

**5. FULL APPLICATION – TEMPORARY STOCKPILING AND DEPOSITION OF DREDGED SILT FROM THE RIVER NOE; LAND ADJACENT TO RIVER NOE WEIR, OFF EDALE ROAD, NETHER BOOTH, EDALE. (NP/HPK/0620/0537 APB)**

**1. APPLICANT: SEVERN TRENT WATER**

**Summary**

2. The application seeks to deposit excavated silt dredged from the River Noe onto agricultural land near to the the River Noe, at Nether Booth, Edale.

**Site and Surroundings**

3. The site is located 2.2 km to the east of Edale, and to the west of the River Noe Weir. The proposed location for the deposit of the excavated silt is an existing agricultural field comprising acid grassland used for grazing and silage. The field lies immediately south of the Hope Valley railway line and due south of Lady Booth Brook, which flows into the River Noe, approximately 300m east.
4. The site is accessed via an existing track off the Edale Road, which leads through a farmyard and over the Hope Valley railway. The proposed field is bound by a dry stone wall on the southwest boundary and a post and wire fence along the remaining boundaries. The access track from Edale Road runs along the north west and north east boundaries of the field. An area of woodland is situated immediately east of the field on the opposite side of the perimeter access track. The River Noe and weir, from where the silt is to be dredged, lies to the south east. Agricultural fields lie either side of the proposed receptor field.
5. The site is located in general open countryside within the Dark Peak Landscape Character Area and Upper Valley Pastures Landscape Character Type.
6. The nearest settlement is the hamlet of Nether Booth, within the Edale Conservation Area. The nearest residential property is located approximately 140m to the north west of the proposed field at its closest point, on the other side of the Hope Valley railway line. The nearest Listed Building is the Grade II listed “The Mill and Attached Chimney”, located approximately 1km to the southwest.
7. There are no rights of way traversing the site however, the site is open to view from public vantage points along the public highway network from Batham Gate to the west of the site and most open to view from the road immediately to the south of the site.
8. A Flood Risk Assessment (FRA) is submitted with the application. Whilst the River Noe itself and immediate area sits within Flood Zone 3, the proposed application site lies on slightly elevated ground within Flood Zone 1, where there is a very low risk of fluvial flooding. The FRA states that there are surface overland flow routes through the centre of the field following slight depressions in the local topography.
9. The Dark Peak Site of Special Scientific Interest (SSSI), South Pennine Moor Special Area of Conservation (SAC) and Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) lie approximately 650m to the north west of the proposed site. The Lower Hollins SSSI is sited approximately 1km to the south west of the proposed site at its closest point.
10. An ecological walkover site survey was undertaken in January 2020 the results from which are submitted with the application. Habitats immediately adjacent to the weir comprise unimproved acid grassland, marshy grassland, floodplain mire and an area of

alder regrowth and reed canary grass on stone riprap. The survey area also included two poor semi-improved grassland pastures, one of which is the field proposed to be used for the spreading of silt. The key ecological features identified on or surrounding the site in relation to the project as a whole are the River Noe, unimproved acid grassland, nesting birds, herpeofauna, potential for water vole, white clawed crayfish and brown trout and the presence of invasive New Zealand pygmyweed. However, these features are predominantly related to the permitted development works to be undertaken in the river channel and immediate environs rather than the spreading of silt on the semi-improved grassland fields.

### **Proposal**

11. The proposal seeks planning permission to temporarily stockpile and then deposit silt dredged from the River Noe onto agricultural land near the river.
12. Severn Trent intends to extract up to 4,500 m<sup>3</sup> of dredgings from the river and spread the material across an area of adjacent agricultural land measuring approximately 2.7 hectares in area. The dredging operation and associated infrastructure works are permitted development, therefore the application solely relates to the latter part of the operation, covering the temporary stockpiling and deposition of silt onto the land.
13. The removal of silt from the river is necessary and part of planned maintenance of the River Noe. The River Noe Weir is designed to allow excess river water to be diverted through a compensation channel, to Ladybower Reservoir via a long tunnel. This water is abstracted from the River Noe to keep Ladybower Reservoir adequately supplied with water.
14. Penstocks positioned along the weir ordinarily allow accumulated silt to be cleared from the base of the weir by releasing it downstream. However, the penstocks have not been regularly operated, meaning large quantities of silt have now built up, with the risk that the compensation channel will get clogged up with silt if not removed. It is not currently possible to open up the penstocks without causing large quantities of silt from travelling downstream.
15. There is also a leak within the weir structure which needs repairing, but to enable access to examine the damage and undertake repairs, the river must first be desilted. The weir was last desilted in 2012 and the material spread onto adjacent agricultural land (under permission NP/HPK/0412/0382). Once the silt is removed from the weir it will enable the effective and safe operation of the weir.
16. Once extracted from the river, the dredged material will be temporarily stockpiled in the north western section of the field and allowed to dry out. The temporary stockpiles will have a maximum slope of 19 degrees and a maximum height of 3.5m, variable dependent upon material content and saturation. The dredgings stored on the fields for spreading will be screened prior to stockpiling to remove any unwanted objects such as wood debris, stone and litter.
17. Silt fencing is proposed to be installed around the bottom edge of the fields and around the silt stockpiles to prevent the silt running back into the river. The silt fencing will remain in place until the field is fully returned to agricultural use. The silt fences will comprise 900mm wooden fence posts positioned approximately 3m apart and connected with a woven silt fence, some of which is buried below ground level and 600mm visible above ground. Immediately downhill of the proposed silt fencing, straw bales will be laid as a secondary measure to soak up moisture and prevent silt running back into the river.

