

APPENDIX 3 – Consultations – Detailed Summary Response

Derbyshire County Council (Planning) – Initial response – the application doesn't secure the early restoration of the existing worked out site but extends it by 7 years; doesn't identify if areas will be soiled & grass seeded immediately following the end of each phase; no information provided relating to height or impact of temporary backfill storage; no comprehensive landscape restoration scheme; queries the standoff of the bridleway diversion & the visual impact of the safety bunds, fencing & surfacing; the quarry will potentially act as a sole visual detractor within a wide attractive panoramic vista; the restoration scheme seems to be partially led by the location and volume of post extraction material and the desire for geological and ecological gain at the potential expense of visual & landscape character restoration. There is a lack of clarity and detail in the application. Object in respect of the landscape and visual impact of the proposal on Derbyshire outside the National Park but if permission were to be granted on grounds of need for the mineral then seek to secure for the earliest implementation all measures to reduce or mitigate visual and landscape character impacts.

Environment Agency – initial response – object as insufficient information has been received. Despite previous comments made in September 2007, the new application does not bring any new element of clarification. The application includes an area currently licensed as inert landfill and still undergoing the procedure of closure and landfill. The removal of some of the inert waste to reprofile it may require an Environmental Permit. It may not be possible to register an exemption and it's unclear whether the new permitting regime commencing 6 April 2008 could allow an authorisation from the current licence holder or would necessitate a full licence transfer. If this is resolved to the satisfaction of the Agency, then the waste left/re-used on site should undergo an adequate testing regime to ensure that it can still be considered as inert and can therefore be left on site. Future deposition should be restricted to nothing other than uncontaminated excavated natural materials to protect the groundwater in the area.

Response to second re-consultation – the proposed cut-and-fill within the permitted area will only be possible under a permit and the operator would need to ensure that the site would be fully landfill directive compliant by 16 July 2009. A permit review is anticipated, and a permit variation if there is to be a change in proposals from the current closure details already held by the Agency, and possibly a permit transfer to the new operator. Operations will only be possible on confirmation that; the Environmental Permit is fully transferred to the new operator who will acquire liability for the subsequent changes in profile, potential environmental risks, closure & surrender; or operations are handed over to the current permit holder who will maintain liability.

Response to third re-consultation – the area of excavation to the west of the landfill site may be receptor to surface water run-off and any leachate generation from the landfill site as it will be a topographical low point. It is now understood that a cut off drain and sump could be constructed at the western boundary of the landfill to catch any run-off from the landfill and ensure it does not migrate into the area of fluorspar excavation. Run-off collected in the sump should be tested for contamination. The Agency needs to be completely satisfied that the works will not open new pathways for the existing waste subjecting the surrounding environment to new risks. Advised that there will be no stockpiling of any material on the landfill but some overburden materials may be incorporated into the landfill restoration scheme. The existing permitted area constitutes the access to the mining area which will be affected by engineering works, including cut-and-fills of controlled waste material, limestone material removal (western boundary of the landfill). The Closure Plan under the Environmental Permitting Regulations 2008 will be amended to incorporate the new scheme, address mass stability, waste characterisation and monitoring proposals. The intended cut and fill operations will be undertaken before July 2009 which is prior to the final implementation of the Landfill Regulations 2002. Waste materials will be tested before final placement. The proposal will not require any de-watering however there were small amounts of perched water noted in some of the onsite shafts. Based on the information received and conditions able to remove objection.

