has been acknowledged that the level of risk to the water environment, and notably to the flow of ground and surface water to the River Wye is of particular concern for the continuation of development of this site. There is potential for interruption of those flows as a result of deepening extraction in the quarries and in particular that of intersecting a major conduit, which has been identified as a potential risk to some of the areas of interest for which the SAC, and its constituent SSSIs have been designated.

The applicant agreed a program of site investigations with the Environment Agency and with Natural England within the limestone, around and beneath the quarries and the impact of the continued development on water resources and on the SAC has been adequately assessed. The on-going monitoring of ground water flows is proposed and a condition has been drafted to secure such monitoring by the applicant. Any potential source of pollution to the water environment would be adequately mitigated and can be controlled through planning conditions and through the sites environmental permit. The Environment Agency has been consulted on the proposals and has not objected but has made recommendations regarding the conditions put forward by the applicant relating to the management of surface water and the monitoring of ground water within the site.

The conclusions of the ES are satisfactory, the development can be adequately controlled by condition and the requirements of policies CC1 and L2 are met.

Ecology

LDF policy L2 seeks to conserve or enhance sites features or species of biodiversity or geodiversity importance. Policy LC17 seeks to protect sites features or species of wildlife importance. Policy LC19 requires scientific assessment of the nature conservation importance of sites not subject to statutory designation.

The NPPF (paragraph 115) says wildlife conservation is important and should be given great weight in National Parks.

The Peak District Biodiversity Action Plan identifies priority habitats and species.

The continued development of the quarries has the potential to impact on the ecology of the site, natural heritage and designated sites. There are six international, European or nationally designated sites of nature conservation importance located within 2 kilometres of the site and a number of non-statutorily sites in the area including three that are located partly within the review site. There are also records of European protected species and other notable species within 2 km's of the site that includes GCNs, Bats, Water Voles in the River Wye, Badgers and Peregrine Falcon, in addition there are records of Derbyshire Red Data Book plants, other reptiles, butterflies and invertebrates species.

The ES acknowledges the potential impacts on these features; a Phase 1 survey of habitats in the and around the site was initially undertaken and was used to inform the scope of ecological surveys and to establish a baseline against which the scheme could be assessed. Particularly

important to this site are the areas of ecological interest associated with the statutory and non-statutory designated sites, the most notable of which is the Peak District Dales SAC and associated SSSI's recognised as being of European conservation value because of the presence of two Annex I habitats and an Annex II species. Of particular concern is the potential impact on the SAC from changes in hydrological conditions, however, detailed assessments indicate that the potential for hydrological impact on the River Wye and on the local water environment are anticipated to be insignificant.

In line with Natural England's advice, an assessment was undertaken under the Habitat Regulations. In October 2015 Planning Committee 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, and adopted an assessment under the Habitat Regulations.

A large number of discernible habitats and plant assemblages were identified as part of the survey work carried out, together with a number of statutorily protected species. The impact on these habitats, plants and species, after the proposed mitigation, has been assessed in the ES as ranging from 'not significant' to 'moderate/minor beneficial'. Mitigation proposals are largely based on the creation of compensatory habitat within the restored quarries, for which there is significant potential.

The ES concludes that provided the measures detailed are adhered to and regularly reviewed the impacts on biodiversity and nature conservation can be minimised as far as practical and significant impacts on protected species avoided or mitigated. In the longer term, the scheme provides great potential for significant residual beneficial impacts to biodiversity and nature conservation. The overall impact of the development scheme would also be controlled through the adherence to ecological management protocols contained in the Ecological Management Plan (EMP) submitted by the applicant and through adherence to protected species legislation.

In conclusion mitigation measures are proposed and conditions agreed with the applicant which include a requirement to submit an updated ecological management report, with species and habitat surveys every five years and conditions to protect breeding birds including peregrine and to protect badgers. These conditions and mitigation are sufficient to protect the interest on the site and the proposal is therefore in accordance with policy L2, LC17 and LC19.

Traffic and Transport

The transport of minerals from quarries can potentially impact on local amenity, cause public safety concerns and environmental problems such as noise, vibration, and air pollution. The NPPF (paragraph 143) stipulates that traffic from operations should not have unacceptable adverse impacts and Local Plan Policy LM1 seeks to minimise adverse impacts of mineral working.

The ES assess the impact of the development on transport and makes the following observations. The existing quarry activity has been established for many years and suitable access and agreed HGV routes to the quarry are in place. No changes to access or routeing are proposed. The existing safety record along the HGV route to the quarry from the A6 is good, and does not give any cause for concern. The two junctions to the site from the A6 have sufficient capacity to accommodate the maximum quarry traffic likely to be generated at maximum production for the next 10 years and beyond. The assessment established that the external rail infrastructure capacity is sufficient to absorb a significant number of additional freight movements from the site.

The ES therefore considers the development to be acceptable in highway terms.

The principle of the development is already established, as is the use of the local highway network via which approximately 50 percent of the quarry's output is currently transported by road the rest being dispatched by rail. The applicant has proposed a condition restricting annual extraction output from the site to 10 million tonnes. All the material extracted from Old Moor is processed in Tunstead and the output is proposed to be joint from both sites. All site access is outside of the National Park. For these reasons it is not considered necessary or reasonable to impose a condition restricting HGV movements and to do so may potentially have an impact on the economic viability of the site.

Derbyshire County Council intend to control the environmental impacts associated with the movement of HGVs, to and from the site (such as dust and the drag out of debris onto the highway), the maintenance of the main site access and site access road within their administrative area.

The proposal is in accordance with policy in that the transportation of mineral by road will not have an unacceptable impact on the National Park and will be controlled to minimise its impact.

Noise

NPPF paragraph 109 states that the planning system should prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. Policy LM1 of the Local Plan nuisance and general disturbance to the amenity of the area will be controlled by condition.

The ES assesses the potential impacts from noise on sensitive locations and a report of the assessment is included in the ES. Ambient noise surveys have been carried out at nine locations representative of the closest sensitive receptors in each direction from the site. Day, evening and night-time background noise measurements were taken at each receptor location and noise modelling has been used to predict noise levels at sensitive receptors, resulting from future operations at the site.

The NPPG advises MPA's to aim to establish a noise limit, through a planning condition, at noise-sensitive properties that does not exceed the background noise level by more than 10dB (A). However, it is acknowledged that in some circumstances it will be difficult to not exceed the background level by 10dB (A) without imposing unreasonable burdens on the mineral operator. In such cases, noise from the operations should not exceed 55dB (A) LAeq during normal working hours (0700-1900) and during the evening period (1900- 2200). For operations during the period (2200–0700), noise limits should not exceed 42 dB (A) LAeq. Where an operation may give rise to particularly noisy short term activities an increased temporary daytime noise limit of up to 70 dB (A) can be applied to facilitate essential site preparation.

Predicted noise levels are noted to remain within the derived noise limits of 55dB (A) LAeq (day and evening) and 42 dB (A) LAeq (night-time) at the majority of receptor locations, during each scenario. However, some levels are predicted to exceed that limit at Top Cowlow Farm (evening and night-time), Meadow Farm (night-time) and Tunstead Cottages (evening and night-time) when works are ongoing at the closest approach. The primary cause of these levels exceeding the advised levels are considered to relate to drilling and face dressing above the top bench of the quarry face outside of daytime hours. Soil and overburden stripping (and associated vehicle movements) before 07:00 at Manstock Tips, to the immediate north of Old Moor Quarry, is also predicted to result in night-time levels above those recommended at Tunstead Cottages. In order to achieve the derived noise limits, mitigation measures would be required in these circumstances.

The scheme of development includes a noise management and monitoring protocol to minimise the impact of noise generated from the site, which includes the ongoing monitoring of every blast and annual noise monitoring. It is also proposed to restrict drilling and face dressing activities to daytime hours (7.00 to 19.00) and soil and overburden stripping not to occur during the night-time period.

The conclusion of the ES is that with management and the addition of some restrictions on operating time for drilling and face dressing (restoration) on-going operations at the site can meet the proposed ROMP conditions in terms of noise limits and with Government Guidance.

The overall noise impact assessment has been undertaken in accordance with an approved methodology. The proposed noise mitigation measures would be a significant improvement on existing noise controls at the site and that the amended schedule of conditions would provide adequate controls. Noise is unlikely to have any significant effects upon sensitive receptors and can be adequately mitigated and controlled by conditions, in accordance with the requirements of policies, LM1 and the NPPF.

