

---

**8. FULL APPLICATION: PROPOSED EXTENSION OF EXISTING SMALL SCALE STONE EXTRACTION OPERATION ON BRETTON MOOR, EYAM EDGE, FOLOW, DERBYSHIRE NP/DDD/0914/0990 M2326 420057/377930 (NH)**

**APPLICANT: MRS M ELLIOTT**

**Site and Surroundings**

Bretton Moor Quarry is situated on Bretton Moor, to the north of the minor road that runs along Bretton Edge (Great Hucklow to Grindleford Road). It lies approximately 220 metres east of Bretton and 1.7km north east of Foolow village. The Barrel Inn lies about 220 metres west of the site. The Abney and Bretton Clough SSSI lies about 170 metres to the north west of the site.

**Proposal**

The application proposes an extension to Bretton Moor Quarry to extract gritstone. A northern extension (approx 0.82 Ha) is proposed to the existing site. The existing quarry includes the excavation area, product storage area and overburden/waste storage areas. The extension will be accessed via the existing access road which lies to the north off Sir William Hill Road. The existing site together with the extension is approximately 2.09 Ha.

The extension area comprises grazing land which is Grade 5 semi improved pasture, and current operational overburden and soil storage land.

**Output and Duration**

The proposed total quantity of gritstone to be extracted is 63,450 tonnes at a rate not exceeding 4,250 tonnes per annum. This is an increase of up to 1,750 tonnes per annum previously allowed at the existing site. The product will comprise block stone, flagging, walling and roofing slates and will be sold to the local market. It is estimated that this will be over duration of 15 years. The applicant estimates that a small proportion (approximately 20 - 30%) of the output would constitute stone suitable for roofing slate.

**Working Scheme**

The existing quarry will be extended in a progressive northerly direction. Two existing overburden mounds, OBM1 and OBM2 will be partially excavated during operations and fully removed as part of the site restoration. The current block storage area will be retained throughout the operation of the site. All storage materials will be kept at the 3 metre level.

The gritstone/sandstone is extracted generally without the need to blast, using an excavator. Acceptable stone will be stored in temporary stocking areas and transported to Shepherds Flatt farm for processing and storage. The Applicant would like to retain the option of using black powder, which is a low energy explosive, the use of which may occasionally be required. However, the Applicant states that to date this method has not been used. No explosives or shot firing associated materials will be stored on site.

As working progresses, the Applicant proposes to undertake some progressive but limited restoration with the majority of restoration taking place after the completion of extraction. No importation of waste is proposed and the site would be restored using both quarry waste and the overburden/soils stored on site.

## **Traffic**

The maximum number of traffic movements are proposed to remain at the same level as currently permitted. It allows for permitted traffic vehicular movement (6 in and 6 out per day) with an average of 3 (i.e. 3 in and 3 out) with a maximum vehicle size of between 6 and 12 tonnes.

## **Restoration**

It is proposed to restore the quarry floor to natural regeneration. Restoration will also include the creation of scrapes and wetland areas. Existing hedgerow and scrub will be retained and supplemented with planting to include tree and hedgerows species suitable for the landscape character area. All structures, utilities and vehicle parking areas will be removed during the final restoration of the site. There will also be opportunity to reinstate and restore dry stone walling on the site.

## **RECOMMENDATION**

**A) That the application be APPROVED subject to:**

**A Section 106 Legal Agreement entered into by the Applicant and land owners to include planning obligations to cover the continued operation of the quarry and associated development under the terms of the new permission from the date of that permission coming into effect, and the use of the stone for dimensional, roofing, building, walling and decorative purposes and for local uses within the Park.**

- 1. Development to commence within 3 years from the date of the permission.**
- 2. Duration for the winning and working of mineral to 30 September 2030 and the removal of buildings and restoration completed by 30 September 2031.**
- 3. The site and approved details - development to be undertaken in accordance with the application details.**
- 4. Type of Mineral - No mineral other than gritstone to be worked and removed from the site.**
- 5. Output Restriction – Gritstone shall only be removed from the site for dimensional, roofing, building, walling and decorative stone uses.**
- 6. Mineral Restriction – Gritstone shall not be removed from the site as or in the form of aggregate.**
- 7. No retail sales shall take place from the site.**
- 8. Depth of working – the depth of working shall not exceed 15 metres below the current surface level shown on plan Ref: 032-001-007.**
- 9. Restoration – The site be fully restored to amenity (nature conservation) after use in accordance with the approved plan ref JA-032-001-008a.**
- 10. Decision Notice – A copy of this decision notice and accompanying approved plans and documents shall be held at the site and shall be available for inspection by the MPA throughout the duration of the development hereby approved.**

11. Prior to the commencement of the development, the area where the overburden is to be relocated will be agreed with the MPA.'(pre-commencement).
12. Working scheme including phasing – development to be undertaken in accordance with the phases of working in accordance with the approved plan Ref: JA-032-001-007.
13. Soil Mounds - Details showing the formation of soils mounds are required to be submitted prior to the stripping of any soils. Subsoils are required to be placed above topsoil.
14. Site access – No vehicular access for the development hereby permitted shall be used other than the existing access as detailed on plan ref: JA-032-001-007.
15. Surfacing - The site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times. A hard surface shall be provided within the site curtilage for the parking of operational vehicles and loading/unloading and manoeuvring of goods vehicles.
16. Fencing – No extraction of minerals shall take place until livestock are removed from the entire working area and stock-proof fencing has been erected in accordance with the approved plan Ref: JA-032-001-007.
17. Early cessation of working – In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme a revised restoration scheme shall be submitted in writing to the MPA.
18. Submission and implementation of landscaping scheme for quarry.
19. Biodiversity and habitat creation - submission and approval of details.
20. Restoration, aftercare and management of quarry – Submission of restoration and aftercare proposals submitted prior to final extraction phase. 5 year aftercare period.
21. Hours of working – 08:00 - 1800 daily Monday to Friday, 08:00 - 13:00 Saturdays; no working on Sundays, Bank or Public Holidays: except for environmental monitoring.
22. Noise - noise levels from site operations shall not exceed 10dB Laeq1h above background noise levels or where the background noise is below 35dB Laeq1h shall not exceed a limit of 45dB Laeq1h.
23. Blasting – No explosives shall be used on the site other than black powder explosives and these shall be for splitting stone purposes only. Blasting protocol to be submitted to the MPA for approval prior to any blasting taking place.
24. Output and resource monitoring - no more than 4,250 tonnes to be removed from the site per annum; total amount of gritstone leaving the site shall not exceed 63,450 tonnes; provision of annual output records to Authority in January of each year.
25. Site and Quarry access and transportation – no more than 6 lorry movements in and 6 out of the site per day carrying stone from the site; via the internal haul road; - the gross weight of the lorries shall not exceed 12 tonnes.

