9. SECTION 73 APPLICATION WITH ENVIRONMENTAL STATEMENT TO AMEND OR REMOVE PLANNING CONDITIONS 2 (DURATION), 3 (OPERATING PROGRAMME), 5 (AREAS OF WORKING), 15 - 16 (UNDERGROUND WORKING), 19 (MINERAL EXTRACTION AREAS), 39 - 41 (SOIL REMOVAL AND STORAGE), 45 - 46 (PROCESSING), 69 (ARCHAEOLOGY), 74 - 75 (ECOLOGY AND WILDLIFE), 77 (RESTORATION OF DEEP RAKE AND THE BEECHES), 78 (RESTORATION SCHEME FOR BOW RAKE/HIGH RAKE), 80 (DATE FOR SCHEME FOR REINSTATEMENT OF WATERSAW MINE COMPOUND) AND 85 (DATE FOR REMOVAL OF ALL PLANT AND STRUCTURES FROM SITE) OF PLANNING PERMISSION NP/DDD/0804/0947: EXTEND THE PERIOD OF RESTORATION OF THE REMAINING OPENCAST WORKINGS BY 20 YEARS TO NOVEMBER 2035, AMEND THE FINAL RESTORATION LEVELS OF BOW RAKE/HIGH RAKE AND ALLOW THE CONTINUATION OF UNDERGROUND MINING AT WATERSAW MINE OVER THE SAME PERIOD, LONGSTONE EDGE WEST. (NP/DDD/0815/0780, M3810, 04/09/2015, 2008/7312, APB)

APPLICANT: BRITISH FLUORSPAR LIMITED (BFL)

Summary of Proposals

This is a section 73 application accompanied by an Environmental Statement (ES) in which BFL is seeking permission to amend or remove several planning conditions within planning permission NP/DDD/0804/0947 (hereinafter known as 'the consolidating permission'), relating to the duration and nature of restoration proposals and the resumption / continuation of underground working on Longstone Edge West, Great Longstone. The proposed amendments comprise three changes, to:

- Extend the period over which the restoration of Bow Rake/High Rake must be completed, by a further 20 years, to November 2035.

- Amend the currently approved final restoration levels of Bow Rake/High Rake to a slightly lower profile.

- Allow for the possible resumption and continuation of underground mining at Watersaw Mine over the same 20 year period to 2035. No further opencast mineral extraction is proposed.

Site and Surroundings

The application site is situated along the Longstone Edge limestone ridge within the area known as Longstone Edge West.

Longstone Edge is some 4km to the north of Bakewell within the north-eastern area of the White Peak to the west of the Derwent Valley. It is a prominent limestone escarpment about 4 kilometres (km) in length on a general east-west alignment. The nearest villages are Great Longstone, Hassop and Rowland at 1 – 1.5 km to the south, while Calver and Stoney Middleton lie about 1.5 – 2.0 km to the north east. Bleaklow Farm is the nearest property to High Rake/Bow Rake and is 80m away. Longstone Moor Farm is 180m from the entrance to Watersaw Mine. Moor Road, a minor road, allows vehicular access onto the Edge from Great Longstone; a restricted byway runs across the Edge itself.

At a general elevation of over 300 metres AOD, with high points at Betney Cop (395m AOD) and Longstone Moor (390m AOD), the topography of Longstone Edge undulates considerably along its length. The limestone ridge dips steeply to the south towards Rowland and Great Longstone and more gradually to the north towards Blakedon Hollow (the applicant's tailings facility, now in restoration) and Cavendish Mill (where the applicant's fluorspar processing facility is located). The land also dips towards Calver in the east and the B6465 Castlegate Lane to the west between Monsal Head and Wardlow.

The application site occupies an area of approximately 200 hectares and comprises the same area as the consolidating permission for Longstone Edge West, as the proposal seeks to vary this permission. This area has been subject to opencast mineral working over a significant period of time in several separate parcels of land, named Bow Rake/High Rake, Deep Rake, The Beeches, Arthurton West and Arthurton West Extension. Also within the site area underground extraction from Watersaw Mine beneath Longstone Moor,

Although the application seeks to vary the consolidating permission, the opencast extraction which was permitted is now all completed. The application focus is on restoration of Bow Rake/High Rake and underground extraction at Watersaw Mine.

Bow Rake/High Rake covers an area of approximately 10 hectares; it is on the southern boundary of the wider application site, 710m east of the Watersaw Mine Compound and 200m south of Coombs Dale SSSI; it has been the site of fluorspar extraction along an east-west seam and is approximately 1.1 km in length and 210 metres wide at the widest point, and at its deepest point the quarry is about 45 – 50m below ground level.

Watersaw Mine Compound is on the northern boundary of the wider site, southeast of Longstone Moor SSSI. The compound is the entrance to the underground mine workings at Watersaw Rake and occupies an area of approximately 1.6 hectares. The entrance to the mine is through the embankment at the west of the compound. The compound has been cut into the landscape and the southern and western banks of the compound are approximately 3m in height (the compound floor is at 357m AOD and the top of the bank 360m AOD). The northern embankment is between 4-5m, with the compound floor here approximately 355-356m AOD and the top of the bank 360m AOD. The compound entrance is via a 100m curved track (to help screen the site) off the minor road to the east of the compound. Within the compound there are several storage units comprising corrugated iron sheds and portacabins in various stages of dilapidation/repair

The legacy of mineral working on Longstone Edge has left features associated with historical working over much of its area. These features, and the areas that have been restored, now form part of that local landscape character. In association with this legacy the application site and adjacent areas contain Scheduled Monuments and Regionally Important Geological Sites (RIGS).

A significant portion of the western half of the application site lies within the Natural Zone as defined by the Authority on the Section 3 Map (to meet obligations under section 3 of the Wildlife and Countryside Act) in relation to areas within the National Park particularly important to conserve.

A variety of habitats are found at Longstone Edge and on the surrounding slopes: species rich calcareous grassland, semi-improved calcareous pasture, lead rakes, scrub and woodland, and limestone heath on Longstone Moor. There are several designated sites of nature conservation value either within, or in close proximity to, the application site.

The Proposed Development

Proposed Restoration of Bow Rake/High Rake

Under the current permission restoration of all areas should have been completed by November 2015. Whilst some infilling of the void of Bow Rake/High Rake has been undertaken, the restoration has not been completed within the originally envisaged timeframe, therefore BFL require further time within which to complete the development.

Having carried out an assessment of the projected volumes of waste tailings material (for infill purposes) likely to be generated over the next 20 years from the fluorspar processing operation at Cavendish Mill, near Stoney Middleton (owned and operated by the applicant) the

proposal includes amendments to the final restoration levels in Bow Rake/High Rake. The existing approved scheme allows for restoration to adjoining land levels, similar to Deep Rake immediately to the east. Fundamentally, the proposed final levels are not dissimilar to the currently approved restoration levels, with the exception that they allow for lesser infill and the creation of a low point at the centre of the site, with the retention of a number of 15 metre high quarry faces along the northern and southern slopes. The most easterly 70m of the quarry would be restored approximately to original ground levels, with a slight bund at the eastern end.

The key criteria in creating the proposed restoration landform for Bow Rake/High Rake has been the stability of the exposed rock faces on the northern and southern faces of the quarry and the creation of a stable landform with the projected volume of tailings and host rock material that is available.

It is proposed to backfill Bow Rake/High Rake using dry tailings from Cavendish Mill, in combination with available remaining rock fill from within the excavations. Previously, restoration of the worked out areas of Longstone Edge has been undertaken using a combination of 'wet' tailings from the nearby tailings dam known as Blakedon Hollow (or 'TD4'), and host waste limestone from operational working areas within the site. Recent changes in processing at the mill have resulted in drier waste tailings being produced, which can be transported directly from the mill to the void, negating the need to deposit tailings to settle in the tailings dams and then move material from there for restoration.

The rate at which waste tailings are produced at Cavendish Mill will ultimately dictate the rate at which the restoration scheme can progress. The proposed 20 year extended timescale is based upon an estimated output of approximately 40,000 cubic metres of tailings per year, equating to a total of 800,000 cubic metres over the full duration of the restoration scheme. In combination with the in situ rock fill, this would be sufficient volume to achieve the proposed restoration landform. The applicant states that these figures are indicative and will be revaluated over the course of the restoration period.

Due to improved efficiencies in processing at the mill, the lower tonnages of crude ore available to process, and generally higher grade ore from Milldam Mine (compared to ore from opencast operations, which have now ceased but were previously the mainstay of the fluorspar extraction)), it is expected that a reduced volume of tailings will be generated compared to rates generated over the life of the previous consolidating permission. This is a further reason for the extended period of time required to complete the restoration infilling programme.

The phasing plans indicate that the infilling would be concentrated within the wider, eastern half of Bow Rake/High Rake for the first few years, where the depth of the quarry would be gradually reduced, after which time the infilling would progressively move westwards where the void increasingly narrows in width. The proposed sequence set out in the application was as follows:

Phase 1: Eastern and central area backfilling with rock fill to the base of the excavations progressing westwards.

Phase 2: Complete backfilling with rock fill at eastern end once extraction has been completed *[Comment: which is now the situation]*, restoring the area to natural ground level.

Phase 3: The placement of tailings from Cavendish Mill to form a gradual slope falling towards the centre and northern slope of the void.

Thus the backfilling programme would continue with emphasis placed initially on completing the eastern end of the site to match natural ground level, to create a 'plug' of rockfill material, which would act as a barrier to limit runoff and possible erosion of tailings downslope eastwards.

Alongside this operation, the tailings material from Cavendish Mill would be brought in to the central section of the site, mixed in with available in situ limestone, and placed in thin layers. The material would be compacted by bulldozers to form a gradual slope falling towards the central northern slope of the opencast void. As infilling progresses over the 20 year restoration period it would gradually move westwards to create the desired profile running downslope, from west to east, to the central low point. The base of the northern slope would be buttressed with tailings to reduce the final vertical slope height to less than 15m. The southern slope would be buttressed with rock fill to protect the boundary and the public byway running alongside.

More information about this in consideration of the long term stability of the site can be found in the 'Geotechnical Assessment' section later in this report.

Once final restoration levels have been reached in Bow Rake/High Rake, the area will be allowed to revegetate naturally and will enter a period of aftercare. The restoration landform will allow access from the eastern and western ends of the quarry. Additionally, the Strawberry Vein haul road leading from the quarry towards the mill will be restored at the end of the restoration period.

Other Restoration Work

Ongoing obligations in relation to aftercare on areas of the permission which have already been restored (Deep Rake and Arthurton West) would be carried forward into any new permission.

Proposed Continued Underground Mining at Watersaw

Mining operations in Watersaw Mine under permission NP/DDD/0804/0947 have not taken place for over 10 years, and a large quantity of the mineral originally planned to be extracted from underground remains to be recovered. The mine has been kept on a 'care and maintenance' programme and, with consented ore reserves still remaining, BFL wishes to maintain the option of re-commencing fluorspar operations underground, subject to commercial need/viability and availability of alternative sources of supply. Should underground working resume at Watersaw, it is estimated that between 300 – 600 tonnes of fluorspar ore would be mined per day.

Given a degree of uncertainty over whether extraction in the mine would resume, a decision which would be driven largely by economics, officers agreed with the applicant at the pre-application stage that the scope of detail in relation to underground working could be more limited than with other parts of the application. The broad areas of extraction within the red line area are already established as part of approved working plans and existing conditions specific to the underground working could be carried forward into a new permission. The information submitted with the application is sufficient to allow a proper assessment of the likely significant impacts arising from the development for the EIA process; and full details of phasing timetables, methodology of working, backfilling, mitigation of surface subsidence, and assessment of wastes arising, could reasonably be dealt with as reserved matters should Members be minded to grant permission.

The application includes a concept restoration scheme for the Watersaw Mine compound.

Proposed Working Times

The proposal does not seek to vary the site operational hours specified in the existing permission. These are 07:00 hours to 17:30 hours Monday to Friday and 07:00 hours to 13:00 hours on Saturday. Should underground mining recommence, those operations would be subject to the same hours as currently exist, namely underground working 06:00 hours Monday to 13:00 hours Saturday (i.e. 24 hour operations) ; servicing, maintenance and testing

of plant within the mine compound 0600 hours to 2200 hours Monday to Friday and 0800 hours to 1200 hours Saturday; and associated lorry movements into and from the mine compound, 07:00hours to 17:00 hours Monday to Friday and 08:00 hours to 12:00 hours Saturday and none of these operations (surface or underground) are / would be allowed on Sundays, Bank or Public Holidays.

Proposed Access, Traffic Routes and Frequency

No new access points or entrances are proposed and the existing access arrangements and haul routes would continue as per the existing consent, together with maintenance of existing achievable adequate visibility splays Full details of the traffic routes and frequency of movements are provided in the 'Traffic and Transport' section later in this report .

Quarry Restoration Traffic: The waste tailings from Cavendish Mill to Bow Rake/High Rake would be transported entirely via the existing private haul road. This route runs roughly southwards from Cavendish Mill to Black Harry Gate, and then onwards onto Strawberry Vein Haul road which runs diagonally up the slope immediately north of Bow Rake/High Rake.

Environmental Impact Assessment (EIA)

The proposed development is deemed to be Environmental Impact Assessment (EIA) development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations (the EIA Regulations) at the time of submission under the provisions of the 2011 EIA Regulations (as amended by the 2015 EIA Amendment Regulations) but now superseded by the 2017 EIA Regulations) It is therefore accompanied by an Environmental Statement (ES) prepared pursuant to pre-application EIA screening and scoping advice from the Authority. In accordance with that advice the ES contains detailed chapters on ecology and nature conservation, landscape and visual amenity, cultural heritage and archaeology, traffic and transport, air quality and dust, noise and vibration, hydrology and hydrogeology, drainage, flood risk and geotechnical matters.