Vibration

The ES assesses the impact of blast vibration through a review of blast vibration monitoring records from four permanent automatic monitoring locations around the quarries. The records confirm that the levels of blast vibration are well below accepted guideline limits of 12 mms^{-1} . The ES concludes that by continuing to apply best practice measures, which would include the ongoing monitoring of every blast, it would be demonstrated that future vibration levels would not exceed these limits. The proposed ground vibration limits, would be sufficient to control the impacts of blasting on nearby receptors. This is in accordance with policy LM1.

Air Quality and Dust

The ES assesses the potential dust and air quality issues with the scheme of development. The scheme does not propose any significant variation in the extent of operations or the methods of working from those currently permitted at the site and associated dust and air quality impact are not therefore expected to significantly differ from those currently experienced at sensitive receptors.

Dust deposition monitoring has been continuous at the site for the last 40 years and a significant reduction in total deposition rates has been recorded in the last 10 years. Air quality in the area around the site is considered to be of a good standard and there is no recent complaint history.

The significance of likely effects due to dust arising from the site on sensitive receptors has been assessed to be 'Not Significant' at the habitats afforded statutory protection and of 'Low Significance' at residential properties. A 'Significant effect' is predicted in respect of Great Rocks Dale and on the PRoW within the Site. Overall, it is assessed that the impact of the scheme with mitigation measures, including the Dust Action and Management Plan, would be satisfactory in terms of dust and air quality.

With such measures as the Dust Action and Management Plan in place and with the mitigation measures for general quarry operations that are proposed, dust from the operations can be adequately controlled with appropriate planning conditions and the ongoing regulation of the site via the Environmental Permit. This is in accordance with policy LM1.

Socio-Economic/Amenity

An assessment of the potential socio-economic and amenity impacts of the scheme of

development is included in the ES. It has been assessed that the scheme would continue to contribute positively to socio-economic and amenity through providing valuable raw materials to critical industries in the UK economy, providing valuable skilled local employment, fostering a distinct skill set and culture, and providing additional business and investment opportunities in cross sector and downstream industries.

As the principle of the development does not form part of this determination of conditions, the development is not assessed against policies GPS1 and the para 115 and 116 of the NPPF. A conclusion cannot therefore be reached about whether the contribution of the development to the national or local economy is such that it would be an exceptional circumstance and accords with policy in this respect.

While the need for employment does not justify major mineral development in the National Park, the value of the site as a local employment provider is noted. Amenity impacts such as noise, dust and traffic have been considered above and require no further consideration as part of this ROMP process.

Combined and Cumulative Effects

The ES considers the level of any potential impacts arising from specific subject areas such as landscape and visual considerations, traffic and transport, biodiversity, noise, vibration, air quality and dust and community and socio economic/amenity, that may arise when combined together and those associated with any proposed major development with planning permission located within the vicinity of the site when combined with impacts from the scheme of development would have a cumulative impact not otherwise considered.

The impacts from specific subject areas range from short term moderate/major (specific elements of ecology), to negligible and neutral and in some cases, generally longer term, minor to significant beneficial (landscape visual). Except for the K2 cement kiln permission for Tunstead Quarry, which has been taken into account in the ES, no other unimplemented planning permissions have been recorded within the vicinity which could give rise to a cumulative impact when combined with that of the Scheme.

Overall, the ES concludes that the level of cumulative and combined impacts as a result of the scheme is considered to be minor, with considerable potential in the long term for a beneficial combined impact. The conclusions of the ES are acceptable.

Alternatives

Alternatives to the proposed development have also been considered in the ES. As permission to carry on the development already exists the analysis of alternatives was restricted to the consideration of possible alternative ways of quarrying and restoration. The findings of the various environmental reports were taken into consideration as part of this process. The ES concludes the proposed scheme of development is an improvement on the alternative original maximum extraction scheme with smaller residual impacts.

The proposed scheme represents an improvement to the original planning permission at the site. The proposed scheme provides benefits such as ecological and in landscape terms together with modern working practises and controls that will reduce the overall impact of quarrying.

Archaeology and Cultural Heritage

There are no recorded archaeological or cultural heritage assets within the site area. There is undisturbed land within the Old Moor quarry boundary that is proposed to be excavated in the

future; the applicant has suggested a condition to require the submission of a Written Scheme of Archaeological Investigation prior to any further soil stripping taking place at the site. This is acceptable and the proposal is in accordance with policy LM1.

Geology

There are no sites of geological or geomorphological importance that would be affected by the continued development of the site.

Lighting

Light pollution from the use of artificial lighting at the site has the potential to impact on residential amenity and on ecological interests. Whilst acknowledging this the current use of artificial lights at the site does not give rise to such impacts, however, the introduction of any additional lighting at the quarry could potentially do so. A new condition is proposed that would require the prior approval of any new lighting at the site. This is in accordance with policy LM1.

Public Rights of Way

A public right of way abuts the northern edge of Old Moor. This will remain unaffected by the development.

Soils and Impact on Agricultural Land

There is agricultural land within Old Moor Quarry that is yet to be stripped for the quarrying operations; this amounts to around 30ha. The land is currently used as grazing land and the soil is classified under the Agricultural Land Classification (ALC) system as Grade 4 with some Grade 5, which is considered to be low grade (poor or very poor quality) agricultural land. The soils stripped from the land would however be stored onsite for use in restoration and if placed with improved topsoil under subsoils, the soils have good potential to be used to create grazing land which contributes more significantly to biodiversity targets.

Restoration and Aftercare

Policy MIN1 states that restoration schemes will be required for each new minerals proposal or where existing sites are subject to mineral review procedures. Where practicable, restoration will be expected to contribute to the spatial outcomes of the Plan.

The restoration concept and phasing scheme, is designed to enhance landscape character and biodiversity, in order to achieve visual integration and enhancement, provides a robust, progressive approach compared to what was previously permitted at the site. The scheme can be adequately controlled by the conditions in accordance with policy MIN1. The submission of detailed restoration proposals every two years will ensure that the site is progressively restored.

Submitted Schedule of Conditions

The company proposed 45 conditions for Old Moor Quarry. Following discussions with Derbyshire County Council and the applicant, and taking into account the views of consultees, the conditions have been amended to provide more legally robust and effective conditions and some additional conditions have been added. All three parties have agreed to the amended schedule of conditions and 55 conditions for Old Moor Quarry are now proposed and these are set out in full at the end of this report.

Site and Scope of Conditions (Condition 1)

Additional condition added which sets out the relevant permissions and the area of land to which the revised schedule of conditions shall apply, and the date from which the conditions shall come into effect.

Availability of Plans (Condition 4)

Additional condition added requiring a copy of these conditions and all approved documents and plans to be kept at the site offices.

Quarry Development (Conditions 8, 9 & 10)

Additional conditions added setting out the approved working scheme for the quarries and a further requirement for the submission of a detailed quarry development plan every two years and requirement for advance notification to the MPA of the commencement and completion of operations in each phase of development and soil and overburden stripping operations.

Soil Handling (Old Moor conditions 14 & 15)

Amended the proposed conditions to specifically require the storage of soils in a designated soil storage location and to ensure that the stored soils are managed in order to prevent the establishment of rank grassland.

Plant and Machinery (Old Moor Condition 17)

Additional condition to ensure removal of all plant, structures, other installations, tanks, machinery and temporary buildings at such time as they are no longer required.

Drainage and Prevention of Pollution (Old Moor conditions 34, 35 & 36)

Additional condition designed to prevent the leakage of pollutants into watercourses and amendment to the proposed condition relating to the monitoring of groundwater within the site to monitoring of the boreholes and to require the ground water monitoring data and groundwater monitoring report to be submitted to Mineral Planning Authority every two years.

Ecology

Breeding Birds and Peregrine (Old Moor conditions 37 & 38)

Additional condition to protect the nests of breeding birds during the bird nesting season and also a condition to protect any peregrine falcon found to be nesting on rock faces around the quarry.

Badger (Old Moor condition 39)

Additional condition to reflect the recommendations made in the applicant's confidential badger report and to ensure that any further mitigation measures are agreed as considered necessary.

Restoration (Old Moor conditions 47, 48, 49 & 51)

The applicant proposed condition requiring a seed mix to be approved for the restored quarry floor, condition amended and expanded to also include details of the species mix that shall be applied to tree and shrub planting on the quarry floor. Additional condition (48/57) that details the species mix for the planting on quarry infill faces. Condition 49/58 has been inserted to

ensure that soils are replaced in a particular way so as to promote the restoration aim for the site. The applicant proposed a condition relating to the submission of restoration and aftercare report which has been amended to require its submission annually.