18. Once sufficiently dry, the silt material will be spread evenly across the agricultural field and incorporated into the existing soil mass as part of the farmer's usual ploughing regime. No works will take place in the field at a greater depth than that ordinarily affected by ploughing. The additional material will increase overall land levels by 165mm.
19. The application states that the spreading of silt onto the adjacent field will be of benefit to the agricultural operations it supports, by increasing the soil moisture holding capacity, organic matter content and reducing soil aridity, which may improve grass yields.
20. Access to the site is via an existing track leading from Edale Road to the north west. The access track passes through a farmstead, over the railway and then forms the northern and eastern boundaries of the field the subject of the proposal. A Traffic Management and Site Plan has been prepared and submitted as part of the application, which sets out the expected vehicle movements to and from the site. These movements largely relate to traffic associated with the permitted development works on the weir but also cover the need to bring certain plant to site to undertake the silt dredgings movements and spreading.
21. The ability to spread silt onto the adjacent field would negate the need to transport the silt to landfill. The proposal therefore avoids extensive lorry movements on local roads that would otherwise be needed to export the silt off-site and avoids the need to create a new temporary access and road to enable the road-bound lorries to safely access the site.
22. The removal of silt from the river is permitted development under Schedule 2, Part 13, Class (A)(b) of the Town and Country Planning (General Permitted Development) Order 2015. The temporary provision of silt retention barriers downstream, two temporary working compounds, silt mats supported by heras fencing, the dewatering/silt capture area for dredge pumping and temporary platform using bog mats for working and loading areas are also permitted development under Schedule 2, Part 4, Class A of the same 2015 regulations.
23. The proposed dredging works within the River Noe need to be completed by the end of September to avoid impacting on Brown Trout further downstream. The permitted development works within the river are therefore provisionally planned to take place in August and September this year. Thereafter, the timeline for spreading will be weather dependent to make sure that moisture content is suitable and practicable to cultivate back into the land. If there is a dry period after the desilting works then spreading is likely to be carried out around September/October 2020. However, if conditions are not deemed suitable then it could be put on hold until spring 2021.

**RECOMMENDATION:**

24. **That the application be APPROVED subject to conditions covering the following matters:**
  1. **Commencement within three years from the date of the permission**
  2. **Development to be undertaken in full accordance with the application details and approved plans**
  3. **Stockpiling of silt dredgings to be confined to locations shown on plan W611011 – CB-20 101**
  4. **Maximum volume of silt dredgings to be stored on site is 4500**

**cubic metres**

5. All silt dredging stockpiles to have protective silt fence and straw bales placed on downslope edge for duration of storage in accordance with specification shown on dwg W611011 – CT-20 106
6. A silt barrier fence and straw bales to be erected along the southern boundary of the receptor field in accordance with plan W611011 – CB-20 101, to remain in place until spreading has been completed and grassland has re-established.
7. Access arrangements and vehicle movements as detailed in the Traffic Management Plan
8. A 10m buffer zone to be clearly demarcated at the southern boundary of the receptor field to protect unimproved grassland habitat. No dredgings to be deposited anywhere within the 10m buffer strip.
9. A 6m buffer zone to be clearly demarcated of the receptor field around any trees and hedgerows to protect Roor Protection Areas. No dredgings to be deposited anywhere within the 6m buffer zone.
10. Dredged silt spreading to be undertaken only when ground conditions are suitable – avoid compaction, soil damage
11. Silt spreading operation to be completed on or before 1 April 2021 in full accordance with plan and cross sections shown on plan W611011 – CB-20 100
12. Silt spreading to be undertaken in manner that does not impede surface water flow paths, in accordance with recommendations in the FRA
13. Safe storage of fuels, oils, chemicals etc
14. Working hours – 0700 – 1800 M – F, no working on Saturday, Sunday or Bank Holidays
15. Development to be undertaken in full accordance with the Preliminary Ecological Assessment
16. No trees, hedges or shrubs to be removed
17. Site to enter statutory five year period of aftercare in full accordance with scheme submitted with the application as received by the Authority on 6 August 2020

**Key Issues**

25. The key issues are:

- The principle of the applying waste silt dredgings to agricultural land;
- Whether the proposal would have a detrimental effect on the character and appearance of the site and its wider landscape setting, and;
- Whether the proposal would harm the amenities of nearby neighbouring properties.

**Relevant planning history**

26. July 2012 – Planning permission NP/HPK/0412/0382 granted for the spreading of dredged silt from the River Noe onto agricultural land adjacent to the River Noe (related to the agricultural field immediately to the north east of the proposed field, on other side of access track).

### **Consultations**

27. Derbyshire County council (Highways) – No highway safety objections
28. Environment Agency – No objections. Draw applicants attention to Environmental Permitting (England and Wales) Regulations 2016
29. Natural England – no response received
30. Edale Parish Council – no objections
31. PDNPA Ecology – recommendations in the Preliminary Ecological Assessment must be followed and include following comments/requirements:
  - Pre-works checks to include otter as well as water vole
  - Check for presence of Japanese Knotweed
  - Support comment from PDNPA Landscape to protect trees/hedges. A 6m buffer would help with this. Recommend a 10m buffer between the spreading area and the unimproved grassland to the south.

