

9. REVIEW OF OLD MINERALS PERMISSION (ROMP) APPLICATION – ROMP TO FACILITATE THE EXTRACTION OF 33 MILLION TONNES OF MINERAL AT BELOW/DOVEHOLES QUARRY (NP/HPK/0422/0437, RB)

Applicant: MR MARK KELLY ON BEHALF OF CEMEX

Summary

1. Beelow/Doveholes Quarry has a historic planning permission for the extraction of 33 million tonnes (mt) of limestone from 8ha of land within the National Park. The application site covers a parcel of land immediately adjacent to the existing operation, which comprises the quarry and cement plant, which are of significant scale and represents a substantial percentage of national production capacity.
2. The ROMP process has been designed to allow historic planning permissions to be updated with modern conditions to ensure extraction operations take place in line with current environmental standards.
3. The initial ROMP was agreed with only one condition, which was that no extraction can take place in the National Park until a full schedule of conditions had been agreed by the Authority.
4. The purpose of this application is to establish a schedule of conditions which will apply to the portion of the permitted reserves at Beelow/Doveholes Quarry which lies within the National Park.
5. The key issues for the Authority to decide is whether the proposed schedule of conditions is acceptable in regard to: National Park purposes; environmental impact; impact on amenity; impact on transport; impact on cultural heritage; impact on the landscape.
6. A ROMP is not a typical planning application, the premise of the development is not up for determination and the Authority cannot refuse the ROMP. The legislation governing the ROMP process is clear that the Authority cannot apply conditions that would restrict the economic viability or asset value of the site. The proposed schedule of conditions has been provisionally agreed with the operator (subject to determination of the application) and is considered to offer a modern standard of environmental protection without impacting the economic value of the site.
7. The Authority's Standing Orders require the committee to consider the principle of the ROMP. This is a streamlined report that covers the overarching themes and objectives of the schedule of conditions that has been provisionally agreed between the applicant and the Authority. A full assessment of the substantial volume of technical information that was provided through the Environmental Statement (ES) submitted with the application has taken place in the preparation of this report.

Proposal

8. The proposals are for the schedule of conditions put forward in this report to be agreed by the Authority which will, in turn, govern the operation of the area of the quarry that lies within the National Park. An initial schedule of conditions was submitted by the applicant, which has been amended through the course of the determination process. Any amendments to the conditions have been provisionally agreed with the operator.
9. This application will facilitate the extraction of 33mt of limestone and the phased restoration of the site. This application does not deal with the principle of the permitted reserves, which already have permission, but is intended to agree an updated and modernised schedule of conditions. This process is required to ensure the operational practices within the quarry, mitigation of environmental pollution and the restoration scheme are all of an acceptable standard.
10. Phasing and restoration plans have been submitted with this application which detail the proposed depth, width and overall form of the proposed quarry void. The proposed size, depth and form of the extraction site is consistent with the plans submitted to the PDNPA and approved as part of the initial review application in 1997, which in turn are consistent with the original 1948 permission.
11. A concurrent application for the diversion of the unclassified road known as Beelow Lane to avoid the application site has been submitted alongside this application and is currently awaiting determination.
12. Phasing plans have been submitted as part of the application which have been dated with indicative time scales. The timescales are indicative due to the variable nature of the operational extraction, fluctuations in demand and the unpredictable timescales associated with the planning process.
13. A draft schedule of conditions, which have been amended through the course of the application process, relate to the following matters:
 - Proposed phasing of the extraction and restoration of the site;
 - Final restoration of the site and the subsequent aftercare requirements;
 - Vibration management;
 - Noise management;
 - Air quality control;
 - Surface and ground water protection;
 - Archaeological requirements;
 - Ecological protection strategy and Biodiversity Net Gain;
 - Geological protection strategy.
14. These conditions have been provisionally agreed between the Authority and the applicant, pending the committee's decision. Importantly, these conditions have been designed to achieve the highest standard of environmental protection possible without impacting or restricting the applicants working rights. Should the Authority impose conditions that restrict those working rights for the permitted reserves, the Authority may be liable for payment of compensation, which in this instance could be up to the value of 33mt of limestone.