- 26. Processing - No minerals shall be imported onto the site for processing. No mineral processing shall take place at the site.**
- 27. Quarry waste control - any overburden shall be used within the site for progressive restoration.**
- 28. Noise Control – All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer specification at all times, and shall be fitted with and use effective silencers. No machinery shall be operated with the covers open or removed.**
- 29. Dust, Smoke and Fumes – make available facilities to include water bowser and locating machinery away from sensitive receptors and covering vehicle loads to control dust problems arising.**
- 30. Lighting - no lighting without Authority’s consent.**
- 31. Drainage and water pollution – prevention of slurry, no discharge of foul or contaminated drainage from the site; suitable storage of oils fuel or chemicals; no vehicle maintenance except on impermeable areas.**
- 32. Restrict permitted development rights (buildings, structures, plant machinery) colours of ancillary buildings; parking of plant and vehicles; and removal of ancillary development when no longer required.**

### **Key Issues**

Whether there is a proven need to provide gritstone from Bretton Moor Quarry for use in building works and whether that need can be met in any alternative way. If there is a demonstrable need for compatible stone from Bretton Moor Quarry whether the environmental impacts arising from the development can be appropriately mitigated. Whether any exceptional circumstances exist to allow the development to proceed and whether the proposal represents an overall net benefit to the National Park and is in the public interest.

### **Planning History**

Historically the quarry has been worked prior to planning controls being in place.

**1998** – scheme of mineral exploration undertaken.

**2000** – planning permission granted for the extraction of sandstone for stone roofing slates and ancillary building products.

**2007** – planning permission granted for extension of operations to September 2019.

**EIA** – In accordance with the requirements of the Town and Country Planning (EIA) (England and Wales) Regulations the Authority has undertaken a screening opinion of the proposed development. It is concluded that the proposed development is not likely to have a significant impact upon the environment of the National Park by virtue of factors such as its nature, scale and location. An Environmental Impact Assessment is not required.

### **Consultation Responses**

**English Heritage:** Recommend the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**PDNPA (Built Environment (Cultural Heritage): State:**

*‘This application proposes an extension to an existing small scale millstone grit quarry on Bretton Moor. The extension is proposed to help accommodate the need for millstone grit for the repair of buildings and construction of new build in the Peak District and its immediate setting. The application notes that the stone will be used for roofing slate, walling, kerbs and flagging.*

*‘Currently, Bretton Moor quarry is the only quarry in Derbyshire where stone (grey) roofing slate is won. I am aware that the stone slate has been used locally. In the last few years, stone slate from the quarry was used to make up a shortfall of slate when the roof at Shepherds Flat Farm, Eyam, was repaired.’*

*‘Local stone slates are desperately required to repair historic buildings in the National Park. Derbyshire stone slate has a distinctive appearance that contributes to the architectural and historic merit of numerous heritage assets and the character of settlements in the National Park. If this character is to be retained then the stone slate roofs should be repaired, and where necessary replaced, with ‘like for like’ materials.’*

*‘I have discussed the sourcing of stone slates with a roofing materials supplier and a number of local craftsmen. They confirm that there are problems obtaining second-hand Derbyshire stone slate. This is resulting in the use of stone slates sourced from other parts of the country, or other materials, for roof coverings on historic buildings in the National Park. Historically, roof coverings were locally-derived and these locally sourced materials are intrinsic to the character of settlements in the National Park.’*

*‘The applicant’s supporting evidence notes that stone could be extracted, for roofing slate, from Moorhay (Wigley), outside of the National Park. Stone from this quarry, known locally as Free Birch, is from the Wingfield Flag sequence and has a distinctive scalloped appearance. The Derbyshire roofing slates, as extracted at Bretton Quarry, have an uneven riven appearance but this is not as exaggerated as Free Birch slates. In addition, Derbyshire roof slates are more common, than Free Birch, as a roof covering on historic structures in the National Park.’*

*‘With the shortfall of Derbyshire slate, local craftsmen are using Yorkshire and Lancashire stone slates. Although these slates are hard wearing, they have a different appearance and smoother texture than Derbyshire slate. In turn, this dilutes the authenticity and special architectural merit of the historic buildings and the character of places.’*

*‘There are similar issues with the sourcing of building/dimensional stone for the repair of historic buildings in the National Park. Over recent years, the stone won at Bretton Moor quarry has been used to repair a number of designated heritage assets in the National Park, including Haddon Hall. Local stone supplies are necessary so that the historic building stock can be repaired sympathetically and that new build can harmonise with its context. In addition, the stone extracted at Bretton Moor quarry has also been used by local craftsmen to repair the traditional drystone walls in the vicinity of the site.’*

*‘I fully support this application to extend this small scale stone quarry at Bretton Moor because of the reasons given above.’*

**PDNPA (Landscape):** *‘I have no landscape objections to the proposed extension but I would like to see more detail in the proposed restoration for example proposed grass mix if they are planning in creating wet areas, variation in levels, introduction of heather/gorse in places, repairs to drystone walls to help reinforce the landscape character of the area and future management of the site.’*

Following this consultation, the Applicant has revised the restoration detail. Further restoration details and aftercare will be conditioned.

**PDNPA (Archaeology):** No comment

**PDNPA (Ecology):** *In summary state: 'Ecology was consulted on the screening request for the extension of Bretton Moor Quarry in 2014. The response provided stated that the fields affected by the development were of a semi-improved nature and were not considered to be of ecological significance. Bretton Clough SSSI was also noted to be 100m north-west of the quarry site, but the proposed operations were deemed not to have an impact on the designation. Previous survey for extension area shows the field to the north as improved grassland. Ecological interest was recorded to the south of the site. A mix of unimproved acid grassland with dwarf shrub, gorse and wet areas were recorded in this area...The main area of interest falls outside of the application area, although there may be some overlap with the area where the overburden will be relocated (OBM1). A condition is required to ensure that areas of ecological interest are retained.'*

*'In addition, there are records for great crested newt in the area, with small numbers recorded in a number of ponds to the north and south of Shepherds Flatt Farm. However, the extension is more than 400m away from the nearest record and there are a number of barriers between the pond and the extension (a road and quarry). Therefore conditions relating to great crested newts are not required in this case.'*

*'The information on restoration lacks detail, although we support the proposal for natural regeneration for this site, along with the formation of scree slopes and retention of some cliff edges. The exposed soils and rock faces are likely to be of greater ecological interest if they are allowed to vegetate naturally, therefore restoration should not involve any reseeding. A condition is required for further detail relating to restoration prior to the start of the development. We would expect the restoration proposals to show a varying topography and soil depth throughout the site which will result in a more varied flora developing here (similar to the hummocks and hollows created from former quarrying to the south of the site). We would also expect to see subsoils placed on the surface above the topsoil to create a less fertile media for natural regeneration. This should also discourage the establishment of undesirable weed species (docks, thistles, ragwort etc.). The restoration proposals should also include an outline of the 5 year aftercare plan, detailing methods of controlling undesirable species, and grazing proposals should any swards become established during this period.'*

*'There are other areas of interest around the edges of the field, particularly the area to the south. It may therefore be worthwhile trying to encourage the landowner into a longer term conservation agreement once the aftercare period has finished. We also support the condition that Natural England has provided relating to Abney and Bretton Cloughs SSSI.'*

Please attach the following conditions:

*'Prior to the start of the development, the area where the overburden is to be relocated will be agreed on the ground with the PDNPA Ecologist, thereby protecting areas of ecological interest.'*

*'Prior to the start of the works, a restoration plan should be submitted to the PDNPA for approval and must provide the details requested above.'*

**DCC (Planning):** No comments.

**DCC (Landscape):** State:

*‘The application suggests that there will be no significant impact on the landscape and visual amenity of the area by virtue of the site’s relative remoteness and small scale, with few people within close proximity. Having reviewed the application’s supporting information and through the use of Google maps and streetview, Officers would generally concur with this view. However, it is noted that an existing dry stone wall would require demolition to facilitate the proposed development. It is requested that consideration be given to this wall being reinstated beyond the quarry extension boundary to help maintain a locally distinctive landscape feature that contributes to the wider landscape character of the area. ‘*