Aftercare (Old Moor conditions 53, 54 & 55)

The applicant proposed a single condition relating to the aftercare of the site, which required any restored area of the site upon completion of restoration to be subject to a five year aftercare period. In addition to this requirement conditions are added to require the submission of an aftercare scheme for each restored area 12 months prior to its programmed completion, the replacement of any trees or shrubs that die or become damaged during this five year period and to convene an annual aftercare meeting at the site, in the interest of ensuring the successful establishment of the landscaping and reinstated land.

Conclusion

The current ROMP application significantly improves the environmental controls currently in place at the site, particularly with regard to landscape and visual impacts, ecology, noise and hydrology and hydrogeology. The scheme generally addresses the requirements and environmental parameters of the policies set out above and it accords with the development plan to the extent that it is tested against it. The schedule of conditions in the annex has been agreed between the parties and would bring appropriate updates and much improved control over the environmental effects of the development, the method of working, landscaping, restoration and aftercare of the Tunstead/Old Moor Quarry site in line with modern planning permissions and the requirements of consultees.

Where conditions have been altered, this has been undertaken in discussion with the applicant and with consideration of the potential effect on working rights and the economic viability and asset value of the site. It is considered that the working rights of the land or mineral owner are not affected by the new conditions. Even if it could be alleged that working rights are affected, it is not considered that the new conditions would lead to a significant quantity of workable material would be lost, relative to the current planning permission, or that any extra operating costs would impact to an unreasonable degree on economic viability.

Appendices

Annex 1 – Schedule of Conditions – Old Moor

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Annex 1

Schedule of Conditions – Old Moor

The Site and Scope of Conditions

1) These conditions shall apply to the whole of the remaining development in the area shaded blue on drawing no. T067-00058 Rev A ('the Site') to which the planning permission APP/5172/A/74/9176 (the 'relevant permission') relates, and are due to supersede all the conditions to which this permission is subject, with effect from the date which is six months from the date of this schedule, i.e. from 16/01/17. From that date, the development shall be undertaken only in accordance with these conditions.

Reason: To establish control over the extent of the development and hence, to protect local amenity, and in accordance with paragraph (7), Schedule 13 of the Environment Act 1995.

Approved Details

2) The development to which the relevant permission relates shall only be undertaken in accordance with the following documents and plans or as otherwise required by the conditions below:

- Drawing No. T67/20 - Planning Permission and Landownership Boundary
- Drawing No. T67/22 – Planning Permission and Landownership Boundary
- Drawing No. T67/023 – Site Layout and Features
- Drawing No. T67/026 Rev B – Quarry Development Plan Stage 1
- Drawing No. T67/027 Rev B – Quarry Development Plan Stage 2
- Drawing No. T67/028 – Quarry Development Plan Final
- Drawing No. T67/029 – Illustrative Restoration Cross Sections
- Drawing No. T67/030 Rev A – Tunstead/Old Moor Restoration Stages 1 and 2
- Drawing No. T67/031 Rev B – Tunstead/Old Moor Quarry Restoration Masterplan
- Drawing No. T67/032 – “Manstock” Soil Storage Design
- Drawing No. T67/038 – Noise Monitoring Locations
- Drawing No. T67/039 – Dust Monitoring Locations
- Drawing No. T67/040 – Vibration Monitoring Locations
- Drawing No. T67/041 – Water Monitoring Locations
- Drawing No. T67/078 – Walling Stone Storage Plan
- Planning Supporting Statement and Accompanying Appendices A to K dated 31 August 2013
- Environmental Statement Volumes 1 to 5 dated August 2013, as amended by:
 - Summary Statement of the Supplementary Environmental Information Folder A dated December 2014
 - Technical Annex D – Ecology and Natural Heritage Revised November 2014
- Supplementary Hydrogeological Report – letter dated 19 November 2014 from Hafern Water
- Restoration and Aftercare Strategy dated November 2014 (v5)
- Habitat Loss and Gain Matrix
- Woodland Management Scheme dated March 2015
- Ecological Management Plan dated December 2014
- Confidential Badger report dated August 2013

- Letter dated 19 March 2015 from Lafarge Tarmac Ltd

Reason: To apply appropriate control over the parameters of the development, including relevant mitigation controls to be observed, to protect local amenity.

Duration

3) The extraction of minerals from and the depositing of mineral waste at the Site shall cease by 31 January 2040. The removal of all plant and machinery, all other operations approved by the relevant permission and restoration (other than aftercare) of the Site shall be completed by 31 December 2046.

Reason: To comply with Part 1 of Schedule 5 to the Town and Country Planning Act 1990 that requires all planning permissions for mineral working to be subject to a time limit condition.

Availability of Plans

4) From the date that these conditions take effect until the completion of the development, a copy of these conditions, including all plans, drawings and documents hereby approved, and any other plans, drawings or documents subsequently approved in accordance with these conditions, shall always be kept available at the Tunstead Quarry site offices for inspection during prescribed working hours.

Reason: To ensure that all necessary documentation for the purposes of monitoring and securing compliance with the planning permissions are available to site staff.

Extraction limits

5) The winning and working of minerals at the Site shall not take place outside of the area edged in orange on drawing number T067/028.

Reason: For the avoidance of doubt and to protect local amenity and the environment.

6) The amount of mineral to be extracted from the Site, together with any mineral extracted from Tunstead quarry in pursuance of planning permission code nos. 1946 IDO, 1986/9/2/5, 1986/9/2/8, HPK/581/559, HPK/022937 and HPK/030328 shall not exceed a combined total of 10 million tonnes in any calendar year. A record of annual amounts of mineral extracted will be kept by the operator and made available to the Mineral Planning Authority upon request.

Reason: To enable the Mineral Planning Authority to monitor the progress of the site and to protect local amenity.

7) No extraction of limestone shall take place below 227m AOD.

Reason: To ensure control over the ongoing development and to protect local amenity and the environment.

Quarry Development

8) a) The winning and working of minerals and associated development at the Site shall be carried out only in accordance with the working programme and phasing plans contained in drawings numbers T67/026 (Rev B), T67/027 (Rev B) and T67/028 submitted in support of

application code nos. R1/1197/11 and R1/0913/27, except to the extent that they might be amended by these conditions.

b) There shall be no soil stripping beyond the limit of soil stripping shown on drawing number T67/026 Rev B before 1 January 2024.

Reason: To ensure control over the ongoing development and restoration of the site and hence, to protect local amenity.

9) In addition to the provision of Condition 8 above, not later than 12 weeks from the date these conditions come into effect, and then again every two years from the date that these conditions come into effect, the operator shall submit to the Mineral Planning Authority a detailed 'Quarry Development Plan'. The Quarry Development Plan shall provide the following details:

- an up to date topographical survey plan on an Ordnance Survey base and at a scale in the range of 1:1250 to 1:5000, identifying the current position and level of each quarry face;
 - faces to be worked during the forthcoming 2 year period;
 - anticipated mineral extraction levels and depths to be reached and details of the storage of overburden in the forthcoming 2 year period;
 - areas for the deposit of mineral waste in the forthcoming 2 year period;
 - soil stripping to be carried out in the forthcoming 2 year period;
 - restoration to be carried out, including soil depths, in the forthcoming 2 year period;
- and
- aftercare to be carried out in the forthcoming 2 year period.

Reason: To ensure control over the ongoing development and restoration of the Site and hence, to protect local amenity.

10) The following dates shall be notified in writing to the Mineral Planning Authority no later than seven working days in advance:

- the stripping of soils or overburden within the Site;
 - the commencement of the winning and working of mineral within each stripped area;
- and
- the completion of winning and working of minerals within each working area of the Site.

Reason: To ensure control over the on-going development of the site.

11) No crushing, grading, screening or other treatment or processing of minerals shall take place within the Site outlined in red on drawing no. T67-00058 Rev A.

Reason: To ensure control over the on-going development of the site.

12) Any walling stone arising from dry stone walls removed in the course of the development shall be retained and either used directly for the creation of dry stone walls constructed during restoration works, or stored in the location shown on drawing number T67/078.

Reason: To ensure control over the on-going development of the site.

