
13. ENVIRONMENT ACT 1995 SECTION 96 SCHEDULE 13: REVIEW OF MINERALS PLANNING PERMISSIONS – APPLICATION FOR DETERMINATION OF CONDITIONS, SHIRE HILL QUARRY, WOODCOCK ROAD, GLOSSOP: REVIEW OF OLD MINERAL PERMISSION APPLICATION (N/P/HPK/1197/168, M9104, 537/9436, 23/07/2012, NH)

APPLICANT: MARCHINGTON STONE LTD

Site and Surroundings

Shire Hill Quarry, operated by Marchington Stone Limited, is a gritstone quarry located close to the boundary of the National Park, approximately 2 kilometres east of Glossop Town Centre. It has historically produced aggregates, dimension stone and walling stone since 1952. Recent extraction has focused on block and dimension stone.

The quarry is located on the southern side of Shire Hill. The summit of Shire Hill is at 308m AOD, current extraction at the quarry extends from 260m AOD to approximately 305m AOD. The underlying solid geology of the summit and higher slopes of Shire Hill including the site is Kinderscout Grit. The extraction of gritstone is limited to the southern-eastern sector of Shire Hill. The remaining majority of the hill is covered in deciduous woodland, grassland and scrub.

The site (blue and red edged land) is approximately 9.24 Ha. The permitted development area is approximately 7.9 Ha and comprises the existing quarry operations, broadleaved semi-natural woodland and regenerating heathland and grassland. 2.7 Ha of the permitted development area is an area of woodland to the south of the quarry for the disposal of waste. Approximately 0.6 Ha of this woodland area has already been tipped upon.

The site is demarked by post and wire fence, with a short section of stone walling along the eastern boundary. The site is surrounded to the north, south and west by predominantly dense broadleaved woodland which is designated as an Ancient Woodland. Shire Hill (woodland) Local Wildlife Site lies immediately adjacent to the western edge of the site. This is under the ownership and management of the Peak District National Park Authority. To the east lies Mossy Lea Farm. The majority of the woodland on Shire Hill including the area of quarry is designated Tree Preservation Order woodland and BAP.

There are a number of residential properties in close proximity to the quarry although they are separated from the main quarry by woodland or by the hill itself. They include a number of properties along Pye Grove which lies to the west, a property off Woodcock Road which is located 60metres from the site entrance, a cottage, located to the south east of the quarry and Moorside and cottages on Shepley Street to the north.

The application site includes a long tarmac surfaced access road that extends and rises steeply north eastwards from the A57 Woodcock Road, into the site and leads through an area that is permitted for tipping, and an area where the existing quarry plant and stocking areas are located. To the east of the site, the A57 becomes the Snake Road and continues through the National Park towards Sheffield.

The upper benches of the quarry are accessed via a track which runs around the extraction area perimeter. The western section of the access track together with a tree lined well vegetated soil bund lies outside of the permitted extraction boundary.

The quarry site together with 3 quarry buildings are located in an elevated prominent position adjacent to the A57, and visible from various public vantage points along the A57 and from nearby public rights of way.

Proposal

This is an application for the review of the old mineral planning permission (ROMP) Reference: 1986/9/20, issued on 12 September 1952, under the Environment Act 1995.

The ROMP application is accompanied by an Environmental Statement (ES) and supporting documentation. The application sets out proposals for the future working and restoration of the operational areas within the Shire Hill Quarry, featuring a proposed set of modern planning conditions. It has been the subject of substantial negotiations with the applicant and seeks to provide a new comprehensive planning permission with modern environmental conditions. The application includes proposals for:

- § Determination of a new scheme of conditions in respect of the 1952 Ministerial permissions for mineral extraction;
- § The continuation of mineral workings to the east and west within the permitted area;

The application includes an up to date ES submitted under the 1999 EIA Regulations (as amended) and includes a number of substantial concessions/benefits negotiated with the applicant including:

- § Voluntary revocation of tipping rights other than within the quarry excavations;
- § Retention of the existing soil bund and tree planting to the north of the approved quarry extraction boundary;
- § Permanent retention and conservation of the woodland;
- § Permanent retention of the western access track solely for use in connection with land maintenance;
- § Revised mineral extraction phasing, progressive restoration, landscaping, biodiversity and aftercare proposals.
- § Site access visibility improvements.

RECOMMENDATION:

The following conditions specified within the attached schedule are approved for the purposes of Paragraph 9 of Schedule 13 of the Environment Act 1995, as the new conditions to attach to the planning permission.

Introduction

Schedules 13 and 14 of the 1995 Environment Act cover the initial review and updating of old mineral permissions (ROMP), and periodic reviews. The initial review is concerned with mineral sites where the main or only planning permission was granted between 1948 and 1982. The review involves the submission for approval of modern operating conditions covering a wide range of environmental matters, together with plans for the working and restoration of the site.

It is important for members of the Authority to note that review schemes submitted under the Environment Act do not revisit the principle of planning permission and are not planning applications as such (although they are applications which are likely to require an EIA). The ROMP process seeks to ensure that all old mineral permissions are subject to a set of modern conditions and environmental controls. The process does not result in new development consent in as much as it imposes up to date conditions on existing planning permission. It is open to

members to consider the merits of the working and restoration scheme but not open to the Authority to change the scope of the parent permission in terms of site area, workable resources and production levels. If the scheme submitted by the Applicant is not considered acceptable or suitable conditions cannot be negotiated, then the Authority can impose its own scheme or alternative conditions. The operator would then have the right to appeal against the decision. If the imposed scheme or conditions restrict working rights on a site listed 'active' (as opposed to "dormant") then compensation may be claimed by the operator (see further below)

The 1952 permission subjects the operation of the quarry to a total of 7 planning conditions. The aim of the review, which is the site's first or 'initial review' under the terms of the Environment Act 1995, is to place revised conditions on the existing permission in order to secure improved operational and environmental practices and to ensure the restoration of the site to a beneficial after use. Following this initial review, the site will be subject, under the terms of the legislation to subsequent 'periodic reviews' at intervals no shorter than every 15 years.

The Peak District National Park Authority as the Mineral Planning Authority can determine planning conditions different to those submitted by the applicant. If, however, the conditions restrict working rights to the extent that they would prejudice adversely and to an unreasonable degree either the economic viability of operating the site or the asset value of the site, the Authority would be liable to pay compensation.

A total of 19 planning conditions were submitted by the Applicant in November 1997. The conditions proposed seek to clarify the working scheme; formalise the hours of operation and transportation of materials from the site; seek to protect the public highway; control blasting, dust and noise emissions; safeguard watercourses and groundwater resources, drainage and soils, and secure the restoration of the site. The planning permission would expire in 2042.

There has been considerable time delay in dealing with the ROMP application. In 1999, two high court judgements held that the imposition of conditions under the review provisions were development consent under the E.I.A directive. E.I.A regulations were introduced in 2000 to apply to any new minerals review submission but it did not apply retrospectively to mineral review submissions already received and awaiting determination. Consequently, some schemes continued to remain stalled as there were no sanctions if the environmental information required was not provided and, under case law importing the relevant European Directive) authorities were unable to determine these applications without an EIA. The stalled scheme included the Shire Hill site. Regulations were introduced in 2008 to overcome the problem of stalled sites by providing for automatic suspension of the minerals permission where environmental information was not provided within a reasonable period for the possibility of a prohibition order if the information was still not provided after two years of the automatic suspension.

In the present case environmental and other information was subsequently provided to progress the Shire Hill stalled ROMP.

Working Scheme

The method and sequence of working involves the progressive removal of gritstone within the existing working area, including the lateral working into currently undisturbed areas in the North east and south west and a general lowering of the quarry by a system of benching.

The working of the undisturbed areas will involve the removal of some woodland to the south of the current quarry area and removal of fern covered banks with associated vegetation to the north east.

Initially early working will be on the upper quarry benches to enable early restoration treatment of worked areas, and then undertake a general lowering of the quarry through a system of conventional benching progressing stone extraction from the north to the south of the extraction area.

The mineral would be extracted in a dry state in a series of six phases, and would take the whole

of the quarry floor to a maximum depth of 232m AOD. Each phase of the development will involve working over a period of 5 years approximately at projected output levels between 65-100,000 tonnes per annum over approximately 30 year duration. The overall programme of development has been designed to reduce the impact of the on-going quarry operations on the localised environment incorporating progressive restoration of worked out areas.

The majority of soils on the site within the extraction area have already been stripped of soils. However, there are two areas which lie on the south-western and north-eastern limits of the quarry development area. These soils will be used in restoration.

The site will be restored by natural regeneration of the worked out quarry faces. A recovered soils receptor site is proposed on the southern perimeter of the quarry. This will accommodate some of the woodland field layer vegetation and soil from the woodland area that would be lost.

Phase 1 of the workings will involve the progressive removal of top rock from the north east sector of the quarry and benching down to of the present quarry level at 272 AOD. Progressive restoration will begin on the upper benches. There will be some vegetation clearance and tree removal within the south west section of the permitted extraction area.

The Phase 2 development will involve the continued progressive removal of rock from the upper working faces, on the northern quarry limits and the eastern and western peripheral quarry areas. The stone will be removed down to the 262 AOD quarry level.