**DCC (Highways):** State: *‘The proposals are for a small scale extension to the existing quarry operations at this location. I understand from the submitted details that there will be no increase in the annual tonnage of stone extracted or the number of vehicle movements to and from the quarry. The existing access will continue to be used as sole means of access to the site and there are no Public Rights of Way affected. On the basis of the above this Authority would not wish to raise objections to the proposals.’*

Second consultation **DCC (Highways)** state: *‘As stated in my letter dated 14 October 2014 – the proposed extension to the operations does not appear to result in any increase in tonnage or the number of traffic movements generated and as such there are no highway objections. There does not appear to be anything in this additional submission to engender any change in those comments.’*

The proposal will result in an increase of 1,750 tonnes per annum however the maximum number of traffic movements will remain the same. **DCC (Highways)** have confirmed that *‘On the basis that the traffic movements remain the same there would no further highway objections.’*

**Derbyshire Dales (EHO):** State: *‘I have looked at this application and read their comments concerning noise. I can confirm that I have not received complaints regarding this site and from the description of operations it would appear that the potential noise impact on nearby properties would be limited. Obviously, without a noise survey it is difficult for me to make further observations’.*

*‘Under the Technical Guidance to the National Planning Policy Framework, the recommendations for mineral workings during daytime operations is that where possible, noise from the site during the daytime (07:00 to 19:00hours) should not exceed the background noise level by more than 10dB (A). Given the low level of operation that is suggested at this site, then this would seem to be a reasonable condition. However, without knowing what the existing background noise levels are, I cannot give a specific figure.’*

Second Consultation response from **EHO** states: *‘From previous conversations, I understand that there is an existing noise condition on the previous application, therefore, I would wish that it is applied to this application as well if granted as this will control the levels of noise allowed during the proposed working hours.’*

**English Heritage:** Recommendation: *‘The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.’*

**Natural England:** Natural England’s relevant comments in respect of the application are as stated below:

No objection – with condition

This application is in close proximity to the following Sites of Special Scientific Interest (SSSI); Abney and Bretton Cloughs SSSI (within 200m), Waterfall Meadows SSSI (within 1km), Bradwell Dale and Bagshaw Cavern SSSI (within 2km) and Stoney Middleton Dale SSSI (within 2km). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites 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. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

#### Condition

##### 1. Dust suppression, minimisation and control measures

The application site is within 200m of Abney and Bretton Cloughs SSSI; although it is not currently possible to set an environmental benchmark for dust given the paucity of studies, dust produced during the construction phase could cause smothering effects if the designated site is within approximately 200m. Dust, or particles, falling onto plants can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles can also block stomata.

Measures to suppress dust could include locating machinery and dust causing activities away from sensitive receptors, erecting physical barriers such as screening at the site boundary, vehicle wheel washing, covering vehicle loads, skips and stockpiles, using enclosed chutes, and using water as a dust suppressant. These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Abney and Bretton Cloughs SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

#### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

**Eyam Parish Council:** State: *'At our meeting on Monday 27th October it was agreed to recommend approval of this application but it was requested by councillors that the immediate neighbours of the site are notified of any impending blasting.'*



Further comment following second consultation received by **Eyam Parish Council**: ‘Approval - important quarry - Health and Safety as a deep quarry extremely important’.

**Foolow Parish Council**: State: ‘In principle Foolow Parish has no objections to this application given the fact that it is already taking place. My only personal comment would be that the roads used (like many in the Peak District) are narrow and in places steep. Not ideal of course for heavy weights.’

The Parish Council made further comments: ‘Since writing my earlier reply, the village has received a copy of a detailed response sent to the PDNPA from Mr Brooke, the person who lives closest to the quarry. Mr Brooke raises a lot of material facts and factual information in his letter which are at odds with the Planning Application. We would ask that these material facts be investigated and considered when deciding upon this planning application.’

**Environment Agency**: The Environment Agency confirm that they have no objection to the proposed development but wishes to make the following comments. Nothing other than uncontaminated excavated natural materials shall be tipped on the site. Use of the mobile fuel bowser should be used in accordance with guidance given in PPG2.

#### Hours of operation

The proposed hours of working would remain the same as permitted at the existing quarry, namely 08:00 hours to 18:00 hours Monday to Friday and 08:00 hours to 13:00 hours Saturday. No working on Sundays and public holidays other than Good Friday.

The operating hours accord with standard practice at other sites. At the level of operation proposed the impact of working would be confined to within close proximity of the site. Few people are likely to be disturbed directly by operations at the site, due to its remote location and the distances from local residents.

#### Representations

There has been an objection received from Mr J.D Brooke, a local resident of Bretton. His property lies approximately 197 metres away (measured on earthlight from the quarries nearest point) to the north of the site, and is at a level approximately 40 metres below the quarry.

His concerns relate to noise levels and state:

*‘Our house is 160m. from the site at its nearest point, not 300m. For some reason neither it nor the public highway leading to it appears to be shown on the site plan. • While we have not made formal complaints, I did complain in person to Mr Chris Elliott on three occasions - firstly in general terms, when I was assured activity would only be intermittent; secondly when operations had been continuous for over a week, when I was assured that this was exceptional; thirdly when activity was continuing as late as 14.00 hrs. on a Saturday, when I was assured that permitted hours would in future be strictly observed. • It is claimed the noise levels at our house will be minimal and not exceeding 45-55 dB (A), which if true would be no problem. However, when material is being transferred between excavator bucket/ loader/truck/trailer, the noise level is much higher and continually repeated - at times with the wind from a southerly direction (not uncommon) been it has as high as 60-65 dB(A) in my garden, and 65-70 dB(A) on the byway extending to the southeast. Proposed operations extending ever closer would undoubtedly generate even greater noise levels. if permitted, this application would potentially condemn us to an oppressive level of noise pollution throughout the day (we are retired) six days a week for 15 years...’*

*'PDNP Core Strategy MIN 3 requires any proposal for even small-scale operations to meet a demonstrable need within the NP which cannot be satisfied from existing permissions inside or outside the NP, and that it should be supported by demonstrable evidence which proves that alternative sources of supply are not and cannot be made available. When the original application was made (NP/DDO/0299/097), special circumstances were claimed in that the quarry was to produce roofing slates which were not readily available elsewhere. However it is now acknowledged that only minimal quantities of roofing slates have been or are expected to be produced. This new application claims special characteristics for the quarry's but offers stone not the slightest proof that such characteristics are needed, or that alternative sources are not available elsewhere. The fact that stone from the quarry has been used in a number applications within the National Park in no way constitutes such required proof.'*

Following receipt of this objection, the EHO was consulted and has confirmed the following: *'I have looked at this application and read their comments concerning noise. I can confirm that I have not received complaints regarding this site and from the description of operations it would appear that the potential noise impact on nearby properties would be limited. Obviously, without a noise survey it is difficult for me to make further observations.'*

*Under the Technical Guidance to the National Planning Policy Framework, the recommendations for mineral workings during daytime operations is that where possible, noise from the site during the daytime (07:00 to 19:00hours) should not exceed the background noise level by more than 10dB(A). Given the low level of operation that is suggested at this site, then this would seem to be a reasonable condition. However, without knowing what the existing background noise levels are, I cannot give a specific figure'.*

The EHO has made further comment indicating that noise conditions can be applied to control the noise levels. In response to this objection and to ensure that the objectors residential amenity is maintained, conditions can be applied which control the level of noise on site. These are discussed later in the report and an assessment of the application under policy MIN3 is also addressed within this report.