Archaeology and Soil Handling

13) (a) At least 8 weeks prior to the commencement of soil stripping operations a Written Scheme of Investigation for an archaeological watching brief shall be submitted to the Mineral Planning Authority. No soil stripping shall commence until the Written Scheme of Investigation has been approved in writing by the Mineral Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording;
- ii) The programme and provision to be made for post investigation analysis and reporting;
- iii) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- iv) Provision to be made for archive deposition of the analysis and records of the site investigation;
- v) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

b) No soil stripping shall take place other than in accordance with the Archaeological Written Scheme of Investigation approved under condition (a).

c) Within a period of 12 weeks from completion of each phase of soil stripping the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition shall have been secured.

Reason: To allow any items of archaeological interest that may be present at the site to be documented prior to the stripping of soils.

14) Top soil and sub soils arising from future soil stripping operations shall be stored separately and shall only be stored at the location shown on plan T67/032.

Reason: In the interests of amenity and to ensure that the site can be restored as proposed.

15) Any stockpiles, or stored soils and overburden shall be left to naturally vegetate with spot treatment of weeds in May and October, unless a seeding mix and treatment plan is submitted for the written approval of the Mineral Planning Authority.

Reason: To prevent the establishment rank grassland

Restriction of Permitted Development Rights

16) Notwithstanding the provisions of Article 3 and Part 17 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015:

- a) no fixed plant or machinery, buildings or structures in the nature of plant or machinery and no mobile processing plant shall be placed or erected on the Site after the date this permission comes into effect without the prior written approval of the Mineral Planning Authority.
- b) Other than for the final placement of mineral waste for the purposes of quarry restoration in accordance with the approved plans, no mineral waste shall be deposited outside those areas shown on drawing numbers T67/026 (Rev B), T67/027 (Rev B) and T67/028 without the prior written approval of the Mineral Planning Authority.

Reason: To protect the amenity of the National Park.

Plant and Machinery

17) At such time as they are no longer required for the approved development, all plant, structures, other installations, tanks, machinery and temporary buildings shall be dismantled and removed from site.

Reason: To protect local amenity.

Access and Protection of Highway

18) The sole means of operational and HGV vehicular access to the Site shall be from Tunstead Quarry via the existing causeway bridge shown on plan T67/023.

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

Hours of Operation

19) Except in emergencies to maintain safe operational practices, the nature and circumstances of which shall be notified to the Mineral Planning Authority as soon as practicable, the following operations at the Site shall only be undertaken within the following hours:

- Soil and overburden stripping, and movement and placement of soils:
0630 - 1800 hours Monday to Friday and 0700-1300 hours on Saturdays. There shall be no soil stripping, movement or placement of soils on Sundays or on a public or a bank holiday.
- Blasting:

0900 - 1700 hours Monday to Friday and 0900 - 1300 on Saturdays. There shall be no blasting on Sundays or on a public or a bank holiday.

Reason: In the interests of local amenity and to mitigate a potential source of noise.

Noise

20) a) Subject to paragraph (b) to this condition, the received noise levels as measured at any residential property shall not exceed 55 dB $L_{Aeq1hour}$ (free field) between 0700 hours to 1900 hours and shall not exceed 42 dB $L_{Aeq1hour}$ (free field) at all other times.

b) During noisy short term activities at the site, (including such activities as *'soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance'* as referred to in the National Planning Practice Guidance or any successor document), the received noise level limits, as measured at any residential property may exceed the limits set out in part (a) of this condition during the daytime only (0800 hours to 1800 hours) for periods not exceeding a total duration of 8 weeks in any 12 month period. During these periods, the received noise levels shall not exceed 70dB(A) $L_{Aeqhour}$ free field at any residential property.

Reason: In the interests of local amenity and to enable the Mineral Planning Authority to control the noise generated by the development.

21) From the date that these conditions come into effect, the noise management and monitoring procedures set out in Appendix H – Noise Management and Monitoring Protocol

of the Supporting Statement shall be fully implemented and thereafter they shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity and to enable the Mineral Planning Authority to control the noise generated by the development.

22) The results of the noise monitoring survey undertaken in accordance with condition 21 above shall be submitted annually to the Mineral Planning Authority commencing one year from the date that these conditions come into effect.

Reason: In the interests of local amenity and to enable the Mineral Planning Authority to control the noise generated by the development.

23) Silencers shall be fitted, used and maintained in accordance with manufacturer's instructions on all vehicles, plant and machinery used on the Site.

Reason: To control the impact of noise generated by the development in the interest of local amenity.

24) The reversing warning system on all vehicles associated with the winning and working of minerals on the Site, shall be non-audible, ambient or low tone devices.

Reason: To control the impact of noise generated by the development in the interest of local amenity.

Lighting

25) No new permanent fixed external lighting shall be erected or operated on the Site, except in accordance with a scheme that has been submitted and approved in writing by the Mineral Planning Authority. The scheme shall then be implemented as approved.

Reason: To protect the amenity of the area and the habitats of bats.

Dust

26) All operations for the winning and working of minerals, restoration works and ancillary operations at the Site shall be carried out in such a manner so as to minimise the generation of dust. Suitable dust prevention and control measures shall be implemented and maintained at all times during the carrying out of the approved development. At such times as any operation gives rise to visible levels of dust leaving the Site which cannot otherwise be controlled, that operation shall be temporarily suspended until such time as conditions improve or the operation can be effectively controlled.

Reason: In the interests of highway safety and local amenity, and to mitigate a potential source of dust.

27) From the date that these conditions come into effect, the dust management and monitoring procedures set out in Appendix J - Dust Management and Monitoring Protocol of the Supporting Statement shall be fully implemented and thereafter they shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity, to ensure the control of dust from the site and to enable the Mineral Planning Authority to monitor the impacts of dust arising from the site.

28) The results of monthly dust monitoring undertaken in accordance with condition 27 above shall be submitted to the Mineral Planning Authority on the 31 January each year from the date that these conditions come into effect.

Reason: In the interests of local amenity, to ensure the control of dust from the site and to enable the Mineral Planning Authority to monitor the impacts of dust arising from the site.

Ground Vibration

29) Ground vibration from blasting operations at the Site:

- i) at any residential property or sensitive property shall not exceed a peak particle velocity (ppv) of 6mm/sec in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a ppv of 12mm/sec;
- ii) at the railway boundary shall not exceed ppv of 12 mm/sec.

Reason: To mitigate a potential source of vibration, protect the amenity of the area and maintain the integrity of the railway infrastructure.

30) From the date that these conditions come into effect, the mitigation and monitoring procedures set out in the Vibration Monitoring Protocol in Appendix I of the Supporting Statement, shall be fully implemented and they shall be complied with at all times for the remainder of the development. The recording and monitoring of every blast design and every blast (including air overpressure) shall be carried out at the locations shown on plan T67/040.

Reason: To mitigate a potential source of vibration and protect the amenity of the area.

31) Blast monitoring results shall be retained for 5 years and shall be supplied to the Mineral Planning Authority within 14 days of a request being made.

Reason: To protect the amenity of the area.

32) A siren shall be sounded before the firing of each blast.

Reason: To protect the amenity of the area.

Drainage and Prevention of Pollution

33) All surface water drainage and foul water drainage systems shall be maintained in working order at all times. There shall be no direct discharge of foul or contaminated surface water from the site into either the groundwater or any surface waters.

Reason: In order to protect the environment and watercourses.

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

bend.

Reason: In the interests of protecting the local hydrological and hydrogeological environments from potential pollution.

35) The monitoring of groundwater within the Site shall be carried out in accordance with the Groundwater Monitoring Protocol set out in Appendix K of the Supporting Statement and Plan T67/041. The monitoring of groundwater shall also include:

- Water level monitoring of the two sumps in Tunstead and Old Moor Quarries, at the same frequency as that specified in Protocol for groundwater monitoring boreholes i.e. monthly.

All ground water monitoring data which is generated from the monitoring required by this condition shall be submitted to the Mineral Planning Authority every two years from the date that these conditions take effect.

Reason: In order to protect the environment and watercourses.

36) A groundwater monitoring report shall be submitted to the Mineral Planning Authority every two years from the date these conditions take effect, which shall include:

- The presentation of all data and hydrographs;
- Comment on any changes to the monitoring system, including problems with boreholes and their means of rectification;
- Comments upon trends, correlation to rainfall and any potential difficulties which the data indicates relating to water management and impacts upon the external water environment. Should any adverse impacts on the external water environment be identified, arising from operations at the Site, mitigation measures shall be proposed and submitted to the Mineral Planning Authority for written approval. These measures shall then be implemented as approved.