Phase 3 of the development will be the initial removal of top rock and the formation of a new quarry area in the eastern sector of the site. This area will be taken down to 247m level. There will be a small area of woodland/vegetation removed on the north-eastern slopes.

Phase 4 will involve the continued progressive removal of stone in a general south-westerly direction, in order to reduce the visual impact of the quarry.

Phase 5 development will involve the continued progressive removal of stone and creation of the 232 AOD quarry level within the western, central and north-eastern parts of the quarry development area.

Phase 6 of the development will be the progressive development of the quarry benching within the south-westerly part of the quarry development area, down to the 232m AOD floor level. The plant and stocking area will be relocated into the quarry void.

Waste Production

Waste production is minimal in the site and any unsuitable material will be used to create rock traps along the frontal edge of finished benches. Any surplus material will be stockpiled within the quarry working area until required for restoration.

Relinquishment of Tipping Rights

The ministerial permission allows for the tipping of quarry waste within a substantial area of woodland immediately south of the quarry excavation boundary, However, the applicant has agreed in negotiations to relinquish all tipping rights within the woodland area which hasn't yet been tipped upon. This important matter is discussed later in this report under the heading woodland.

Site History

Evidence of quarrying at Shire Hill dates back to the 18th Century where historically the stone was used to create millstones and pulp stones. More recently gritstones from the site has been used for blockstone for building and paving stones and has been exported to Scandinavia and Canada. Marchington Stone Ltd (the Applicant) acquired the site in 1980. The quarry has historically produced aggregates, dimension stone and walling stone since 1952. Recent extraction has focused on gritstone as a high quality dimension stone.

12 September 1952 - Planning permission ref: 1986/9/20 was granted for winning, working and processing of grit stone. The decision notice stresses the importance of the site for producing pulp stones and grindstones. However no restrictions were placed upon the use of the stone.

1996 – Under the provisions of the Environment Act 1995, Shire Hill Quarry was listed as Active Phase 1 and required a ROMP application (Ref: NP/HPK/1197/168).

26 November 1997 - the original ROMP application was submitted, however it was held in abeyance following a request for further information.

1999 - High Court decisions on the need for EIA to accompany mineral review submissions in certain instances. During the intervening period since the application was submitted, the applicant has been in discussion with the planning authority regarding a number of issues relating to the content of the submitted information ES and development proposals.

Regulations were introduced in 2000 to deal with the review of old mineral permissions received after 1 November 2000. A number of mineral review applications received before November 2000 became stalled for a number of reasons, including Shire Hill.

1 September 2008 The Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008 came into force in respect of 'stalled' ROMP applications.

5 January 2009 - A statutory EIA screening opinion (under the EIA 1999 Regulations (as amended by EIA 2008 Regulations)) that this is Schedule 2 EIA development was given in writing on 5th January 2009.

28 January 2009 - A statutory scoping opinion (under the EIA 1999 Regulations (as amended by EIA 2008 Regulations)) was given in writing on 28th January 2009.

14 July 2009 – Submission of a Draft Environmental Statement.

30 November 2009 – Examination of Draft Documents and Plans. Request for further information and clarification.

4 October 2010 - the site fell into automatic suspension, due to lack of outstanding information.

23 December 2011 – Submission of ES and supporting documentation received to accompany existing stalled ROMP (Review of Old Mineral Permission) application.

5 January 2012 – Request for further information.

23 July 2012 – validation of the ES and submission of outstanding environmental information. Secured amendments to the scheme. Officers reached agreement with the applicant that the soil mounds outside of the quarry extraction boundary should remain undisturbed and not used for restoration and given the substantial development of trees and vegetation which has established. Negotiated continued use of the western access track which lies mostly outside of the extraction boundary for health and safety reasons.

10 October 2012 – Submission of fully executed Deed of Unilateral Undertaking.

3 December 2012 – Planning permission granted subject to conditions for proposed new storage building for the storage of machinery.

September 2013 – Discussion and subsequent agreement over control of water discharge from the site.

May 2014 – Applicant commits to undertaking site access improvement works and provision of signage at the site access.

Key Issues

The purpose of this report is to enable the Committee to determine and impose a new scheme of conditions related to current working practices and environmental standards, to the quarry attached to the existing planning permission for mineral working at Shire Hill Quarry.

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

- whether the proposals as submitted including operational, restoration and aftercare proposals, meet the aspirations of the development plan.
- whether the proposed planning conditions are sufficient to ensure that the development can be controlled, such that it does not cause unacceptable impacts upon local residents or the wider environment.

As a result of the submission of all details and information all revised details and information and the relinquishment of tipping rights it meets both of these requirements. Having assessed the proposals in light of the above it is concluded that, as a result of the submission of all details and information, it meets both of these requirements.

Consultations

DCLG – no comment received.

High Peak Borough Council Planning – The proposals will be likely to have an impact on adjoining woodland and this will have a wider landscape and ecological impact. The LPA request that Peak Park satisfy themselves that these matters are appropriately addressed.

High Peak Borough Council Environmental Health (EHO) – *“The quarry process is a prescribed activity under the Pollution Prevention and Control Act 1999 and the associated Environmental Permitting (England and Wales) Regulation 2010. High Peak Borough Council regulates the activities at the Shire Hill Quarry installation under Permit reference P7-3/08...The permit stipulates that emissions shall be free from visible particulate matter beyond the process boundary and that mobile crushing and screening plant used at the quarry shall meet the requirement of process Guidance Note PG3/16 (essentially that such equipment be covered, hooded and provided with water suppression as necessary). This requirement also extends to any crushing and screening operations carried out at the site by contractors.*

I have been in post for...14 years and have been inspecting Shire Hill Quarry regularly throughout that time. At no time in any of the inspections have I had occasion to raise any concerns about dust issues at the site. I have never noted any dust emission that I would rate above slight and certainly never noted any dust transgression beyond the process boundary”...

Marchington Stone’s activities appear to be almost exclusively associated with the extraction of dimensional stone and consequently no significant stockpiles of dust-containing aggregates are maintained at the site.

“With these observations in mind, I have no objections..”

Natural England: Given a statutory purpose to ensure the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, contributing to sustainable development, Natural England comments (*Officer collation*):

No objection. This application is in close proximity to the Dark Peak 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 this SSSI does not represent a constraint in determining this application.

Mitigation & Enhancement: The proposed mitigation, compensation and enhancement section is well considered and appropriate for the site. We are pleased that the applicant intends to relinquish permission to use the permitted area for tipping in order to conserve as much of the broadleaved semi-natural woodland as possible to provide appropriate management and to translocate some field layer vegetation to a neighbouring site. We also welcome the proposed aftercare scheme of progressive restoration on the upper and lower levels.

Protected Species

We are satisfied that providing all mitigation is carried out in strict accordance with the details in the application protected species will not be adversely affected. The mitigation strategy for the woodland section, including retention of 75% of the woodland with appropriate management and increasing the amount of deadwood on site will improve the site for a range of species over time, most notably invertebrates and animals that feed on them such as birds, bats and small mammals.

Local Wildlife Sites

If the proposal site is on or adjacent to a local wildlife site, for example, Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local Landscape

Natural England does not hold information on local landscape character; however the impact of this proposal on local landscape character is a material consideration when determining this application.

Environment Agency: Advise a number of Conditions and Informatives be attached to any new permission for the site.

Derbyshire County Council Highways: *“It is noted that there is potential for an increase in output from the quarry than has occurred over recent years i.e. up from 60,000t per annum to 65,000/100,000t per annum, potentially a 40% increase in output. It is suggested that lorry movements may increase from 30 trips per day to 100 trips per day. This being the case, in the interests of safe operation of the highway, it is strongly recommended that significant improvement is made to the exit visibility splays although it would appear that such intensification may currently occur under the existing permission It is not anticipated that the increased trip generations would cause any capacity issues on the highway network”.*

“Therefore, subject to the applicant submitting details of improvements to be made to the existing site access for written approval, such works being carried out to the satisfaction of the Local Planning Authority within a stipulated time limit, there are no highway objections to the proposals”.

This would have required the Applicant to undertake works on land outside of their control. However, further discussions with Derbyshire County Council and the Applicant have confirmed that the County Council would be satisfied for a condition to be imposed which required regular maintenance of the visibility splay.

During discussions Derbyshire County Council indicated that the exit visibility to the left is perceived to be around two-thirds of the recommended splay and anything that may raise driver awareness of slow moving HGV's emerging would be considered of benefit. Mounting back to

back with the existing road sign approximately 100m to the east of the site access was mentioned as this would not increase roadside 'clutter'. A sign in private land may also be considered though'.

The Applicant has agreed in writing to provide some advance warning signage inclusion within the submission details offering advance warning signage for the access. These details have been included within the appropriate planning condition.

Following further discussions with the Authority and Derbyshire County Council Highways, the Applicant has undertaken some vegetation clearance and has felled two trees at the site entrance, which has significantly improved visibility to the left and was supported by the Highway Authority for safety reasons. The two trees that have been removed were part of a TPO that covers the whole of the woodland at Shire Hill (TPO 27). In compensation for this loss a condition which requires the planting of ten replacement trees has been agreed with the Applicant.

PDNPA Archaeology: No comment.