Site and Surrounding

15. The application site subject to this Periodic Review of Old Minerals Permission is a parcel of land located at the northern end of Beelow Quarry. The application site is located within the National Park and as such it is the Peak District National Park Authority (PDNPA) that is the Minerals Planning Authority (MPA) for this element of the quarry, with the rest of the existing quarry being located within Derbyshire County Council MPA jurisdiction.
16. Beelow Lane Quarry has grown overtime from a collection of smaller quarrying operations into one very large operational unit. The quarry and the associated plant are approximately 2.5km long (north to south), and approximately 1.2km wide (east to west) at its widest point. The lowest part of the quarry sits at 245AOD. The application site for this ROMP extends from the northern faces of the existing quarry and encapsulates a parcel of agricultural land to the north and north-east. The application sites highest point is currently 410AOD and slopes down eastward to the lowest point at 382AOD.
17. The site subject to this review is approximately 8.3ha of undeveloped agricultural land which is comprised of semi-improved grass paddocks bounded by drystone walls. The land slopes generally downward to the north and east. There are some partly exposed limestone escarpments within the application site boundary, along with a strip of young trees at the northern edge of the application site. The expanse of the existing Beelow Quarry is situated to the south of the application site. The existing safety bunding obscures the view of the quarry from most of the application site, but there are portions of the Beelow Lane that offer restricted vantage points into the site.
18. There are several residential/agricultural holdings which sit within close proximity of the application site which includes: Freshfields Donkey Village/Lodesbarn Farm; Higher Barmoor Farm, Middle Barmoor Farm; Barmoor Farm; Lower Barmoor Farm; Harratt Grange and Devonshire Farm. There are a significant number of residential properties that sit in close proximity to the existing quarry, including: All of the hamlet of Smalldale; the village of Peak Dale; the majority of the properties in Doveholes; and several isolated farmsteads.
19. The site is part of the “White Peak – Limestone plateau pastures” landscape character area. The Landscape character assessment describes the landform of the area as gently rolling hills, with a mostly open character. The plateau is a pastoral landscape with small to medium sized rectangular field boundaries. Tree cover is restricted to discrete groups, with some larger coverts and occasional belts of trees which provide a strong sense of enclosure.
20. There is an unclassified road which runs between the application site and the existing quarry, known as Beelow Lane. The lane joins the A6, approximately 400m north of the settlement of Doveholes, and runs 3.5km in a generally eastward direction to a junction with the unclassified road that connects Peak Forest with the hamlet of Smalldale. There are earth bunds and safety fencing between the lane and the quarry faces. The unclassified road comprises of a mostly unbound surface, although there is a portion of the track that has a bound surface which provides vehicular access to the Lodesbarn holding, east of the application site.
21. The unclassified road is currently located within the ROMP application site but is the subject of a parallel planning application for its divergence to facilitate the extraction of the permitted mineral reserves within the National Park.

22. Part of the existing quarry is classified as a Regionally Important Geological Site (RIGS). The classification of the Bee Low Quarry RIGS was undertaken when the wider site was still comprised of several smaller quarrying operations. The RIGS has been incorporated into the quarry as a whole. The RIGS designation sits outside of the PDNPA and will not be directly affected by the expansion of the quarry following the determination of this ROMP application.
23. There are several SSSI's in the locality of the existing quarry and the application site. The nearest to the site is Duchy Quarry which is located approximately 400m south-west of Smalldale. The Monk Dale SSSI is situated approximately 2.5km to the east of the quarry at its nearest point. The Castleton SSSI is approximately 2.2km north of the existing quarry at its nearest point, with the Lower Peaslow Farm SSSI located 1.8km to the north-west.
24. The quarry is accessed by all traffic from the Dale Road entrance. The vehicular access has good visibility splays in both directions and provides HGV's leaving the site with a quick connection to the A6 and subsequent major arterial highway network. The rail terminus is only accessed from within the site.

RECOMMENDATION

That the Committee agree in principle the following scheme of conditions and grant officers delegated authority to reach final agreement with the applicant.

1. **The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the terms of this permission.**
2. **A copy of the decision notice with the approved plans and any subsequently approved documents shall be kept at the Doveholes site office at all times and the terms and contents of them shall be made known to the supervising staff on site. These documents shall be made available to the Mineral Planning Authority on request during normal working hours**
3. **These conditions shall apply to the whole area of the site outlined in red on plan drawing reference numbers 21-07/P4/DOV/1 to which former planning permission ref 1986/9/16 and HPK0697092 relates and shall supersede the sole planning condition contained in that consent.**
4. **For the purpose of Condition 3, the approved documents for this planning consent shall comprise:**
 - **Planning Statement ROMP 24.03.22 FINAL as updated;**
 - **140107_002.018_DH019b_Gutted Quarry-Final Restoration Masterplan;**
 - **dov_mod1021_pw-2500_a0;**
 - **21-4-0951 Geological Summary Report;**
 - **220309_002.018_DH048_Beelow Diversion_Restoration Techniques;**
 - **220309_002_018_Below Lane diversion RoMP_Explanation of Restoration Tech;**
 - **CEMEX Dove Holes SCI Mar 22;**
 - **dov_mod1021_pw_1250_b;**
 - **21-07-P4-DOV-4 Aerial Site Plan;**
 - **21-07-P4-DOV-3- Aerial - Location Plan;**