Reason: In order to protect the environment and watercourses.

Ecology

37) There shall be no clearance of trees, scrub, hedgerows or grassland during the bird nesting season (i.e. March to August inclusive) in any year unless otherwise approved in writing by the Mineral Planning Authority.

Reason: To ensure that nesting birds are not disturbed on site as a result of the operations.

38) The operator shall:

- i) prior to 15 March each year, in liaison with an appropriate ecological advisor, prepare and submit to the Mineral Planning Authority a plan showing the areas of rock-face to be worked over the next 12 month from 15 March;
- ii) during the period 15 March – 30 April allow the ecological advisor access to the site so as to enable it to observe any peregrines nesting in the site or in its vicinity;
- iii) on or before 15 May each year, in liaison with the ecological advisor, identify and provide details to the Mineral Planning Authority of any safeguards required to be undertaken to ensure that working of those areas of rock face is in compliance with the protections now afforded to peregrines and their eggs and nests under the Wildlife & Countryside Act 1981 and is carried out in a manner that is designed to avoid harming any

peregrines or peregrine nests and eggs ; and

iv) carry out all working of the areas of rock face in conformity with all safeguards identified in any details provided in accordance with point iii above.

Reason: To ensure that the operator takes appropriate advice regarding the protection of peregrine falcons.

39) A survey to ascertain the presence of badger and of any inhabited badger setts at the Site shall be undertaken annually from the date that these conditions come into effect. The survey shall cover areas of the site considered necessary by a qualified ecologist to protect the badger interest. A report of the findings of the survey and details of any further mitigation measures in addition to the measures that are already set out in the Confidential Badger Report dated August 2013, shall be submitted to the Mineral Planning Authority for written approval within one month of the survey date. Any mitigation measures that are approved shall then be implemented as approved.

Reason: To ensure that the development takes place without detriment to badgers and to monitor the badger population on the site.

40) The artificial badger sett shall only be constructed at the location shown at Ecological Management Plan Figure 2 (dated 06/14).

Reason: This specific location is required in order to avoid the loss of calcareous grassland.

41) Every 5 years from the date that these conditions come into effect the operator shall submit to the Mineral Planning Authority for its written approval:

i) an Ecological Management Report identifying the works undertaken at the site over the previous 5 years including

- Species and habitat surveys
- Species and habitat management and mitigation
- Compensation habitat creation
- Review of the techniques and specifications deployed in the execution of such works and an assessment of their relative success; and

ii) the operator's proposed Ecological Management Plan for each subsequent 5 years.

Each Ecological Management Plan which is approved by the Mineral Planning Authority shall be fully implemented over the relevant 5 year period as approved.

Reason: In order to conserve and enhance ecology.

Landscaping and Tree Belts

42) All completed boundary landscaping and woodland areas, as detailed in the Woodland Management Scheme dated March 2015 pages 31 to 36, shall be retained and maintained throughout the duration of the quarrying operations in accordance with the provisions of the Woodland Management Scheme dated March 2015, except as amended by conditions of this permission.

Reason: In order to ensure the continuing screening benefits of the landscaping and woodland.

43) An up to date report on the condition of the boundary landscaping and woodland areas

and an updated Woodland Management Scheme shall be submitted to the Mineral Planning Authority every five years from the date these conditions take effect for its written approval. The development thereafter shall be carried out in accordance with each successive updated Woodland Management scheme as approved.

Reason: In order to ensure the continuing screening benefits of the landscaping and woodland.

44) Tree planting in boundary landscaping and woodland areas, as detailed in the Woodland Management Scheme dated March 2015 pages 31 to 36, shall be maintained in accordance with the principles of good forestry and husbandry for the duration of the permission, and any shrubs or trees which die or become seriously diseased or are missing shall be replaced with plants of the same species or such alternatives species as may be approved by the Mineral Planning Authority (for the avoidance of doubt 100% replacement is required).

Reason: To secure the successful establishment of the landscaping of the Site

Restoration

45) The Site shall be restored for use for agriculture and include features of calcareous grassland, daleside rollover grassland, open water and woodland in accordance with the scheme shown on drawing no T067/031 Rev B, entitled Tunstead and Old Moor Quarries Restoration Plan, dated April 2013, subject to those amendments to the restoration that are provided by other conditions.

Reason: To secure the proper restoration of the Site.

46) Prior to the commencement of restoration in any part of the Site, the operator shall give the Mineral Planning Authority no less than 28 days' notice. The notice shall include:

- identification of the area to be restored on a scaled plan; the nature and source of restoration materials to be employed;
- the depth of restoration material to be placed;
- soil placement methods;
- the expected duration of those restoration works;
- planting details for that phase, to include species mixes, stock numbers, sizes, planting specification and vermin protection;
- the seed mixes and seeding rates to be employed in cultivation.

Reason: To ensure control over the ongoing development and restoration of the Site and hence, to protect local amenity.

47) The quarry floor (as shown on drawing number T067/031 Rev B) shall be restored to:

i) a species rich pasture seeded with a seed mix that has been submitted to and approved in writing by the Mineral Planning Authority.

ii) a tree and shrub planting species mix that shall be as detailed in the Restoration and Aftercare Strategy dated November 2014 (v5) at paragraph 3.4.69, i.e.

- 40% Sycamore (main canopy);
- 20% Beech (main canopy);
- 10% Rowan (sub canopy);
- 5% Hawthorn (sub canopy);

- 10% Hazel (sub canopy);
- 5% Wild Privet (shrub canopy);
- 5% Holly (shrub canopy); and
- 5% Guelder Rose (shrub canopy).

Reason: To ensure the restoration of the land and contribute to BAP habitat targets in order to enhance the National Park.

48) The Quarry faces infill planting species mix shall be as detailed in the Restoration and Aftercare Strategy dated November 2014 (v5) at paragraph 3.4.71, i.e.

- 30% Sycamore (main canopy);
- 20% Field Maple (main canopy);
- 10% Rowan (main canopy);
- 5% Crab apple (sub canopy);
- 5% Bird Cherry (sub canopy);
- 5% Yew (shrub and sub canopy);
- 5% Hawthorn (shrub canopy);
- 10% Hazel (sub canopy);
- 5% Goat Willow (shrub canopy); and
- 5% Holly (sub canopy).

Reason: To secure the proper restoration of the land.

49) The soils placed on the quarry floor (as shown on plan T067/031 Rev B) for restoration shall be placed with topsoils first then subsoils as the final surface.

Reason: To secure the proper restoration of the land and to ensure the Site is restored to agriculture and contributes to BAP habitat targets in order to enhance the National Park.

50) The Mineral Planning Authority shall be notified in writing of the completion date of restoration in each area of the Site, as notified under condition 46 above, within 1 month of such completion.

Reason: To ensure control over the ongoing development and to secure the proper restoration of the Site.

51) No later than 12 weeks from the date these conditions come into effect, and then annually from the date these conditions come into effect, a Restoration and Aftercare report shall be submitted to and approved in writing by the Mineral Planning Authority. The report shall identify the works undertaken for the purpose of restoration and aftercare at the Site in the preceding year and include details of:

- Quarry restoration works;
- Habitat creation works;
- Woodland management works;
- Aftercare undertaken;
- A review of techniques and specifications deployed in the execution of such works and an assessment of the success of these.

Reason: To ensure control over the ongoing development and restoration of the site and hence, to protect local amenity.

Aftercare

52) On completion of restoration works at the Site or in each area, as notified to the Mineral Planning Authority under condition 50 above, the Site or phase shall be subject to a five year aftercare period. The aftercare period shall commence on the date of written confirmation from the Mineral Planning Authority that the land concerned has been satisfactorily restored.

Reason: To ensure that the land is brought into aftercare when it is satisfactorily restored.

53) No later than 6 months prior to the programmed completion of restoration of the Site or in any part of the Site as notified to the Mineral Planning Authority under condition 46 above, an aftercare scheme or schemes shall be submitted to and approved in writing by the Mineral Planning Authority. The aftercare scheme/s shall have regard to the Restoration and Aftercare Strategy dated November 2014 and include details of:

- i) secondary soil treatment (e.g. stone picking);
- ii) fertiliser applications (based on soil analysis);
- iii) weed control;
- iv) re-seeding areas of failure as necessary;
- v) habitat development;
- vi) watering and draining;
- vii) grazing management;
- viii) pond margins establishment;
- ix) wetland maintenance;
- x) phased management and maintenance of walling and fencing;
- xi) the management of tree belts and woodland;

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

Reason: To ensure the aftercare of the reinstated land to the required standard in accordance with approved schemes and annual programmes.