Natural England – initial response – no objection to the development in respect of the SSSI provided it is carried out strictly in accordance with the application and plans. The ecological baseline data submitted is generally poor. Assessment is based on one survey visit in October 2006 and information from third parties. Further surveys could have been undertaken in 2007 to allow adequate assessment although it is noted that further surveys in 2008 are proposed. Few structures within the site are suitable for roosting by bats but it is not adequate to reuse a survey & conclusions undertaken in the context of restoration proposals for the old quarry to make a statement about the current proposals. Object in the absence of adequate information regarding the current status of bats on the site or the likely impacts upon them from these current proposals. Concerned that no additional information on great crested newts has been submitted in this resubmission of the development proposals and therefore object pending receipt of further information. The site is suitable as foraging and terrestrial habitat and could be used by nearby populations of newts. In the absence of survey data, accept the assumption that the population is large until proven otherwise and consequently concerned at the lack of a detailed mitigation strategy. The presence of a protected species is a material consideration and information must be provided on the scale of impacts and the degree to which mitigation can avoid or lessen the impacts and may require a licence application to DEFRA. Proposals for positive habitat restoration works should also be provided. The site is likely to be used as a foraging habitat for mammals and the means of escape proposed as a precaution against being trapped in excavations should be enforced by condition. Concerned that the applicant is basing the impacts of the proposal on flora on one survey visit undertaken at a sub-optimal time of year. Require a further survey undertaken at an appropriate time of year. Conditions should be imposed for the retention, translocation and further survey of those spoil mounds which support a nationally scarce species. A method statement for reptiles should be submitted prior to works being undertaken on the site. Not satisfied that an adequate bird survey has been undertaken and concerned that the site may be used by several BAP species. Object on the basis of insufficient information. Concerned that an invertebrate survey has not been undertaken. This should be undertaken before any works commence. A full habitat creation and management plan should be submitted before any works are undertaken on the site. Support the incorporation of a quarry face which will provide opportunities for nesting birds & roosting bats. Remain concerned about the reliance placed on partial or very old ecological information despite previous correspondence on this matter and would have expected augmentation by additional information or survey prior to resubmission. Questionable in planning terms whether so much could be legitimately covered by conditions requiring future surveys. It is difficult to state that further conditions relating to impacts will not compromise any consent given now as a result of spatial or timing restrictions which may need to be applied.

Response to first re-consultation – welcome the additional field survey information. Now that calaminarian grassland has been identified as an issue for this site, provision can be made for its reestablishment following cessation of working. Support the mitigation recommendations for the species rich grassland communities having regard to specific recommendations from the Authority's Ecologist in relation to similar projects elsewhere. The additional survey has identified a good sized local population of great crested newts. None of the ponds will be directly affected by the proposals and any mitigation strategy now agreed will more accurately address the likely impacts of this population. Note that a statement over no loss or damage to the ponds is contradicted by one indicating damage to a pond. Welcome the creation of new ponds and fully support the Authority's Ecologist's recommendation for their natural colonisation. The timescale of the mitigation strategy will be crucial to its success and a substantial lead in time will be needed to complete this prior to the commencement of any mineral workings. Suggests restoration or enhancement of the pond in the vicinity of the receptor site. Any newts captured should be released back into suitable habitat near to their point of capture. Recommend mitigation proposals are enforced by planning condition and withdraws earlier objection on this basis. Welcome reptile survey and precautions and do not wish to comment further. Welcome bird survey data and mitigation proposals and withdraw earlier objection. Welcome the invertebrate survey data and support the conclusions regarding realistic mitigation options. Accept the health and safety limitations of the quarry faces for their survey for occupancy by bats and welcome the proposal to carry out a survey to establish use during winter months.

Withdraws earlier objection providing this is covered by a planning condition together with mitigation proposals.

Authority's Ecologist - Response to first re-consultation – the supplementary ecological report addresses the majority of issues raised previously but it is incoherent and unclear in places. Revisions to the phases may influence the restoration proposals and the revised restoration plan is awaited. Because of the potential presence of the rare calaminarian grassland and an important lead rake community then there will be the requirement to strip and translocate the turf from areas of the field to be mapped in addition to all the mounds in accordance with conditions. Storage times of soils need to be clarified as ideally this should be with a minimum of delay. Monitoring of translocated spoil heaps should be undertaken. Great crested newts have been recorded in the ponds in the vicinity of the site. Prior to the commencement of works a licence needs to be obtained from Natural England. Monitoring should be undertaken for the full 6 year period. The 2008 survey has provided adequate information to assess the impact on reptiles yet a location plan would have been useful. 2008 breeding bird survey has provided adequate baseline information yet plans would have been useful showing the transect route. Works should not take place to the existing quarry faces during the bird nesting season (March – September) unless check for breeding birds undertaken prior to this. Enhancements for BAP species must be provided within the restoration details for the site. The 2008 invertebrate survey provides sufficient baseline information and the interim report provides additional review for clarification. The 2008 survey assesses the potential as a summer roosting site for bats but the potential for hibernating bats has not been fully assessed. Further survey work is required. Clarification is required in relation to the net-gain of semi-improved grassland identified. A detailed restoration and management plan is required prior to the start of any restoration works. From an ecological viewpoint the preference would be for natural regeneration and seeds from a local source. Welcome provision of ponds but require further information on size and profile. Longer term management needs to be considered.