In relation to submitted aftercare scheme:

- Detailed comments on species mix, to omit clover and white timothy and increase common knapweed, yellow rattle, and red clover, alongside meadow vetchling, oxeye daisy and common catsear. Sourcing of seed to be agreed with PDNPA.
  - Delay grass cut until 15<sup>th</sup> July to allow plants to flower and seed – will provide enhancement under NPPF creating a nectar source for insects.
  - Site should be aftermath grazed with cattle at a stocking rate of 0-.6LU/ha.
  - Control of noxious weeds to be included in scheme.
32. PDNPA Landscape – No objections, but recommend condition to protect all hedges and trees within the site.
  33. PDNPA Transport – No objections. Suggested advisory note for contractor vehicle movements and access via Mam Nick into Edale
  34. PDNPA Cultural Heritage – No archaeological comments or concerns.

### **Representations**

35. None received.

### **Main Policies**

36. Relevant Core Strategy policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, CC1, CC3, CC4, CC5, T1, T4, T6.
37. Relevant Development Management policies: DM1, DMC1, DMC3, DMC5, DMC7, DMC8, DMC11, DMC12, DMC14, DMMW1, DMMW2, DMMW3, DMMW4, DMMW5.

### **National Planning Policy Framework**

38. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The revised version was published in 2019. The Government's intention is that the document should be considered as a material consideration and carry particular

weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.

39. The NPPF states that the purpose of planning is to contribute to the achievement of sustainable planning. Paragraph 8 states that there are three interdependent and overarching objectives that need to be pursued to achieve this goal - economic, social and environmental. The environmental objective can contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change, including moving to a low carbon economy.
40. Paragraph 102 of the NPPF requires that transport issues associated with proposals are considered at an early stage so that, *inter alia*, the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account, including appropriate opportunities for avoiding and mitigating any adverse effects and for net environmental gains.
41. Under Chapter 15 (Conserving and enhancing the natural environment), paragraph 172 states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest'.
42. For the purposes of paragraphs 172 (and 173) of the NPPF, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
43. Under the same chapter, the NPPF seeks to ensure that the protection and enhancement of habitats and biodiversity are properly considered when determining planning applications. Also, planning policies and decisions should ensure that a site is suitable for its proposed use, taking into account ground conditions and any risks arising from land instability and contamination. Decisions should ensure that new development takes into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
44. The focus of planning policies and decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that the other regulatory regimes with that remit will operate effectively (paragraph 183).

National Planning Policy for Waste (October 2014)

45. In conjunction with the Waste Management Plan for England, the National Planning Policy for Waste document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management.
46. Paragraph 1 states that positive planning can play an important role in achieving this objective by ensuring that waste management is considered alongside other spatial planning concerns such as housing and transport, and helping to secure the re-use, recovery or disposal of waste without endangering human health and without harming the environment.
47. At paragraph 7, it states that when determining applications waste planning authorities should consider the likely impact on the local environment and on amenity as set out against the criteria listed in Appendix B, which include protection of water quality and resources and flood risk management; land instability; landscape and visual impacts; nature conservation; conserving the historic environment; traffic and access; air emissions, including dust; odours; vermin and birds; noise; light and vibration; litter; and potential land use conflict.
48. Waste planning authorities should also ensure that waste facilities are well designed so that they contribute positively to the character and quality of the area in which they are located. Proposals that involve landfill or land raising must demonstrate that the sites can be restored to beneficial after uses at the earliest opportunity and to high environmental standards, through the application of appropriate conditions where necessary.
49. In the same vein as paragraph 183 of the NPPF, waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Peak District National Park Core Strategy (2011)

50. Policy GSP1 (Securing National Park purposes and sustainable development) sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GSP1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed. For all development, where national park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.
51. Policy GSP2 is concerned with looking for opportunities for enhancing the National Park. Proposals that are intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. They should not undermine the achievement of other Core Policies. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings. When development is permitted, a design will be sought that respects the character of the area, and where appropriate, landscaping and planting schemes will be sought that are consistent with local landscape characteristics and their setting, complementing the locality and helping to achieve biodiversity objectives.

52. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, the scale of the development appropriate to the character and appearance of the National Park, siting, landscaping and building materials, form and intensity of proposed use or activity, impact on living conditions of communities, and the impact on access and traffic levels.
53. To aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations (policy GSP4).
54. Policy DS1 (Development Strategy) indicates what types of development are acceptable in principle in settlements and in the countryside. The policy is centred on promoting a sustainable distribution and level of growth, and supporting the effective conservation and enhancement of the National park, through the application of a number of principles that must be considered in relation to specific core policies within the Core Strategy and the Development Management Policies DPD.
55. Policy L1 identifies that development must conserve and enhance valued landscape character as identified in the Landscape Strategy and Action Plan and other valued characteristics, and other than in exceptional circumstances, proposals in the Natural Zone will not be permitted.
56. Policy L2 is similarly concerned with biodiversity and geodiversity. Development must conserve and enhance any sites, features or species of biodiversity or geodiversity importance, and where appropriate, their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on any sites of biodiversity or geodiversity importance.
57. Policy L3 requires that development must conserve and where appropriate enhance or reveal the significant of archaeological, architectural, artistic or historic assets and their settings, including statutory designations and other heritage assets of international, national, regional or local importance or special interest.
58. Under the Core Strategy chapter on climate change and sustainable building, policy CC1 requires that all development must make the most efficient use of land, buildings and natural resources. Development should be directed away from flood risk areas and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream. Part E of the policy states that all development must achieve the highest possible standards of water efficiency.
59. Policy CC3 is concerned with waste management. The purpose of the policy is to achieve more sustainable use of resources. The national park designation and the geographical nature of the area are barriers to the the local provision of waste facilities and therefore proposals for the disposal of domestic, industrial and commercial waste are deemed incompatible with national park purposes because of their adverse environmental impacts. However, small scale waste facilities may be permitted to serve local communities where they are in accordance with, or do not undermine, the relevant Municipal Waste Management Strategy. Such schemes should meet only the need of the community and must not involve the importation of waste from outside that community. The National Park Authority will require the appropriate restoration and after-use of waste sites so that they can contribute to the recreation and biodiversity value of the National Park.