PDNP Ecology: In summary, whilst some negative impacts on wildlife are expected these are mitigated. Overall the relinquishment of tipping rights on ancient woodland, habitat creation (chiefly natural regeneration) through phased restoration, and additional mitigation and enhancement collectively constitute a significant biodiversity gain and enhancement for this site.

PDNP Landscape: No comment.

PDNPA Footpaths / Rangers: *"There aren't any public rights of way in the site...I do know that there are a number of walked routes in the area and the comments of the highway authority should be sought to ascertain if any of these routes have been claimed as public rights of way".*

DCC Rights of Way Service: Confirm that there are no claimed rights of way across the area.

PDNPA Tree Officer: No comment.

Charlesworth Parish Council: No objections confirmed.

Representations

Friends of the Peak District (FPD): Welcomes the reduction in working area of the site and the unilateral undertaking offered by the operator, Marchington Stone not to use the lower woodland areas for tipping of quarry waste. However has concerns regarding the proposed amount of aggregate that may be extracted, the proposed number of HGV movements, and working hours. Requested that the restoration include footpaths and bridleways.

Additional comments were made by FPD in response to published revised set of conditions stating: *"We are still concerned about the proposed lorry movements and the arrangements for the access point, a concern echoed by the local highway authority (DCC). We would much prefer the splay of the access junction to be enhanced to at least the minimum required for safety by DCC. If this is not possible, more serious consideration should be given to reducing the total number of lorry movements. We are clear that placing reasonable and necessary (in this case for road safety) conditions as part of a first review would not be construed as 'prejudicing adversely to an unreasonable degree'".*

Two letters of support are contained within Appendix C of the Air Quality Statement contained with the Environmental Statement. One from the occupier of 17 Croft Manor and Mossy Lea Farm, Glossop. Both letters of support confirm that they have never been disturbed by the quarry and that the quarry owners have been good neighbours.

One letter of objection has been received from a local resident who comments that the bat survey data is inadequate, the mitigation for bats is inadequate and further development is not in the local interest.

Following this objection and discussions with the PDNPA Ecologist and the Applicant, a revised Bat survey was submitted based upon further detailed bat surveys and now provides for adequate mitigation for bats which has addressed this objection.

Planning Policy

Since the primary purpose of the ROMP process is to put in place a scheme of modern up-to-date planning conditions, together with a modern scheme of working and restoration, the application is assessed against those planning policies relating to environmental considerations. In the context of this application, the policies considered to be most pertinent are contained in the development plan.

In the National Park, the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of the conditions. The Authority has considered the relationship between the Core Strategy and the National Planning Policy Framework (NPPF) and resolved that they are consistent. This application does not raise matters that suggest otherwise.

Development Plan Policies

Peak District National Park Local Development Framework Core Strategy Development Plan Document ("LDF") (adopted October 2011) which provides the spatial planning expression of the *National Park Management Plan (NPMP)*: Policies MIN1 Minerals development; GSP1 Securing national park purposes and sustainable development; GSP2 Enhancing the National Park; GSP3 Development management principles; GSP4 Planning conditions and legal agreements; L1 Landscape character and valued characteristics; CC1 Climate change mitigation and adaptation; CC3 Waste management.

Relevant Peak District National Park Saved Local Plan (LP) Policies: LM1 Assessing and minimising the environmental impact of mineral activity; LM9 Ancillary mineral development; LC4 Design, layout and landscaping; LC17 Sites, features or species of wildlife, geological or geomorphological importance; LC19 Assessing the nature conservation importance of sites not subject to statutory designation; LC20 Protecting trees, woodlands or other landscape features put at risk by development; LC21 Pollution and disturbance; and LT9 Freight transport and lorry parking.

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

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

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

Overall the scheme as now presented and following extensive discussions with the operator and consultees has resulted in a working and restoration scheme that addresses the environmental requirements of the aforementioned development plan policies and does not conflict with the development plan.

Assessment

Ecology

LDF policy L2 seeks to conserve or enhance sites features or species of biodiversity or geodiversity importance. Policy LC17 seeks to protect sites features or species of wildlife importance. Policy LC19 requires scientific assessment of the nature conservation importance of sites not subject to statutory designation. The NPPF (paragraph 115) says wildlife conservation is important and should be given great weight in National Parks.

The Peak District Biodiversity Action Plan identifies priority habitats and species. The mitigation, restoration and biodiversity proposals address these objectives.

General Habitats: The ES confirms that none of the permitted development area is designated SAC, SSSI or Local Wildlife Site. The permitted development area is considered to comprise Upland Oakwood, lowland dry acid grassland and upland heathland. These are all UKBAP priority habitats.

Woodland: The ES confirms that the woodland is identified as ancient semi-natural woodland and is considered of significant nature value since it cannot be recreated and there are a number of national strategies which include policies relating to its protection. It is the only habitat which has been identified in the ES as being of greater than negligible value and all of it potentially could have been progressively lost to the disposal of waste (tipping) as a result of continued working. Therefore, in the absence of mitigation there would have been a significant negative impact in a county context. However through negotiations under the terms of the ministerial planning permission, a substantial body of woodland to the south of the approved excavation boundary is to be retained.

Marchington Stone Ltd have now committed to the relinquishment of approximately 2.7 Ha of woodland permitted for tipping purposes, by the submission to this Authority of a signed and completed Section 106 Unilateral Undertaking providing for the relinquishment of tipping rights. This is a major concession by the Applicant providing for the retention of an important area of ancient woodland in landscape and ecological terms. A position very much supported by Natural England, PDNPA Tree Officer, PDNPA Ecologist and Friends of the Peak District as this action will mitigate the majority of the predicted direct adverse impact on woodland since approximately 2.1 Ha (75%) of the 2.8 hectare ancient woodland within the currently permitted development area will be retained in situ. This woodland is semi-natural, UK Biodiversity Action Plan (BAP) priority Habitat and is covered by a Tree Preservation Order) and makes a significant contribution to the screening of the proposed extraction area and provides valuable natural habitat. Furthermore, Marchington Stone Ltd has agreed to a planning condition(s) for a woodland management plan and mitigation measures for approval and additional mitigation planting on land identified as a recovered soils receptor site within the south-east section of the site, which will enhance the existing woodland and also provide additional screening. The Applicant has also agreed to the retention of trees along the eastern boundary.

Bats: A Bat survey was undertaken and a detailed report submitted with the ES. Bat activity was recorded all-round the site and more noticeable more abundant around the woodland edges to the south and on higher ground close to the north quarry boundary. The assessment concludes that the area has a high local significance and value in relation to bat presence and the number of bat species and that the quarrying activities will have a range of potential impacts on bat species that without appropriate mitigation measures this will have both actual and potential

detrimental impacts on the site as regards bats.

To ensure the long term conservation status of bats and bat roosts the applicant has agreed to a condition requiring the production and adoption of a Bat Conservation Plan. This will include for mitigation and compensatory measures, to overcome the loss of potential roosting features when trees are felled and to help overcome any loss of shelter and potential roosting features.

Badgers: No signs of Badgers activity or setts were observed and the Ecological assessment concluded that the area was of negligible nature conservation importance for this species.

Birds: The Ecological assessment submitted with the ES confirmed that the site was considered to have negligible nature conservation value for bird species. However there have been 17 bird species considered to be potentially breeding at the site, the majority of which are associated with the woodland. In particular the breeding and some of the foraging habitat of two pairs of song thrush and one pair of dunnock could potentially be lost as a result of the permitted tipping. These are UK BAP species.

Retention of the permitted tipping area, woodland enhancement works and final restoration proposals are predicted to be likely to fully mitigate the predicted impact on birds. The majority of the woodland within the permitted development area will be retained (this includes the area where song thrush and dunnock were recorded and much of the extracted area will eventually become woodland

The provision of potential nest sites (bird boxes) for birds will be provided and conditioned accordingly and agreed with the Mineral Planning Authority.

Reptiles: The ecological assessment confirms that there were no reptiles recorded and thus the permitted development area was considered to be of negligible nature conservation importance for this species group.

Amphibians: The area was considered to be low nature conservation importance for this species group.

Invertebrates: No invertebrates species that are afforded protection under any UK or European Legislation were recorded that are listed in the British red data Books during the survey. The retention of the woodland, phased working and natural regeneration will ensure that local species remain at the site and any impacts are considered negligible. No significant impact is predicted in respect of invertebrates.

Landscape and Visual Impact

The NPPF (paragraph 115) gives the National Park the highest status of landscape protection. LDF Policy L1 stipulates development must conserve and enhance values character identified in the LSAP. Policy L2 seeks to conserve and enhance sites biodiversity and geodiversity importance. Policy MIN1 indicates that restoration schemes should focus on nature conservation afteruses and should include a combination of wildlife and landscape enhancement, recreation and recognition of cultural heritage and industrial archaeological features.

The quarry is set within a prominent hillside location which together with the ancient woodland is a historic landscape feature. The quarry at present is highly visible from public viewpoints from a wide area to the east, south and to a lesser extent the west.

The effects of the development on landscape features, landscape character, views from roads, properties and monuments has been assessed as part of the ES in a Landscape and Visual Impact Assessment (LVIA) and a supplementary LVIA report (July 2012). The LVIA acknowledges that the development proposals are of a reasonably large scale and that the operational phases, especially the initial phasing and lateral progression will be more visually

intrusive. The quarrying process, removal of existing vegetation, vehicle movements and changes in topography brought about by soil storage and screen bunds all have the potential to cause adverse impact.