The distance from Mr Brookes house to the nearest point of site has been measured using the Authority Earthlight Geographical information System and is approximately 197 metres. Further information was also sought from the applicant to quantify the amount of roofing slate that would be available from the quarry and this has been provided by the Applicant as is discussed later in this report.

A further letter of objection has recently been received by the Authority from Mr J.D Brooke. He states: *'Permission for the re-establishment of Bretton Moor quarry in 1999 was based on the claim that it would produce roofing slates, for which there is a known need. This claim has, however, proved illusory, as the wording of the current application ("extremely limited/insignificant) acknowledges. Neither the application nor the additional information submitted is able to instance a single example of a roof made with slates from the quarry, while of the only two specific examples on which slates are said to have been used for repairs, Shepherds Flatt Farm is the home of the vestry of Foolow Church, where a very few slates were used in repairs according to Mr M Marsden, who carried out the work). In the meantime the PDNPA has established its Core Strategy (2011). Policy MIN S demands "demonstrable need within the NP which cannot be satisfied from existing permissions inside or outside of the NP", and "demonstrable evidence which proves that alternative sources of supply are not and cannot be made available". Given these stiff conditions, it seems reasonable that the current application should be subjected to a critical appraisal.'*

*'The application honestly admits that only "possibly minor quantities" of roofing slate would be Produced. The additional information submitted, however, tries to suggest that 10%-20% of the 1.65m. flaggy sandstone strata might "possibly be recovered. A critical appraisal would I*

*suggest, conclude that this is pie in the sky given that the same strata have been worked for the past 15 years without producing any worthwhile quantity of roofing slate.'*

*'Perhaps in anticipation of such a conclusion the application claims special characteristics for the Block stone from Bretton Moor quarry, namely that it is of a unique colouring (presumably in an attempt to prove that alternative sources of supply are unavailable). I could not profess to know whether this is true or untrue, although a critical appraisal might suggest it to be fanciful, in that the application states it to be "primarily an orange buff colour with iron staining swirls" while the additional information submitted states " primarily being light honey brown with occasional strong orange brown coloured swirls".'*

*'If the claim to uniqueness is not true, then there is no demonstrable evidence to prove that alternative sources of supply are not available - there are many other quarries with existing permissions inside, let alone outside the NP, that can satisfy blockstone needs, if, however, Bretton constructed of stone from the quarry, and will clash with stone from elsewhere - In that pre-1999 workings were not great in extent, and that the quarry was "originally worked for roofing slates and walling stone", the existence of such buildings is so unlikely as to rule out any demonstrable need. A critical appraisal would I suggest conclude that the requirements of the Authority's Core Strategy are not met.*

*'The application and additional information submitted cites a range of examples where stone from Bretton Moor quarry has been used, claiming that this demonstrates the need for this particular stone. It does not. It merely demonstrates the need for stone - which could just as readily have been supplied from previously existing permissions. If the Authority's Core Strategy Policy MIN 3 is to have credibility and not be seen as an empty gesture, I suggest that this application must be subject to a thorough and probing examination, and that such critical appraisal would lead to its rejection'.*

In response to this objection, the Applicants have provided photographic evidence, assessment of stone types, volumes, tonnages and recovery. Together with an assessment of the Need for the stone. This information has been consulted upon and is assessed in the report against the relevant policies of the Development Plan taking into account consultation response. It is not for the Authority to disprove the Applicants case but to make a balanced decision based on the information that has been submitted and any material considerations.

The Applicant has responded formally in writing to his objection stating: *'The original reason for re-opening Bretton Moor quarry was at the behest of the PDNPA to produce stone roof slates for which there was a clear demand but no identifiable supply, other than by the demolition of existing building or theft from them. Implicit in the first application and subsequent one which followed on, there has always been an understanding that as a stand-alone supplier of roof slates, the operation was not viable and that the production and sale of other stone products, i.e. walling, flagging, blockstone etc was essential; this remains the situation.'*

*'Stone slates have been and will continue to be produced from the quarry. The exposure of eminently suitable material is there to be seen in the central and western upper sections of the existing quarry face. Details of the site geology have been supplied to you, and is there for third parties (who actually understand the characteristics of stone necessary for the production of slates) to assess. Stone suitable for slate production is also known to continue to the north of the area which has been backfilled against and which forms a part of the proposed extension, i.e. the western end of the northern quarry face.'*

*'A comparison between the colour characteristics of the Bretton Moor Quarry and other consented gritstone quarries in the area has been made and there is demonstrable evidence that there is no comparable (consented stone) available...There is demonstrable evidence to show that Bretton Moor stone is unique, and this has been provided.'*

There has been 3 letters of support:

A letter from the National Trust stating: *‘The Small Quarry on Bretton Moor, Eyam Edge, has been there for a number of years, it provides a source of local stone, that we value for dry stone walling restoration. And the occasional larger blocks of stone for other purposes e.g. mounting blocks for horse riders. This type of stone is increasingly difficult to source and helps to maintain the character and features of parts of the National Park.’*

A letter from A Marsden, Director of Foolow Building Services, who in summary states: *‘I am in constant touch with other local builders who all have one thing in common - we find it increasingly difficult to find local stone that matches precisely the stone that buildings in this parish are built from. We used to be able to get this stone from Stoke Hall Quarry but this is no longer possible. We are being forced into buying stone from Birchover and Stanton which are quite purple/pink in colour, Hayfield which has a tendency to grey swirls and areas from outside the Peak District which cannot possibly be the way forwards. I can take members to any number of developments that have been completed from stone that is not local. It stands out a mile. Listed building work is getting almost impossible to complete without a source of local stone.’*

One letter from M.P Marsden stating *‘Bretton Moor Quarries have been working the site for a number of years. I have used the stone on many occasions and find it a very good match for the type of restoration work I undertake. I have used it several times on listed buildings, the most recent being The Old Hall, Foolow, where several window mullions and a transom were restored. There is also considerable demand for the walling stone. This stone naturally occurs in various thickness on the bed and is easily suited to just being pulled out and used and is therefore naturally bedded and faced. I do not know of another quarry harvesting this sort of material in the area. It is very popular with local dry stone wallers matching the existing sandstone...’*

## **Main Policies**

Relevant Core Strategy 2011 policies: GSP1 GSP2, GSP3, GSP4, DS1, MIN1, MIN3, CC1, CC5, T1, T4.

Relevant Local Plan (2001) ‘saved policies’ LM1, LM9, LC16, LC17, LC19, LC22, LT9.

## **National Planning Policy Framework**

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

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

For minerals, and specifically building stone, the NPPF (paragraph 144) states that when determining planning applications local planning authorities should:

*‘Give great weight to the benefits of the mineral extraction, including to the economy; as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks; ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from*

*individual sites and/or from a number of sites in a locality; ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards; consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites’.*

### **Assessment**

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (s.38 (6) of the Planning and Compulsory Purchase Act 2004). The proposal constitutes mineral development which, in terms of the definitions provided in the Development Management Procedure Order (2015), falls under the category of ‘major development’.