54) For the first five years following implementation of restoration in each area, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any shrubs or trees which die or become seriously diseased or are missing shall each season following planting be replaced with plants of the same species or such alternatives species as may be approved by the Mineral Planning Authority (for the avoidance of doubt 100% replacement is required).

Reason: To secure the successful establishment of the landscaping of the Site

55) During September of each year, unless otherwise agreed in writing by the Minerals Planning Authority, after the date that these conditions take effect until the cessation of the development, an annual aftercare meeting shall be convened between the site operator, representatives of the Mineral Planning Authority and any other interested party whose attendance is agreed by both the site operator and the Mineral Planning Authority to review the progress of the development of the Site and in particular any restoration and/or aftercare proposed to commence or be completed that year.

Reason: In the interests of establishing the adequate restoration of the site and to monitor aftercare performance.

Footnotes

Hours of Operation

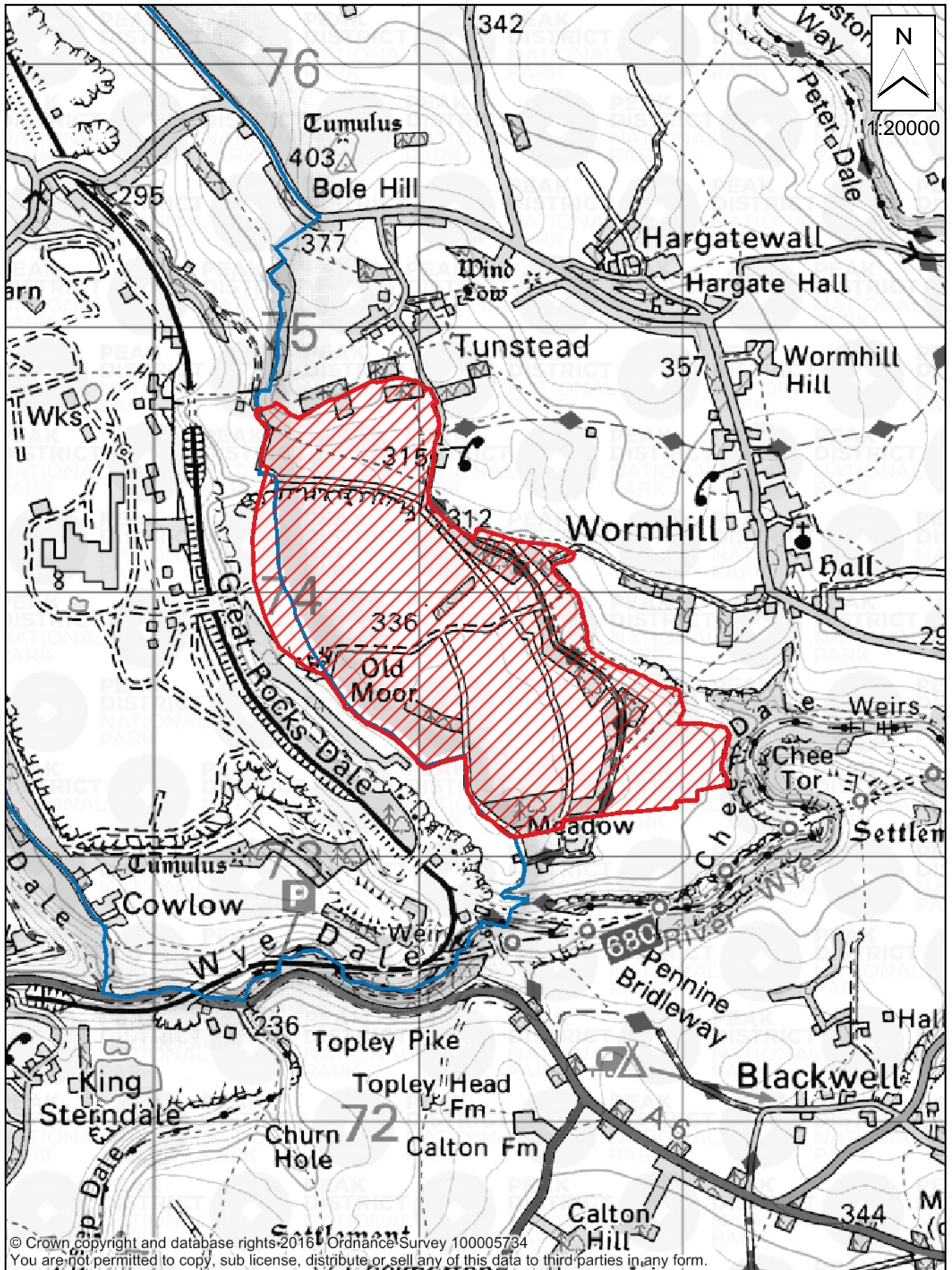
1) Except for the operations specified in condition 19 which are subject to restricted operational hours, all other operations associated with the winning and working of minerals, the secondary crushing, screening, processing, grading, external despatch and internal transfer of minerals, the operation of pumps, ancillary equipment and essential maintenance may be carried 24 hours a day throughout the year.

Environment Agency

2) The applicant's attention is drawn the following comments from the Environment Agency:

- Nothing should be imported or deposited on the site other than strictly uncontaminated, inert material. This helps to protect the groundwater quality in the area and the underlying Principal Aquifer.
- Consideration should be given to the potential to create a more varied and undulating depth of water as part of the permanent water features associated with the Tunstead and Old Moor Quarry restoration plan. Doing so will enhance the biodiversity of such a large expanse of water and will complement the ephemeral ponds proposed for the Bold Venture Site.

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Committee Date: 13/01/2017
 Item Number: 7
 Application No: NP/HPK/1013/0898
 Grid Reference: 410729, 374256

Title: Old Moor Quarry (Tunstead)
 Wormhill
 Buxton



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8. MONITORING & ENFORCEMENT QUARTERLY REVIEW – JANUARY 2017 (A.1533/AJC)

Introduction

This report provides a summary of the work carried out by the Monitoring & Enforcement Team over the last quarter (1 October 2016 – 31 December 2016). The majority of breaches of planning control 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, Monitoring & Enforcement Manager and Area Planning 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, having regard to planning policies in the development plan and any other material considerations. 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 National Planning Policy Framework 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 issued:**

16/0094 Heather Lea Jeffrey Lane Bradwell Hope Valley	Erection of building	Enforcement Notice issued 27 October 2016
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(b) **Breaches Resolved:**

16/0006 The Coach House Fernhill Hollow Meadows	Erection of shed	Retrospective planning permission granted
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16/0076 42 Middle Row Cressbrook	LISTED BUILDING – Opening in boundary wall, minor internal alterations and change of use of land to residential garden	LDC granted for change of use; retrospective LBC granted for physical works
14/0555 Land rear of Bowling Green Inn Smalldale Bradwell	Use of land for storage of building materials etc and erection of extension to building	Land cleared and extension removed
14/0582 Ye Derwent Hotel Main Road Bamford Hope Valley	Change of use from public house/hotel to self-catering/hostel	Retrospective planning permission granted
14/0002 The Sands Low Bradfield Sheffield	LISTED BUILDING – removal of internal features	Planning permission and LBC granted for conversion to dwelling
14/0557 Greenhills Back Lane Hathersage	Non-compliance with approved plans and conditions for extension to dwelling (NP/DDD/0713/0596 and NP/NMA/0314/0266)	NMA granted for some changes; other matters either rectified or not expedient to pursue
16/0140 Cobb Barn Smalldale Bradwell	Alterations to domestic outbuilding	Not expedient to pursue enforcement action
16/0025 Bath Gardens Rutland Square Buxton Road Bakewell	Display of temporary signs advertising craft fairs at Bakewell Town Hall	Number of signs reduced to acceptable level
14/0494 Town End Chelmorton	Erection of timber stables and change of use of former agricultural land to equestrian use.	Planning permission granted
16/0082 Tindalls Bakery/Delicatessen 7 Commercial Road Tideswell	Use of ground floor storage area for residential purposes	Retrospective planning permission granted
11/0215 Former Old Bulls Head Inn, Little Hucklow	Engineering operations consisting of the excavation of land and the erection of concrete block retaining walls	Enforcement notice complied with