The summary assessment of visual impacts provided by the ES concludes that the impact significance during the development varies from minor to moderate. Upon restoration the impact significance upon restoration ranges from minor to moderate to minor beneficial. The assessment recognises that the scheme does have landscape impacts. However, it is considered that the most visible levels from surrounding viewpoints would weather and recolonize at an early phase in the operations as the quarry is worked from a higher to lower level.

It is considered that the visual impact of the quarry as seen from some of its viewpoints specifically along the higher view points along the A57 (South East); Brownhill and surrounding moorland is greater than the rating identified within the LVIA (minor and moderate impact significance).

Therefore, without mitigation, the scheme has the potential to significantly impact upon the visual amenity of the locality and impact upon the landscape character. Whilst it is not possible to visually hide the upper parts of the quarry which form an amphitheatre within the hillside substantial mitigation is proposed to minimise those impacts. This includes:

- The progressive restoration of the quarry. This is considered a higher rating in terms of the benefits than described in the LVIA as moderate.
- The retention of the tree covered tipping area is considered most significant in that it will provide screening thereby reducing the potential visual impact.
- In addition the weathering of the gritstone and the colonisation by natural regeneration on the benches through progressive restoration will enable the upper most prominent parts of the site to become more visually assimilated into the landscape.
- The additional planting and restoration proposals will provide for long term assimilation into the landscape.

The progressive restoration of the quarry would be higher than rating of the benefits in the LVIA and the Applicant and Landscape Consultants have been advised of this.

Noise

The NPPF and Technical Guidance requires Mineral Planning Authorities to ensure that unavoidable noise emissions are controlled, mitigated or removed at source and noise emission should not have significant adverse impacts on health and quality of life.

The noise assessment undertaken and submitted by the applicant indicates that the noise levels at residential locations closest to the site would be acceptable and it proposes a number of restrictions in relation to working hours, maintenance of plant and equipment and noise limits. These have been incorporated within the schedule of proposed conditions.

The quarry development currently operates without any controls in respect of noise and it has been confirmed that there have been no complaints from surrounding properties in respect of noise. Should any complaints arise then it would be necessary to undertake noise monitoring in consultation with the Environmental Health Officer at High Peak Borough Council and this has been conditioned accordingly.

Blasting

The ES confirms that it is unlikely that blasting will occur at the quarry. However should blasting be necessary, a condition to control when it is undertaken has been agreed with the Applicant

and only low impact explosives will be used.

Dust

The NPPF (paragraph 143) and Local Plan Policy LM1 seek to ensure that operations do not have unacceptable adverse impacts from dust on the natural and historic environment or human health. The ES identifies a number of dust sources associated with the quarrying activities, namely site haulage, soils handling and stockpiles of stone or of soils. Other sources have been assessed as low significance. In order to minimise the potential impacts the proposed quarry will be operated in accordance with best practice (Best Practice Guide, Dust and Mineral Operations appended to The Environmental Effects of Dust from Surface Mineral workings HMSO, 1995) and the conditions set out in the existing dust management policy agreed with High Peak Borough Council.

A number of additional planning conditions to control the impacts of noise, dust and blasting from the site are now included in the schedule of proposed conditions, all of which have been agreed with the Applicant following discussions.

Archaeology

The NPPF identifies cultural heritage assets including those most at risk as an irreplaceable resource and that their conservation in a manner appropriate to their significance should be given great weight in National Parks. The Core Strategy, paragraph 9.40, promotes consideration of qualities and local distinctiveness of the historic environment and how these contribute to the spatial vision, and seeks to conserve heritage assets most at risk.

An archaeological assessment has been carried out as part of the EIA. A dry stone boundary wall, linear chute, concrete blast shelter and associated gun powder store are the most notable structures which have identified within the extraction boundary and are of potential archaeological interest.

Based on the findings, it confirms that some form of archaeological mitigation will probably be required in advance of any future works within the undisturbed areas of the two lateral working areas. It is recommended that archaeological monitoring during vegetation and soil removal would mitigate against the possible loss of any archaeological deposits, and will be conditioned accordingly.

Geotechnical Assessment

The NPPF paragraph 143 seeks to ensure operations do not have unacceptable adverse impacts from tip and quarry slope stability.

The ES confirms that the quarry is subject to annual face monitoring and recording geological features of significance to geotechnical engineering design compliant with the Quarries Regulations 1999.

Following discussions with the Applicant, the final quarry floor level was revised by 30metres to a depth of 232metres. This is considered a significant benefit to the overall working and restoration of the site, as it will significantly reduce the amount of waste generated and result in a better standard of restoration and landform through the establishment of more favourable micro habitat for natural regeneration. It is a major concession negotiated and given by the Applicant.

The ES recommends that rock trap arrangements at the base of the faces are introduced in order to reduce the risk by block fall and spalling and design recommendations for the existing and new working faces. These have been included in the phasing and restoration plans of the site and will be conditioned as part of the working scheme.

Public Rights of Way

The Core Strategy says that development should not prejudice the informal quiet enjoyment of the National Park and supports sustainable access.

The ES confirms that there are no public rights of way which cross the site. In the immediate vicinity of the site there are a number of footpaths and the closest of those is footpath FR44 which lies approximately 200 metres south-east of the quarry and is at a lower elevation than the quarry. In addition, there are no claimed rights of way across the area, as confirmed by Derbyshire County Council Rights of Way Officer.

The Recreation and Public Rights of Way report submitted by the Applicant confirms that following the cessation of working the site the restoration of the site could allow for additional public access subject to prior owner approval and health & safety considerations.

Restoration, Aftercare and After use

Following discussions with the Applicant and in the interests of meeting the specific requirements of the Environment Act 1995 review process, revised restoration and aftercare conditions have been agreed. These are intended to secure the progressive restoration and regeneration of the site; ensure the removal of all buildings and on-site infrastructure; impose an aftercare requirement of five years on all parts of the sites, and ensure that the afteruse of the site will be for nature conservation purposes, comprising natural regeneration.

Policy MIN1 “Minerals Development” of the Core Strategy requires restoration schemes to contribute to the spatial outcomes of the plan and to focus on amenity (nature conservation) after uses rather than agriculture or forestry and should include a combination of wildlife and landscape enhancement and recreation. The restoration scheme includes natural regeneration of the quarry. The existing slopes will be allowed to develop vegetation cover through natural regeneration. Within the remnant benches (north, north-east and south-west of the site) will be quarry scree and loose stone areas. In the long term the majority of the extracted area is considered likely to develop a broadleaved wood cover.

A soil receptor site is proposed on the southerly perimeter of the quarry area. This is considered the most suitable location in order to protect the woodland soils and also establish newly planted oak/birch woodland. This area will accommodate some of the woodland field layer vegetation and soil from the woodland that would be lost to extraction to a receptor area of 1100m².

A proposed hedgerow (thorn hedge) is to be planted, and will be located along the northern boundary; this is in order to provide a safety barrier. There are to be two small areas of wetland/water located at the base of the quarry. These are to be supplied from surface water run-off and natural rainwater.

The quarry access tracks will be maintained for site access and maintenance uses enabling access to the upper benches of the quarry.

Hydrology & Hydrogeology

The NPPF seeks to ensure that operations do not have unacceptable adverse impacts on flow and quality of surface and groundwater and migration of contamination from the site. LDF policy promotes water efficiency, conservation and sustainable Drainage systems. The NPPF (para 103) and LDF Policy CC5 both require that flood risk is not increased elsewhere by development.

The ES confirms that the quarry is situated within Flood Zone 1 which denotes that it is situated beyond the limits of all predicted flooding including 1 in 1,000 year event. All surface water from the quarry flows either directly to ground or is conveyed by gravity to settlement pits

The ES confirms that there is no evidence that any surface water run-off generated within the site boundary currently discharges to watercourses. Only one licensed abstraction point is considered to be beyond any influence of the quarry. This is located at Hurst Reservoir some 500 metres south of the quarry. The reservoir has now been removed and is being restored to a valley feature.

Water Management

Temporary water storage is provided by three settlement pits. The ponds measure 20m long and are separated by gabions. Each pit as now constructed is 3-4 metres wide and estimated to be 1-2.5m deep, their total capacity was estimated at some 480 cubic metres. The upper pit receives run-off from the quarry floor via a drainage channel located above it. Water within the pit soaks away into the ground. It has been confirmed from inspection during wet weather that the pits are functioning well and are of a suitable capacity to retain water discharge from the quarry subject to regular inspection. The pits will require regular inspection and desilting during and after the development and this will be conditioned accordingly.

A complaint had been received by the Authority in September 2013 from a local Councillor in relation to water running off the site onto Sheffield Road. Upon investigation, it was confirmed that surface water was running off the bottom two-thirds of the access road onto the highway. The operator has since undertaken some minor drainage improvement works along the access road in order to prevent the flow of surface water run-off onto the highway. In addition to these works, it is considered that a condition to ensure that the drainage pits on the site are regularly maintained, and a condition imposed to ensure that there is no surface water from the site flows on to the public highway, the arrangements for monitoring its effectiveness and arrangement to mitigate the adverse effects in the event the scheme is ineffective.