RECOMMENDATION:

That the application Code No: NP/DDD/0815/0780 be APPROVED subject to:

1. **The prior completion of a Section 106 legal agreement whereby the applicant and all those with an interest in the application site formally agree to:**

   (i) to procure, provide and maintain a restoration bond: retention and continuation of a restoration bond to the value of £400,000 (index linked);

   (ii) the restoration bond to be set out in accordance with a specified schedule included in the agreement;

   (iii) the development to be carried out only in accordance with this new planning permission;

   (iv) in the event of default of any party in carrying out restoration/aftercare works, to permit the MPA or its appointed contractors to enter the land and the tailings structures to complete the works and access material to do this if necessary;

   (v) to set up a a programme of water sampling from Sallet Hole Mine adit and nearby springs north of the application site within the Coombs Dale SSSI, for the duration of the restoration to formally assess flow rates and turbidity; and to undertake additional water quality monitoring should an increase in turbidity be identified;

(vi) the provision of a series of interim restoration schemes (plans) for years 2, 4, 8, 10, 12, 14 and 16 the interim schemes to include a number of different profiles to account for the possible range in void space to be restored, dependent upon when the clause might have been triggered during the course of the planning permission, ;(with provision to submit for approval at a later date amendments to the plans to have regard to the progress in the restoration at that time) in the event of financial issues preventing completion of the approved restoration works;

(vii) if either there is (a) early cessation of working or (b) if the company fail to procure or maintain in force a restoration bond, then to undertake the Restoration and Aftercare works in accordance with a predetermined set of interim restoration schemes;

(viii) provision for a 10 years aftercare management regime for the restored land;

(ix) the relinquishment / revocation of the old planning permissions as follows:

a) the revocation of planning permission Code No: NP/DDD/0804/0947 [for non-compliance with condition 3 of permission NP/DDD/1100/0473 (Consolidating application for the opencast and underground extraction of vein mineralisation, including crushing and sale of limestone, import of processed mineral waste tailings for restoration, surrender of consented area, variation of conditions and small extension area) to read: Unless otherwise agreed in writing by the Mineral Planning Authority (MPA) or subsequently amended by the requirements of the conditions of this consent, the working, stockpiling, tipping, restoration and aftercare of the site shall be carried out only in accordance with the working and phasing plans and the accompanying details submitted in application NP/DDD/1100/473, except as subsequently amended by the working and phasing plans and accompanying details submitted in application NP/DDD/0804/0947, and by the conditions attached to permission NP/DDD/0804/0947 for the extension of Arthurton West. In order to facilitate restoration of the extension with stone overburden from Bow Rake/High Rake and to secure the early restoration of Arthurton West with limestone overburden exported from the extension site, Longstone Edge] without compensation;

b) an obligation to surrender any rights to work by underground methods fluorspar in the red line area of the former Arthurton West opencast fluorspar mining permissions;

c) the revocation of planning permission Code No: NP/DDD/0805/0818 [for surface facilities for Watersaw Mine and maintenance depot for Longstone Edge opencut operations, Sallet Hole No 2 Mine, Watersaw Compound, Longstone Moor without compensation;

d) no compensation to be sought for deemed revocation of the existing planning permissions.

2. Conditions covering the following matters:

- **Commencement – development to commence within three years from the date of permission.**
- **Duration – restoration of Bow Rake/High Rake, complete cessation of underground mineral extraction in Watersaw Mine and restoration of the**

mine compound and Longstone Moor by 30 Nov 2035.

- **Operating programme – in accordance with submitted details.**
- **No opencast extraction, strictly limited to underground extraction only.**
- **Submission of annual surveys, volumetric analyses and annual statements summarising works undertaken in last 12 months and detailed programme of works for following 12 months.**
- **Underground programme of working / timetable and phasing, of underground extraction; details to be submitted in advance of any resumption of underground working.**
- **Advance notice of commencement of phases of underground working.**
- **Mine surface subsidence – methodology for pre-determination and detailed measures to minimise surface collapse, proposals to remediate any collapses including infilling and restoration of any collapse features that occur, and habitat re-establishment and aftercare on the restored ground - details to be submitted in advance of any resumption of underground works.**
- **Protection of Longstone Moor SSSI from surface subsidence, and in the event of surface subsidence in the offshoot veins of Watersaw Rake within the SSSI, underground operations to cease pending approval (in consultation with Natural England) and implementation of a scheme for remedial work (per the above bullet point) and variation to the mining method / working scheme to avoid further subsidence.**
- **Archaeology – imposition of existing conditions modified as appropriate, and submission for prior approval of a full appraisal of the effects of the development on cultural heritage and archaeological interests, to include: detailed plans of the mineral veins to be worked; the fenced buffer zone to be applied at surface; the location of the adjoining SSSI and features of designated and non-designated archaeological interest; detailed methodology of underground extraction including underground backfilling and identification of buffer zones to be applied around features of archaeological/ landscape/ botanical importance; re-appraisal of the stand-off to be applied to the Bowl Barrow Scheduled Monument (in consultation with Historic England); and Implementation of the approved Programme of Archaeological work in accordance with a Written Scheme of Investigation – all prior to any resumption of underground working,**
- **Output and assay analyses of underground mineral (in the event that Watersaw Mine recommences).**
- **Geological and geotechnical reporting, including regular reporting of condition of RUPP adjacent to Bow Rake/High Rake and annual submissions of geotechnical reports for Watersaw should underground operations re-commence.**
- **Site access, visibility splays and lorry routing as per submitted details.**
- **Watersaw Mine: no mining activity to take place until a Transport Management Plan or method statement has been submitted and approved in consultation with the Local Highway Authority. The approved plan/statement shall be adhered to throughout the mining period and shall include a programme of pre-commencement and regular surveys of affected public highways, including Rights of Way, and any necessary remedial works that may be required as a direct result of the mining activity traffic, routes for mining activity traffic, method of prevention of debris being carried onto the highway, pedestrian/ cyclist/ equestrian protection, proposed temporary traffic restrictions and arrangements for turning vehicles**
- **Surfacing and parking areas.**
- **No equipment, plant or vehicles to be stored/parked in the Watersaw Mine compound other than those used in carrying out the approved development.**
- **No vehicles, plant or equipment with a height exceeding 6.5m to be stored within the Watersaw Mine compound.**
- **Drainage control / control of the rate of surface water from the site.**

- **No discharge of foul or contaminated surface water or trade effluent.**
- **Vehicle maintenance only on impermeable areas.**
- **Control of storage of oils, fuels, chemicals.**
- **Vehicle cleaning.**
- **Numbers and timing of vehicles limitation – maintain existing limits of 154 (77 in / 77 Out).**
- **Limitation on vehicle numbers carrying secondary limestone arising from Watersaw Mine (should underground mining recommence).**
- **Maintenance in good condition of traffic warning signs for users of the PROW network and haulage operatives for the duration of the development.**
- **Lorry sheeting (control of dust) in the event of any limestone being removed from within Watersaw mine.**
- **Restriction of permitted development rights.**
- **Interim restoration scheme for the Watersaw mine compound providing for the implementation of works at an early stage of the development, to include identification of redundant buildings / plant to be removed (clarifying those which need to remain) and interim measures to reduce visual impact.**
- **Scheme for control and maintenance of external appearance of buildings/plant, including within the Watersaw Mine compound, maintenance of Goosewing Grey colour on external surfaces of retained mine buildings, and replacement cladding/sheeting as necessary .Hours of working – maintain as per existing permission.**
- **Soil management – identify any existing soil resources across site.**
- **Waste for restoration limited to tailings arising from Cavendish Mill processing plant or host limestone rock from Bow Rake/High Rake.**
- **No mineral processing on site.**
- **No retailing.**
- **No floodlighting.**
- **Fencing.**
- **Implementation of an approved dust emissions monitoring scheme to include the number and location of dust monitoring gauge points, frequency of monitoring and presentation of results, and dust deposit threshold monitoring .Dust management / mitigation measures to reduce dust generation, including provision and use of water bowsers, the EHO requirements to dampen down internal site roads and storage heaps, and response measures if dust deposition exceeds defined trigger levels including if necessary temporary cessation of operations.**
- **Noise levels per existing consent except that a lower limit of 42 dB be imposed between the hours of 22:00 and 06:00 hours and an appropriate night time limit in connection with Watersaw operations should they resume.**
- **Noise minimisation measures to include (inter-alia)use of silencers, restriction of reversing bleepers, regular maintenance of plant and machinery (including bearings lubrication and integrity of silencers), operatives to avoid misuse of equipment and tools and be sensitive to the proximity of dwellings, avoidance where practicable of two or more noisy operations undertaken simultaneously in close proximity to the same sensitive receptor(s), adherence to working hours, avoid revving of engines, engines not to be left idle, switching off plant when not in use.**
- **Blasting – limited to underground operations only, or restoration blasting. Blast monitoring scheme for underground extraction and restoration blasting including blast monitoring locations, frequency of monitoring, equipment to be used and procedures to be adopted if vibration exceeds the limits imposed**
- **Existing controls on blasting times and audible warnings.**
- **Protection of surface and ground water, safe storage fuels, oils etc.**
- **Visual impact – limitations on mobile plant parking.**

- **Safeguarding of Scheduled Monument No. NHLE No. 1,010,801 with buffer zone.**
- **Notification of geological/speleological interest.**
- **No underground working beneath Longstone Moor SSSI without prior notification to, and approval in advance from, the MPA in conjunction with Natural England.**
- **A Wildlife Mitigation Scheme for measures to protect from harm and minimise or avoid disturbance to species and habitats, incorporating a Precautionary Working Method Statement (PWMS) with Reasonable Avoidance Measures for protected species, to include strategies to reduce impacts upon breeding / nesting birds and mitigation methodologies to protect Great Crested Newts and reptiles (including bird and newt refuge and reptile survey(s) immediately prior to commencement / resumption of each working period with provision to delay work when present for protection procedures), detailed bat swarming surveys and impact assessment on breeding/hibernating bats at the mine to inform mitigation prior to recommencement of operations at the mine, to be submitted for approval and brought into effect prior to the recommencing the infilling and re-profiling of Bow Rake / High Rake.**
- **Landscaping – protection of existing trees, hedgerows etc. Submission for approval and implementation of a Landscape and Ecological Management Plan (LEMP) / Habitat Management Plan (to include evaluation of features to be managed, ecological trends and constraints, management objectives, and a detailed work schedule of management actions) covering the 20 year infill period and statutory five year aftercare period thereafter.**
- **Implementation of the approved aftercare programmes for Deep Rake and Arthurton West.**
- **Implementation of the approved restoration schemes for Longstone Moor/ Watersaw Rake, Coombes Dale and Sallet Hole, Strawberry Vein haul road.**
- **Submission of detailed restoration and aftercare schemes for Bow Rake/High Rake, based upon the revised scheme / Restoration and Aftercare Management Plan submitted with this application within 6 months of approval date.**
- **Implementation of approved restoration and 10 year period aftercare schemes on Bow Rake/High Rake and Strawberry Vein haul road. All plant, machinery, hardstandings, buildings, foundations to be removed from site, removal of the Watersaw Mine compound, and restoration of the compound to approved levels, on or before 30 Nov 2035, whichever is sooner.**

2. **That authority be delegated to the Head of Development Management and the Head of Law jointly to determine the details of the section 106 legal agreement.**

3. **That authority be delegated to the Head of Development Management to approve the final details of the conditions.**

4. **That authority be delegated to the Head of Law to issue a revocation order(s) in relation to the previous planning permission(s) NP/DDD/0804/0947, NP/DDD/0804/0946, and NP/DDD/0805/0818 described at above.**

Key Issues

- Whether the proposed extended 20 year timescale to 2035 within which to complete the restoration of the remaining opencast void on Longstone Edge is justifiable, reasonable and acceptable, and realistically relates to the anticipated life of Milldam and Watersaw Mines and Cavendish Mill.

- Whether the environmental impacts arising from the continued restoration programme

on Bow Rake/High Rake can be adequately minimised, or mitigated for, and properly controlled for the duration of the development.

- Whether the revised restoration scheme for Bow Rake/High Rake is acceptable on environmental grounds, particularly from a visual amenity and landscape impact perspective.

- Whether the environmental impacts arising from the possible resumption and continuation of underground mineral working in Watersaw Mine can be appropriately and adequately mitigated without detriment to the setting and integrity of the Longstone Moor SSSI and Scheduled Monuments.

Planning History

The relevant planning history relating to this application site is summarised below:

Longstone Edge West:

2002	Refusal notice Code No: DDD0902482 for the opencast extraction of fluorspar and vein mineralisation, Arthurton West.
1949 to 1978	Several former planning permissions since revoked.
March 2004	Planning permission Code No: NP/DDD/1100/0473 granted to Glebe Mines Ltd for the opencast and underground extraction of vein mineralisation, including crushing and sale of limestone, import of processed mineral waste tailings for restoration, surrender of consented area, variation of conditions and small extension area. This 'consolidating permission' was granted on the basis that it would replace the former planning permissions (dating between 1949 and 1978) rather than following the initial review procedure under Schedule 13 to Section 96 of the Environment Act 1995. .
September 2006	Planning permission Code No: NP/DDD/0804/0946 granted to Glebe Mines Ltd for the extraction of fluorspar and associated vein mineralisation in Arthurton West Extension by opencast methods, progressive restoration with tailings from Cavendish Mill and importation of stone from Bow Rake/High Rake over a three year period. Exportation of stone to Arthurton West to be used as backfill material to avoid spoil heaps and to secure early restoration of Arthurton West. [Although granted planning permission separately, the red line area of Arthurton West Extension lies wholly with the consolidated permission area].
September 2006	Linked to NP/DDD/0804/0946, planning permission Code No: NP/DDD/0804/0947 granted to Glebe Mines Ltd for variation to the 2004 consolidating permission to allow for continued fluorspar and limited limestone extraction and to facilitate restoration of the Arthurton West using stone from Bow Rake/High Rake.
June 2007	Planning permission Code No: NP/DDD/0805/0818 granted for surface facilities for Watersaw mine and vehicle maintenance depot for Longstone Edge opencast operations. Permission expiration date 30 November 2015 pending a decision on this application.