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

The criteria in national policy as referred to in policy GSP1 are contained in paragraph 116 of the NPPF. That paragraph re-states that planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it upon the local economy (NEED);
- The cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way (ALTERNATIVES);
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated (EFFECTS ON ENVIRONMENT).

In support of CS policy GSP1, policy MIN1(A) states that proposals for new mineral extraction or extensions to existing mineral operations will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy – however, this policy excludes local small-scale building stone proposals which are covered by MIN3.

In assessing whether this application falls within the scope of a ‘small-scale’ building stone proposal, reference is made to other building stone operations in the National Park in terms of the area, duration, intensity of the development and the resultant annual/total output. The proposal seeks an annual output of tonnes of a maximum 4,250 tonnes per annum over a 15 year period. The equivalent figure for Dale View is 62,000 tonnes per year with working consistently throughout the year.

The requirements of policy MIN3 overlap to a large extent with the overarching policies of GSP1 and the exceptional circumstances test set out in the NPPF for major developments in National Parks. The policy states that proposals will only be permitted for small-scale working of building and roofing stone where:

- (i) they meet a demonstrable need within the National Park, which cannot be satisfied from existing permissions inside or outside the National Park;
- (ii) they will be confined to local use only on buildings and structures within the National Park; and
- (iii) the individual and cumulative impacts of working on the environment, amenity and communities can be appropriately mitigated.

In respect of point (i), the policy states that any proposal should be supported by demonstrable evidence which proves that alternative sources of supply are not and cannot be made available. Additionally, proposals would need to be accompanied by a suitable legal agreement to ensure the objectives of the policy were met.

In considering the above policies, the key areas of Need and Alternatives and Effect on the Environment are now considered in more detail, in conjunction with an assessment as to whether exceptional circumstances exist to permit the development. Additionally, conformity with other relevant detailed Development Plan policies is included in the assessment, alongside national policies set out in the NPPF. This is undertaken with consideration given to the overriding requirement in policy GSP1 that major development will only be permitted following rigorous consideration of the criteria in national policy.

## **NEED AND ALTERNATIVES**

In the submission the Applicant has presented a case of need to address this particular requirement.

### **Geology**

The Applicant confirms that the site geology is very simple comprising gently inclined Gritstone/sandstone strata, the nature of which has been well defined as operations have developed over the past 15 years. The occurrence of slate/flagging grade stone in the upper part of the sequence with blockstone below has been consistent throughout the previously worked out areas and is evident in the exposed final northern wall. The proposed extension will involve a nominal development of extraction to the north over a distance within which there is a high level of confidence that stone characteristics will remain unchanged.

The Applicant has provided an assessment of stone types, volumes and recovery tonnages to support the planning application. Photographs which show the sequence of the stone types. Ranging from ground level, soils and weathered bedrock (variable up to 1 metre thick), Honey brown flaggy sandstone – medium grained with common planar laminations along which split readily (1.65 to 2.2 metres thick), Honey brown sandstone – medium grained, thickly bedded, moderately strong. Broken by variable joining. (3.6 to 3.8 metres thick).

The observable thickness of thinly bedded flaggy sandstone varies from east to west along the exposed northern face of the current quarry void from approximately 1.65m thickening up to 2.2 metres. The area to the west of the maximum extent of the exposed northern wall has been previously quarried and is now backfilled against. Within this area the thickness of flagstone horizon is at its thickest and previously produced slates which were used to re-roof Foolow Chapel, Shepherds Flat Farm, etc. The total thickness of the exposed flaggy sandstone horizon showed there to be a thickness of useable roofing slate grade material to be 1.23 metres out of a total thickness of 1.65 i.e. 75%.

The quarry can produce a range of stone products, not solely stone roofing slates. Due to the nature of sandstone deposit, stone slates would form a relatively small proportion of the total output. The quantity of roofing slates that could be produced from the site is dependent on both the natural bedding thickness and the cleavability of the stone. Handworking methods should

maximise the quantity obtained and is the traditional and preferred method. Stone slates form a limited proportion of the value of the deposit; the Applicant has provided an assessment of the recovery rate of flaggy sandstone which confirms that potentially 20 – 30% of the potential useable strata can be recovered for stone slate.

According to the Applicant about 90% of stone from the quarry to date has been used for projects (restoration and new build) within the National Park. It is inherently difficult to predict with any accuracy the amount of stone slate versus other stone products that might be obtained from this site.

### **Roofing Slates – Need and Alternatives**

The Authority is aware that the availability of roofing slates from local sources for the repair of historic buildings and the construction of new buildings in the vernacular style is of great importance for the conservation of the built environment and heritage of the National Park. In addition, there is a local need for new sources of stone slate to ensure continuity of supply.

The Authority was jointly responsible with English Heritage and Derbyshire County Council in establishing a research project with the aim of assessing the future of the natural stone slate industry in the South Pennines area and to consider future potential sources of supply. It resulted in the publication of a report in 1996 titled - 'The Grey Slates of the South Pennines' - Report of a study into the Potential to Re-establish the Roofing Slate Industry of the region. The report highlighted the decline of the stone slate industry over time and the lack of operational sites within the research area and encouraged a revival of the traditional stone slate industry.

The need for the product within the National Park is highlighted within the comments provided by the Authority's Built Environment (Cultural Heritage) Officer. Currently, Bretton Moor quarry is the only quarry within the Park, where stone (grey) roofing slate has been obtained, albeit it is limited in quantity. In addition, the stone slate has been used locally within the Park. In the last few years, stone slate from the quarry was used to make up a shortfall of slate when the roof at Shepherds Flat Farm, Eyam, was repaired.

Local stone slates are desperately required to repair historic buildings in the National Park. Derbyshire stone slate has a distinctive appearance that contributes to the architectural and historic merit of numerous heritage assets and the character of settlements in the National Park. If this character is to be retained then the stone slate roofs should be repaired, and where necessary replaced, with 'like for like' materials.

The demand for materials that match those originally used is particularly important for the repair and maintenance of historic and traditional buildings. It is also preferable, in attempting to maintain a vernacular style to try and utilise materials akin to those used in the local area.

### **Alternatives**

An assessment of alternatives and sites is difficult since much depends on the particular characteristics of the stone in terms of colour, texture, grain size and bedding characteristics. The 1996 report identifies seven generic slate types which would ideally cover the historic range. Each type is visually distinct and ideally should not be inter-mixed on a roof.

Sites within the South Pennines research area capable of supplying the right types and quantities of stone slates are extremely limited. Within the National Park Officers are not currently aware of any other operational quarry that has the specific potential to produce stone slates. There is one site located near Chesterfield (Moorhay) which has recently been granted planning permission and could produce slate but this is not currently operational. However, the geological sequence and characteristics are different from the application quarry and the material is not widely used within the Park.

There are other sources available within the U.K, including Herefordshire, Yorkshire and Lancashire, however these are a different colour and serve local markets. Other alternative sources of roofing slate are imports from countries such as China and India; the salvaging and reuse of slates from redundant buildings; the use of other roofing materials (e.g blue slates) and the use of artificial slates from redundant buildings; the use of other roofing materials. Whilst all alternatives can be considered they would not necessarily be appropriate for the historic buildings of the National Park and not considered a sustainable source of supply.

### **Blockstone**

The Applicant has confirmed that the lower part of the sequence accounts for approximately 65% of the worked horizon, comprises sandstone from which only sawn products and dry-stone walling stone can be derived. The units are devoid of the closely spaced laminations which give the upper flaggy unit its unique properties.