Authority's Landscape Officer – Initial response - The proposed screening mound would be ineffective; moving the mound during each phase will lead to the loss of soils and it does not screen the whole of the works. There is a discrepancy in the volumes of topsoil and overburden being generated and land for spreading of these materials. The existing quarry is subject to a restoration scheme and would not form planning gain if the application is approved. There will be a need to excavate and re-grade the backfill in the existing quarry to allow access to the extension. No details have been provided. There is a lack of clarity when describing the surrounding landscape and the environmental assets. They are using the draft version of the PDNPA landscape character assessment (LCA) not the approved version April 2008. There appears to be greater emphasis placed on the DCC LCA, which covers the area outside the National Park. The landscape and visual impact assessment fail to take into account that there will be a need to store material above ground. The restoration scheme proposes an additional 100m of cliff face. If the diverted and re-instated bridleways are required by DCC to be surfaced, this could have a visual impact. Horse riders will see over the top of the screening mound and this has not been considered. It is unclear from the phasing how there could be early progressive restoration of the upper slopes. Phase 5 shows storage for the first time within the operations which will be visible from the east and has not been considered from viewpoints. The panoramic views appear to make the site smaller in reality than actually from the viewpoints. The proposed quarry face will be longer, straighter and higher than the original face and has an unnatural 90 degree bend; there are no proposals to ameliorate the new face. Specific details of restoration features are lacking i.e. pond and bat habitats, location of translocated spoil mounds. Verbal reference is made to wall restoration but there is no indication as to where this may be. The line of the reinstated bridleway is not shown. Restoration features are unsympathetic to the natural features within the area. No details provided on the longer term maintenance. Phasing and section drawings are confusing and inadequate.

Response to second re-consultation – the text on the plans has not been updated to reflect alterations in the length of the screening mound; the text in the report has not been modified to show reduced excavation depths in Phase 5; there is a conflict of use in the west as the standoff is 5m and there is a 5m wide screening mound to be placed in this area in addition to the diverted bridleway; it is unclear where the excess limestone in Phase 5 is now to be stored following consultation with the Environment Agency and its exclusion from the previously identified area; a larger area of the existing quarry is shown as restored which is welcomed but this is offset by the smaller area of the proposed quarry being restored and which will have visual implications; the retention of the existing quarry face is welcomed; unable to assess the restoration proposals as no revised plan was provided and as is required due to alterations in the excavations; the additional information answers some geotechnical queries but does not answer concerns about the impact on the landscape. It raises more concerns regarding the storage of materials and the effect on the diverted bridleway.

Authority's Rights of Way Officer – initial response - the British Horse Society advisory leaflet states that the proposed new line of the path should be as safe and as commodious and convenient as the original and that they are strongly against proposals that would be substantially less safe or less convenient. Concerned that the proposed bridleway diversion will take riders adjacent to workings and that blasting will take place on Saturdays. Further details should be provided as to the line, width & fencing proposals of the public bridleway in relation to the western side of the workings and what provisions will be in place to warn riders of blasting. The alternative route and restored bridleway should be surfaced with an appropriate local stone surface. Concerned that the proposed diversion route crosses a small spoil heap which should be removed to allow riders to enjoy a safe route. Also concerned about the presence of mineshafts and would wish for clarification on actions proposed. Welcome the reinstatement of the original bridleway but the Highway Authority will need to give their acceptance. The proposed diversion of the footpath from Wensley will involve a substantive deviation from the presently enjoyed route. Walking groups may make objections to this and it would be wise to consider a more direct route subject to health & safety issues.