60. In terms of flood risk and water conservation, policy CC5 states that development proposals which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless net benefits can be secured for increased floodwater storage and surface water management from compensatory measures.
61. Under Chapter 15 of the Core Strategy (Accessibility, travel and traffic), policy T1 is concerned with conserving and enhancing the National Park's valued characteristics; cross-Park traffic is deterred and the impacts of traffic within environmentally sensitive locations will be minimised. Policy T4 states that developments requiring access by Large Goods Vehicles must be located on and/or be readily accessible to the Strategic or Secondary Road Network. The Rights of Way network will be safeguarded from development (policy T6).

#### Development Management policies DPD

62. The Development Management policies build on the strategic principles set out in the Core Strategy. The Development Management Policies document conforms with, and helps implement, the policies and objectives of the Core Strategy. It supplements the spatial strategy and core policies with detailed operational policies. Those policies of direct relevance to the proposed development are considered below.
63. Policy DM1 sets out how the presumption in favour of sustainable development, as set out in the NPPF, should be applied in the National Park to ensure that it does not conflict with statutory purposes.
64. Chapter 3 of the DMP document is concerned with conserving and enhancing the national park's valued characteristics. Policy DMC1 (Conservation and enhancement of nationally significant landscapes) builds on Core Strategy policy L1 and, for projects with a wide scale landscape impact, there needs to be a proportionate assessment of how a proposal will conserve and enhance valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics, with particular reference to the Landscape Strategy and Action Plan.
65. Where the principle of a development is acceptable, Policy DMC3 provides further detail on the standards expected in proposals in regard to siting, design, layout and landscaping, to ensure it is of a high standard and respects, protect and where possible enhances the natural beauty, quality and visual amenity of the landscape, including the wildlife and cultural heritage that contribute to the distinctive sense of place.
66. Similarly, building in Core policy L3, policy DMC5 sets out details in assessing the impact of development on designated and non-designated heritage assets and their settings, requiring an appraisal of how the significance of any identified features of value will be conserved and, where possible, enhanced. Likewise, policies DCM7 and DMC8 are concerned with listed buildings and conservation areas, respectively, and set out the detailed assessment required for developments affecting these interests.
67. Building on Core Strategy policy L2, DPD policies DMC11 (Safeguarding, recording and enhancing nature conservation interests) and DMC12 (Sites, features or species of wildlife, geological or geomorphological importance) set out in further detail the assessment required to determine whether a proposal conserves and enhances sites, features or species of wildlife, geological or geomorphological importance, with a priority order of matters to take into consideration to avoid net loss. Proposals should aim to achieve net gains to biodiversity or geodiversity as a result of the development.

68. Under policy DMC14 (Pollution and disturbance), development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution, or odour that could adversely affect specific interests (amenity of neighbours and neighbouring uses; the amenity, tranquility, biodiversity or other valued characteristics of the area; existing recreation activities; land uses such as forestry or agriculture; ecosystem services including water supply, groundwater resources and the water environment; established businesses; potential future uses; or nuisance or harm to rural character and dark skies) will not be permitted unless adequate control measures can be put in place to bring the pollution within acceptable limits.
69. Chapter 11 is concerned with minerals and waste developments specifically and there are a host of detailed policies that are relevant to the present proposal. Under DMMW1 (The justification for minerals and waste development), minerals and waste development will only be permitted where there is evidence in relation to viability and need, to include reference to the proximity of the waste operation to the supply-chain. In assessing whether the development is in the public interest, consideration should include an assessment of the need for the development, the cost and scope of developing elsewhere and the detrimental effect on the environment, landscape and recreational opportunities and the extent to which these can be moderated.
70. Policy DMMW2 is specifically concerned with the impact of minerals and waste development on amenity and states that development will only be permitted where the adverse impacts on amenity can be reduced to an acceptable level, or eliminated, particularly in relation to: nuisance and general disturbance from transport; noise, vibration; dust; fumes and odour; water run-off and flooding; visual impact; potential impacts on land instability; effects on human health; and impacts on recreation and public rights of way.
71. Similarly, policy DMMW3 relates to the impact of minerals and waste development on the environment, with reference to a comprehensive list of impacts, including landscape and visual, risk to environmental receptors, minimising residual waste arising from the development, effects on surface and groundwater, and the efficiency and effectiveness of the proposed working scheme or operation.
72. Subject to conformity with Core policy CC3, policy DMMW4 requires waste management facilities to be located in accordance with a specified sequential approach, having regard to the relevant Municipal Waste Management Strategy. Proposals must be of an appropriate scale, reflecting the needs of the local residents and business community, they must minimise the need for transportation of waste to the facility, avoid where possible outside storage, minimise impacts on valued characteristics and minimise adverse impacts on the amenity of resident and visitor communities. Part (vi) of the policy states that proposals for waste management facilities must not involve land raising.
73. Policy DMMW5 states that minerals development or disposal of waste by deposit or landfill will only be permitted where the restoration and aftercare contributes to the enhancement of the National Park, being able to demonstrate *inter alia* that the restoration can be achieved in the timescale proposed, sufficient material is available to achieve the levels and no future land stability or public safety issues will arise. Restoration will contribute to the enhancement of biodiversity, geodiversity and amenity, as appropriate within the Landscape Strategy context. A comprehensive aftercare scheme to ensure the restored land can be returned to the required standard for use for agriculture, woodland, nature conservation or amenity will be required.