Recovery from the blockstone units can be split into that suitable for sawing and that for use as dry-stone walling and is likely on the basis of historical data, to have combined value of approximately 56%. It should be noted that this is an estimate only and may vary either way. The material is a natural substance which can show widely variable levels of inconsistency.

### **Alternatives**

There are other quarries within the National Park that have substantial approved reserves of building stone for use as dimensional stone from sites within the National Park and in surrounding areas. Interpreting the policy based purely on the quantity of the resource available does not take into consideration of any other factors such as colour, quality and consistency with local building aesthetics would indicate that there is potentially no need for the sandstone. However taking into account the need for roofing slate and the lack of local suitable local supply and the need for the stone for restoration and building projects locally, there appear to be benefits to allow the development to take place.

The Applicant has provided further information in the assessment of whether there are alternative sites outside of the Park that could provide such stone. They have provided detailed information on 8 sandstone quarries within the Park including Dale View, Stoke Hall, New Pilhough, Birchover and Wattscliffe, and some within close proximity of the Park boundaries. They provide details of the colour, texture and type and geological classification of products from these quarries.

They state that the quarry has a unique colour and has established itself in the market place as a product which is extensively used within the Park on restoration and new build products. The Company has provided numerous examples of where the roofing slates and stone has been used. They are of the view that Burntwood Quarry is a similar colour, however the stone from the quarry is restricted to supplying Chatsworth House and Estate.

Blockstone has been used for the production of walling and architectural detail i.e. cills, quoins, flagging and lintels. Roofing slates have been used on several roof restoration projects and new build projects. Sources of dry stone walling are limited in and around the Peak District and the quarry has become a significant supplier of stone for local demand, citing numerous local examples within the supporting documentation, including stone roof slates at Eyam Barns and dry stone walling.

There are other quarries within the National Park that have substantial approved reserves of building stone for use as dimensional stone from sites within the National Park and in surrounding areas. Interpreting the policy based purely on the quantity of the resource available



does not take into consideration of any other factors such as colour, quality and consistency with the aesthetics of properties within the Park.

The site is already an established quarry within the local environment and is well screened and an established barely noticeable feature in the local environment. The geology of the mineral deposit at the site is well understood and there are established markets predominantly within the National Park boundary and to a very limited degree beyond for certain products. The supporting information submitted with the application demonstrates that the proposed extension area is a natural extension to the existing quarry. The geological beds are visible in the quarry face and have been proven by previous extraction.

In taking all the above factors into account, it is considered that there are exceptional circumstances to permit the proposal in terms of need and alternatives, subject to being able to adequately control any adverse effects on the environment. In terms of policy MIN3, the small-scale nature of the proposal does meet a demonstrable need within the National Park, which cannot be satisfied from existing permissions inside or outside the National Park. Additionally, the use of the stone would be confined to local use only on buildings and structures within the National Park, therefore the proposal is in line with this policy, subject to the individual and cumulative impacts of working on the environment, amenity and communities being appropriately mitigated.

### **Building Tradition & Restoration**

The application contains evidence that there is a need to use the stone and slate from the site to restore and conserve listed, historic and non historic buildings in the National Park. It provides examples of where the products from the quarry have been utilised in prestigious developments citing renovation work at Haddon Hall and housing projects at Glebe Park in Eyam. Numerous examples have been provided of other properties within the Park where slate, walling, flagging and blockstone have been used from the site. The use of locally-derived stone is an important aspect of the architectural quality and character of many of the buildings and structures in the Park.

This is supported by policy within the Peak District National Park's Design Guide 4 – Materials states:

*'New buildings should ideally be constructed from the same palette of materials used traditionally in the area. This means for the most part, natural stone for walling and slate or tile for roofs...The two predominant types of building stone in the Peak District are Millstone Grit) a buff or pink, large-grained sandstone) and Carboniferous Limestone (a grey, hard fossil rich stone). A glance at the field walls locally will tell you which of these two stones form the underlying geology of the area you are in.'*

Notwithstanding the tests for major developments in National Parks, paragraph 144 of the NPPF requires local planning authorities to consider how to meet demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets and expects such authorities to recognise the small-scale nature and impact of building [and roofing] stone quarries, and the need to adopt a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites. The application for Bretton Moor quarry falls generally within this description and therefore, the Authority is required to pay particular attention to the small-scale nature of the development proposal (compared to larger, more commercial, building stone operations elsewhere in the National Park, e.g. Dale View Quarry) in making its determination.

The Applicant has confirmed that the use of the stone specifically slate in restoration and its geological properties and colour are typical of the buildings found within the Peak. This statement is also supported by the Built Environment Team and Landscape Architect within the

Peak District National Park Authority who has confirmed that there is a critical need within the National Park for slate for repairs to existing buildings and for new building. The National Trust has also made comment to this effect stating: *'The quarry provides a source of local stone that we value for dry stone walling restoration. And the occasional larger blocks of stone for other purposes e.g. mounting blocks for horse riders. This type of stone is increasingly difficult to source and helps to maintain the character and features of parts of the National Park.'*

There is conformity with the second strand of CS policy MIN 3, which requires that the stone be confined to local use only on buildings and structures within the National Park. This restriction in end use can form part of a Section 106 agreement (draft terms of which has been submitted with the application) or by planning condition. Therefore this would be in line with CS policies GSP4 and MIN3 (C).

**Taking all the above factors into account, it is considered that there are exceptional circumstances and material considerations to permit the proposal in terms of need and alternatives, subject to being able to adequately control any adverse effects on the environment.**

### **EFFECTS ON THE ENVIRONMENT, LANDSCAPE AND RECREATIONAL OPPORTUNITIES**

Accepting that an exceptional circumstance is demonstrated and that the need and alternatives assessment are sufficiently addressed by the application, the third strand of the NPPF and GSP1 major development test is an assessment of any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which those effects could be moderated. This ties in with the assessment of the development against policy MIN3 (part iii) which states that the Authority will only permit small scale working of building and roofing stone where the individual and cumulative impacts of working on the environment, amenity and community can be appropriately mitigated. There are several areas to be considered in terms of environmental impact, which are set out below.

#### **Biodiversity and Ecology**

The proposed extension would disturb part of an area which is presently classed as semi-improved pasture land, which is used for sheep grazing. This type of pasture land is not considered to be rare or valuable habitat. As such the impact on biodiversity is not considered to be significant. The proposed extension lies about 115 m to the south west of Abney and Bretton Clough SSS1 but it is not considered that the proposed development will have significant impact on this designated area in view of the distance and the nature, scale and extent of the proposed development.

Appropriate planning conditions can be used to minimise the impact upon of operations on the ecological interest of the area in accordance with Core Strategy Policy and LDF policy LC17 and LC19.

#### **Water**

There are no surface watercourses within or near the site and the excavation will not penetrate the water table. No groundwater has been encountered to date. Water would not be used in the quarry working activity and no on-site processing is proposed. There is no fuel or chemical stored on the site. The Environment Agency has been consulted and there have made no objections subject to the imposition of certain planning conditions. Other conditions can also be imposed in line with standard quarrying practice and would be in accordance with Core Strategy policies CC1, CC5 and MIN3. The hydrological and hydrogeological aspects of the development proposal will not result in harm and therefore complies with policies MIN3, CC5 and LM1.