11/0216 Former Old Bulls Head Inn, Little Hucklow	Engineering operations consisting of the excavation of land, laying of a concrete base and the erection of concrete block walls	Enforcement notice complied with
09/0071 Former Old Bulls Head Inn, Little Hucklow	Dilapidated building and associated untidy land	Section 215 notice complied with
16/0125 Pictor Hall Farm Bakewell Road Green Fairfield Buxton	LISTED BUILDING – internal and external works	No breach - works constitute repair and reinstatement to keep building weathertight
15/0043 The Homestead Foolow Eyam	Erection of shed	Merged with ENF.16/0133
15/0041 Cotton Star Camping Windy Bank Low Bradfield Sheffield	Use of land as a campsite	No evidence that use taking place in excess of permitted level (28 days pa)
13/0140 Townfield Barn Shatton Hall Shatton Bamford	Use of building and land to hold wedding events	Use ceased
16/0162 Crown Cottage Main Street Winster	LISTED BUILDING - Removal of internal wall	Not expedient to pursue enforcement action
14/0023 Merman Farm Alma Road Tideswell	Use of part of outbuilding as a laundry business	No breach as not a material change of use
06/0010 Midfield Macclesfield Road Kettleshulme	Engineering operations including excavations, earth-moving and laying of a hard surface	Restoration works carried out in accordance with legal agreement
16/0104 Brosterfield Farm Foolow	Siting of shepherd's hut and use for holiday accommodation	Retrospective planning permission granted

12/0013 Land off Digmire Lane Thorpe	Breach of condition 7 (visibility splay) on planning permission for affordable dwelling (NP/DDD/0909/0826)	Retrospective planning permission granted
16/0130 Hope Valley College Castleton Road Hope	Display of advertisement sign	Not expedient to pursue enforcement action
15/0069 Lower Damgate Farm Stanshope Ashbourne	Use of buildings and land for wedding and other events	Retrospective planning permission granted, subject to conditions
09/0078 4 Court Lane Ashford in the Water	Conversion of attached outbuilding to C3 dwellinghouse	Planning permission granted on appeal for holiday let, enforcement notice quashed
15/0124 Land Adjacent to Woodstone House Froggatt Edge Calver	Removal of trees in a Conservation Area	Landowner prosecuted; restoration to be carried out
12/0121 Dale House Farm Litton	Erection of seven buildings used for drying logs	Buildings removed
12/0120 Land off Hollinsmoor Road Rowarth	Erection of two stable buildings	Immune from enforcement action
16/0139 Burre House Baslow Road Bakewell	LISTED BUILDING – Erection of fence within curtilage of listed building	Retrospective planning permission granted
16/0137 1 Mawstone View Coldwell End Youlgrave	Erection of garage	Retrospective planning permission granted
16/0072 Wetton Village Hall Wetton	Use of village hall as cafe	Retrospective planning permission granted
16/0014 Rocester House Leek Road Waterhouses	Erection of outbuilding	Not expedient to pursue enforcement action

15/0098 Three Trees Bungalow Ashbourne Road Brierlow Bar	Erection of timber shed	Not expedient to pursue enforcement action
14/0561 Duke Of York Flagg	Use of land as caravan and campsite	Use ceased
12/0152 Peaslows Farm, Sparrowpit Chapel en le Frith	Non-compliance with landscaping condition attached to planning permission for slurry lagoon (NP/HPK/0214/0176)	Mitigation measures agreed and landscaping scheme approved

(c) Overview of caseload

The following table provides an overview of the team's caseload at the end of the quarter. Figures for the preceding quarter are shown in brackets:

	Received	Investigated/Resolved	Outstanding
Enquiries	88(97)	95(100)	110(116)
Breaches	35(42)	35(35)	478(478)

In order to help focus resources and increase the pace of progress on casework, officers have introduced a system which classifies breaches, as early as possible in the process, as Level 1, Level 2 or Level 3. Level 1 cases are those where it is likely to be 'not expedient' to take enforcement action; Level 2 are those where a conditional planning permission would be likely to resolve the breach and Level 3 are those where formal enforcement action is likely to be required or has already been taken.

This is a case-specific judgment in each case based on the seriousness of the breach. By making this judgment at an earlier stage cases are progressed more quickly with a greater emphasis on moving to formal action in cases identified as Level 3. To encourage the submission of applications for Level 2 cases we are making more use of Planning Contravention Notices and giving a clearer indication to owners that the absence of planning permission is likely to adversely affect any future sale of the property. For cases at Level 1 a delegated decision not to take enforcement action is normally made at an earlier stage and we do not normally devote resources to seeking the submission of an application.

The chart below shows the outstanding cases at each of the three levels. The chart also shows in brackets the number of Level 3 cases where formal action has already been taken. In response to queries raised by Members in previous meetings a second chart is included to show the length of time that cases have been outstanding. The next report to Committee, in April, will be an annual review with further information on cases where formal notices have been issued but not complied with. It is also intended that the annual review will provide more detail on the length of time that cases have been outstanding.

Chart 1 - Enforcement Cases: levels

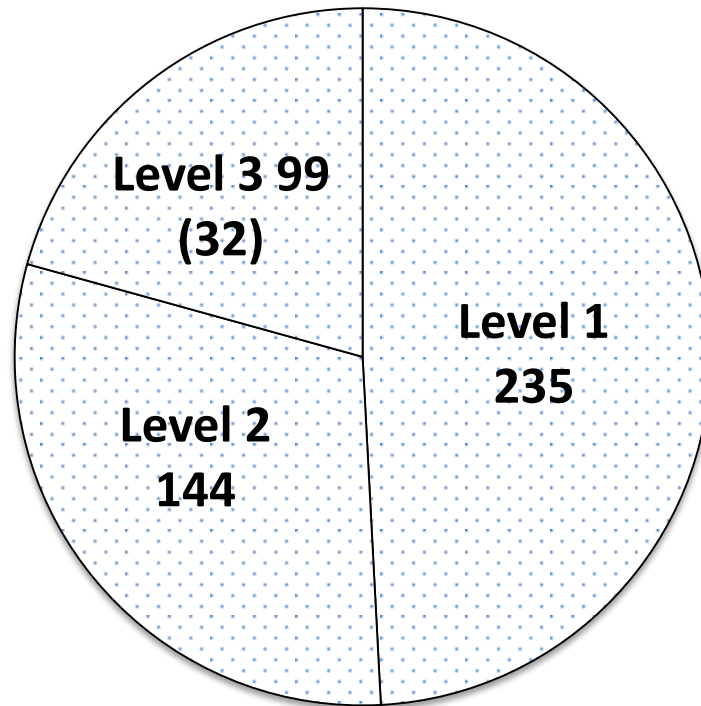
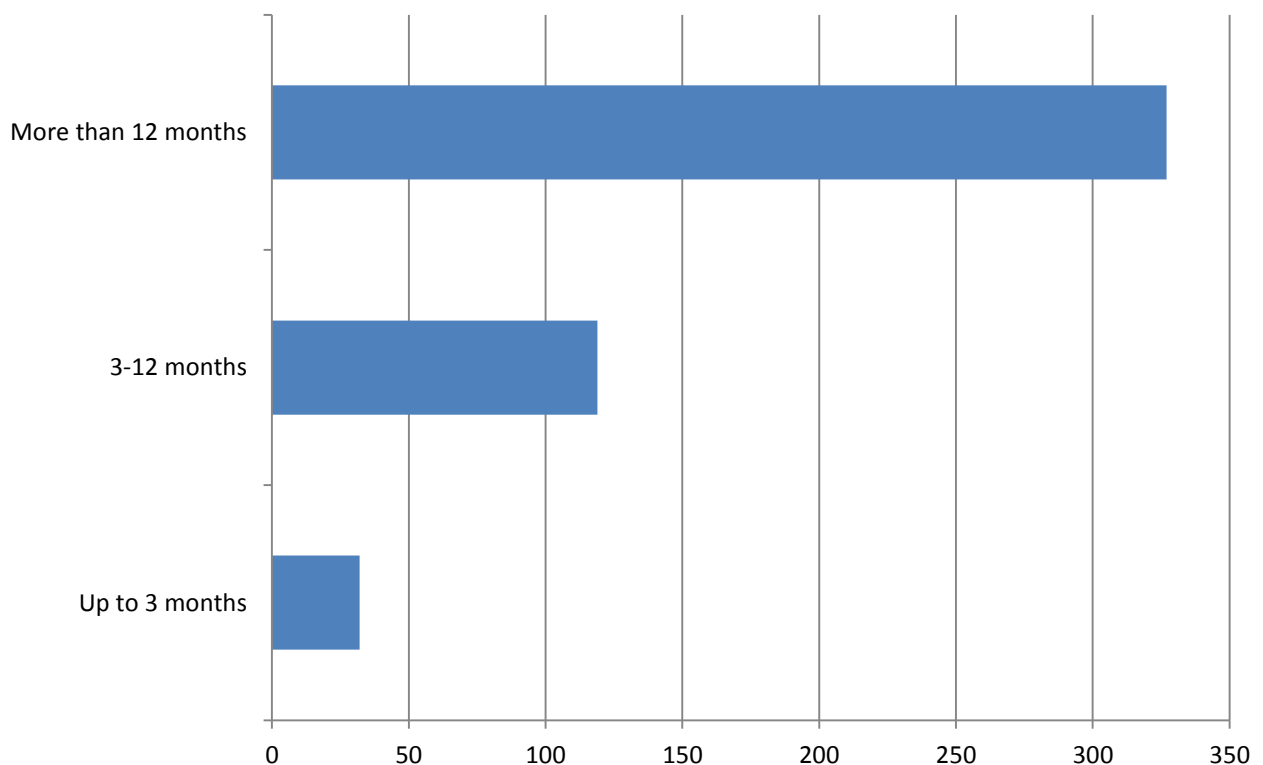