74. Cumulative impacts of minerals or waste developments will need to be assessed and the proposal will only be permitted where those impacts are considered acceptable taking into account existing operations on site and in the locality, other impacts from existing or planned developments, the setting, and any off-site impacts of any utility or infrastructure improvements necessary to serve the development.

### **Assessment**

#### **Environmental Impact Assessment (EIA) and 'major development' appraisal**

75. The proposal has been screened to determine whether there are likely to be significant environmental effects arising from the development. In consideration of the criteria listed in the Town and Country (Environmental Impact Assessment) Regulations (2017) the development has been screened negatively, which means that the development is not EIA development and an EIA is not required to accompany the application.
76. The application is for waste development, and therefore, applying the definition provided for in the Town and Country Planning (Development Management Procedure) (England) Order 2010, the proposal falls into the category of 'major development'. However, for development in protected areas such as National Parks, the NPPF (paragraphs 172 and 173 and footnote) make it clear that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
77. In view of the limited scale, intensity and duration of the development, the proposal is not being treated as 'major development' for the purposes of the following policy assessment.

#### **Principle of the development**

78. The proposed development involving the deposit of silt on agricultural land results from the need to dredge the River Noe weir in order to enable the effective and safe operation of the weir. Once the silt has been removed and the damaged infrastructure has been repaired, the weir can start to be used again to more effectively and sustainably manage the build-up of silt in the watercourse. The dredging works will ensure the continued supply of water to Ladybower Reservoir, which goes on to serve Severn Trent's region with the supply of drinking water.
79. Core Strategy policy CC3 concerns waste management proposals. The nature of the material resulting from the dredging works falls into the category of 'waste' and therefore assessment against this policy is necessary. Part B of the policy does not permit new, expanded or replacement large scale facilities. The proposal does not fit into the category of a 'large scale' facility. Part C of the policy allows small-scale facilities but only where they meet the needs of community and they do not involve importation. Whilst the proposal to spread the tailings onto the agricultural land is not specifically meeting the needs of the immediate local community, taking a broader approach to look at the purpose of the entire operation as a whole does indicate that there are considerable benefits to the wider national park community that rely on the safe and efficient functioning of the weir and the water it provides to Ladybower Reservoir.
80. The proposal does not involve the importation of waste material from off-site, rather, the dredgings, once screened, will be transferred into the adjacent field to form temporary stockpiles and allowed to de-water before spreading and incorporation take place. By utilising the dredging material on site, it avoids the need to transport the material off site

to landfill, which could potentially result in over 200 lorry movements from the site. Given the locality within which the development is set, which is a very popular part of the National Park serving a large tourist market, the addition of such lorry movements onto the local road network would not represent the most sustainable solution for the management of the silt dredgings.

81. In the current proposal, the waste 'facility' is localised in scale and extent, and will only be of very short duration, covering the period from when the dredgings are deposited on the land through to when they are spread and incorporated into the soil. This period could be a matter of weeks, or, if the weather prevents spreading, may extend into spring 2021, thereby occupying roughly six months as a maximum.
82. Part D of policy CC3 requires appropriate restoration and afteruse of waste sites so that they can contribute to the recreation and biodiversity value of the National Park. The application sets out the restoration of the site as simply the spreading of the dredgings evenly across the field and incorporation of the material into the soil as part of routine agricultural operations. A draft aftercare scheme has also been submitted with the application which sets out how the land will be returned to agriculture and how it will be managed for a five year statutory aftercare period.
83. With reference to DM policy DMMW1, waste development will only be permitted where there is evidence in relation to viability and need, and an assessment as to whether the development is in the public interest, with reference to need, alternatives and effects on landscape and recreational opportunities. There is a clear and justifiable need for the dredging works within the River Noe itself, as set out in paragraph 79 above, and therefore a consequential need to manage or dispose of the material that arises from the dredging operation. In reality there are only two options to deal with the dredgings, either deposit the material on agricultural land, as proposed, or take the material off-site to a waste facility elsewhere. As described in paragraph 81 above, there would be considerable impacts associated with taking the material off site onto the local road network, to landfill, which would not be in the wider public interest and would adversely impact on recreational amenity in this area of the National Park, with little opportunity to moderate those impacts.
84. At part (iv) of Development Management (DM) policy DMMW4, it states that proposals for waste management facilities must not involve land raising. There is therefore a potential conflict with policy DMMW4 in that the proposal involves land raising. However, the area intended to be covered by the dredgings is 2.7 hectares, with an estimated maximum volume of 4,500m<sup>3</sup> of material spread evenly across that entire area. The application states that this equates to a depth of 165mm. Once the material has been spread, it will be incorporated into the top layer of soil as part of routine agricultural operations. Given that typical plough depths can range from between 15cm and 40cm, the impact of incorporating 16.5cm of dredgings into the soil over this area will result in a negligible increase in overall land height.
85. In reviewing the scale, intensity and duration of the intended development, and the broader purposes behind it, and assessing these factors against relevant policies of the Development Plan, the principle of this specific development is considered to be acceptable insofar as it does not raise any significant policy issues with respect to Core Strategy CC3 or Development Management policies DMMW1 and DMMW4.