Extraction has ceased in all opencast areas and no underground working has taken place in Watersaw Mine for over 10 years. Restoration has been completed on all opencast areas within the consolidated permission, except for Bow Rake/High Rake. With the exception of The Beeches (where the land is out of aftercare) and Strawberry Vein haul road (which remains in use), all former operational areas are now in various stages of aftercare. The separately consented Arthurton West Extension has also been restored in line with approved

plans and is now within the aftercare period.

Longstone Edge East:

The application area excludes the former mineral interests covering a large part of Longstone Edge East, including Backdale Quarry and Wagers Flat, which were part of a separate application under the Environment Act 1995 and subsequently became the subject of lengthy legal proceedings, now resolved through the Prohibition Order which was confirmed by the Secretary of State and imposes restoration requirements. There is no need to refer to those sites further in this report.

Consultations

Derbyshire County Council (Local Highways Authority):

First response: The extension of time to restore the site is acceptable in principle from a highways viewpoint. The Transport Statement indicates that the levels of traffic will reduce over currently approved levels, albeit for a significant period of time.

Note that in respect of application NP/DDD/0804/0947 there were no highway objections on the basis that material transfer was via internal private haul routes and the original plans appear to indicate an 'underground haul route'. Condition no 25 on the consent for the above application referred to vehicular access being via haul roads as marked on plan LE2 of NP/DDD/1100/0473, which I have been unable to find a copy of, therefore seek clarification as to whether this is a change to the current authorised situation.

Consider that it would be advisable for the applicant to undertake a pre-commencement survey of the condition of the surrounding highway network with a representative of the Highway Authority and further regular surveys to identify any subsequent repairs that may be necessary as a result of heavy quarry traffic using roads. There is also potential that accelerated deterioration of the highway resulting from the haulage operations may prove prejudicial to highway safety during the period of the works. Consider that the applicant enters into a section 106 agreement to agree a mechanism for funding and undertaking routine and emergency repairs as necessary (*Officer Note*: there are provisions under the section 59 of the Highways Act 1980 for the '*recovery of expenses due to extraordinary traffic'*) Subject to this and the inclusion of suitably worded conditions to restrict traffic levels as described, would not want to raise any further highway comments.

Second response (following clarification of routeing arrangements): Initial concerns were that the use of internal haul routes appeared to be stopping, with adopted highways being used instead – however, if this is not the case, and the internal haul road arrangement is to continue as existing, with no increase in permitted vehicle numbers, would not wish to raise a highway objection.

Third response: There are no objections to the continued transportation of the tailings, on the basis that there will be no increase in HGV traffic and subject to the previous highway related conditions being reiterated. With regard to the re-introduction of Watersaw Mine, again I would raise no objection on the basis of no increase in overall HGV traffic, but would request that a 'Transport Management Plan' is sought from the applicant to enable any future associated traffic to be best managed. I recommend the imposition of a suitable condition.

Derbyshire County Council (Planning and Monitoring): Application raises no issues or concerns of strategic planning or minerals and waste planning importance.

Derbyshire Dales District Council (Environmental Health): No objection to the extension, given the existing conditions are ported over and Wardell's recommendations are adopted.

Great Longstone Parish Council: Agree in principle with the application, however,

permission should be given to extend the period of restoration by 10 years, not 20 years.

Rowland Parish Meeting: As residents of the closest village to the site, feel that an extension of 20 years is excessive. As restoration will clearly not be achieved by November 2015, would like the PDNPA to consider an extension of between five and ten years, thus restoration would be completed by November 2025 at the latest. Feel that the 20 year timeframe puts insufficient pressure on BFL and their agents to complete restoration in a timely manner.

Environment Agency: No objections to the proposed development but have requested the retention of existing conditions 60, 61, 62 and 63 in respect of operations at the site to ensure the site has adequate infrastructure and control regarding potentially polluting discharges to groundwater. In this instance, the deposit of waste onto land, whether for restoration or another purpose, requires an environmental permit. Had requested additional information on pollution control systems, groundwater quality data, a hydrogeological conceptual model and a hydrogeological risk assessment.

[Officer Note: Officers sought updated information from the EA about the permit application in June 2016. In response, the EA confirmed that they had received the information requested and had assessed it accordingly. As of October 2017, an Environmental permit had been issued to BFL hereby enabling them to proceed with the development should planning permission be forthcoming. On 15 February 2018 the Agency confirmed that they had issued Environmental permit reference EPR/PB3839AU for this activity.

Historic England: Do not wish to comment in detail, but refer to the advice of the Authority's historic environment team in coming to appropriate conditions and matters for submission of further detailing should the Authority be minded to grant consent.

Natural England:

First response September 2015:

Internationally and nationally designated sites: The application site is within or in close proximity to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Peak District Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the Coombes Dale Site of Special Scientific Interest (SSSI). In considering this interest, Natural England advises that the NPA should have regard for any potential impacts that a project may have.

The consultation documents do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

(i) the proposal is not necessary for the management of the European site;
(ii) that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects: As the footprint of the quarry has not changed, and this project relates to variations in working within the existing area, there should be no impact on the designated sites over and above that already considered in previous applications.

[Officer note: The ES includes a Habitats Regulations Assessment (HRA), which concludes

that the proposed development has been assessed as being highly unlikely to have a significant negative effect upon the designated sites, either in isolation or in combination with relevant plans and projects within the Peak District National Park. In compliance with the Habitats Regulations your officers have produced a further HRA for this Authority as the 'competent authority' and this is the subject of a separate report to this Committee].

This application is in close proximity to Longstone Moor and Coombes Dale Sites of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that the SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Other advice: We would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application, including local sites (biodiversity and geodiversity); local landscape character; and local or national biodiversity priority habitats and species.

Landscape: Natural England has assessed this application in terms of landscape and makes no specific comments, except to state that advice should be sought from landscape specialists within the Authority.

Protected Species: Refers to Natural England's Standing Advice on protected species.

Biodiversity Enhancements: The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

Second response February 2018:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection.
European sites – Peak District Dales Special Area of Conservation**:** Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Peak District Dales Special Area of Conservation and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision: "*It is unlikely to have significant effect on any European site and can therefore be screened out from any requirement for further assessment".*

Longstone Moor and Coombs Dale Site of Special Scientific Interest: Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes – Peak District National Park: The proposed development is for a site within or close to a nationally designated landscape namely The Peak District National Park. Provides advice about using national and local policies, and local landscape expertise and

information to determine the proposal. Refers to paragraph 115 (highest status of protection for the 'landscape and scenic beauty') and paragraph 116 (criteria to determine whether the development should exceptionally be permitted within the designated landscape) of the National Planning Policy Framework; and landscape policies in the development plan. Comments that the Authority's landscape advisor will be best placed to provide advice about the site and its wider landscape setting, which with the objectives of the management plan, will be a valuable contribution to the planning decision. Refers to the Landscape Character Assessment and need to prevent significant impact on or harm to the statutory purposes of the National Park.

Health & Safety Executive, Severn Trent Water, and Central Networks East: No responses received.

PDNPA Ecology: No objections. The majority of species and habitats are located outside of the proposed working area and are therefore considered unlikely to be directly affected by the works and therefore only the key ecological receptors are considered within the scope of the ES.

The proposed restoration works will predominantly consist of backfilling and re-profiling within the current quarry void (Bow Rake/High Rake), the vegetation will then be allowed to naturally regenerate and be managed as grazing in the long term. These works may potentially impact habitats used by great crested newts, the ES recommends that works should be undertaken using reasonable avoidance measures as part of a precautionary working method statement (PWMS). The proposed mitigation methodologies included within the ES are deemed appropriate for the works and should be conditioned as part of a PWMS, to be submitted to the PDNPA for approval. These methodologies should also be applied to reptile species which utilise similar terrestrial habitat to GCN.

Nesting birds may be impacted by proposed restoration activities; the ES outlines proposed strategies to potentially reduce negative impacts upon nesting bird species, the proposals should be incorporated into a suitable method statement to be conditioned as part of any grant of planning permission for the site.

In summary, recommend that the proposed reasonable avoidance measures for amphibians, reptiles and nesting birds be incorporated into a precautionary working method statement and submitted to the PDNPA for approval.

The proposed restoration works are to be developed over a 10-20 year period and predominantly involve natural regeneration; it is therefore recommended that a landscape ecological management plan (LEMP) be developed for the site. This document should be adapted over time to reflect the needs/pressures within the management regimes on site, for example should lack of suitable material be available or natural regeneration unsuccessful.

Habitat regeneration may be aided by local seed collection using local donor sites, no fertilisers should be used to treat the soil materials and weed control should be undertaken in consultation with the PDNPA. Monitoring will need to be undertaken to ensure that regeneration is effective, the predominant material will be the filter press tailings (fine sediment) and it may require additional material of a larger size to enable successful colonisation by plants and grasses. Exposed rock surfaces will be left on site which may be utilised by corvids and peregrine as potential nesting/perching sites.

The rate at which the proposed backfilling works take place is determined by the availability of tailing material and therefore it is not clear how reliable this input will be in completing the finished landform on site, given the current level of fill on site.

The proposed continuation of underground mine works at Watersaw Mine is a continuation of an activity already permitted at the site and the level of activity along with the suggested mitigation measures is unlikely to have a significant impact upon the habitats and species

known to occur outside of the working areas.

Given the hazardous nature of the site fencing should be used to secure the site, following habitat creation works it may be appropriate to allow access to the site, details of which should be discussed with the PDNPA.

Annual monitoring of the site post restoration should be undertaken, the nature of which is to be agreed with the PDNPA and carried out by a suitably qualified ecologist, generally in June or July, to enable identification of a range of species.

Suggested conditions covering:

1. Submission of a landscape and ecological management plan (LEMP);
2. Submission of a Precautionary Working Method Statement (PWMS) detailing the range of mitigation and compensation measures to address the impact of the development on protected species (birds, GCN, reptiles);
3. Submission of a Habitat Management Plan;
4. No removal of vegetation that may be used by breeding birds to take place between 1st March and 31st August inclusive, unless detailed check of vegetation for active birds' nests undertaken immediately before the vegetation clearance.

PDNPA Archaeology: The application includes the removal of condition 69, which relates to protective fencing during the works at the Beeches. Understand that the works at the Beeches are now complete, including all restoration and aftercare, and therefore there is no reason to carry this condition forward on to any future consent.

The other archaeological conditions attached to the decision notice (conditions 66, 67, 68 and 70) should be carried forward into the new consent. Request that condition 67 is slightly amended to reflect the updated identifier for the Scheduled Monument in question, this is now NHLE No. 1010801 – Bowl Barrow on Longstone Moor.

PDNPA Landscape: No landscape objections. Recommend that there is a quarterly review to assess progress on filling the site.

Representations

British Mountaineering Council: Concerned about impact on landscape and length of 20 year period sought for restoration. Would like consideration to be given to a much lower level restoration with higher faces left exposed.

Planning Policies and Legislation

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise [s.38 (6) of the Planning and Compulsory Purchase Act 2004]. The proposal constitutes mineral development, the nature, scale and scope of which has been categorised as 'major' development.

National Planning Policy Framework (NPPF)

The Government's NPPF policies for England (27 March 2012) and Minerals Planning Practice Guidance (MPPG, updated 17 October 2014) are material considerations.

As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the Framework indicate that development should be restricted in National Parks.

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. It points out (footnote 25) that further guidance and information, including explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010.
For minerals specifically, the NPPF (paragraph 144) states that when determining planning applications local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks;
- ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards

Peak District National Park Development Plan

The National Park Development Plan comprises the **Peak District National Park Local Development Framework Core Strategy** (adopted October 2011) and saved policies in the **Peak District National Park Local Plan** (2001) *(being replaced by emerging policies in a Development Management Policies Development Plan Document and Proposals Map)*.

The Core Strategy provides the spatial planning expression of the **National Park Management Plan (NPMP)** (2012 – 2017 under review): It provides for conservation and enhancement of the landscape, biodiversity, tranquillity, cultural heritage, recreation and settlement, supports economic development but seeks reduction in the adverse impact of mineral operations.

The Development Plan policies are the primary policies for determining this application but their relationship to the NPPF has been considered and there is nothing in that which overrides or conflicts with the locally specific relevant policies.

The merits of the proposals have been assessed against relevant Development Plan policies and other material considerations as follows:

Relevant Core Strategy (2011) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, MIN1, MIN2, MIN4, CC1, CC3, T1, T6.

Relevant Local Plan (2001) 'Saved' policies: LM1, LM9, LC1,LC6, LC9, LC16, LC17, LC19, LT9.

The Core Strategy general spatial policies relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. Policy GSP1 states that, in securing national park purposes, major development should not take place within the National Park other than in exceptional circumstances; that major development will only be permitted following rigorous consideration of the criteria in national policy; and that where such a proposal can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

Policy DS1 seeks to direct development to the most sustainable locations based on a range of criteria. In all settlements, and in the countryside outside the Natural Zone, the policy specifies developments that are acceptable in principle, which includes mineral working. However, principle must be considered in relation to other relevant and specific core polices of the plan.