Highways and Traffic

The NPPF (paragraph 143) stipulates that traffic from operations should not have unacceptable adverse impacts and Local Plan Policy LM1 seeks to minimise adverse impacts of mineral working.

The ES confirms that the proposed development will have no significant impact upon the traffic conditions on the nearby highways and in particular the A57. Further the operational efficiency of the site entrance and the A57 will similarly be unaffected. It reports that due to the existing level of operation at the quarry there will be no significant increase in the generality of traffic movements in the area as a result of the development proposed.

The ES reports that the average output of the quarry has been up to 60,000 tonnes per annum and that this output is considered appropriate for the present time. It does comment that higher outputs of stone could be achieved dependent upon market conditions of 65,000 to 100,000 tonnes per annum.

The ES confirms that in the immediate vicinity of the quarry the road network is of a high standard for vehicles and has good provision for the movement of HGV traffic. There are no congestion issues with current HGV traffic entering and leaving the site. On average a total of 30 movements per day which could increase to potentially 100 movements per day.

The intensification of lorry movements can occur under the existing permission. The Applicant has stated that the output of stone is on average 100,000 tonnes per annum. It is therefore considered reasonable to limit the output/number of lorry movements per day to ensure that there is an environmental control on the level of activity. There has been considerable discussion with the Applicant regarding the maximum level of output. The Applicant has confirmed that they would agree to an annual output limit of 200,000 tonnes. On balance, this is considered reasonable given that the quarry currently operates without any controls, and this would provide a limit on the operation which the operator can work to. The Applicant has also

informally agreed to a condition which limits the number of traffic movements.

The Highway Authority has commented that should output be increased then it would recommend that significant improvement be made to the existing visibility splay.

It should be noted that the existing access arrangements were previously considered satisfactory by the Highway Authority, subject to the sight lines being maintained. The sight lines requirement was detailed on the plan ('T.P.Ref.19019') drawn-up by DCC County Surveyor in 1951. This would also have been subject to inspection by the County Surveyor in April 1978. The site was inspected on 5 July 2011 where it was noted that the sight lines and road frontage were maintained and compliant with condition 5 of the existing permission.

However, given the concerns raised by the Highway Authority regarding the visibility splay and potential for intensification of lorry movements, discussions have taken place with the Applicant and the Highway Authority. The Applicant has agreed in writing to provide some advance warning signage at the access and has committed to undertake some improvements works, including the removal of two trees (one of which was diseased) and low-lying vegetation and the rebuilding of some walls. The Highway Authority has confirmed that they are satisfied with this commitment and the planned works are proposed to be conditioned.

Given the close woodland frontage to the A57 carriageway and vegetation growth maintenance is an on-going requirement and the applicant has agreed to a condition which will ensure that the visibility splays are not obstructed and kept clear of vegetation. In addition conditions requiring that the public highway be kept clear of mud and dust and the sheeting of lorries are recommended.

Planning Obligation

Policy GSP4 of the Core Strategy 'Planning Conditions and Legal Agreements', and the supporting text sets out the circumstances where planning conditions and legal agreements are necessary, and where it would be appropriate to include requirements that aid the implementation of national park purposes to ensure sustainable development.

The obligation has been signed by the Applicant and has surrendered the rights to deposit quarry waste on an area of land which is broadleaved semi-natural woodland and a UK Biodiversity Action Plan (BAP) priority Habitat. This will ensure the retention of a significant area of birchwood and oak woodland, which makes a significant contribution to the screening of the proposed extraction area and is an important wildlife habitat thus leading to greater conservation and enhancement of the landscape than would otherwise be the case within the National Park.

It is considered that the agreement meets the statutory tests in the Community Infrastructure Levy Regulations 2010 and the NPPF in that it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Concessions

The Applicant has made significant concessions which are considered to represent significant environmental benefits:

- Voluntary surrendered tipping rights within an area of woodland which currently provides a visual screen to site operations and is of significant ecological/landscape value.
- Retention of an area of trees in the North East corner of the site;
- Retention of an area of trees along the eastern boundary;

- Early restoration/regeneration of upper quarry benches;
- Retention of vegetated screening mound to the north of the extraction area;
- Reduction of the maximum working depth by 30 metres to ensure that the site can be worked without significant waste being created thus ensuring that the majority of the area for tipping can be retained in perpetuity.
- Improvements to site access

Conclusion

The determination for approval of a new schedule of planning conditions for mineral working permissions is a mandatory process for which refusal is not an option. The schedule of planning conditions proposed will apply to Shire Hill Quarry for a period of 15 years, after which the site will be subject to a 'periodic review' to cover operations for the next 15 year period.

The proposals do not conflict with the development plan. The schedule of conditions in the officer's recommendation has been agreed between the parties and would bring appropriate updates and much improved control over, amongst other matters, the environmental effects, and method of working, landscaping, restoration and aftercare of the Quarry.

It is considered that the revised schedule of conditions now proposed reflects current Government Guidance, the development plan and best practice and have been formulated with regard to all material considerations which are as set out above. It is also considered that these conditions do not restrict the working rights to the extent that they would prejudice adversely and to an unreasonable degree either the economic viability of operating the site or its asset value. Having also agreed the recommended conditions with the Applicant, it is considered that the National Park Authority would not be at significant risk of compensation liabilities should the recommendation to approve this new schedule of conditions be upheld.

The conditions proposed have been considered and formulated from the detailed information submitted by the Applicant within their application, taking into consideration statutory and non-statutory consultation responses and relevant planning policies.

Submitted Schedule of Conditions

The company has proposed 19 planning conditions for the Shire Hill Quarry. The wording of these conditions has been amended in some cases and additional conditions imposed where further control is necessary. As a result 66 planning conditions are now proposed and these are set out in full at the end of this report.

Amended Schedule of Conditions

A detailed review and redraft of the submitted conditions, having regard to the assessment of environmental effects anticipated in the submitted ES, including the site's future development and restoration of the site has been undertaken. The redrafted conditions are not fundamentally different from those the company sought, in terms of their scope. There are a number of new conditions formulated as a result of amendments agreed with the Applicant and recommendations in the ES. Furthermore, in a number of instances, minor amendments to the wording of the conditions have been made to bring them in line with current environmental standards and standard minerals development control practice. The proposed variations have been discussed with Marchington Stone Ltd, taking into account the company's views, together with those of the consultees.

Schedule of Conditions

(i) Principles

The ROMP Site

1) For the purpose of the determination of the Review of Old Mineral Permission (ROMP), the term 'the ROMP site' shall apply to the whole of the ROMP determination Area as shown outlined in red on Drawing No: 08080-11-08 (Topographic Survey March 2010).

Reason: To clarify the extent of the site to which these conditions apply.

The Site & Scope of Conditions

2) For the purpose of applying the conditions attached to this determination the term 'the site' shall mean all the land within the areas shown outlined in red and all other areas associated with the development shown outlined in blue on the submitted Drawing No: 08080-11-08 (Topographic Survey March 2010). From the date these conditions come into effect they shall replace all the conditions in planning permission 1986/9/20 dated 12 September 1952.

Reason: For the avoidance of doubt and in the interests of planning.

NB: for the avoidance of doubt the term 'coming into effect' where it is referred to in the conditions shall mean within six months of the date of the determination.

Approved Details:

3) The development shall be carried out only in accordance with this permission, the application, Environmental Statement, plans and amended plans and information, including:

- The planning application reference: HPK1197168 with accompanying ROMP Review Proposed Quarry Development Environmental Statement dated July 2012; ROMP Review Proposed Quarry Development:
- Appendices to Environmental Statement dated July 2012
- ROMP Review Proposed Quarry Development Supporting Statement dated July 2012, Supplementary Report relating to Landscape and Visual Impact Assessment, dated July 2012
- Annex 1 (Mineral Questionnaire)
- 08080-11-08 (Topographic Survey March 2010)
- Phasing plans: drawing number 's 08080-11-01 (Working Phase 1),
- 08080-11-02, (Working Phase 2)
- 08080-11-03 (Working Phase 3)
- 08080-11-04 (Working Phase 4)
- 08080-11-05, (Working Phase 5)
- 0808-11-06b (Working Phase 6)
- Restoration plans: Figure L10 Revision A & Figure L11 Revision A
- Letter from Marchington Stone dated 12th May 2014
- Parking Area Plan Ref:08080-11-0 dated March 2011
- Proposed Entrance Plan Ref:08080-11-08

Reason: To ensure that development is carried out in accordance with this permission and the approved documents and drawings.

Decision Notice

4) From the date of their coming into effect, a copy of these conditions, including all documents and plans referred to in them, and any further submissions to, and approvals by the Mineral Planning Authority under these conditions, shall be available for inspection at the site office during working hours, and the terms and conditions of the permission shall be made known to

any person(s) given responsibility for the management and control of operations and site operatives

Reason: To ensure that the site operators are aware of the requirements of these conditions throughout the period of the development.

(ii) Timescales

Commencement

5) The date of commencement of the development for which these conditions are determined shall be the date upon which these conditions come into effect. (See Note (i) to applicants).