#### Landscape and visual impacts

86. The agricultural receptor field lies within a defined river valley within the Upper Valley Pastures Landscape Character Type in the wider Dark Peak Landscape Character Area. To the north and south lie Enclosed Gritstone Uplands and beyond those, occupying the

higher ground, are Open Moors. There are some long-range views of the site from vantage points both north and south, particularly from well-used footpath routes to the south, between Lose Hill and Hollins Cross. However, there are no footpaths in close proximity to the site and existing pockets of woodland in the surrounding area help to screen views from short- to mid-range vantage points.

87. During the movement, screening and stockpiling period, there will be slight visual impacts as the silt-fenced stockpiles and silt fence barrier on the south-eastern field edge will create unusual features in the landscape. However, these impacts are temporary and will cease once the material is spread across the field and the grass crop is established. Whilst there will be an increase in overall height of the landform of 165mm, because of the field size, the increase will be negligible and the gradient profile from north west to south east will still be retained.
88. No shrubs, trees or hedges will need to be removed as part of the development proposal. The Authority's Landscape Architect has not raised any objections to the proposal but has recommended that all hedges and trees within the site or on the boundary should be protected by tree protection fencing around the Root Protection Areas (RPAs) to ensure no accidental damage during construction operations. Additionally, ground levels should not be altered within the RPAs of trees/hedges. In a draft restoration and aftercare scheme submitted with the application, these mitigation measures are included and can be embedded into a permission by condition or required through inclusion in a scheme for formal submission of a scheme via a discharge application.
89. Once the material has been spread on the field and the land re-seeded, the field will revert to its original visual appearance as semi-improved pasture land. The adjacent field, which was subject to silt spreading in 2012, quickly re-established its original appearance following silt spreading and incorporation and assimilated into the landscape with little visual impact overall.
90. The nearest residential property is located 140m to the north west of the proposed field, on the other side of the railway line. The topography falls gently towards the River Noe, looking south, which, in combination with the nature of the works set at ground level and intervening hedgerows and buildings, will mean that the development is unlikely to be visible. In considering the temporary nature of the development and its setting within the valley bottom, there will not be any significant or lasting landscape impacts arising from the development. The proposal is therefore considered to be in accordance with Core Strategy policies GSP3 and L1, DM policies DMC3, DMC14, DMMW2, DMMW3, DMMW5, and with the criteria set out in Appendix B of the National Planning Policy for Waste.

#### Flooding and drainage

91. The Flood Risk Assessment (FRA) accompanying the application confirms that although the dredging activity in the channel is in Flood Zone 3, the disposal site lies on higher ground within Flood Zone 1, which is at very low risk of fluvial flooding. Given the nature of the material, the spreading of silt dredgings on the land does not increase the impermeable area and therefore no additional drainage is required.
92. The temporary stockpiling of silt is proposed at the top NW corner of the field and each stockpile will be fenced on the downslope side to allow the dredgings to de-water before spreading. Additional silt fencing and straw bales are proposed at the field's lower edge to prevent any silt re-entering the River Noe. The silt spread on the land will be permeable and so there will be no undue increase in surface water runoff.

93. There are overland flow routes through the field which occupy the marginally lower central band running through the field. The FRA advises that care must be taken to ensure that those overland flow routes are not impeded by maintaining existing site depressions in the receptor field, so that those natural flow paths through the field to the River Noe can continue to operate. The spreading operation will ensure that the maximum depth of 165mm is achieved across the site and therefore the existing micro-topography of the field will be maintained, enabling the overland flow routes to continue to operate unimpeded.
94. At a wider level, once the de-silting operation is completed, the River Noe channel and weir infrastructure will be able to operate far more effectively and will have greater capacity to accommodate increases in flow rates in the longer term. In consideration of the impacts on flooding and drainage, the development will not cause any significant adverse effects and is therefore in compliance with Core Strategy (CS) policies CC1 and CC5, and DM policies DMC3, DMC14 and DMMW3.