Core Strategy policy MIN 1(A) states that proposals for new mineral extraction or extensions to existing mineral operations will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy. The second part of policy MIN1 is concerned with effective, high quality and timely restoration and requires new minerals proposals to have restoration schemes that will contribute to the spatial outcomes of the Development Plan, focusing mainly (but not exclusively) on amenity (nature conservation) afteruses rather than agriculture or forestry. Restoration schemes should include a combination of wildlife and landscape enhancement, recreation, and recognition of cultural heritage and industrial archaeological features.

Core Strategy policy MIN 2 is concerned with fluorspar proposals, where there is a support for underground working of fluorspar ore where economically workable deposits have been proven in advance, provided the environmental impacts arising from such development can be appropriately mitigated. The policy specifically references Watersaw Mine and Milldam Mine as included in this category. The policy also addresses waste tailings arising from the fluorspar processing industry, where there is support for the recycling tailings from lagoons where the environmental impact can be appropriately mitigated.

Core Strategy Policy MIN4 safeguards from sterilisation by non-mineral surface development the mineralised vein structures in Watersaw Mine (and Milldam Mine).

Collectively, detailed Core Strategy policies exist in relation to landscape, biodiversity and cultural heritage (L1, L2 and L3), whereby if a development proposal is likely to have negative impacts on these special qualities then the development should be refused. Development must conserve and enhance valued landscape character, sites, features or species of biodiversity importance, and where appropriate enhance or reveal the significance of archaeological, architectural, artistic or historic assets and their settings. Similarly, Local Plan policies LC16, LC17, LC18 and LC19 collectively refer to the protection of archaeological sites and features; site features or species of wildlife, geological or geomorphological importance; and safeguarding and enhancing nature conservation interests. All seek to avoid unnecessary damage and to ensure enhancement where possible.

Natural Zone areas are protected by Local Plan policy LC1 which specifies exceptional circumstances for development (in the national interest, management of the zone or conservation or enhancement of valued characteristics) and the need to minimise detrimental effects.

Core Strategy policy CC1 seeks to build in resilience to, and mitigate the effects of, climate change and requires all development to make the most efficient and sustainable use of land, buildings and resources.

Core Strategy policy CC3 states a number of principles for waste management, including that: waste must be managed sustainably through promotion of the waste hierarchy; new, expanded or replacement large scale facilities will not be permitted; and the Authority will

require the appropriate restoration and after-use of waste sites so that they can contribute to the recreation and biodiversity value of the National Park.

Core Strategy policy T1 is applicable to all modes of transport; it encourages sustainable transport and states that conserving and enhancing the National Park's valued characteristics will be the primary criterion in the planning and design of transport and its management, and the impacts of traffic within environmentally sensitive locations will be minimised.

Core Strategy policy T6 requires that the rights of way network will be safeguarded from development and, wherever appropriate, enhanced to improve connectivity, accessibility and access to transport interchanges. Where a development proposal affects a right of way every effort will be made to accommodate the definitive route or provide an equally good or better alternative.

Assessment (Set against Policies and Principles)

Assessment for Sustainable Development

The NPPF (para.197) says planning authorities should apply the presumption in favour of sustainable development. Given "imperative need" for sustainable and environmentally sound development (Resolution 42/187 United Nations General Assembly), Development Plan and NPPF guidelines, the application has been assessed for sustainable development within guiding principles in the UK Sustainable Development Strategy 'Securing the Future' (2005) updated by 'Governing for the Future: The opportunities for mainstreaming sustainable development' (2011). The NPPF requires planning authorities to work proactively with applicants to secure developments that improve economic, social and environmental conditions. Negotiations have sought to ensure that this application offers sustainable development with respect for local distinctiveness and net environmental benefits.

Core Strategy policies for sustainable development requires clear justification for new development. A vigorous assessment of the application against the policy framework has been undertaken within the context of sustainability to conserve and enhance valued characteristics of the locality and National Park purposes.

Assessment for Exceptional Circumstances

The criteria in policies GSP1 and MIN1 that major development in the National Park should not take place other than in exceptional circumstances, are reflected in paragraph 116 of the NPPF, which states that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

Therefore in considering policies GSP1 and MIN1 and the tests of major development the three key areas of need, alternatives and effect on the environment are now considered together with an assessment as to whether exceptional circumstances exist to permit the development. Additionally, conformity with other relevant detailed Development Plan policies is included in the assessment, alongside national policies set out in the NPPF;

Major development test (i) Need for the development

The applicant states that they require this development since it is an integral component of their overall fluorspar business. While ever the company generate fluorspar ore, the processing of that ore will generate waste tailings that need to be dealt with, and the remaining void on Longstone Edge provides that ongoing capacity. As explained earlier in this report, although there have been technological advances made at Cavendish Mill with respect to the moisture content of the tailings, resulting in the effective redundancy of Blakedon Hollow (TD4) for tailings disposal, waste tailings are still produced but in a drier form. The applicant states a continuing need to have a repository in which to place the tailings and, with the completion of infilling works on TD4, which has now reached final approved levels and is in restoration, the remaining void at Bow Rake/High Rake on Longstone Edge provides that capacity. In taking this approach, the placement of waste tailings into the worked-out void contributes to the progressive restoration scheme to create a landform which is considered to offer greater benefits than if it were left in its current unrestored state.

The applicant has spent several years working with the Environment Agency (EA) in securing a waste permit to allow them to deposit waste tailings in the void at Bow Rake/High Rake. That has been a separate regulatory process from planning, with the EA's focus looking closely at the physical and chemical make-up of the tailings, making a detailed assessment as to their suitability for restoration purposes and investigating any potential impacts on the environment from depositing the tailings in the void. The permit was eventually secured in October 2017. With that now in place, the applicant is keen to secure planning permission to allow them to undertake the development in the manner set out in their EA permit application.

The revised restoration scheme would provide a slightly lower profile with more of the former quarry faces left in place. This has not attracted objection from the Authority's landscape architect. The proposal is considered to be consistent with the restoration objectives within part B of Core Strategy policy MIN1 and with the policy direction for restoration of minerals sites as set out in the NPPF, notwithstanding that it is behind schedule in terms of completion date.

There is a need that mineral sites are restored in order to mitigate their impacts in the long term. This proposal does however, have a landscape impact over the long term by virtue of the length of time it is proposed to restore the site over. Infill material to secure restoration in less time (as proposed by some consultees) is not available and therefore this is not a possibility. The representation from the BMC referred to the possibility that there could be a radical change to the restoration levels, identifying that one option could be to leave the levels as they are, effectively with very high faces particularly along the northern boundary of High Rake, and thereby not requiring any further imports of material. Whilst this would secure the early restoration of the site, it is unclear whether this would be acceptable in landscape and stability terms. Importantly, this is not what the application proposes, therefore no weight can be properly afforded to this alternative. Moreover, in terms of the ongoing fluorspar business, if the restoration of Bow Rake/High Rake involved no further importation of material, then that would have other impacts in terms of disposal of the tailings waste as set out in the Alternatives section below.

An assessment of the impact of permitting or refusing the application on the local economy is not explicitly covered in the application. The fluorspar business based at Cavendish Mill has, over the last few years, been consolidated to streamline the activities of the operation. This has resulted in smaller workforce.

The element of the application concerned with underground working of fluorspar at Watersaw is in conformity with Core Strategy policy MIN2 insofar as there is 'in principle' policy support for this method of working as fluorspar is nationally required and other sources are not available in the UK, provided the environmental impacts can be appropriately mitigated – this is dealt with in detail under the third strand of the exceptional circumstances test further on in

this report.

Major development test (ii) Alternatives

The EIA regulations require that an outline of the main alternatives studied by the applicant should be included in the Environmental Statement (ES). Practically, there are very limited alternative options open to the applicant company. However, the ES does address this point and discusses the 'business as usual' or 'do nothing' scenario as compared to the outcome arising if the proposal is granted approval.

The 'do nothing' option is similar in scope to the scenario set out in the BMC letter of representation. This would mean that the last remaining opencast site on Longstone Edge was unrestored, which, considering the lengthy period over which opencast extraction has taken place on Longstone Edge, officers believe is not the right approach to take. Aside from giving a legacy of an unrestored site on a prominent position astride Longstone Edge, and resulting in a position where there was non-compliance with the existing planning permission's requirement to restore the site, it would also, practically and commercially, make little sense to the applicant company to take this position. As previously stated, the remaining void space at Bow Rake/High Rake acts as an important repository for the waste tailings. Without it, the company would face significant costs in having the material temporarily stored at Cavendish Mill and then taken off site by an authorised waste carrier (with the traffic movements out of the NP that this would generate). This would have impacts on the applicant's business costs and would also have impacts on the National Park in terms of the additional vehicle movements and the landscape impact of the high quarry faces which would be left exposed in perpetuity.

The other alternative open to the applicant in this scenario would be to seek a new location for a tailings tip or dam. However, this would raise significant planning issues for the Authority, not least in terms of landscape and visual amenity, and would effectively render useless the extensive negotiations the company have had with the Environment Agency in regards to their waste permit. This is therefore an alternative which can be discounted.

A further issue raised by the applicant concerning the 'do nothing' scenario is that the majority of the slopes and tip areas in the quarry have been identified as significant hazards due to the height of the faces typically being greater than 15m. On health and safety grounds the 'do nothing' alternative does not adequately address this issue.

On a similar level, the consultation responses from Great Longstone Parish Council and Rowland Parish Meeting suggest their general support for the proposal but subject to the development being undertaken in a shorter period than that proposed. As previously stated, the infilling rate for the project is entirely driven by the rate at which tailings are produced at Cavendish Mill, which in turn is driven by the rate at which ore is fed into the processing facility. The estimated 20 year timeframe is based upon a certain level of output from Milldam Mine, although currently this is only consented until 31 December 2028 and is the only source of fluorspar ore. Given the uncertainties surrounding Watersaw Mine, the applicant has indicated that the figures do not take account of an increased ore feed rate arising from Watersaw coming on stream, but they have indicated that the mill does have additional capacity to cope with such an increase if that scenario occurs. This would then increase the rate of tailings production, and, subject to maintaining traffic movements within conditional limits, would speed up the restoration programme. However, such calculations have not been presented in the application.

There are tailings which have been deposited in Blakedon Hollow and Tailings Dams 1, 2 & 3, which could theoretically be moved to Bow Rake/High Rake to achieve restoration in less than the 20 years proposed. However, we cannot require that the applicant uses this material, particularly as the tailings dams have approved restoration and aftercare schemes which have been implemented and the removal of material from these structures would render the tailings dams non-compliant with those schemes.

Major Development Test (iii) Effects on the Environment, Landscape and Recreational Opportunities

Having assessed the case for need, and availability and consideration of alternatives, the third strand of the major development/exceptional circumstances test that needs to be addressed is the effect of the proposal on the environment, landscape and recreational opportunities. This section is sub-divided into several key impact areas, each providing a summary as to the effects of the proposal and whether those effects can be appropriately mitigated. Reference is made to pertinent development plan policies and relevant sections of the NPPF.

Biodiversity and Ecology

The ES includes an ecology section which incorporates a number of individual ecological reports from surveys undertaken in 2104/2015. The baseline ecological conditions are described and ecological receptors identified and evaluated. Potential impacts arising from the development have been quantified in terms of their significance and resultant mitigation measures proposed. The majority of species and habitats are located outside of the proposed working areas and are considered unlikely to be directly affected by the works, therefore only the key ecological receptors are considered within the detailed scope of the ES.
There is a mosaic of different habitats within the site, much of which falls within or close to designated areas: The Longstone Moor Site of Special Scientific Interest (SSSI) encompasses the limestone heath at the western end of Longstone Edge and is designated for its biological interest. The Coombs Dale SSSI is located less than 0.5 km to the north of the north-eastern end of the site and includes the steeply sided dale sides of Rough Side and Coombs Dale. Coombs Dale is also included in the Peak District Dales Special Area of Conservation (SAC) because it contains species and habitat types that are rare or threatened within a European context; the boundary of the SAC along Coombsdale abuts the north-eastern boundary of the application area. To the west there are other designated areas: the Wye Valley and Cressbrook Dale SSSIs, both of which fall partly with the Peak District Dales SAC, with another part of Cressbrook Dale also within the Peak District Dales Woodlands SAC.

Predominantly the site area encompasses agricultural fields consisting of a mix of semi-improved acid grassland and improved grassland, but other habitats include dry heath moorland, marshy grassland, plantation woodland, broadleaved semi-natural woodland, exposed rock faces, dry stone walls, scattered scrub, road verges, ponds and restored quarry areas. A National Vegetation Classification (NVC) survey was conducted within the grassland and moorland habitats to assess conservation value and to inform restoration proposals.

A summary of the main ecological interests and potential impacts thereon arising from the proposal and an assessment of the proposed mitigation measures is presented below.

Birds: The quarry offers good quality hunting habitat and Peregrine was identified as a possible opportune breeding bird within the site, although no breeding was recorded in 2015. Raven and jackdaw were identified as being present within the quarry. The proposed restoration works would see a gradual infilling of the existing quarry void of Bow Rake/High Rake resulting in the loss of potentially suitable habitat. However, the proposed final levels would retain some exposed cliff habitat (up to 15m high) along the northern and southern perimeters, therefore a proportion of potential nesting/perching habitat would be retained.