Chart 2 - Enforcement Cases: period outstanding



9. HEAD OF LAW REPORT - PLANNING APPEALS (A.1536/AMC)

1. APPEALS LODGED

The following appeal has been lodged during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
NP/DDD/0516/0444 3160705	Replacement signage to the Bridge Inn, Calver	Commercial Appeals Service (Advertising)	Committee
NP/S/0216/0142 3160867	Retention and alteration of the building which has been erected on site as an agricultural building at Wigtwizzle Barn, Lee Road, Bolsterstone	Written Representations	Delegated
NP/DDD/0316/0280 3156948	Demolition of existing industrial units and construction of replacement employment floorspace. Improvement to access, parking and landscaping at Riverside Business Park, Buxton Road, Bakewell	Informal Hearing	Committee
NP/DDD/0716/0602	Retrospective planning permission for an agricultural building on land to the east of Taddington	Written Representations	Delegated

2. APPEALS WITHDRAWN

There have been no appeals withdrawn during this month.

3. APPEALS DECIDED

The following appeals have been decided during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
NP/DDD/1215/1135 3154112	12 one bedroomed flats at Deepdale Business Park, Bakewell, DE45 1GT	Informal hearing	Dismissed	Committee

The Inspector felt that it was evident that the flats proposed would not be affordable housing, nor would they be restricted to occupancy by local people, therefore the proposal would have been contrary to the housing policies of the development plan. The Inspector did recognise that the site was an accessible location for housing, and that the design and scale of buildings illustrated would be unlikely to cause visual harm to the character and appearance of the surrounding landscape, however, neither of these considerations justified the harm that would be caused to the overall purposes of the National Park by the release of a good quality employment site for a type and tenure of housing which would not meet the priority local housing needs of the National Park. On the basis that the proposal would not constitute sustainable development, the appeal was dismissed.

NP/DDD/0415/0339 3144163	Demolition of former mill buildings, associated structures and other buildings and full planning permission for hotel development with ground floor floorspace, improvements to existing site access, parking, landscaping and other associate works at Riverside Business Park, Bakewell	Informal hearing	Allowed with Conditions	Committee
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The Inspector considered that although there would be an increase in traffic accessing the site, it would not intensify use to the extent that the accesses would be unsuitable or safety would be impaired, so it would not have a material adverse effect on the residential amenity of the residents of Holme Lane and Lumford. The proposal complied with the development plan as a whole and constituted sustainable development. He also concluded that the creation of two passing places along Lumford carriageway would not harm its green and rural setting and the significance of the listed building would also not be harmed. The Inspector allowed the appeal with a number of conditions.

NP/CEC/0216/0169 3144163	Conversion of existing shippon to extend family accommodation at Pedley Fold Farm, Pedley Hill, Rainow	Written Representations	Dismissed	Delegated
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The Inspector felt that although the proposal would not be detrimental to the Rainow Conservation Area it would fail to preserve the special historic interest of the Grade II Listed Building and that the proposal would lead to highly inappropriate alterations that would result in the loss of historic fabric and the introduction of wholly inappropriate alien features, and would not be in accordance with the Development Plan. The appeal was therefore dismissed.

ENF 09/0078 3151187	Without planning permission, the material change of use of the domestic outbuilding to an unlawful use as a separate unit of residential accommodation at 4 Court Lane, Ashford	Written Representations	Allowed with conditions	Delegated
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On a procedural point the Inspector noted that the Enforcement Notice alleged a change of use to a separate dwelling, but the appellant argued that the use was as holiday accommodation; he dealt with the appeal on this basis. The Inspector considered that the appeal on ground (d) should fail as the appellant had not demonstrated at least 4 years continuous use. On the ground (a) appeal he considered that the change of use accords with the National Planning Policy Framework in that it is sustainable with regard to the economic, social and environmental strands of the document. The Inspector did consider that the two conditions set out by the Authority were relevant and necessary to a) restrict the use of the property to a holiday let use only to prevent the house from a traditional permanent residential dwelling and b) that the existing car park shall remain unobstructed at all times, and considered that the enforcement notice should be quashed and that planning permission should be granted for this change of use. The appeal was allowed on ground (a).

NP/DDD/0216/0116 3157101	Condition attached to planning permission re hours of delivery to and refuse collections from the shop being restricted at The Rutland Arms, Baslow	Written Representations	Allowed with conditions	Delegated
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The Inspector considered that the disputed condition was not reasonable and necessary in the interest of preventing a harmful effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance. Historically the neighbouring properties would have been subject to a greater level of noise throughout the day and late into the evening when the property was used as a pubic house. However, a condition to control the hours of delivery and refuse collection proposed by the appellant based on evidence which justified the periods within which harmful noise and disturbance would not occur, was reasonable and necessary, and that such a condition would ensure that the development complied with LC4 of the Local Plan and the Framework in ensuring a good standard of amenity for all existing and future occupants of land and buildings. The Inspector allowed the appeal.

The Inspector awarded the appellant full costs to cover the expense incurred in contesting the appeal, as it should have been apparent to the Authority that the advice it was relying upon in making its decision, had not been substantiated relative to the technical evidence provided by the applicant. The Inspector considered that the Authority had acted unreasonably in preventing or delaying the development, which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations. In this respect, the National Park Authority had also failed to produce evidence to substantiate a reason for refusal on appeal.

4. **THIRD PARTY APPEALS SUPPORTED BY THE PDNPA**

The following appeal has been supported by the Authority during this month.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
Derbyshire Dales DC DDDC ref: 14/00224/FUL	Construct and operate five (5) wind turbines with a maximum tip height of 100m, and ancillary development, off Manystones Lane and B5056, Griffe Grange, Grangemill	Inquiry	Dismissed	Planning Committee, responding as a consultee

The appeal was against the refusal of planning permission by DDDC, with the Authority objecting and taking part in the Inquiry. The development was revised in August 2015 to reduce the number of turbines from five to three. The appeal was submitted on this basis.

The proposed turbines would be situated on the upper slopes of the Griffe Grange Valley, which is a deeply incised and heavily wooded feature containing the main A5012 linking Cromford and Buxton. The road forms the boundary of the National Park, which lies to the north. The Inspector considered that three existing wind turbines are conspicuous on the high ground along the ridge or plateau summit, east of the rock. Four other earlier turbines (Carsington Pastures) lie on the lower south facing slopes. All are around 100 metres high to the blade tip. The Inspector considered that these are particularly prominent on the skyline and that they increase the susceptibility of the area to the change that would result from the appeal scheme, in the sense that in terms of the acceptability of further development, a 'tipping point' has moved closer.

He concluded on landscape character and visual amenity that the development would significantly extend a wind farm landscape into the Griffe Grange valley which is an important, defining and valued feature of the landscape at the southern edge of the National park. The ability to perceive natural beauty in the valley and its contribution to the setting of the National Park would be harmed; the understanding and enjoyment of the special qualities of the NP would be compromised. The effect would be contrary to national policy in the NPPF and PPG and the statutory purposes of national parks.

5. **RECOMMENDATION:**

That the report be received.