#### **Landscape & Visual**

The NPPF (paragraph 115) gives the National Park the highest status of landscape protection. LDF Policy L1 stipulates development must conserve and enhance valued 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 site and extension area is located in an elevated position at approximately 390 and 380 metres respectively, AOD on Bretton Moor. To the north and in the direction of the extension area, the land falls towards Bretton Clough. Although elevated and relatively exposed, views onto the area are limited and no properties overlook the site.

The nearest residential properties are situated between approx. 200 – 280 metres from the quarry and lie at a lower level. The site is visible from the south along Bretton Edge, although the uneven nature of the topography helps to break up these views. There are no public rights of way which run across or within close vicinity of the site and the land is not Access land. Longer distance views can be gained from Abney and beyond to the north, although at these distances (1 – 1.5km) the visual impact would be minimal due to the distance.

The site is well screened to the south, when viewed from off the Great Hucklow to Grindleford road, by old spoil mounds which rise from 1 – 2 metres above surrounding ground levels.

The location of the soil and overburden storage mounds to the north west of the working area, and their seeding to grass, would significantly reduce views into the site from those locations to the north west. The two settlements immediately to the north of the site lie about 35 – 40 metres below the site and are visually screened by the natural topographical landform.

The only periods of time where operations will be visible will be whilst the storage mounds are being extended, when operations are being undertaken at a short distance below ground level and when stone is hauled out of the void for temporary storage and transportation off site. These impacts will be minimal due to the location of the site with respect to receptors and the low level of activity.

Conditions can be imposed, as previously attached, which limit the height of the mounds to a maximum of 3 metres, along with suitable grading and treatment. The mounds would remain in situ for the duration of working. Consequently, it is considered that the proposed workings will have no significant impacts on the landscape and visual amenity of the area in view of the limited scale and extent of the proposed development.

The small scale of the quarry development, the nature of activities involved and the location of the site will minimise the effect upon the broader landscape character area to negligible.

The proposed development would have no effect upon any designated landscapes, conservation areas, listed buildings or local scheduled monuments.

Taking the assessment into consideration overall the landscaping impact is considered to be small and the proposed development can be controlled to minimize the effects on the characteristics and amenity of the area, in terms of landscape impact. The proposal has not attracted objection from the Authorities Landscape Officer. The proposal is in accord with policies L1, MIN1, LM1 and the relevant landscape and restoration policies of the NPPF.

## **Countryside Access and Recreation Impact Assessment**

The LDF Core Strategy (chapter 10) supports recreation and sustainable access and development should not prejudice the informal quiet enjoyment of the National Park (Policy RT1). There are no footpaths which run across or near to the site which would be affected by the proposal.

The PDNP Landscape Officer has confirmed no objections to the scheme, and is satisfied that the impacts have been assessed, including access and recreational impacts, and are not significant. Further restoration details are required and this is conditioned accordingly.

### **Traffic**

The application site is accessed from the road running along Bretton Edge which is a single track rural road. There is good visibility in both directions and the access is gated.

Vehicles leaving the site travel west down to Foolow. The route is narrow and winding with limited visibility along certain sections, particularly along Bradshaw Lane, between Bretton and Foolow. The material would be moved by tractor and trailer and a small lorry capacity of which varies from 6 – 12 tonnes. Drystone walling stone is transported to the farm by tractor and trailer, stored and then onwards by lorry as sold. Blockstone is taken by Capital Stone Masons and Harris Quarries for processing and then distributed throughout the Peak Park. There is no processing on the farm.

No more than 6 in and 6 out lorry movements are proposed to take place at the site with the average being 3 in and 3 out per day.

Taking into account the increase in tonnage together with the intermittent nature of working the site, the Applicant estimates that the same level of vehicle movements as permitted in 2007 (6 maximum 3 average) would be generated per working day. As far as Officers are aware no complaints have been received about the level of vehicle movements associated with the site.

Core Strategy policy T1 seeks to conserve and enhance the National Park's valued characteristics in a number of ways, including minimising impacts of traffic within environmentally sensitive locations. Policy T4 specifically relates to freight traffic stating that facilities should be related to the needs of the National Park based businesses, and should be located to avoid harm to the valued characteristics of the National Park or compromise to the routes which are subject to weight restriction orders.

In assessing the proposal, it is considered that the development does not conflict with development Plan policies T1 and T4. Local Plan policy LT9 states that depending on the nature of the business, planning permission may be given to business subject to an agreement about the size of vehicles used. The development proposal accords with this policy as there is already consensus on the size of vehicles to be used to transport stone from the site. It is considered that the access, lorry types and numbers can be covered by conditions. Consequently the proposal is considered to be in accordance with policies Min 3, T1, T4 and LT9.

As such lorry traffic associated with the development would have limited impact upon the environment of the area.

### **Noise, Blasting and Dust**

The site is located in a quiet location with the nearest property being the Barrel Inn, which is located more than 200 metres away to the west and is well screened both visually and acoustically from the site and the extension area by the topography and vegetation. Other residential properties lie either beyond the Barrel Inn or a Bretton Clough. The Croft lies within 200 metres (approx. 197m) to the north of the site at a lower level.

The potential sources of noise and disturbance at the site would arise from the levering and movement of stone, plant, equipment and vehicle movements and occasional black powder blasting. The plant likely to be used on site is a hydraulic excavator, a tractor with tipper trailer and a front end loader. Black powder blasting is low impact blasting most commonly used and insignificant amounts of ground vibration and air-overpressure are generated. The detonation is audible but not of high volume. If blasting is necessary it will have to take place in accordance with the relevant mines and quarries regulations.

Although the Applicant has confirmed that to date there has been no requirement to undertake block reduction by blasting methods, they wish to retain the ability to do so.

It is not proposed to store shot-firing materials on site. A condition requiring a blasting protocol be submitted to the MPA is proposed.

The very low output of the site combined with the method of working and phasing means that the occasions when mobile plant will be operating on the surface will be minimal. In addition, a condition will restrict the hours of operation.

Whilst there has been an objection to the proposals on the grounds of oppressive noise, the EHO Officer has been consulted regarding the objection and is satisfied that noise can be satisfactory controlled on the site through the imposition of planning conditions, and these are proposed. Such conditions can cover noise emission levels, restriction of reversing beepers and hours of operation. It is considered that a noise limit of 45 dB LAeq (1hr free field) can be added to the new permission.

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 method of working at the quarry employs traditional techniques of splitting the rock rather than the use of blasting. No crushing or screening takes place and there is the occasional use of mobile plant. There are therefore far fewer dust sources than in larger quarrying operations and very little to generate fine dust particles.

It is therefore concluded that the proposal will not give rise to any unacceptable vibration, dust or noise effects and can be appropriately mitigated, so will be in conformity with the environmental protection policies contained in LM1, MIN3 and the relevant paragraph in the NPPF which seeks to ensure that any unavoidable blasting vibrations are controlled, mitigated or removed at source.

### **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 LDF paragraph 9.40 promotes consideration of qualities and local distinctiveness of the historic environment and how these contribute to the spatial vision, and seek to conserve heritage assets most at risk.

Core Strategy policy L3 seeks to ensure that development conserves and, where appropriate, enhances or reveals the significance of archaeological, architectural, artistic or historic assets and their settings, including statutory designations. Development will not be permitted, other than in exceptional circumstances, where it is likely to cause harm to the significance of any such asset. Policy L1 relates to landscape character, and includes the history and archaeology of the area and the historic buildings and registered parks and gardens as key aspects of the overall landscape character of an area. The policy states that development must conserve and enhance valued landscape character.