The breeding bird surveys confirm the presence of a number of other species in the surrounding habitat mosaics. The proposed backfilling and underground works are unlikely to affect these birds outside of the main quarry, but nesting birds within the site may be impacted by the proposed restoration activities. The ES outlines strategies to potentially reduce negative impacts upon nesting bird species. The Authority's ecologist recommends that the strategies be incorporated into a suitable working method statement to be conditioned as part of any grant of planning permission for the development. Additional safeguards could be put in place through a condition to prevent work being undertaken during more sensitive periods

without checks having been carried out in advance to determine the presence or absence of breeding birds, which would then govern whether and how works could commence.

Amphibians: Great crested newts (GCN) and common amphibian species were recorded within 500 metres of the site. Of the 24 ponds surveyed, 12 contained GCN, therefore it is likely that the site supports a meta-population of the species. No ponds will be lost as part of the works although the ES states that the works would have a moderate negative impact at the district value. The infilling and re-profiling works may potentially impact GCN habitats; accordingly the ES recommends that works should be undertaken using reasonable avoidance measures as part of a precautionary working method statement (PWMS). These mitigation methodologies would include briefing of site operatives by licenced ecologists and on site searches for any potential refuges immediately prior to commencement of each working period. The proposed methodologies are deemed appropriate by the Authority's ecologist ubject to a condition requiring a PWMS to be submitted to the PDNPA for approval and bringing into effect prior to the re-commencement of infilling and re-profiling works. The PWMS should include reference to what Reasonable Avoidance Measures (RAMs) need to be taken whilst undertaking the backfilling and re-profiling works, taking account of timing, licencing and supervision, and dissemination to site operatives.

Reptiles: It is also recommended that these methodologies also be applied to reptile species which utilise similar terrestrial habitat to GCN. Common lizards were recorded within the wider survey area but outside of the proposed working areas, therefore these habitats will not be directly impacted by the proposed works. It is anticipated that the restoration scheme will provide additional habitat area on previous poor quality habitat, and that with the implementation of the PWMS, in combination with review and regular monitoring of the restoration programme, suitable reptile and GCN habitat will be increased in the long term.

Bats: Bow Rake/High Rake was identified as having low numbers of bat species, the majority either foraging or commuting. No roosts were identified within the site and therefore the proposed infilling and re-profiling restoration works are unlikely to impact bat species. However, Watersaw Mine was identified as having the potential to be used as a winter hibernation roost for bats. However, swarming surveys found no evidence of bat usage. Although no bat roosts were recorded during the summer season, the structure is considered likely to provide suitable autumn breeding/winter hibernation roosts. The applicant proposes that in order to fully assess the potential for the mine to be used by breeding bats establishing winter hibernation roosts, detailed swarming surveys should be undertaken at the appropriate time of year. The results from that survey will then allow a detailed impact assessment of the proposed works on breeding/hibernating bats to inform any necessary mitigation requirements. In view of the uncertainty over whether the applicant will re-commence working at Watersaw Mine, it is considered that this requirement could be adequately conditioned as a submission prior to the commencement of any development undertaken within the mine. This approach is deemed acceptable by the Authority's ecologist.

Invertebrates: Notable species recorded during the surveys included Grizzled Skipper, Wall Brown and Small Heath, all listed as species of principal importance, as well as a good number and range of other species. The ES identified that the proposed operational works will not impact important habitat areas identified in the butterfly surveys, and restoration works will likely increase the availability of suitable habitat in the long term. Appropriate habitat creation for these species is expected to come about through the implementation of the proposed restoration programme, to include a range of grassland habitats with tall herbs to provide sheltered habitat, which is important given the exposed nature of much of the site. Regeneration of the restored quarry area of Bow Rake/High Rake has the potential to provide nectar-rich food plants such as birds-foot trefoil used by a range of butterfly species.

Habitat Impacts: Important habitats identified in the surveys include the nationally important limestone heathland forming part of Longstone Moor SSSI, as well as semi-improved grassland, scrub, semi-natural woodland and bare ground associated with the existing quarry/mine workings. The proposed underground works have the potential to cause collapse

of land within, or immediately adjacent to, the Longstone Moor SSSI. Whilst these would be pre-determined managed collapses, they would result in the loss of surface habitat. However, these losses would be localised in nature and would only result in minor changes to habitat and vegetation community characteristics. Another consideration is that the restoration of Bow Rake/High Rake quarry would result in the progressive loss of bare rock habitat as infilling and regrading are undertaken.

SSSI Protection and Mine Surface Reinstatement: With the re-insertion of existing conditions on a new grant of permission requiring prior notification of underground works extending into the SSSI area, and requirements for surface collapse infilling and restoration works in accordance with an appropriate scheme, it is considered that the development would not have irreparable impacts upon the protected site.

Quarry Restoration for Ecology: The final profiles and surface cover for the restoration of Bow Rake/High Rake quarry would potentially increase the current levels of grassland habitat within the site. Once restoration levels have been achieved, the site would be allowed to naturally regenerate and, subject to the level of vegetation re-establishment, be managed for grazing in the long term. The Authority's ecologist recommends that a programme of monitoring be put in place to ensure the regeneration is effective. Habitat re-generation may be aided by local seed collection using local donor sites, but the recommendation is that no fertilisers should be used, and weed control be undertaken in consultation with the PDNPA. This can be achieved through an annual programme of monitoring of the site during and post restoration, to be agreed with the PDNPA in advance. The ecological monitoring needs to be carried out by a suitably qualified ecologist in June or July, to identify a range of species, and the results reported to the Authority.

Since the predominant material would be the very fine filter press tailings there may be a need to review surface treatments and consider variations to the scheme to allow available limestone waste rock within the quarry to be blended in with the tailings to enable successful colonisation by plants and grasses. Some restoration blasting may be required to form the proposed profile, and this would also provide a limited amount of limestone for blending in for surface cover should the need arise.

The submitted Restoration and Aftercare Management Plan (RAMP) sets out in broad terms the aims of the restoration strategy and how it will be achieved, and an outline management plan spanning ten years, taking into account ecological objectives. However, the above matters should be incorporated into detailed restoration and aftercare schemes (based on the broad principles in the RAMP). Steps should be put in place within the approved scheme to allow for regular review through monitoring, and the specific aftercare requirements that will need to be put in place once the site has been restored to the satisfaction of the MPA.

Given that the proposed restoration works are proposed to continue over a long period, with an emphasis on natural regeneration, the Authority's ecologist has recommended that a landscape and ecological management plan (LEMP) be developed for the site. This would build upon the detailed restoration scheme, including all aspects of habitat creation and associated landscaping, with provision for regular reviews over time to ensure appropriate adaptations for optimum rehabilitation management (such as circumstances where there is a lack of suitable surface cover material on site or natural regeneration is unsuccessful). The LEMP should include a description and evaluation of features to be managed, ecological trends and constraints on site that might influence management, and it should set out the clear aims and objectives of management, with reference to a detailed work schedule of prescribed management actions.

It is recognised that the works to backfill and re-profile material to facilitate the restoration of Bow Rake/High Rake carries the risk of creating increased airborne dust which may then be deposited within grassland habitat. However, in view of the scale and slow progression of the proposed works it is not considered that dust settlement would exceed current levels of deposition, which are generally very low. In considering areas close to the workings, because

the fill material is derived relatively locally it is unlikely that the soil chemistry of the grassland habitats would be significantly impacted should deposition occur. The proposed measures for dust control and monitoring [see under 'Air Quality and Dust Control' later in this report] would ensure that where dust emissions elevate beyond a particular threshold level remedial action will be required. Due to the distance from the active works, it is not considered likely that dust emissions would negatively impact upon the various designated sites.

Conclusions on Biodiversity and Ecology: It is considered that whilst there will be some ecological impacts arising from the proposal, those impacts can be effectively minimised or mitigated through the implementation of schemes or working programmes and operational safeguarding; and that with these strategies in place, there would be no significant residual adverse effects on ecological receptors on site. It is therefore concluded that the development accords with the principles set out in Core Strategy policies L2 and MIN2, and with Local Plan policy LM17, through conserving and enhancing valued sites, features or species of biodiversity importance. The proposed restoration also contributes to the spatial outcomes of the Development Plan by focusing mainly on nature conservation afteruses, in compliance with CS policy MIN1 (B). In respect of impacts on biodiversity and ecology, the proposal is also in conformity with the NPPF since there will be no unacceptable adverse impacts on the natural environment.

Landscape and Visual Impact Assessment (LVIA)

Landscape Character: The site lies within the northeast corner of the National Character Area: White Peak, and the Landscape Character Areas (LCA): Limestone Hills and Slopes. The study area chosen for the LVIA was a 5km radius from the site's centre point, which encompasses a number of other LCAs. This study area defines the spatial extent in which the development could have potentially significant landscape and/or visual effects. The study area includes a number of villages and individual properties, although the open moorlands of the higher ground tend to be sparsely populated.

Both the Watersaw Mine compound and the Bow Rake/High Rake quarry have the character of an industrial working landscape, as does the 2.4 km haul road which connects the quarry with Cavendish Mill to the north. The remainder of the wider site at Longstone Edge has a more natural character with land comprising pastoral grazing land, limestone grassland, heathland and some smaller woodland areas, including several former working areas of the consolidated permission which are now restored.

During the infilling restoration programme, the impact on the overall character of the site is assessed as being moderate adverse, but not significant, and upon completion of restoration this would change to moderate to substantial beneficial, due to the improvement to the landscape and removal of operational works.

Visual Impact of Bow Rake/High Rake Restoration

Views from surrounding area: The 20 years phased implementation of infilling at Bow Rake/High Rake would follow the east-west orientation (predominant direction) of the worked-out veins along the spine of Longstone Edge. Views of the quarry from the lower ground to the north and south are therefore limited. The highest point of Longstone Edge is immediately west of, and screens views of, the quarry from that direction. Also, the face of the quarry along the northern perimeter is higher than on the southern perimeter and therefore the northern ridge of the quarry acts as an effective visual screen from locations to the north. The topography in combination with existing woodland, screen and/or obstruct views of the quarry from the north, northwest, west, southwest, south and southeast.

However, there are distant views of the quarry from the east approximately 4.5 km away on Curbar Edge, on the boundary between the Slopes and Valley Woodlands and Open Moors LCA's. The restoration operations would therefore also be visible from a small section of these adjoining LCA's around Curbar Edge, but given the intervening distance the impact on those LCAs has been classed as slight adverse (not significant) during operations and slight

beneficial upon completion of the restored landscape.

Views from close range: Bow Rake/High Rake is more visually prominent when viewed from locations at close range on Longstone Edge, especially from the Restricted Byway (GLRB22) which runs along the southern edge of Bow Rake, and from the public footpath (GLFP44), which intersects the eastern end of the quarry where it meets the Restricted Byway.

This means that the proposed operations would only be visible from a very small percentage area of the Limestone Hills and Slopes LCA, limited to localised areas immediately adjacent to the quarry.

Users of the two adjacent PROWs would experience the greatest magnitude of impacts. Although the visual impact would not worsen, the negative visual intrusion would remain for an extended period, resulting in a moderate to substantial (significant) adverse visual impact for 20 years. The assessment considers however that the impact would change to moderate or substantial beneficial at those same receptor points upon completion of the restoration.

Visual Impact and Watersaw Mine Compound

The Watersaw Mine compound is currently well screened from the surrounding area due to the pre-designed landscape and S-shaped entrance arrangement. The compound is only visible from land to the west, on slightly higher land on Longstone Moor; it is not visible from the north, east or south. Longstone Moor is the only vantage point from where views of the compound are possible and, once restoration of the compound has been completed at the end of the development, the impact on the visual amenity from Longstone Moor is predicted to change to moderate/substantial beneficial.

However, the impact on views from Longstone Moor SSSI area and associated Open Access areas has been assessed as being moderate adverse (not significant) owing to the prolonged presence of the Watersaw Mine compound and its infrastructure of sheds and portacabins. Officers have sought through discussions with the applicant to ascertain whether the prolonged negative visual intrusion arising from the presence of the mine compound can be addressed, particularly given the uncertainty over whether underground extraction would actually re-commence. Were permission to be granted but no underground workings commenced, the negative visual impact of the surface installations could persist for the duration of the development pending final restoration around 2035. Officers consider this to be unsatisfactory, therefore the applicant has agreed to submit an interim restoration scheme (which could reasonably be required by planning condition) early on in the development, which would identify which buildings could feasibly be removed and which ones need to stay, with additional requirements to ameliorate the visual impact of any remaining buildings through painting/replacement sheeting etc.

Summary Conclusions on Visual

The proposed quarry restoration would have a moderately adverse (not significant) impact on the overall character of the area, but upon completion of the restoration works the landscape improvements and absence of any further opencast operational works would ultimately result in a significant moderate beneficial impact. There would be significant visual impacts from certain sections of a limited number of public rights of way adjacent to Bow Rake/High Rake and from Longstone Moor. Given the location of the rights of way, there are limited opportunities to ameliorate those impacts.

The mitigation proposed to reduce the landscape and visual impacts of the development is considered to be acceptable. Where the effects cannot be mitigated, as on limited sections of nearby rights of way, the effects are considered to be localised in nature and temporary, pending completion of the restoration programme. The proposal has not attracted objection from the Authority's landscape officer and it is considered that the development can be controlled to minimise adverse effects on the characteristics and amenity of the area in terms

of landscape and visual impact and therefore the application is considered to be in accordance with policies L1, MIN1, LM1 and the relevant landscape and minerals restoration policies of the NPPF.

Cultural Heritage and Archaeology

The archaeological and historical background of Longstone Edge is dealt with in the ES, with particular emphasis on the area around Watersaw Mine, where there have only been limited operations under the 2004 permission and consequently much of the area remains undisturbed. By contrast, the area within Bow Rake/High Rake is characterised by the worked out quarry and therefore presents more limited scope for archaeological/cultural heritage assessment.

