

8. HABITAT REGULATIONS ASSESSMENT IN RELATION TO A PLANNING APPLICATION CODE NO: NP/DDD/0815/0780 WHICH SEEKS 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

APPLICATION REFERENCE: NP/DDD/0815/0780

APPLICANT: BRITISH FLUORSPAR LIMITED

Site and Surroundings

Longstone Edge is a prominent limestone ridge that runs about 4 kilometres in length on a general east-west alignment approximately 4km to the north of Bakewell within the north-eastern area of the White Peak to the west of the Derwent Valley. The application site occupies an area of approximately 200 hectares along this ridge and comprises a number of separate parcels of land which have subject to opencast mineral extraction. Additionally, underground extraction has taken place in Watersaw Mine which lies within the site area. The application focus is on restoration of the remaining opencast area known as Bow Rake - High Rake, and continuation of permission to allow for the resumption of underground extraction.

The nearest principle 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. Two farms, Bleaklow Farm and Longstone Moor Farm, lie within close proximity to the application site boundary.

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 former tailings facility, now in restoration) and Cavendish Mill (where the applicant's fluorspar processing facility is located). The land also dips towards Backdale in the east and the B6465 Castlegate Lane to the west between Monsal Head and Wardlow.

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. There are a number of Scheduled Monuments lying within, or on the edge of, the application area, notably Cackle Mackle and Stadford Hollow Lead Mines, and two Bowl barrows, all within Longstone Moor, 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 in close proximity to the southern boundary of the permission area, namely Blake Low bowl barrow and Cross-ridge dyke.

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 in or in close proximity to the application site: 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 Special Area of Conservation (SAC) because it contains species and habitat types that are rare or threatened within a European context. Further afield to the west there are other designated areas: the Wye Valley and Cressbrook Dale SSSI's, both of which fall partly with the Peak District Dales SAC, with another part of Cressbrook Dale also falling within the Peak District Dales Woodlands SAC.

There are two Regionally Important Geological Sites (RIGS) either within, or in close proximity to, the application site. The first covers the eastern most section of the site at Deep Rake in the Monsal Dale limestone and the second is within Coombes Dale and contains limestone crags and abundant and diverse corals.

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.

No major roads cross Longstone Edge. Moor Road, a minor road from Great Longstone, allows vehicular access onto Longstone Edge. The road runs eastwards along the Edge then continues in a north westward direction across Longstone Moor, towards Wardlow, with links to the B6465 at Wardlow, and ultimately to the A623 south of Brosterfield Farm (Foolow). At the point where Moor Road intersects the main ridge feature, a restricted byway (number 22) runs eastwards along the spine of Longstone Edge, towards Hassop Avenue, coincident with the southern boundary of the opencast void at Bow Rake/High Rake and the restored area of Deep Rake. Several other 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.

RECOMMENDATION:

- 1. That this report, and its appendices, be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed development at Longstone Edge West, as defined in planning application NP/DDD/0815/0780.**
- 2. It is determined that continued restoration of Bow Rake-High Rake and resumption of underground working at Watersaw Mine in accordance with the proposed scheme of working is unlikely to have a significant effect on the integrity of a European designated site. Thus, approval of application NP/DDD/0815/0780, the subject of a separate report to Planning Committee, would not be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010(as amended) (the 'Habitats Regulations') and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.**

Key Issues

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

It has been identified that the site for the application Code No: NP/DDD/0815/0780 at Longstone Edge West lies adjacent to the Peak District Dales Special Area for Conservation (SAC), which is a European Site containing rare, endangered or vulnerable habitats and species, and therefore the proposed development has the potential to affect its interest features. The special conservation objectives of the SAC are appended to this report at Appendix 1.

The Habitat Regulation Assessment (HRA) Process

Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are referred to as the 'Habitats Regulations Assessment' (HRA) process, which involves several stages:

- Stage 1 – Likely Significant Effect Test
- Stage 2 – Appropriate Assessment
- Stages 3 and 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.

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

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

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

Assessment

The SAC covers approximately 2,326ha and comprises a number of constituent Sites of Scientific Interest (SSSIs). The section of the SAC of relevance to this HRA falls mainly within the area coincident with Coombs Dale SSSI, notified on the basis of its calcareous grassland interest and Longstone Moor area of nationally important limestone heathland.

In the application British Fluorspar Limited have included a formal HRA report for assessment and the Environmental Statement accompanying the application includes a detailed section on Ecology, which makes specific reference to the SAC. In the summary of potential adverse ecological impacts, the ES states that the application site has been assessed and does not affect the nature conservation of a site of national or international importance.

In their consultation response, Natural England, whilst noting the absence of a HRA as part of the application, conclude by advising that, when screening for the likelihood of significant effects and based on the information provided, the Authority should include the following advice:

- The proposal is not necessary for the management of the European site;
- 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.

They add that when recording the HRA, the Authority should make reference to the following text in order to justify the 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. Due to the location of Tip 3 in relation to the SAC/SSSI boundary there would not be any likely significant effects on the designated site.”

Conclusion

It is concluded at Stage 1 of the HRA, that the information presented with the applications is sufficient to demonstrate that continued restoration of Bow Rake-High Rake and the possible resumption of underground working at Watersaw Mine, as set out in the proposed scheme of working submitted with application NP/DDD/0815/0780, are unlikely to have significant effects on the integrity of the Peak District Dales SAC, or on Coombsdale SSSI or Longstone Moor SSSI. Thus, the development is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive, and an Appropriate Assessment is not considered necessary.

Human Rights

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

List of Background Papers (not previously published)

Nil

Appendices

Appendix 1 – Special Conservation Objectives of the SAC