- 21-07-P4-DOV-2A Site Plan;
 - 21-07-P4-DOV-1- Location;
 - 21-4-0951_BELOW_CURENT REV4;
 - 220309_002.018_DH046_Beelow Diversion_Section A-A';
 - 21-4-0951_BEELOW_END 2025 REV4;
 - 21-4-0951_BEELOW_END 2022 REV4;
 - 21-4-0951_BEELOW_END 2022 REV4;
 - 21-4-0951_BEELOW_END 2030 REV4;
 - 21-4-0951_BEELOW_END 2040 REV4;
 - 220309_002.018_DH044_Doveholes Quarry_Final Restoration Masterplan;
 - ES - Chapter 9 Air Quality FINAL;
 - ES Vibration chapter 10 - Final - 07.03.22;
 - TP - Dove Holes Peak Park RoMP HIA - Chapter 6.
5. The applicant shall notify the Mineral Planning Authority in writing within seven working days of the commencement of the development
6. Extraction of minerals and the deposit of any mineral waste on the site shall cease by 22 February 2042. On or before that date, all mineral extraction operations shall have ceased and the quarry shall be restored in accordance with the conditions contained in this consent.
7. Except in emergencies to maintain safe site operations which shall be notified to the Mineral Planning Authority as soon as practicable, no lights shall be illuminated (other than security lighting) nor shall any operations or activities authorised or required by this permission be carried out except between the following times:
1. Site Development and Surface Restoration:
 - a. This includes site preparation, plant and services installation, soil stripping, bund formation and removal, surface restoration works, site clearance and access removal:
0700hrs – 1900hrs Monday to Friday

0700hrs – 1300hrs Saturday
 - b. Drilling
0700hrs – 1900hrs Monday to Friday

0700hrs – 1900hrs Saturday
 - c. Blasting
1000hrs – 1800hrs Monday to Friday
 - d. Limestone extraction, loading of materials and their transportation
0500hrs – 2000hrs on any day

8. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 or any subsequent revisions, modifications, revocation or re-enactment, no buildings, plant or machinery, structures or erections required for the winning, working, treatment, preparation for sale, consumption or utilisation of mineral under this consent shall be erected on the site without the prior written approval of the Mineral Planning Authority.**
9. **During the life of this permission the site shall be securely fenced and gated in order to prevent unauthorised access. Such fencing and gate(s) shall be maintained to the satisfaction of the Mineral Planning Authority throughout the life of the planning permission.**
10. **At such time as they are no longer required for the approved development, all plant and structures, other installations, tanks, machinery and temporary buildings shall be dismantled and permanently removed from the site.**
11. **The sole means of vehicular access to and egress from the site shall be through the adjoining Doveholes site and via the existing access road off Dale Road, Doveholes, Brixton.**
12. **In the event that mineral operations are temporarily suspended for a period exceeding 2 years, then within 24 months from the suspension of mineral extraction an interim restoration scheme for the site and timetable for its completion shall be submitted for approval to the Mineral Planning Authority and implemented thereafter.**
13. **In the event that mineral operations permanently cease prior to the full implementation of the approved scheme, a revised scheme to include details of restoration, aftercare and the timescale for the completion of the restoration works, shall be submitted for approval to the Mineral Planning Authority within 12 months of the permanent cessation of working.**
14. **Prior to soil stripping operations and the formation of storage mounds a scheme for grass seeding and management shall be submitted for the written approval of the Mineral Planning Authority. The seeding and management of the storage mounds shall be carried out in accordance with the approved details.**
15. **Topsoil, subsoil and overburden shall be stored separately. The position of these storage mounds to be agreed in writing with the Mineral Planning Authority before any soil stripping operations commence. Where such materials are not to be used directly for restoration purposes, they shall be placed in separate storage mounds.**
16. **The stripping and movement of soils shall be restricted to occasions when the soil is in a suitably dry and friable condition and the ground is suitably dry to allow the passage of heavy vehicles.**
17. **No plant or heavy vehicles (with the exception of agricultural vehicles) shall traverse over any areas of unstripped topsoil except for the purpose of stripping operations.**