An evaluation of the significance of known and potential heritage assets and how they may be impacted by the proposed development is provided, using an area of search of approximately 1km from Watersaw Mine compound. Given the uncertainty over whether underground mining may actually resume, officers had agreed that a more limited coverage of the impacts of the development on cultural heritage and archaeology in the ES would be acceptable. Nevertheless, the information provided has allowed officers to make an appropriate judgement about the potential effects from the development and identified further details in respect of cultural heritage and archaeology that would be required by condition for submission and approval prior to any resumption of underground workings at Watersaw.

There are a number of Scheduled Monuments on Longstone Moor within, or on the edge of, the application area, notably Cackle Mackle and Stadford Hollow Lead Mines, two Bowl barrows, and a group of three lead working coes, a shaft and a dressing floor on land close to the now restored Beeches. There are two more Scheduled Monuments, Blake Low bowl barrow and Cross-ridge dyke, in close proximity to the southern boundary of the permission area.

The nearest of these designated heritage assets are Cackle Mackle and Stadford Hollow Lead Mines (reference 1017754) 750m and a Bowl Barrow (reference 1008770) to the northwest of the Watersaw Mine compound . There is a second Bowl Barrow (reference 1010801 just beyond 1 km due west of the compound. The setting of these monuments relates to the moorland in which they are located and the high elevation at which they sit, with extensive views to the north and south. The Watersaw Mine complex is not visible from any of the features and it is therefore considered that re-commencement of operations at Watersaw would not unduly impact on the setting of these heritage sites.

In terms of operational impacts, the ES identifies that the proposed method of working within Watersaw Mine, which would allow for managed collapse to surface, may have the potential to disturb buried archaeological remains, and therefore may have the potential to affect the setting of the designated heritage assets. The significance of the impact has been estimated to be neutral to slight adverse. However, that assessment is based on only the first two Scheduled Monuments within the 1km radius search area, and excludes the second Bowl Barrow beyond that 1km boundary.

The operations within the mine would initially be concentrated for fluorspar extraction from the Watersaw vein, although there are known off-shoot veins intersecting this main vein. The main vein on an east-west trend follows a narrow tract of land between two areas north and south comprising part of Longstone Moor SSSI. The first two aforementioned Scheduled Monuments do not lie within the vein area, but the Bowl Barrow west of the mine compound lies in very close proximity to the estimated mineral structure, immediately to the north. Under the existing consent, this matter was addressed through a planning condition (no. 67) which states that no development can take place within 30m of the Scheduled Monument, with additional requirements to submit detailed working plans and method statement identifying any protective measures for working in the vicinity of the Monument to ensure the integrity of the designated asset is maintained. Given that the underground development never extended that

far west the condition was never required to be monitored or enforced. In the event that permission is granted, there would be a continuing need through condition to ensure the integrity of the SM.

When Watersaw was last worked, over 10 years ago, there were three managed surface collapses above where the fluorspar vein had been worked. Prior to working those areas, a buffer zone was applied above-ground and the area fenced off. Based on the magnitude of those collapses it is clear that the safeguarding condition on the existing permission requiring a no-development zone around the Bowl Barrow nearest the vein structure would need to be maintained and possibly reviewed with Historic England.

In respect of buried archaeological remains there are no HER (Historic Environment Record) sites recorded within the Watersaw Mine. There is evidence for lead mining activity of post-medieval date to the west and south of the site and it is possible that below-ground remains associated with mining may extend in close proximity to Watersaw Mine, which could be impacted through continued mining activity.

In view of the potential impacts identified above officers consider that, should the applicant bring Watersaw Mine back into production, safeguards relating to archaeology and cultural heritage could be reasonably imposed by conditions. Many of those safeguards already exist within the permission the subject of this variation application and could simply be carried forward into a new permission.

To address the more limited scope of the ES, pre-commencement conditions (for the underground works only) should be imposed, which seek full appraisal of the effects of the development on cultural heritage and archaeological interests, to include:

- Detailed plans identifying the exact line of the vein or any off-shoot veins intended to be worked, showing the fenced buffer zone to be applied at surface and the location of the adjoining SSSI and features of designated and non-designated archaeological interest.

- Proposed timetable of extraction works, including phasing.

- Detailed methodology of the underground extraction programme, including underground backfilling methodology and identification of any buffer zones to be applied around features of archaeological (or landscape/botanical) importance.

- Detailed re-appraisal of the stand-off to be applied to the Bowl Barrow Scheduled Monument in consultation with Historic England, to ensure the integrity of the feature is not compromised.

- Detailed measures to be applied to minimise surface collapse and proposals to remediate any collapses that occur

- Implementation of the approved Programme of Archaeological work in accordance with a Written Scheme of Investigation

The Authority's archaeologist has assessed the proposed development and has not raised any issues with this approach given the uncertainty over whether underground mining would recommence.

Officers consider that on the basis of the information provided in the application, and with the inclusion of the above-mentioned safeguards, the proposal is in accordance with Core Strategy policy L3, which seeks to ensure that development conserves and, where appropriate, enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations. The development is also considered to conform with CS policy L1 which relates to landscape character, including the history and

archaeology of the area, as key aspects of the overall landscape character, and with Local Plan policy LM1 (in relation to the protection of heritage features)**.**

Geological Conservation

There are two Regionally Important Geological Sites (RIGS), one within and covering the eastern most section of the application site comprising Monsal Dale limestone at Deep Rake, the other in close proximity to the site within Coombes Dale containing limestone crags and abundant and diverse corals.

Noise, Vibration, and Dust (air quality) Impacts

Noise Assessment

The submitted noise assessment and methodology considers the impact of noise for the extension of time for the restoration operations on Longstone Edge and the underground mining and associated operations surface operations (should mining recommence) on existing noise sensitive receptors. Sources of noise are likely to include vehicle and mobile plant movements and the operation of any fixed plant. The assessment considers the scenarios for restoration at current depths and at completion, closer to adjoining natural land levels, and cumulative impacts from the mine operations if they were to run simultaneously. The above-ground component of the mine operations would include materials placement and storage, servicing, maintenance and testing of plant and the movement of ore from the compound to Cavendish Mill along internal haul roads and on public roads.

For the purposes of the assessment, occupants of residential properties in the vicinity of the site are considered to be the receptors most likely to be affected by site preparation, extraction and restoration phases of the quarry. Four sensitive receptor locations have been identified, namely the two bungalows adjacent to Cavendish Mill, Longstone Moor Farm (to the north of the mine compound), Bleaklow Farm, to the south of Bow Rake/High Rake, and High Tor Cottage at the northern tip of Rowland, to the south of the application site.

Condition 54 in the existing permission, specifies a corrected noise level limit of 45 dBA Leq (1 hour), but condition 55 provides for an 8 week per year allowance up to 70 dBA Leq (1 hour) for the removal of topsoil, subsoil and overburden and formation and removal of storage mounds (as specified in the national guidance). The application does not seek to amend those conditions. These levels are well within current guidance suggested acceptable levels for day to day noise limits. The 8 week allowance is in line with current guidance.

A baseline noise survey was undertaken to determine background noise levels at locations which were representative of the receptor locations previously identified. An impact assessment was then undertaken to determine the highest predicted noise levels at those receptors taking into account the types of plant and vehicles used, their frequency of use and distance from receptor.

The baseline survey showed that measured background noise level ranged from 29 dB(A) to 32 dB(A), therefore working on the background plus 10dB(A) figure in the NPPF and associated guidance, would give a daytime noise limit range of between 39dB(A) and 42dB(A). The impact assessment identified that the highest predicted noise level arising from the restoration operation would be 31 dB(A) and for the Watersaw Mine operation (at Longstone Moor Farm, nearest receptor) it would be 42 dB(A). In both cases, these predicted noise levels fall within the limit calculated on the background survey and within the limit currently specified in the existing permission (45dB). The assessment also concludes that if the operations were to run simultaneously, the predicted noise levels at all four receptors would still fall within those same limits.

Although the predicted noise levels are below the background-derived threshold, the applicant has proposed a number of measures to maintain control over noise levels during the

development. Those measures, which are included in the officer recommendation to this report, would ensure best practice at the site.

Considering the third strand of the exceptional circumstances policy relating to the control of environmental effects, and Local Plan saved policy LM1 (requiring consideration of the risk and impact of potential pollution affecting the use of land, including noise), it is considered that noise levels from the proposed development would fall well within statutory limits. Additionally, measures can be imposed through conditions carried forward from the existing consent to allow control over noise impacts arising from the development. Such conditions can cover such measures as noise emission levels, restriction of reversing bleepers and hours of operation.

As well as the limit of 45 dB which exists on the existing permission, officers consider that there is a need to impose an additional limit specifically for night time hours to exert control over noise emissions from the mine compound should underground operations be resumed. It is recommended that a lower limit of 42 dB be imposed between the 22:00 and 06:00 hours, which reflects the advice given in Planning Practice Guidance documents.

The Environmental Health Officer has raised no objection to the proposal subject to the imposition of the conditions as exist on the current permission.

Summary Conclusions on Noise: In view of the recommended safeguards, and also taking into account the predicted noise impacts falling below the recommended thresholds, the proposal is considered to be in accordance with policy MIN2 and LM1 and the NPPF Technical Guidance.

Blasting and Vibration Assessment

The submitted Vibration Assessment employs the four sensitive receptors identified for the noise impact assessment. It refers to vibrations arising directly from blasting operations, but also from other operational activities associated with the development (e.g. traffic movements). For Bow Rake/High Rake, the application seeks no further mineral extraction and therefore no blasting is necessary to release fluorspar or limestone for export. However, there may be a need to carry out very limited amounts of restoration blasting to release in situ rock for retention and use on site for (cut and fill) restoration purposes in combination with the use of tailings. For Watersaw Mine, should underground operations resume, there would be a requirement for blasting.

Blasting, including underground blasting within the mine, would be designed to ensure that the resultant vibration does not exceed a peak particle velocity (ppv) of 6 mm/second in 95% of all blasts measured over any period of 12 months, and that no individual blast shall exceed a ppv of 12 mm/s at, or near, the foundations of any vibration sensitive building or residential premises. These limits follow statutory guidance and are already in place by condition 58 on the existing consent, and I recommend that they be carried forward into a new permission.

Existing condition 59 requires the submission of a blast monitoring scheme which as suggested by the applicant recommend identifies blast monitoring locations, frequency of monitoring, equipment to be used and procedures to be adopted if vibration exceeds a particular threshold. should also be carried forward into any new permission together with existing controls on blasting times (condition 56) and for audible warnings (condition 57) so that the effects from blasting can be properly controlled.

The ES briefly considers vibration arising from associated operations, specifically measured vibration levels of plant under normal operating conditions. In considering the nearest sensitive receptor, and the worst case scenario of mining and restoration works being undertaken simultaneously, the assessment concludes that vibration generated from site operations would have reduced to below background levels at the receptor locations and would have negligible/not significant impact.

It is therefore concluded that the proposal would not give rise to any significant vibration effects from blasting or other associated operations. With the imposition of existing blasting conditions, it is considered that the proposed development conforms with the environmental protection policies LM1, MIN2 and the NPPF which seeks to ensure that any unavoidable blasting vibrations are controlled, mitigated or removed at source.

Air Quality and Dust Control

The submitted air quality and dust assessment considers the potential air quality impacts arising from road traffic emissions and provides a qualitative assessment of the potential dust effects of emissions from restoration works on site and vehicle movements along public roads and private haul roads on human and ecological receptors. The report also provides comparative information on the existing dust situation within the vicinity of the site.

The main potential dust effect from mineral workings is the level of particulates deposited on surfaces, potentially leading to a nuisance impact. The NPPF Technical Guidance states that if there are residential properties (or other sensitive users) within 1000 m of the source of emission (e.g. haul roads, crushers, stockpiles, etc.), then the Dust Assessment Study should additionally consider the concentrations of dust particles suspended in the air (PM10's) that can potentially effect human health. It adds that this 1000m cut-off may vary between proposals to reflect local circumstances (e.g. topography, nature of the landscape, the respective location of the site and the nearest residential property or other sensitive use in relation to prevailing wind direction and visibility).

Particles of between 30 and 75um, which make up 95% of dust emitted from mineral workings, are generally deposited within 100m of the point of release. The amount of dust that might cause complaint or nuisance in a particular circumstance is very difficult to determine and there are no statutory limits. Whilst the proposed development has the potential to release some dust and PM10 into the air, the most significant emission sources at surface minerals sites are mechanical handling operations, haulage of material on un-surfaced site roads, and wind blow across disturbed surfaces. All of this can be controlled.

The ES identifies existing dust sensitive human receptors within a certain radius of the proposed works and roads potentially affected by the development, namely Bleaklow Farm to the south of Bow Rake/High Rake, Longstone Moor Farm just north of Watersaw mine compound, and two bungalows (unoccupied) to the west of Cavendish Mill. A number of ecological receptors have also been identified, namely The Peak District Dales SAC, Coombsdale SSSI and Longstone Moor SSSI, and all three designated assets are considered sensitive to nutrient and acid nitrogen deposition.

Dust deposition has the potential to affect sensitive habitat and plant communities through physical changes (e.g. smothering) or chemical changes (e.g. increased acidity in soils). For Bow Rake/High Rake the main potential sources of dust associated with the onsite activities would be the tipping of tailings into the void and the earthworks associated with the restoration works.

The background pollutant concentrations at all receptor locations is well below the annual mean air quality objective, therefore any slight increase in pollutant concentrations due to increased traffic arising from the development would not cause air quality objectives to be approached or exceeded.