Reason: In conformity with Section 91 of the Town & Country Planning Act 1990 (as amended)

Duration

6) The winning and working of minerals and the deposit of mineral waste shall be completed no later than 22nd February 2042. Restoration of the site shall be completed no later than 12 months after the cessation of mineral extraction or 22nd February 2043 whichever is the sooner. For a period of 5 years from the date of completion of restoration, the site shall be managed in accordance with the approved aftercare scheme.

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

Notification of Site Activities

7) In the event that no operations are carried out on the site for any period(s) in excess of 3 months the site operators shall notify the Mineral Planning Authority no less than 7 days prior to the resumption of working on the site or should that not be practicable as soon as may be practicable prior to or following re-commencement.

Reason:

For the Mineral Planning Authority to be aware of period of site activity for the purposes of site monitoring and responding to any inquiry from the general public.

Phasing

8) The working of the upper top 2 benches of the quarry at the 302 m and 295 m contour levels as identified on Drawing Number 08080-11-01 (Working Phase 1, August 2011) shall be completed within 5 years of the date of these conditions coming into effect. Subsequent phasing shall be carried out progressively in accordance with the phasing plans as detailed in condition 3.

Reason: To control the duration of development and enable early restoration of the upper benches of the site.

Hours of Operation

9) a) Except in the circumstances set out at b) below, no operations authorised or required by this permission, including vehicle movements onto and from the site, or within the site shall be carried out on the site except between the following times:

0700 hours and 1900 hours Mondays to Fridays;

0700 hours and 1300 hours Saturdays.

No operations shall be carried out at any other time (s) or on Sundays, Bank Holidays, or other Public Holidays.

b) The circumstances referred to at a) above are as follows:

i. cases of emergencies and safe working practices affecting public safety or site personnel when the hours set out at a) above shall not apply.

ii. emergency repairs to plant and machinery which may be carried out outside the hours set out

at a) above, provided no machinery or plant is run or operated

Reason: To control the hours of operation in the interests of local amenity.

(iii) Ancillary Development

Removal of Ancillary Development & Site Clearance

10) All fixed and mobile plant, buildings, structures, machinery and foundations associated with the approved development shall be removed from the site within six months of the completion of the approved mineral development.

Reason: To enable site restructure and in the interest of local amenity.

Appearance of Buildings

11) All external surfaces of ancillary buildings and other structures on the site shall be coloured BS4800:201108B29 Van Dyke Brown and shall be maintained throughout the duration of the approved use, including undertaking any necessary repainting/cladding renewal.

Reason: To reduce the visual impact of the buildings on site.

Restriction of Permitted Development Rights

12) Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amending or replacement Order, no fixed plant, installations or machinery, buildings or structures, or buildings or structures in the nature of plant or machinery, shall be placed or erected on the site except as authorised or required by this permission, or unless separate planning permission is granted by the Mineral Planning Authority for such development pursuant to Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.

Reason: To enable the Mineral Planning Authority to consider whether any such proposed further development in the site might have an unacceptable impact on amenity and the environment.

Mobile Plant

13) All excavation and other mobile plant when not in use (for the purposes of quarrying) shall be parked or stored on the quarry floor as far as is practicable within a screened location/s.

Reason: In order to minimise the impacts of the development on the landscape, environment and amenities of the area.

(iv) Access & Traffic

Approved Site Access & Egress

14) The sole vehicular access for the development hereby permitted shall be via the existing access as detailed on Drawing No: 08080-11-08 (Topographic Survey) March 2010. No other access shall be used by traffic entering or leaving the site.

Reason: To control access to the site in the interests of local amenity, highway safety and the environment.

Access Design

15) The exit visibility splay of 6m x 15m to the nearside carriageway channel in each direction shall be maintained clear of all other obstructions in excess of 1.0m in height (600mm in the case of vegetation) from the existing site access to the A57.

Reason: In the interests of highway safety.

HGV Movements

16) The total number of lorry movements per day shall not exceed 100 movements (50 into the site, 50 out of the site) on Monday to Friday and 52 movements (26 into, 26 out of the site) on Saturdays. No lorry movements shall take place on Sundays or Bank or Public Holidays.

Reason: In the interests of highway safety and to minimise the impacts of the development on the amenities and environment of the locality.

Traffic Generation Returns

17) A written record shall be maintained of all movements out of the site by heavy goods vehicles (more than 7.5 tonnes gross weight) for the purposes of removing processed stone from the site and shall be made available for inspection by the Mineral Planning Authority on demand at any time.

Reason: To enable the Mineral Planning Authority to monitor the output and generation of road traffic from the site in the best interest of the local environment and highway safety

Highway Cleanliness

18) The surfaced access road from the point of access from Woodcock Road (A57) to the point of entry into the quarry (as shown on Drawing No: 08080-1- 08 'Topographic Survey') shall be maintained in a good state of repair at all times throughout the duration of this permission including the infilling of pot holes and shall be kept clean of mud, other dirt, slurry and stones at all times. Measures shall be implemented as necessary to ensure that the public highway is kept free of mud, stone, contaminants and surface water runoff from the site at all times.

Reason: To protect the interests of local amenity, highway safety and the environment.

Site Parking and Manoeuvring

19) Within six months from the date of these conditions coming into effect adequate parking, loading/unloading, turning and manoeuvring areas for vehicles shall be provided on the quarry floor in accordance with the submitted plan ref: 08080-11-0 dated March 2011. The area shall be suitably surfaced and maintained.

Reason: To prevent contamination on the public highway and to prevent parking on the public highway in the vicinity of the site access in the interests of highway safety and local amenity.

Western Access Track

20) No access shall be taken into the ROMP site for the purpose of quarrying along the western boundary access track as shown on Drawing No: 08080-1- 08 (Topographic Survey) March 2010 other than is necessary for the working and restoration of the top 2 benches of the quarry or as may be necessary from time to time for reasons of stability or health and safety concerns

Reason: To enable use of the western access track for the purpose of access to the top 2 quarry benches for reasons of health and safety and stability of the land and to prevent the continued use of the western track (which falls outside the ROMP boundary) thereafter in association with the quarrying operation

(v) Working Method

Scheme of Operations

21) The scheme shall be carried out in compliance with the submitted phased working Drawings: Nos: 08080-11-01 (Working Phase 1), 08080-11-02, (Working Phase 2) 08080-11-03, (Working Phase 3) 08080-11-04, 08080-11-05, 0808-11-06b, and restoration plans Figure L10 Revision A & Figure L11 Revision A and subject to the provisions of other conditions in this determination.

Reason: To ensure the development is carried out to an approved appropriate standard and in

the interests of clarification as to what comprises the approved scheme.

Spatial limit of extraction

22) No mineral extraction shall be carried out outside the limit of extraction as outlined in red and identified on Drawing No: 08080-11-08 (Topographic Survey), March 2010.

Reason: For the avoidance of doubt, and to ensure that the development is carried out in a satisfactory manner in the interests of amenities in the area.

Slope Stability

23) a) Excavation in the vicinity of existing faces shall be undertaken in accordance with the details provided within the Geotechnical Stability Assessment report (prepared by Silkstone Environmental Ltd, March 2012, Rev 2), 'Conclusions and Recommendations' including maintaining:

i) a minimum 5m standoff shall be maintained between any operational plant and equipment and the edge of excavation.

ii) rock trap arrangements

iii) 5metre wide benching between subvertical faces (approximately 70 degrees from horizontal) 15 metre high.

b) A Geotechnical Inspection of the quarry slopes shall be undertaken at intervals no longer than 2 years by a competent Engineering Geologist or Geotechnical Engineer and the results of each inspection including an assessment of the stability of the quarry faces and remedial or mitigation measures for the purposes of the slope stability shall be submitted to the Mineral Planning Authority on their request.

c) in the event of quarry face failure and/or slippage as soon as practicable after the event, the Mineral Planning Authority shall be notified and all operations shall cease within the affected area and a geotechnical survey shall be carried out by a geotechnical engineer/Engineer Geologist and submitted to the Mineral Planning Authority with proposals for remedial action before quarrying proceeds within the area affected by instability.

Reason: To minimise the risk of slope instability and to ensure the safety and stability of the quarry environment.

Notifications

24) A review of the progress of quarrying during the preceding 5 years together with the continued quarry and restoration proposals for the forthcoming 5 years shall be submitted to the Mineral Planning Authority. The first date of the first programme review will be submitted 5 years from the date of the determination of the planning permission.

Reason: To ensure that the Mineral Planning Authority is made aware of the status of development so that it is worked and restored in a progressive manner in accordance with the timescales set out in the approved documents in the interests of the amenities of the area.

Phasing of Working

25) Within Phase 1 of the operations, the tree and vegetated area at the north east corner of the site (at 394500N 405450E) shall be worked in such a manner as to provide for the retention of the vegetation and trees on the outer eastward facing slopes of the hillside for the longest possible period on each level of excavation as far as is safe and practicable.

Reason: To ensure that the site is screened from views from the east and south east and that the trees on the outer eastern facing flank are retained for as long as operationally possible prior to removal to ensure that the operations are screened for as long as practicable.

Mineral Type

26) No mineral shall be worked from the site other than gritstone.

Reason: To restrict mineral extraction to the minerals applied for.