18. All stored topsoil, subsoil and overburden shall be seeded during the first available season with an appropriate seed mix to be agreed in writing with the Mineral Planning Authority before soil stripping operations commence.
19. All soil and overburden shall be retained on site for use in its reclamation.
20. The site shall be kept clear of noxious and invasive weeds during extraction and restoration works to be satisfaction of the Planning Authority. These species are:

American skunk cabbage; Chilean rhubarb; Curly waterweed; Floating pennywort; Giant hogweed; Himalayan balsam; Nuttall's waterweed; Parrot's feather; Alligator weed; Asiatic tearthumb; Balloon vine; Broomsedge bluestem; Chinese bushclover; Chinese tallow; Common milkweed; Crimson fountaingrass; Eastern baccharis; Fanwort; Floating primrose-willow; Golden wreath wattle; Japanese hop; Japanese stiltgrass; Kudzu vine; Mesquite; Perennial veldt grass; Persian hogweed; Purple pampas grass; Salvinia moss; Senegal tea plant; Sosnowsky's hogweed; Tree of Heaven; Vine-like fern; Water hyacinth; Water-primrose; Whitetop weed.
21. All operations for the winning and working of minerals, restoration works and ancillary operations and development shall be carried out in such a manner as to minimise the generation of dust, and suitable dust prevention and control measures shall be implemented and maintained at all times during the carrying out of the approved development. At such times as any operation gives rise to unacceptable levels of dust leaving the site, that operation shall be temporarily suspended until such time as conditions improve or the operation can be effectively controlled.
22. From the date that these conditions come into effect, the dust mitigation and monitoring procedures set out in the Air Quality chapter (9) of the Environmental Statement submitted alongside the ROMP application shall be fully implemented and thereafter complied with at all times for the remainder of the development.
23. Dust from the site shall be monitored in accordance with a scheme that has received the written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than 3 months prior to the commencement of mineral operations shall be implemented as approved by the Mineral Planning Authority, shall include details on the following:
 - a) Measures to be used to reduce dust
 - b) Monitoring Objectives
 - c) Location, number and type of dust gauge monitors
 - d) Duration and frequency of monitoring
 - e) Proposed analysis of contents
 - f) Provision for results to be made available to the Mineral Planning Authority
 - g) Trigger levels and an action plan in the event of levels being exceeded
 - h) Mitigation measures if required
 - i) Proposals for implementing, reviewing and updating the scheme
A programme of implementation.

24. Subject to paragraph (a) to this Condition, the received noise levels as measured at each of the potentially noise sensitive properties as identified in column 1 of the table below and on Figure 1 of the Noise Assessment Appendices (submitted with the ES) shall not exceed the corresponding noise level limits expressed in dB LAeq, 1hr (free field) set out in columns 2 – 4 of the table as a result of the continuation of the development permitted by the relevant permissions.

(a) During noisy short term activities at the site, the received noise level limits, as measured at each of the noise sensitive properties identified in column 1 of the table below, may exceed the limits set out in columns 2 to 4 of the table below during the daytime only for periods not exceeding a total of 8 weeks in any period of 12 months during the remainder of the development. During these periods, the received noise levels shall not exceed 70dB (A) LAeq, 1 hour free field. For the purposes of this condition, noisy short term activities are considered to be such activities as ‘soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance’ as referred to in the National Planning Practice Guidance or any successor document.

Noise Sensitive Receptor	Daytime (0700 – 1900) Maximum Noise Limit (dB LAeq, 1H)	Evening (1900 – 2200) Maximum Noise Limit (dB LAeq, 1H)	Night time (2200 – 0700) Maximum Noise Limit (dB LAeq, 1H)	Temporary Works Maximun Noise Limit (dB LAeq, 1H)
Lower Barnmoor Farm	50	49		
Ridgeclose Farm	50	45		
Lodesbarn Farm	55	42	42	70
The Meadows	52	52		
Oak House Farm	50	49	47	

25. From the date that these conditions come into effect, a Noise Action Plan shall be submitted for the prior approval of the Planning Authority. The noise mitigation and monitoring procedures set out in a Noise Action Plan shall be fully implemented and thereafter shall be complied with at all times for the remainder of the development.