There are no identified areas of archaeological interest within the proposed quarry extension area. It is considered that there will be no impacts on the archaeological interests and the proposal complies with development plan policy.

### **Operating hours**

With the relatively low annual output of stone, the operational activities would take place on a limited number of days per year and hours per day sufficient to meet production targets. The quarry is not usually worked during periods of bad weather. To give operational flexibility however, permission is sought to maintain the previously permitted hours of working: 0800 – 1700 hours weekdays and 0800 – 1200 hours Saturdays. There would be no working on Sundays or Bank and public holidays.

The operating hours accord with standard practice at other sites. At the level of operation proposed the impact of working would be confined to within close proximity of the site. Few people are likely to be disturbed directly by operations at the site, due to its remote location and the distances from local residents. The proposals are therefore considered to be in accordance with Core Strategy policy MIN3.

### **Economic**

The LDF (para 4.28) states “the challenge is to manage down the adverse environmental impacts of the (minerals) industry respecting the fact that it provides jobs and building materials that are valuable locally and nationally. The 2011 National Parks Census identifies 185 residents employed in Mining and Quarrying (1% of all employment) in the Park District National Park, the second highest number and second highest percentage of residents employed in this sector out of the 13 England & Wales National Parks.

The site makes a contribution to the local economy and will provide local employment and spend in the local area.

### **Cumulative Impact**

The NPPF (para 143) requires account to be taken of the cumulative effects of multiple impacts from individual mineral sites and/or a number of sites in the locality. CS policy MI3 and Local Plan LM1 also require an assessment of the cumulative impacts of operations.

Examination of the public register establishes that there were no development proposals with planning permission in the wider area which would have a material effect on the development proposal concerned. The application proposes to extend the quarrying operations for 15 years, up to 2030. Quarrying has been undertaken at the site prior to the introduction of planning legislation and from 1999, following the grant of planning permission, and appears to have operated as a good neighbour and in line with planning conditions. The environmental impacts arising from the operations have been minimal and adequately controlled by planning conditions.

### **Restoration and Aftercare**

The quarry restoration proposals are considered acceptable having regard to Policy MIN1 of the Core Strategy which sets out criteria for the restoration and after-use of minerals development. Restoration of all minerals and waste development is expected to contribute to the general spatial outcomes of the plan. These outcomes are expected to focus on amenity (nature conservation) after uses rather than agriculture or forestry.

The restoration scheme includes using quarry waste and overburden stored on site. Some progressive restoration is proposed infilling and contouring of the exhausted sections of the void. The final landform feature will comprise a shallow basinal structure with an exposed rock face on

its northern side, graded slopes on its western and eastern side and a gently inclined slope extending from the southern side to north into the final void area. The restoration scheme also includes the creation of a reconstructed dry stone wall and a seasonal wetland area with small areas of blockstone piles.

Conditions are proposed which require an ecological management plan and aftercare programme to secure the proposed restoration and its management for a period of five years. A further condition requires the applicant to submit an aftercare management plan every year during the aftercare period.

The proposal is considered to be in accordance with policies GSP2, MIN1, MIN3 and LM1.

### **Section 106 Agreement**

If Members wish to approve the application, the planning permission would need to be accompanied by a Section 106 legal agreement, as required by policy MIN3 (C), since there are additional material planning considerations which could not be secured by planning condition.

The legal agreement would be required to cover the following items:

- Restriction on the primary end use of extracted stone to prevent it being used as aggregate.
- Restriction on the type of mineral extracted from the site i.e. gritstone.
- Restriction on the stone exported from the site and its destination.

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

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

Considering the first item proposed to be included, the obligation would provide the Authority with an assurance that any stone won from the quarry is used for specific purposes, which would be used within the National Park and for conservation/maintenance purposes. This would ensure compatibility with the requirement to ensure that stone will be confined to local use only on buildings and structures within the National Park, as specified in CS policy MIN3. It is therefore necessary to make the development acceptable in policy terms. It is also directly related to the development, emphasising the link between the extraction site and the restoration programme and is proportionate in terms of the scale of the proposal. It is therefore considered consistent with the NPPF tests.

The proposed restriction to ensure none of the stone is extracted for primary aggregate purposes also provides assurance that there is consistency with policy MIN1. It is therefore necessary to make the development acceptable and complies with the NPPF tests in all other respects.

### **Conclusion**

The proposal is considered major development. The policy direction in the Core Strategy and the NPPF states that major development should not take place within National Parks other than in exceptional circumstances, and where it can be demonstrated that it is in the public interest.

The proposal is to continue to work the site on a relatively small-scale basis to meet an identified need within the National Park for traditional stone roofing slate for which there is currently a shortfall in supply as detailed in this report.

Based on the details submitted and the consultation responses, it is apparent that the quarry is the only site capable of producing stone roofing slates within the National Park, and it would be prudent and in the public interest to secure a source of roofing slate within the Park.

In addition the proposal will provide for building stone of a particular colour which will enable the repair and new build of structures within the Park. It will also provide a local source of building stone and it is in the public interest to secure a local source within the Park.

Exceptional circumstances have been demonstrated to support the proposals within the National Park, and it is clear that the proposal would provide public benefits and would contribute to the achievement of sustainable development objectives through provision of heritage conservation, creating a high quality built environment, use of natural resources prudently and helping to improve the biodiversity and support for the local economy.

The NPPF also requires local planning authorities to give great weight to the benefits of mineral extraction, including to the economy. Specific reference is made to building stone and the need to consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites. Similarly the NPPF requires MPAs to recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

The proposed working is considered to be small in scale. It is considered to be in the national and local interest to undertake the proposed development to maintain the historic and heritage environment of the Peak District National Park.

In assessing the primary end use of the stone to be extracted, it is considered that the proposal would have a substantial positive impact in enabling the restoration and new build work on properties and structures within the Park specifically the use of slate and thereby complies with the end use requirement specified in Core Strategy policy MIN3.

The development would support sustainable economic growth in this rural area, whilst seeking to protect and enhance the natural and historic environment in line with Government principles for sustainability. Given all relevant considerations the development is sustainable within the context of guidelines which trigger presumption in favour of approval. Exceptional circumstances have been demonstrated to support the proposals within the National Park.

Overall, having regard to the application and the further information submitted through consultation, it is considered that the proposed operations, in conjunction with the recommended conditions and Section 106 legal agreement, would not likely create an adverse impact sufficient to justify refusal of this application. On balance exceptional circumstances exist whereby this proposal can be considered to be in accordance with the policies of the Development Plan, that support the development of small-scale gritstone operations and the operations can be minimised in the interests of the National Park. Having assessed the proposals it is concluded that the continued operation of this quarry would not be detrimental to the landscape and environment of the National Park.

The environmental information provided does not include any material or factual evidence to provide significant weight to justify refusal of the application when balanced against the evidence submitted by the applicant and taking account of the responses from the technical consultees.

Subject to the recommended conditions and a planning obligation, the proposed development would not unacceptably (individually or cumulatively) impact upon the landscape and environment and amenity in terms of landscape character, visual appearance, noise, dust,



blasting, lighting, nor on the water environment, archaeology, cultural heritage, ecology, recreation, residential amenity, highways and traffic.

**Human Rights**

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

List of background papers (not previously published) - None