
6. 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 dale sides 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 routing 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 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 practices 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 that 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 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