(vi) Output

Annual Returns: Stone Sales

27) The operators shall, no later than 31 January of each year, submit to the Mineral Planning Authority, on a confidential basis, annual returns specifying monthly production records of the following quantities of stone extracted and exported from the site during the preceding year:

- a) Any finished dimensional stone products.
- b) Any Blockstone.
- c) Any slab and miscellaneous stone products.
- d) Any Aggregate

Reason: In order that the Mineral Planning Authority can monitor the output of mineral at the site

Rate of Exportation of Stone

28) The total annual sales output of mineral from the site shall not exceed 200,000 tonnes in any calendar year.

Reason: To enable the Mineral Planning Authority proper control over the output of mineral from the site in the best interests of the local environment and highway safety.

(vii) Drainage, Water Protection & Pollution Control

Surface Water

29) All surface water runoff from the site shall be channelled to the settlement ponds as shown on Drawing No: 08080-11-08 (Topographic Survey) except as otherwise required by the provisions of condition 30.

Reason: In the interests of the water environment, pollution control and flood prevention.

Drainage of Access

30) There shall be no surface water drainage from the site onto the public highway. The drainage works on the access road which have already been undertaken and include: the digging out of a ditch at an acute angle from the road, above each tarmac lay-by on the access road shall be maintained throughout the duration of the approved development. The measures shall be maintained throughout the duration of the approved development and monitored throughout the approved use of the site. In the event that they fail to intercept and control the surface water further measures as considered appropriate shall be agreed with the Mineral Planning Authority and implemented.

Reason: In the interests of highway safety and to prevent water getting on the highway.

Contaminated Drainage

31) There shall be no discharge of foul or contaminated drainage from the site into the ground, ground water or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system, underground strata or aquifer.

Reason: In the interests of the water environment, pollution control and flood prevention

Maximum Depth of Working

32) The maximum depth of working shall be restricted to 232m AOD and no working shall take place below the water table.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation

interests from harm and pollution by contaminants. To protect the water environment.

Pollution Control

33) All necessary measures shall be taken and maintained throughout the period of the approved development to prevent effluents, oil, fuel or other potential pollutants being discharged to any soil, ground, watercourse, groundwater system or underground strata and to prevent the mobility and spread of contaminants.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation interests from harm and pollution by contaminants.

Storage Facilities

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

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation interests from harm and pollution by contaminants.

Plant and Machinery Oil and Fuel Leaks

35) All mobile plant and machinery and any static machinery used on the site outside of containment bunds shall be regularly checked for leaks of fuel or lubricants and if found leaking shall be repaired prior to further use to prevent spillage and seepage into the ground.

Reason: To prevent pollution of any watercourse, groundwater, aquifer or reservoir to protect the quality of the water environment and human and other receptors and nature conservation interests from harm and pollution by contaminants.

Foul Drainage

36) In the event that there is intent to dispose of foul drainage from the site, a scheme to dispose of foul drainage shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of the water environment, pollution control and flood prevention.

(viii) Control of Waste

Quarry Waste

37) No waste materials derived from within the site shall be removed from the site. Any overburden/interburden mineral or other waste materials derived from the site during the carrying out of the approved development shall be immediately backfilled where practicable or placed on remnant benches or the quarry floor in accordance with the approved restoration.

Reason: To ensure the recycling of waste materials from the development and the compatibility of site restoration.

Inspection & Maintenance of Settlement Ponds

38) Inspection of the ponds shall be undertaken at least once every 12 months throughout the duration of the development. Additional inspections of the ponds shall be undertaken during prolonged periods of excessive rainfall. Maintenance and desilting of the ponds shall be undertaken where necessary. All materials recovered from the settlement ponds such as clay/silt and gritstone shall be placed in the excavations.

Reason: To protect the water environment.

(ix) Environmental Dust, Smoke and Fumes Management: Control and Mitigation

Dust Control

39) All operations for the winning and working of materials, restoration works and ancillary operations and development, shall be carried out in a manner to minimise the generation of dust.

Reason: To control dust resulting from the site operations in the interests of local and residential amenity, and the local environment.

Dust Management

40) Dust management shall be carried out in accordance with the mitigation measures set out in the Environmental Statement Air Quality Statement and in accordance with the guidance contained in the National Planning Policy Framework Technical Guidance (paragraph 23), or any subsequent revision or replacement thereof.

Reason: To minimise and control the generation of dust to protect local residential amenity and the environment.

Burning (Smoke and Fumes)

41) There shall be no burning of rubbish or wastes or other fires on the site.

Reason: To protect local residents and the environment from smoke and fumes.

Blasting

42) Only 'low explosives' in small quantities shall be used on the site in the form of black powder and/or pyro- breaker capsules (expansive rock splitting gas) or other available non-explosive deflagrating agent. Whenever practicable stone shall be loosened and blocks removed and split within the excavations by mechanical means

Reason: To minimise the impacts of the development on the landscape and environment of the area.

(x) Environmental Noise Management: Control and Mitigation

Operation of Mobile Plant and Machinery

43) All plant and machinery shall operate only during the permitted hours and shall be silenced at all times in accordance with the manufacturers' recommendations.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local and residential amenity.

Noise Suppression Measures

44) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To control the impact of noise generated by the development in the interests of local

amenity.

Reversing Alarms

45) The reversing alarms on all vehicles on the site and visiting the site shall not emit a noise that would have an adverse impact on local amenity. Reversing warning devices shall be either non-audible, ambient-related or low-tone devices.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

Noise Limits

46) The noise level attributable to normal site operations measured at any noise sensitive property shall not exceed 55 dB LAeq (1 hour) (freefield).

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

47) The noise level attributable to operations on the periphery of the site or at high levels, or in unscreened locations such as soil stripping, the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments at the site, measured at any noise sensitive property shall not exceed 70 dB LAeq (1 hour) (freefield) at the surrounding properties for temporary operations not exceeding 8 weeks in any year.

Reason: To ensure the satisfactory development of the site in the interest of conserving the amenity of the area and local residents in particular.

(xi) Control of Site Lighting

Control of Artificial Lighting

48) No artificial lighting equipment shall be installed within the site other than that which has been designed and directed to illuminate only what is necessary for the safe and efficient operation of the quarry and associated works and no lights shall be so positioned or directed as to illuminate land outside the site boundary, or so as to cause disturbance to, or at occupied residential properties.

Reason: To prevent any incident of light pollution.

(xii) Protection of Archaeological Interests

Archaeological Recording

49) No development shall take place within the two undisturbed peripheral zones along the eastern and south-western edges of the site until a programme of archaeological work in accordance with a Written Scheme of Investigation for detailed monitoring of the soil stripping operation within these areas of the site, and the excavation and recording of any archaeological remains that are revealed, has been submitted to and approved by the Mineral Planning Authority in writing.

Reason: To enable sites of archaeological interest to be adequately investigated and recorded.

(xiii) Protection of Ecological Interests

Breeding Birds

50) No soil stripping, vegetation clearance or tree removal shall be undertaken during the bird nesting season (March-August inclusive) unless that work is considered justifiably unavoidable as may be agreed by a representative of the Mineral Planning Authority. The operator shall commission a suitably qualified ecologist to survey each proposed working area for active bird

nests prior to any disturbance to trees, other vegetation, ground or spoil mound within that area. Any active birds nests found by the survey and trees and shrubs that contain nesting birds or their active nests shall be left undisturbed until vacated.

Reason: To ensure that the development does not disturb breeding birds, or, if this is likely to happen, that appropriate mitigation measures are in place in the interests of nature conservation.

Provision of Bird Boxes

51) Within three months of the date of these conditions coming into effect the details of 15 nest boxes and their design and location shall be submitted to the Mineral Planning Authority for approval. Once approved the nest boxes shall be erected in the retained woodland.

Reason: To mitigate against the potential loss of nesting sites.

Bats Mitigation & Conservation

52) Within six months of the date of these conditions coming into effect a Bat Mitigation & Conservation Plan shall be submitted to the Mineral Planning Authority for approval and implementation. This shall include a mitigation method statement and shall incorporate (but not exclusively) the measures proposed within Appendix G 'Bat Report' Shire Hill Quarry, Woodcock Road, Glossop. On behalf of Marchington Stone Ltd by Ecology Services UK Ltd. Revised report dated 9th July 2012 sections 7.1.2 and 7.2.1. Once approved the Bat Mitigation and Conservation Plan shall be implemented in complete accordance with the approved details set out in the approved plan.

Reason: To ensure that appropriate mitigation and conservation measures are in place in the interests of nature conservation.

Provision of Bat Boxes

53) Within three months of the date of these conditions coming into effect the type, number and location of bat boxes shall be submitted to the Mineral Planning Authority for approval and implementation to the satisfaction of the Mineral Planning Authority.

Reason: To ensure that appropriate mitigation measures are in place in the interests of nature conservation.

(xiv) Protection of Trees and other Vegetation

Demarcation of Affected Trees and Protection of Other Trees and Shrubs Within the Site

54) No trees or mature shrubs within the site shall be felled, damaged or disturbed without the prior written approval of the Mineral Planning Authority. Prior to the disturbance or felling of any trees or removal of any mature shrubs the trees to be felled shall be clearly marked and the trees as identified together with any mature shrubs within the area to be disturbed by quarrying shall have been checked and agreed as consented to fell or remove by the Mineral Planning Authority. At all times during the carrying out of the approved development and in particular during the site clearance and preparation phases there shall be careful site supervision to ensure that no damage occurs to any other trees or mature shrubs within the site.