A number of active mitigation and control measures are incorporated into the design of the scheme which would significantly reduce the potential for dust generation. The topography of the site should shelter bare ground and stockpiles minimising wind blow of dust.
The applicant proposes that conditions relating to dust control on the existing permission be carried forward into any new consent, as recommended by the EHO. Existing condition 50 requires the submission of a dust scheme and programme for monitoring of dust emissions

and I recommend this be updated and re-imposed. Upon submission of the dust scheme for approval, the Environmental Health Officer would be consulted to ensure its adequacy. Existing condition 51 also recommended provides for facilities including water bowsers to be available and maintained at all times to enable haul routes to be dampened as required to minimise airborne dust emissions.

The likely impact of dust emissions from the development on sensitive human and ecological receptors is predicted to be low. It is not anticipated that Bleaklow Farm or Longstone Moor Farm would be adversely affected by dust from operations at the quarry or Watersaw Mine, individually or cumulatively. Given supplementary measures to control any dust arising, it is concluded that there would not be any detrimental dust impacts from the development which in that context accords with policies MIN1, LM1, the NPPF and accompanying Technical Guidance.

Rights of Way

There are several public rights of way lie within, adjacent to, or in close proximity to the application site, and there are three areas of open access land to the north, south and west of the application area, much of which falls within the permission boundary. At the point where Moor Road intersects the main ridge feature, a restricted byway (number 22) runs eastwards along the spine of Longstone Edge, coincident with the southern boundary of the opencast void at Bow Rake/High Rake and the restored area of Deep Rake, then to Bramley Lane towards Hassop Road (B6001).

Parts of the existing private haul route run parallel to, but separated from, existing rights of way; and there would be no direct conflicts between quarry related traffic and users of the public routes and access land, as explained later in this report under the heading 'Impact of Traffic'. The potential for other impacts in terms of visual impact, noise, vibration and dust are also addressed elsewhere in this report.

Traffic and Transport

The traffic movements associated with the development can be split into two distinct work programmes, those associated with the infilling and restoration of Bow Rake/High Rake and those associated with operation of the underground mine.

For restoration, all movements would be restricted to the private haul road which runs roughly northwards from the quarry and connects to Cavendish Mill.

Restoration Traffic: The tailings would be transported from Cavendish Mill to the quarry on a campaign basis. An average of 82 two-way trips would be generated for five days every month, although it is possible that this same number of movements could be spread out over a greater number of days, thereby reducing the average vehicle numbers per day figure.
Approximately 6,100 tonnes of tailings would be produced at Cavendish Mill every month. The material would be transported from the mill to the quarry on a campaign basis using existing private haul roads. Following a typical 10 day processing run at the mill, it has been calculated that 5 dumper days would be required per month to transport the tailings arising from that processing run. This calculation is based on an average dumper load of 30 tonnes, equating to a maximum of 82 two way trips for five days every month.

It is also possible that the same level of tailings movements could be run on a different campaign basis, with the same number of trips but spread over 10 days rather than five, thereby reducing the daily vehicle numbers accordingly. However, in reviewing these options, the applicant has worked on a campaign basis over the shortest timeframe to represent the maximum intensity movements for the purposes of carrying out the assessment.

Watersaw Mine Traffic: Should underground workings in Watersaw Mine re-commence, the ore would be transported from the mine compound by one of two routes. Lorries would either:

- (route1) turn right from the compound onto Moor Road, continuing up slope onto the haul route adjacent to the restricted byway for a short distance before entering the Bow Rake/High Rake site at its most westerly access point, then onwards to Cavendish Mill along the private haul route to be used to transport tailings to the quarry; or

- (route 2) turn left from the compound onto the public highway past Longstone Moor Farm and towards the A623, turn right onto Thunderpit Lane and eastwards to Cavendish Mill.

The applicant has advised that if mine operations do recommence, it will predominantly use route 1 to move ore from the mine to the processing mill, which will most likely be as back-haul in combination with the movements of tailings from the mill to Bow Rake/High Rake. However, BFL wish to keep open the option of using the public highway to allow for some flexibility in the operation. A condition would appropriate to address the concerns of the Highway Authority.

Depending on which route is used, the estimated level of production of fluorspar ore would generate a maximum of between:

- (use of route1) 10 – 20 one-way (20 - 40 return) loads per day using a 30 tonne dumper vehicle or 15 – 30 one-way (30 – 60 return) loads per day using a 20 tonne capacity tipper-type vehicle (dependent on conditions at the time); or

- (use of route 2) 15 – 30 one-way (30 – 60 return) loads per day using a 20 tonne capacity tipper-type vehicle only (the 30 tonne dumpers are not permitted on the highway).

As indicated earlier in this report, a condition requiring a Transport Management Plan prior to any recommencement of underground mining operations at Watersaw Mine to address the concerns of the Local Highway Authority on this matter is recommended.

Combined Traffic Movements: Taking the worst case scenario of maximum combined vehicle movements on any day for both restoration and mine production, there would be either 142 two-way trips (if 20 tonne tippers are in use for Watersaw) or 122 two-way trips (if 30 tonne dumpers are in use for Watersaw). Condition 31 of the existing permission specifies that the total number of two-way daily lorry movements shall not exceed a maximum of 154 (77 in / 77 out) carrying mineral to Cavendish Mill and tailings from Blakedon Hollow. On this basis, the proposed traffic movements represent a slight reduction compared to the previously permitted levels and, given the close correlation between the two figures, the applicant is not seeking to alter this condition.

Impact of Traffic: During the course of the previous development there were no specific issues with the associated traffic and it is considered that the new proposals which do not seek to increase the traffic levels currently permitted would not detrimentally impact on a traffic situation which has been sustained without complaint for the last 14 years. Given that the operations have proceeded without complaint or any recorded collisions, in combination with the proposed likely reduction in vehicle movements, it is considered that the traffic movements associated with the development would not have a significant impact on other users of the adopted highway and haul road network. Further, in the absence of any recorded collisions over the most recent five year period data was available, it is not considered that there is an existing safety issue likely to be exacerbated by the proposed operations.

The proposal would potentially have an impact upon users of the local footpath and bridleway (PROW) network since several stretches of the private haul route linking Bow Rake/High Rake with Cavendish Mill run alongside existing rights of way or intersect them. Where the haul route runs coincident with the rights of way, the two channels are kept separate thereby avoiding conflict. Signs are also in place to warn both users of the PROW network and haulage operatives and conditions could be applied to ensure that these are maintained in

good condition for the duration of the development. For traffic moving ore from the mine to the mill via Bow Rake/High Rake, the lorries would have to travel for a short distance on the lower section of the Restricted Byway which runs south of Bow Rake/High Rake, before entering that site at its most westerly end. This right of way on this short stretch does not offer traffic segregation but the width of the route is wide enough to comfortably accommodate both users without conflict, as has happened for the duration of the consolidated consent since 2004. No other additional rights of way are impacted by the proposal.

Although the predicted effects on traffic and transport are considered negligible, mitigation or good practice measures have been put forward by the applicant, many of which are already included in the existing consent and could be carried forward. These include the requirement to ensure that all vehicle wheels and chassis are cleaned before they enter the public highway, maintenance of access points to ensure visibility splays are maximised and maintained, and adherence to conditions controlling operational numbers of vehicle movements and timing.

In assessing the degree of impact arising from traffic movements, and in view of the mitigation measures put forward, it is considered that the development proposal does not conflict with Development Plan policies T1 (Sustainable Transport), or T6 (Routes for Walking).

Hydrology, Hydrogeology and Flood Risk

The potential impacts of the development on the water environment have been considered in the submitted Hydrology and Hydrogeology assessment report with regard to the Water Framework Directive [2000/60/EC] (to protect water resources and promote sustainable water use) and Directions [2010] (threshold values to determine groundwater chemical status), Groundwater Daughter Directive [2006/118/EEC] (to protect groundwater from pollution by controlling discharges and disposal of dangerous substances) as transposed into the Environmental Permitting (England and Wales) Regulations 2010, NPPF policy (for water resources and quality, flooding and protection of the environment) and the PDNP Management Plan (2012).

The potential impact of the proposals has been assessed taking into account the interaction between actual baseline conditions and the proposed physical modification to the site. The two activities and potential sources that may impact on surface and ground water level and quality are identified as emplacement of tailings and natural revegetation within Bow Rake/High Rake, and fuel, oil or chemical spills associated with the presence of restoration vehicles.

Baseline Considerations: The application site lies within a broader catchment area where surface drainage generally flows to the east. The River Derwent approximately 2 km to the east of the site flows north to south and the River Wye approximately 4 km to the south flows west to east. There are a number of significant surface water features in closer proximity, including the tailings pond TD4 1.5 km to the northwest and Dale Brook/Stoke Beck immediately adjoining the northern perimeter of the wider site boundary, which flows eastwards and joins the River Derwent. Perennial flow in Dale Brook is maintained by groundwater discharge from Sallet Hole Mine adit, within the wider site boundary. Dale Brook extends up the valley during winter as the water table rises and springs located upstream of Sallet Hole become active

Regional groundwater flow is towards the River Derwent. Groundwater in the region of the application site is classified as being good for both quantitative and chemical properties and this standard is not expected to reduce. The limestone bedrock is classified as a Principal Aquifer and groundwater in the aquifer is classified as having medium sensitivity. The site falls within a Drinking Water Protected Area but not within a designated Nitrate Vulnerability Zone for surface water or groundwater (i.e. draining into waters polluted by nitrates or otherwise at risk from agricultural nitrate pollution).

Existing groundwater quality data from the Environment Agency demonstrates elevated levels

of lead and zinc from areas influenced by the presence of historic mine operations, with generally lower concentrations being seen from areas unaffected by mining. A number of soughs and adits (underground channels designed to drain water to topographically lower lying areas at surface) within or close to the site boundary were inspected. Groundwater was observed to discharge at six locations in Coombsdale, with the most easterly of these being the Sallet Hole adit (which reportedly discharges water all year). Springs upstream (west) of Sallet Hole discharge groundwater at progressively higher elevations as the water table rises up the valley.

Impact Assessment:

Drainage and Water Quality: There is potential for localised modifications to surface drainage following restoration. However, rainfall falling in this limestone geology does not tend to pond naturally and overland flow is extremely limited. The topographic profile of the proposed restoration would channel the majority of any surface runoff to the north-central section of the pit where it would infiltrate into the unsaturated zone through seepage. At the eastern end where the restored land would drop down to the east, developing natural revegetation in this area would progressively reduce surface runoff. It is therefore considered that minor changes to local drainage would not cause significant impact on surface water flows or surface water quality.

Seepage of tailings backfill to the water table is predicted to occur during and following completion of the restoration works, and to understand the impact of this the assessment compares the chemical composition of the tailings with background metal concentration levels within local soils and groundwater /underlying aquifer. The concentrations of iron, lead and zinc detected in the tailings are within the same range as the background soil levels. Similarly, the maximum concentrations of lead and zinc in the tailings samples are 3 – 7 times less than the background concentrations detected in the groundwater. Given that groundwater quality is elevated in lead and other contaminants, it is predicted that any additional potential seepage from the tailings in Bow Rake/High Rake would have an insignificant impact on the water quality of the underlying aquifer.

The aquifer of the White Peak has considerable water storage capacity and dilution potential from rainfall-recharge, and the aquifer, alongside springs or soughs that may feed from/into it, are likely to be in hydro-geochemical equilibrium established in response to centuries of mining. On that basis, it is concluded that the impact of seepage from deposited tailings on the local water environment where the pathways include old mining workings, is likely to be low to insignificant. No significant changes are expected to groundwater levels given that the restoration area is small compared to the total groundwater catchment area.

Although there is no evidence of a functional link between Sallet Hole and Longstone Edge, it is quite possible that the two are hydro-geologically connected and therefore the sampling of the discharge at this point should address a gap in baseline data. As a precautionary measure, the ES recommends that a programme of water sampling from Sallet Hole Mine adit (a local sough) and nearby springs, lying on the north side of the application site within the Coombs Dale SSSI, be set up for the duration of the restoration programme to formally assess flow rates and turbidity. The recommendation is that should an increase in turbidity be identified, then this would trigger a need to undertake additional water quality monitoring. I propose that this be covered by Section 106 Agreement.

Flood Risk: The site lies within the lowest category, Flood Zone 1, described as land having less than a 1 in 1,000 annual probability of river or sea flooding. The proposed quarry restoration and re-commencement of underground mining are classed as ‘Less Vulnerable’ developments and therefore the guidance indicates that they are appropriate land uses within Flood Zone 1. The risk of flooding from all sources is assessed as low at both the quarry and mine compound.

During the operational phase, the backfilling of the quarry, the operation of plant and

machinery and re-profiling of the topography is considered to result in negligible impact on existing flood risk and drainage regime. This is also the case for Watersaw Mine compound, since there are no additional access roads or hardstandings being created in the compound area. Following completion of the backfilling programme at the quarry, the reduction in surface runoff from natural re-vegetation would mitigate any long term changes to overland flow drainage from the re-profiled topography and therefore the overall residual impact is considered to be negligible.

Environment Agency Requirements: The request of the Environment Agency to retain conditions 60 (discharge of foul / contaminated drainage), 61 (oil /fuel/chemical storage), 62 drainage from vehicle maintenance) and 63 (surface water runoff) is covered in my recommendation..