#### Traffic and access

95. Access to the site is via an existing private gated farm track leading from Edale Road to the north west. The route passes through a farmstead, over the railway and joins the northern and eastern boundaries of the agricultural receptor field. With the exception of employees vehicles and any plant brought specifically onto site from elsewhere, all movements involved in the proposed development will be internal, comprising the movement of dredgings from the riverside up onto the field, initially for stockpiling, and then latterly for spreading. All access into the field will be undertaken via a temporary access point off the main track, and access will only be for tractor and trailer, or dumping plant.
96. The application is accompanied by a Traffic Management Plan (TMP) which sets out expected movements to and from the site for all aspects of the dredging activity, although the majority of these movements relate to the element that is permitted development. This includes a site layout plan identifying the main compound area and delivery area near the farmstead, the access route running along the northeastern edge of the receptor field and a second compound close to the weir infrastructure.
97. The TMP states that large vehicles accessing the site must not approach the site from the east via Hope, due to the tight and narrow bridge which could be easily damaged and cause traffic problems. The site approach plan is to be issued to all delivery drivers with strict instructions to access via Edale from the west. The TMP anticipates that the only vehicles that may cause noticeable disruption would be the delivery of any heavy plant at the start and end of the project, but a plan will be put in place to marshal these vehicles into site to minimise disruption to the local road network. The traffic and access arrangements for the development will be limited in scope and duration, with measures put in place, through the TMP, to reduce and mitigate impacts on the local road network.
98. Also, by spreading the silt on the adjacent farmland rather than exporting the material off site, it will avoid an additional 200 lorry loads using the local road network to transport the dredgings to landfill. It will also avoid the need to construct a temporary access road which would be needed to enable the effective removal of silt from site, as the existing access is not suitable for large vehicles. This new temporary access would require stone to be imported into the site, creating further lorry movements. To minimise the traffic movements associated with the development overall, the proposed spreading of dredged silt on adjacent farmland is considered to be the most sustainable option overall, keeping carbon emissions to a minimum and reducing the impact on the local road network. The proposal is therefore considered to be in accordance with Core policies GSP1, GSP3, CC1, T1, T4 and T6, as well as DM policies DM1, DMMW2,

DMMW4, DMC3 and paragraph 102 of the NPPF.

Environmental emissions – noise, dust, odour, pollution

99. The nearest residential noise receptors to the development site lie 140m to the north west. Whilst there will be short term noise impacts associated with the desilting, stockpiling and spreading works, the period over which they will occur is limited – the construction period, including enabling works, desilting works and through to the point of stockpiling, is expected to last 10 weeks. Additionally, the nature of these operations on the field are similar to routine agricultural operations and therefore the potential for any significant noise emissions arising from the development, over and above base level emissions, is low.
100. Similarly, the potential for dust emissions is low. The dredgings will need to be de-watered before spreading on the land and therefore their potential for causing extraneous dust emissions will be negligible. The Traffic Management Plan requires adherence to speed limits through the site which will reduce the potential for any dust emissions arising from the internal access routes. The application advises that the proposed works will not produce any odour emissions.
101. The silt within the River Noe does not contain any significant harmful substances or have any characteristics which would cause significant pollution to the environment. Evidence to support this is provided by way of a chemical analyses report on the silt dredgings, which provides data on levels of organic matter, total nitrogen, potassium, phosphorus, magnesium, pH and other trace metals. The chemical analyses indicated slightly elevated copper levels in the dredgings. However, this is stated to offer agricultural benefit as the farmer currently has to incorporate supplementary copper feed as part of routine farming operations to address low copper levels in the soil, therefore this need may be negated in the future. The insertion of silt barriers and straw bales around each dredgings stockpile, and around the downslope edge of the field, will ensure that the silt does not re-enter the River Noe.
102. The addition of the silt dredgings to the land will increase organic matter levels and certain plant nutrients, which will be of overall agricultural benefit to the land. The subsoil of the receptor field is coarse-textured and stoney, therefore moisture retention can be an issue during drought periods. The incorporation of the silt will increase moisture holding capacity and lead to better grass growth.
103. In terms of additional regulatory control, the application advises that a Land Spreading permit, a deployment notice and T5 exemption for mechanical screening of the dredgings prior to stockpiling have been, or are in the process of being, determined by the Environment Agency. In their consultation response, the Environment Agency raise no objections to the development.
104. In consideration of the impacts of the development on environmental emissions, the development will have minimal impact on noise, dust and odour emissions, and there will be no significant pollution risk to the environment. In broad terms the whole development will allow significant improvements to be made to the watercourse both upstream and downstream of the River Noe weir. The development is therefore considered not to raise any policy conflict with respect to Core Strategy policies GSP2, GSP3 and GSP4, DM policies DMC3, DMC14 and DMMW3, as well as the policy direction in the NPPF and NPPW.

Biodiversity impacts

105. A Preliminary Ecological Appraisal was undertaken in January 2020 and submitted with

the application. The report covers all the areas affected by the entire operation, including the permitted development works in and around the channel as well as the receptor field identified for proposed stockpiling and spreading.