Reason: To minimise the impacts of the development on the amenities and environment of the area.

Protection of Trees, Shrubs, Hedgerows and Boundary Features

55) All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying and stone processing operations and until the restoration of the whole of site, except as may be allowed by this permission. For the purposes of this condition the retained trees, shrubs, hedges and boundary features shall be protected as necessary from the quarrying, stone processing and related operations by the provision of standoffs, with machinery

and storage exclusion areas that extend to the edge of all site boundaries

Reason: To ensure that these features are properly maintained and protected for the duration of the development and in the interest of visual amenity and landscape character.

56) The Mineral Planning Authority shall be given at least seven days' notice in writing of the commencement of any site operations that will involve the disturbance, damage or removal of trees within the site

Reason: To minimise the impacts of the development on the amenities and environment of the area.

Conservation of Seed Resource

57) Prior to the removal of any tree vegetation from the site a programme and arrangements for the collection and safe storage of seed of local provenance (i.e. from the site and surrounding woodland) from shrub and tree species for use in the habitat creation within the receptor site shall be implemented in accordance with details which have the written approval of the Mineral Planning Authority.

Reason: To encourage reseeded and provide for an enhanced habitat creation scheme

(xv) Soil Conservation & Protection

Soil Stripping and Handling

58) The Mineral Planning Authority shall be given at least seven day's notice in writing of the commencement of any phase of soil stripping operations or other movement of soils and soil forming materials.

Reason: To ensure that soils resources are protected and that monitoring arrangements for soil stripping and storage are in place.

Prevention of Trafficking Over Soils

59) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for undertaking permitted operations. Essential trafficking routes shall be clearly marked on the ground by stakes or other means. No part of the site shall be excavated, traversed, used for a road, for the stationing of plant or buildings, storage of subsoil or overburden, waste or mineral deposit, until all available topsoil and subsoil have been stripped from that part.

Reason: To ensure soils are protected and to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil.

Soil Handling Conditions

60) The stripping, excavation, movement, storage, lifting and placement of topsoil, any subsoil that may be encountered, and soil forming materials shall only take place in accordance with the good practice techniques specified in the 'MAFF (2000), Good Practice Guide for Handling Soils (version 04/00)' specifically 'Sheet 1: Soil Stripping with Excavators and Dump Trucks', 'Sheet 2: Building Soil Storage Mounds with Excavators and Dump Trucks', 'Sheet 3: Excavation of Soil Storage Mounds with Excavators and Dump Trucks', 'Sheet 4: Soil Replacement with Excavators and Dump Trucks', , "to the extent that these guidance sheets may be relevant to the machinery used in the soil recovery, handling, storage and placement operations. No soil stripping or soil spreading shall take place except during periods of dry weather when the full depth of soil to be stripped or replaced is in a suitably dry and friable soil moisture condition (i.e. non-plastic state) such that damage to its structure is avoided, and the topsoil can be separated from any subsoil and / or the underlying soil forming materials without difficulty.

Reason: To ensure that soil resources are protected and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist and the preservation of soil resources in the interests of land quality.

Protection of Existing Soil Mounds

61) There shall be no importation of soils to the site from the soil storage and screening mounds which are located immediately north of the ROMP site boundary as shown on Drawing No: 08080-11- 08 'Topographic Survey'. The existing mounds shall be retained in their present location and shall remain undisturbed.

Reason: To ensure that the soil screening mounds are protected from disturbance and preserved in situ in the interests of visual amenity and health and safety.

(xvi) Restoration and Aftercare

Restoration

62), A comprehensive scheme (s) for the post-restoration landscaping of any restored areas shall be submitted for the approval of the Mineral Planning Authority on a five yearly basis, save for the first such scheme to be submitted within twelve months of the date of these conditions coming into effect. Thereafter each scheme of progressive landscaping shall be implemented in accordance with the details as approved in writing by the Mineral Planning Authority. Each landscaping scheme shall generally accord with the Restoration Scheme' (Figure L11 (Rev A)) and shall include but not be limited to the following:

a) A Phased Habitat creation plan which will incorporate each phase of the development and include: the final contours, gradients and levels delineating the surface topography to be achieved, including the variations in slope, pond formation, aspect and different size substrate areas to be retained or formed.

b) A phased management regime which will cover each phase of the development and include: retention of trees and hedges for the purposes of nature conservation within the site and around its perimeter. Details of the early restoration work to be carried out in the next 5 years.

c) Details of the removal of stockpiles, plant, machinery, buildings, structures, hard standings and roadways within each phase of the development.

d) The drainage of the site, including the arrangements to control water levels on the site and discharge of water from the site within each phase of the development.

e) Details of the proposed hedgerow planting, including species, layout, ground preparation, numbers and distribution of species, size of plants, spacing, method of planting, fencing and other protective measures. Once approved the hedge shall be planted in the next immediate planting season in the period between October through to March.

Reason: To secure the proper aftercare of the restored land in accordance with Policy MIN1 of the Core Strategy.

Woodland Retention

63) The linking fringe of woodland habitat at Co-ordinates 405450E 394550N around the eastern side of the quarry as shown on Drawing No: 08080-11-01 'Working Phase 1' shall be retained during the lifetime of the mineral permission.

Reason: To ensure the protection of the woodland habitat.

Woodland Management

64) Within twelve months of the date of these conditions coming into effect a Woodland

Management Plan covering the whole of the site shall be submitted to the Mineral Planning Authority for approval in writing. The Woodland Management Plan shall then be implemented as approved by the Mineral Planning Authority. The Woodland Management Plan shall include (but not exclusively):

- i) A rationale for the management of the retained woodland over the duration of the development.
- ii) Survey and Evaluation of the Habitat
- iii) Formulation of strategic management objectives including:
 - a) to increase the quantity of deadwood where practicable;
 - b) to control non-native species;
 - c) to diversify structure;
 - d) to conserve large, old and veteran trees.

Reason: To ensure the protection of the woodland Habitat.

Translocation of Soils

65) The translocation of soils and woodland field layer vegetation shall be undertaken in accordance with the following method statement:

Donor Site:

- i) Turf/soil stripping shall be in the period September to February inclusive except as allowed by Condition 50;
- ii) the vegetation and soils shall be excavated to a depth of c15-20cms where present;
- lii) large roots (those over 50mm in diameter large rocks and foreign materials shall be removed from the vegetation/soil prior to transportation.

Receptor Site:

- i) The exact boundaries of the reception area including any agreed buffer zone shall be agreed with the Mineral Planning Authority and shall be clearly delineated;
- ii) The vegetation/soil shall be loosely tipped then lightly pressed down to provide good contact with the subsoil surface but not compacted or smeared;
- iii) There shall be no tracking by vehicles over the newly laid vegetation/soil;
- iv) There should be no storage of vegetation/soil between stripping and placement. Both operations shall ideally take place for any individual load within 24 hours. Temporary storage of soils should be avoided if at all possible.
- v) The receptor area shall subsequently be planted with seeds gathered from oak trees from the adjacent woodland thereby ensuring local provenance, birch will come in naturally.
- vi) Subsequent management of the plantings in the first five years shall include controlling any invasive non-native woody and herbaceous species.

Aftercare

66) a) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted to and approved in writing by the Mineral Planning Authority. The scheme for the whole site or any part of the site shall be submitted no later than six months prior to the programmed completion of restoration of any part of the site in accordance with condition 62. The submitted scheme(s) shall provide for such steps as may be necessary to bring the land to the required standard for use for nature conservation/natural regeneration and shall include details of:-

- a) In the case of land restored for use for nature conservation/natural regeneration:
 - i) habitat development;
 - ii) weed control;
 - iii) watering and draining;
 - iv) pond margins establishment;
 - v) wetland maintenance;
 - vi) maintenance of fencing;
 - vii) The protection measures for planted areas including trees, hedgerows and woodland;
 - viii) The management and maintenance of planted areas to secure an 85% survival rate at the end of the aftercare period.

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

b) The 5 year woodland/nature conservation/natural regeneration aftercare period for the site or each part thereof, shall commence on the date of the written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

c) Records of the nature conservation and amenity aftercare operations shall be kept by the operators throughout the period of aftercare. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 March and 31 May each year, and provision shall be made by the operators for annual meetings with the Mineral Planning Authority between June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Separate meetings shall be arranged to inspect and evaluate progress in the nature conservation and amenity aftercare respectively.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Mineral Planning Authority in the interests of agricultural land quality.

Note 1: These conditions shall come into effect upon the date of final determination of these conditions as defined in paragraph (7), Schedule 13 of the Environment Act 1995

Footnote: The Mineral Planning Authority notes the continued use of the northern access track (which lies outside of the ROMP site boundary) for health and safety reasons. The Mineral Planning Authority has no objection to the permanent retention of the northern access track for land management uses but not for continued quarrying purposes.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report. To the extent that the imposition of new conditions might engage Article 1 of the First Protocol of the European Convention on Human Rights it is a justified and proportionate means of achieving the legitimate aim of planning in the public interest.

List of Background Papers (not previously published)

Nil