The Agency have recently issued an Environmental Permit to BFL, which allows the company to deposit tailings in the void at Bow Rake. The permit therefore runs under a separate statutory framework to planning, but, like planning permission, is a pre-requisite to allow the restoration infilling works to proceed. The permit was issued in October 2017 after several years of discussion and negotiation between the Agency and BFL. Although there is a large quantity of tailings currently stored at Cavendish Mill, waiting to be moved to Bow Rake, the company have not commenced the operation pending resolution of this application.

Conclusions on Impact on the Aqueous Environment: The development is sited in a low flood risk area, would not give rise to harmful impacts 'upon the functionality of floodwater storage, or surface water conveyance corridors, or otherwise unacceptably increase flood risk'. Additionally, the hydrological and hydrogeological impacts of working are not significant. The implementation of a monitoring regime to assess flow rates and turbidity at Sallet Hole would provide a mechanism to assess impacts of the development on water quality.

With the employment of necessary safeguards in the operation of plant and machinery, the re-imposition of conditions, and provision for water quality monitoring, the site may be operated with negligible impacts upon hydrological and hydrogeological interests. The proposal is therefore considered to be in conformity with the Core Strategy policies CC1, CC5 and MIN2. The proposal is also in line with Local Plan policy LM1 in relation to the prevention of harm to surface and groundwater resources. The hydrological and hydrogeological aspects of the development proposal also fits with policy guidance in the NPPF, since there is no increased flood risk and no contribution to, or unacceptable risk from, levels of water pollution.

Geotechnical Assessment

The geotechnical assessment within the ES details the current condition of the opencast workings at Bow Rake/High Rake and considers the geotechnical implications of the proposed restoration scheme. The assessment draws upon the regular assessments that have been carried out at the site during its operational life to date, which have been undertaken in accordance with the Quarry Regulations (1999) and regularly submitted to this Authority as required by planning condition.

Backfilling at Bow Rake/High Rake has occurred at the eastern and central areas against the southern slope, leaving an access road part way along the length of the opencast excavation below the northern slope. The majority of slopes and tips within the site are classed as 'Significant Hazards', due to the height of the faces typically being greater than 15m and the risk to quarry operators and plant if rock fall should occur. As backfilling has progressed the overall height of faces has reduced but, with the exception of those at the eastern end, the remaining faces are still recorded as Significant Hazards. Toe bunds have been placed at the bottom of the faces adjacent to tipping areas and main haul roads thereby reducing the risk to operators and plant.

The inspections have also noted the presence of minor fissures and cracking behind the faces, both on the southern face crossing the public byway and in the northern face across the

internal haul road. The southern face was buttressed with rock fill and monitoring stations installed to confirm that the ground movements had stopped. Remedial action for the fissures above the northern slope included controlled drilling and blasting of unstable material to form a new slope profile on stable ground.

The aim of the restoration scheme is to achieve a landscape feature that is compatible with the surrounding terrain and does not present a significant risk to people using the adjacent land.

The final restoration levels proposed include maximum slope heights of less than 15m across the site and therefore there would no longer be any Significant Hazards within Bow Rake/High Rake. Additional mitigation measures such as the formation of rock catch bunds at the base of slopes have also been incorporated into the restoration plan to ensure that no significant hazards remain. Small-scale rock falls due to seasonal variations and natural weathering of the rock mass may occur post-restoration, but minor events would not pose a threat to the stability of the surrounding area, roads or amenity. The restoration scheme has therefore been designed to ultimately generate a stable environment which will not require ongoing monitoring, maintenance or inspection post-closure.

In view of the geotechnical assessment provided with the application, it is considered that the proposed restoration will eliminate the presence of significant hazards. The ongoing infilling programme can be routinely monitored to ensure this objective is met and the final landform would be made permanently stable so as not to detrimentally impact upon recreational interests, including users of the restricted byway immediately abutting the site. Despite a significant timeframe, the long term restoration programme is considered to be a preferable approach rather than leaving the site in its current state, as advocated in the representation, since the significant hazards identified on site would remain in perpetuity.

Officers therefore consider the development to be in conformity with Local Plan policies LM1, LC21 and LC25, Core Strategy policy T6, and with Technical Guidance to the NPPF which requires that minerals applications include a full appraisal of slope stability issues and identify the significance of any potential hazard to people or property.

Cumulative Effects

The NPPF (para.143) and EIA regulations both require account to be taken of the cumulative effects of multiple impacts from individual mineral sites and/or a number of sites in the locality. Whilst individually the impacts of a scheme may be within accepted limits, collectively with other schemes the impacts may be more significant. Local Plan policy LM1 also requires an assessment of the cumulative impacts of operations.

The applicants have considered cumulative effects as part of the ES looking at the significance of individual residual effects of the development on various receptors, including humans, flora/fauna and water/drainage/flood risk, and examining whether there are any significant interactions which need to be addressed. The analysis concludes that the combination of visual, noise, vibration, air quality and traffic will not have any significant cumulative impact on human receptors. Additionally, the collective impacts on flora and fauna interest and on water, drainage and flood interests, are not expected to be significant taking into account the various mitigation measures put forward, which can be reasonably imposed by condition.

There are no other developments within or in close proximity to the application site (either actual or at pre-planning stage) which would give rise to significant cumulative impacts when considered alongside the proposed development at Longstone Edge.

Exceptional Circumstances and Public Interest – Summary

It is considered that there are justified reasons to permit the development to proceed as proposed. Assessing the alternative whereby no restoration is done, and the site is left in its current state, the ongoing risks to amenity in terms of significant hazards from high faces,

combined with an ongoing detrimental impact on landscape and visual amenity for the long term, would support the view that it is not in the public interest to leave the site unrestored.

In most circumstances, the fall-back position of relying on enforcement action to secure compliance with what was envisaged under the original permission is a reasonable option to follow. However, in this particular case, this would be an ineffective remedy as the restoration under the original permission (as with the proposed scheme) relies entirely on the use of tailings for backfill material, which can only be produced at the applicant's processing facility at Cavendish Mill, at a rate which mirrors the input of ore into the mill (which is now solely supplied by Milldam Mine).

The option of fast-forwarding the restoration of Bow Rake/High Rake using tailings deposited in the series of tailings dams is not something which we can require and has other issues as set out above.

It is therefore considered that the progressive infilling of the remaining void on Longstone Edge to advance restoration and achieve a topographically higher final surface level is acceptable. Whilst the timeframe is significant, the proposal does address the need to restore the remaining opencast void, following on from the restoration of the previous opencast workings within the same permission, namely The Beeches, Deep Rake and Arthurton West. Given the limitations which the alternative approaches present, it is considered that there are exceptional circumstances to allow the development to proceed and that the restoration of the site in the manner proposed would be in the long term public interest.

Section 106 Considerations

If Members wish to approve the application, the planning permission would need to be accompanied by a section 106 legal agreement since there are additional planning requirements which, if deemed necessary, could not be secured by planning condition. Although the applicant has not submitted a draft section 106 legal agreement, they have confirmed in discussions that a new agreement would closely mirror the existing one in scope and form.

The NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the following tests:

(i) necessary to make the proposed development acceptable in planning terms;
(ii) directly related to the development; and
(iii) fairly and reasonably related in scale and kind to the development.

Paragraph 205 states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

The current section 106 legal agreement which accompanied planning permission NP/DDD/0804/0947, covers the following matters;

(i) development not to be carried out in accordance with previous planning permissions;
(ii) no compensation to be sought for deemed revocation of existing planning permission not to any formal revocation orders subsequently made;
(iii) if either there is (a) early cessation of working or (b) if the company fail to procure or maintain in force a restoration bond, then to undertake the Restoration and Aftercare works in accordance with a predetermined set of interim restoration schemes (the interim schemes include a number of different profiles to account for the possible range in void space to be restored, dependent upon when the clause might have been triggered during the course of the planning permission, namely at

years 2, 4, 6, 8 and 10; the clause also includes the provision to enter Tailings Dam number 1 to access settled tailings material and dam wall material as additional infill to achieve the agreed restoration profile;

(iv) in the event of default of any party in carrying out restoration/aftercare works, to permit the MPA or its appointed contractors to enter the land to complete the works;

(v) to procure, provide and maintain a restoration bond;

(vi) the restoration bond to be set out in accordance with a specified schedule included in the agreement

(vii) restoration bond to be in the sum of £400,000.

Officers consider that there is a continuing need to have a section 106 in place to cover the same range of matters as under the existing agreement. Predominantly, the requirement for a restoration bond is considered important, whereby the Authority can call upon the bond at any point in the life of a new permission in the event that the applicant company goes into liquidation or where, under any other circumstances, the development ceases and restoration remains outstanding. The applicant has confirmed that they agree in principle with this position but that there are some details which will need to be revisited.

Firstly, given the passage of time since the original interim restoration schemes were drawn up, the baseline position is now different in terms of the dimensions of the Bow Rake/High Rake site and therefore the void space remaining. Additionally, the estimated timeframe for completion of the restoration programme is now longer than the originally envisaged timeframe which was stipulated at start of the consolidating permission. The applicant has therefore submitted a suite of alternative phases of restoration plans indicating the estimated level of infill at years 4, 8, 12, 16 and 20. These revised plans would replace the existing interim restoration plans and be specifically referenced in any new section 106 agreement.

Secondly, the existing agreement refers to there being access afforded to the Authority or its contractor to extract tailings from TD1 (which is located close to Cavendish Mill) to supplement existing material for restoration purposes in the event that the Authority is required to carry out the works in default. Officers have sought to extend this access arrangement to include the second tailings dam TD2, also located close to Cavendish Mill, adjacent to TD1, which would provide a greater volume of tailings material for the restoration programme and achieve a higher final profile.

There have been ongoing discussions with the applicant over the estimated restoration costs to ensure that the current bond amount of £400,000, as agreed in 2004, remains sufficient to allow for the restoration to be undertaken by the Authority or its appointed contractors in the event of default by the applicant. It is concluded that as there are no significant changes in the void to be restored, this is still an acceptable sum.

In general terms, the Technical Guidance to the NPPF includes reference to circumstances where there may be justification for financial guarantees to be imposed when granting planning permission for mineral operations. Responsibility for the restoration and aftercare of minerals sites lies with the operator and, in the case of default, with the landowner, and applicants are required to demonstrate what the financial and material budgets for restoration, aftercare and after-use will be and how they propose to make provision for such work. In this case the extraction has ceased and that evidence would not be relevant at this point. It is clear from the Applicant company's accounts that the money required for the works is not held by the company and therefore it is considered reasonable to secure funds for restoration through other means.

However, in exceptional cases it will be reasonable for a MPA to see a financial guarantee to cover restoration and aftercare costs through voluntary agreement or a planning obligation and the guidance sets out three such cases where it would be deemed acceptable, namely:

(i) very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;
(ii) where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;
(iii) where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.

Under the original consolidated permission, the requirement for a financial bond was imposed to reflect the concerns over financial failure and, having reviewed the applicant company's latest accounts available through Companies House, Officers consider that there is continuing justification to require a financial bond should planning permission be granted for this application.

The section 106 agreement would also need to be drafted to include reference to two other matters. Firstly, within the application there is reference to a 10 year aftercare management regime. Whilst there is statutory provision to cover a 5 year aftercare period, any longer aftercare period must be included in a legal agreement. The second item refers to the area formerly covered by Arthurton West Extension, where the Authority granted planning permission to allow for the opencast extraction of fluorspar. The permission was granted conditionally with a section 106 that covered, amongst other things, an obligation to give up any rights to work the fluorspar in the red line area of the permission by underground methods. This was to avoid the area being worked opencast, restored, and then the area subsequently subject to underground mining methods and potential surface collapse, which was deemed unacceptable, Therefore, in the event that permission was granted for this development, the Authority would wish to see the same restriction applied in the section 106, to ensure that the same area was not worked by underground methods.

In summary, the inclusion of a planning agreement, should Members be inclined to permit the development, would accord with Local Plan policy LM1 (which states that, where necessary, planning obligations will be sought to address matters which cannot be dealt with by means of planning conditions) and CS policy GSP4, which recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

Conclusion

The proposal seeks to vary a range of conditions on an existing planning permission which would allow for the continuing restoration of a prominent former opencast fluorspar operation on Longstone Edge. The variations sought, if approved, would also cater for the possibility of bringing Watersaw Mine out of its current care and maintenance programme and recommencing underground extraction of fluorspar should the applicant company be in a position to pursue that option. In view of the nature and scale of the proposal, the application has been procedurally classed as major development. The policy direction in the Core Strategy and the NPPF states that major development should not take place within National Parks other than in exceptional circumstances and where it can be demonstrated that it is in the public interest. The assessment must take account of the need for the development, whether the need could be met in some other way and any detrimental effect on the environment, landscape and recreational opportunities.

There are some environmental impacts that will arise as the development takes place, including impacts on landscape and visual amenity, ecology and archaeology. However, the proposed mitigation measures are considered to be sufficient to control those impacts and will enhance the valued characteristics of the Park. Overall, considering the range of mitigation measures that are proposed, the impacts on the environment, amenity and communities can be adequately controlled. The proposal is therefore in accordance with policies GSP1, GSP2, GSP3, GSP4, DS1, MIN2, L1, L2, L3, CC1, CC5, T1, T4 and T6, and with Local Plan policies LM1, LM9, LC6, LC9, LC17, LC19, LC21, LC25 and LT9. The proposal is also in line with policy MIN1 (part B) since it includes a restoration scheme that will focus on a nature

conservation afteruse.

In summary, reading all relevant policies in combination and weighing up the benefits of the proposal against the potential dis-benefits as set out in this report, on balance it is considered that there are exceptional circumstances to allow this major development to proceed and that a decision to approve would be in the public interest. The proposal is therefore recommended for conditional approval, subject to the signing of a section 106 legal agreement as set out in detail in the recommendation section of this 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)
None