106. Habitats immediately adjacent to the weir (unimproved acid grassland, marshy grassland, floodplain mire and an area of alder regrowth and reed canary grass on stone riprap) were generally of much greater ecological value than the semi-improved grassland pasture field identified for the silt spreading. Key species interest includes nesting birds, herpetofauna, potential for water vole, white clawed crayfish and brown trout. Also noted was the presence of invasive New Zealand pygmyweed.
107. The report makes a number of recommendations, largely reflecting the contrast between the more diverse biodiversity rich areas close to the River Noe and the semi-improved agricultural land, which they recommend the spreading of dredged silt be limited to. Protection should also be given to the areas of unimproved grassland and heath downslope of the spreading area from inadvertent nutrient loading and runoff. This protection will be achieved through the imposition of silt fence barriers and straw bales around each dredgings stockpile and at the downslope edge of the field, the requirement of which can be effectively imposed through condition.
108. A Clerk of Ecological Works will be present throughout the works to ensure that the recommendations within the report are adhered to at all times. This will include pre-works checks for nesting birds, reptiles and common amphibians, water vole, white clawed crayfish and brown trout. The applicant has committed to taking a proactive approach to ecological enhancement in and around the working area. For example, any opportunity to re-use unwanted materials or debris arising from the dredging operation to create suitable habitat for wildlife will be taken.
109. The Authority's ecologist has commented on the proposals and raises no objections to the development, subject to the recommendations in the Preliminary Ecological Assessment being followed in full. In addition, a request has been made that:
  - The pre-works checks for water vole also include otter
  - Checks for Japanese Knotweed should be undertaken, as they may not have been picked up in the January survey
  - Support Landscape Architects comments on need for root protection areas to protect trees and hedges. Also require a 10m buffer strip between spreading area and unimproved grassland to the south of the field.

In respect of the Aftercare scheme submitted:

- Species mix for grassland post-spreading should omit clover and timothy and other amendments made to certain species, with source to be agreed with PDNPA
  - Grass not to be cut until 15<sup>th</sup> July to allow plants to flower and seed
  - Ideally be aftermath grazed with cattle at stocking rate of 0.6LU/ha
  - Ensure the aftercare plan includes details on weed management
110. The additional requests have all been addressed by the applicant. The suggested variations to the seed mix have been partially met in order to balance the need to increase species diversity, for enhancement purposes, whilst at same time addressing concerns over the long term agricultural viability of the field and future grass yields from a field which is described as being the most productive on the farm unit. The agreed aftercare scheme can be embedded into a planning permission by condition to ensure that the land is returned to full agricultural use as quickly as possible whilst ensuring that there will be some level of biodiversity enhancement



within the statutory five year aftercare period.

111. Looking more broadly at the desilting project overall, the removal of silt from the River Noe will enable the effective flow of water to continue downstream as well as into the compensation channel which feeds Ladybower Reservoir. The removal of the silt built up behind the weir will prevent unacceptable levels of silt travelling downstream when the penstocks are operated, which could have adverse impacts on habitats and species downstream within and around the watercourse.
112. Given the proximity of the designated areas (Dark Peak SSSI, Lower Hollins SSSI, South Pennine Moor SAC and Peak District Moors SPA) to the development site, there will be no adverse impacts on these areas. Sufficient measures are in place to protect existing habitat and species within the site and to provide a level of biodiversity enhancement, with an agreed aftercare scheme in place for the receptor field, therefore the proposal is considered to be in accordance with Core Strategy policies GSP1, GSP2, DS1 and L2, and with DM policies DMC3, DMC11, DMC14, DMMW1, DMMW3 and DMMW5.

### Heritage

113. The proposed works are not in close proximity to any listed buildings, the nearest being over 1km to the south west. In view of the nature, scale and duration of the works and the fact that the land will revert to agriculture within a short timeframe once spreading of the silt has been completed, it is considered that there will not be any discernible impacts on the listed building or on the Conservation Area, which lies to the north.
114. The works within the field will not take place at any depth greater than that ordinarily affected by ploughing or other agricultural operations, therefore it is not expected that any buried archaeology will be affected by the proposed stockpiling and spreading of dredged silt. The Authority's cultural heritage officer has raised no issues or concerns with the proposal and confirmed there is no requirement for a desk-based study to support the application. It is therefore concluded that there will be no adverse impacts on cultural heritage interests in and around the site and the proposal is in accordance with Core Strategy policy L3, DM policies DMC3, DMC7, DMC8, DMC14 and DMMW3, and with the policies set out in the NPPF and NPPW.

### Conclusion

115. The proposal seeks permission for the temporary stockpiling and deposition of dredged silt from the River Noe onto adjacent agricultural land. The silt would be spread to a depth of 165mm and then incorporated into the soil as part of routine agricultural operations.
116. The development forms a component part of a wider project which will enable repair works to be undertaken to the River Noe weir infrastructure and, through the removal of silt build up behind the dam, will ensure the safe and effective operation of the weir for the future, where the penstocks can be used more efficiently and regularly to sustainably manage the build up of silt in the watercourse. This will in turn enable a more effective and continued supply of water to Ladybower Reservoir via a 2.5 km compensation channel, which goes on to serve the Severn Trent region with a supply of drinking water.
117. The spreading of silt on adjacent agricultural land is considered to be the most sustainable solution for the disposal of the silt, as opposed to the alternative option of removing the material off-site to be taken to landfill, which would require around 200

lorry movements on the local road network.

118. The scope and nature of the works, and the temporary duration over which the storage and spreading will take place, does not give rise to any significant landscape or visual impacts, and there are no significant environmental emissions likely to arise as a result of the development. Additional regulatory controls over the operation and process for pollution control are in the process of being, or have already been, determined by the Environment Agency.
119. Low level enhancement of the semi-improved agricultural receptor field can be achieved through a statutory five year aftercare plan and there are wider biodiversity benefits arising from the in-channel works to habitats and species in the area. On balance, the development does not raise any significant conflict with Development Plan policies and is in accordance with national policy guidance set out in the NPPF and NPPW. The application is therefore recommended for approval subject to the imposition of conditions.

### **Human Rights**

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

### **List of Background Papers** (not previously published)

121. Nil
122. Senior Minerals Planner – Andrew Barton