26. All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturers specifications at all times and shall be fitted with effective silencers. No such plant shall be operated with all its covers open or removed.

- 27. Ground Vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/sec in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12mm/sec as measured at the site boundary to the nearest potentially vibration sensitive buildings (as illustrated by Figure 2 in the Vibration Appendices to the Vibration Chapter 10 contained in the accompanying ES to the application) which are:**

Lower Barnmoor Farm;

Ridgeclose Farm;

Lodesbarn Farm;

The Meadows;

Oak House Farm;

The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface. Data from vibration monitoring will be made available to the Authority annually, or at any time upon request.

- 28. No secondary blasting, including face dressing, shall be carried out without the prior written approval of the Mineral Planning Authority.**
- 29. Prior to the commencement of mineral extraction operations, a Vibration Action Plan shall be submitted and approved by the Mineral Planning Authority. This plan shall include the necessary the measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface. Data from vibration monitoring will be made available to the Authority annually, or at any time upon request.**
- 30. Details of the location, height, design, sensors and luminance of external lighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties, highways and pollution of the sky) shall be submitted to and approved in writing by the County Planning Authority before any external lighting is used on site. Any scheme that is approved shall be implemented for the duration of the development and no development shall take place other than in accordance with the approved scheme.**
- 31. There shall be no clearance of trees, scrub, hedgerows or grassland during the bird nesting season (i.e March to August inclusive) in any year unless otherwise approved in writing by the Mineral Planning Authority.**
- 32. During operational periods of quarry development that take place within the bird nesting season, a cliff nesting bird survey of the site shall be conducted to determine the presence, location, and breeding status of any peregrine falcon, raven or other cliff nesting birds within the site, in particular, where nest site(s) are identified, a 100m buffer area shall be implemented until such time an ecologist has confirmed nesting has ended.**

- 33. An eDNA test for Great Crested Newts will be carried out in ponds P2 and P4 (as defined by Figure 1 of the Pond Assessment submitted with the Environmental Statement) prior to the commencement of soil stripping operations. Should the test return a positive result a full population survey for Great Crested Newts will be conducted and the results submitted to the Authority. Where GCN's are found to be present a mitigation and working strategy will be submitted to the Authority, for the written approval of the Authority before any soil stripping operations commence. A scheme of restoration and enhancement will be submitted for ponds P2 and P3 will be submitted to the Authority for approval within 12 months of the result of the eDNA tests becoming available.**
- 34. Prior to commencement of soil stripping operations in association with mineral extraction a Construction Environmental Management Plan (CEMP) shall be submitted for the approval of the Mineral Planning Authority. The CEMP shall include provision for:**
- (i) A Method Statement describing how construction impacts to nesting birds will be avoided**
 - (ii) A Method Statement describing how impacts on brown hare shall be limited**
 - (iii) Method Statement for the creation and establishment of new habitats such as calcareous grasslands, conservation grassland and pond restoration**
 - (iv) Badger updates surveys and licence for sett closure and disturbance**
 - (v) A scheme of mitigation for bats reflecting those set out in Technical Appendix 7.5 of the submitted ES (with particular regard for lighting design and foraging).**
- 35. Prior to the commencement of soil stripping operations in association with mineral extraction a Landscape and Ecology Management Plan (LEMP) shall be submitted for the approval of the Mineral Planning Authority. The LEMP shall include provision for:**
- a. Monitoring of badgers and nesting birds and badgers;**
 - b. Updates to the Habitat Management Plan and Twite Conservation Management Plan (the LEMP should integrate the Twite Conservation Plan);**
 - c. Monitoring of habitats and key species;**
 - d. The LEMP should include provision for the creation of grasslands including those which will specifically benefit Skylarks;**
 - e. The LEMP should integrate the Twite conservation plan;**
 - f. Integration of the final restoration scheme into the above documents.**
- 36. Within 12 months of the date that these conditions come into effect a Twite Conservation Management Plan shall be submitted for the approval of the Mineral Planning Authority setting out details of further survey work, details of a five yearly review, and proposed mitigation measures to support the species.**

37. Within 12 months of the date that these conditions come into effect, a comprehensive Habitat Management Plan shall be submitted to the Mineral Planning Authority for its approval. The scheme shall have regard to the mitigation measures set out in Chapter 12 Ecology and Biodiversity of the accompanying ES to the application and the comments of the PDNPA on the submission relating to ecology.
38. The phased restoration of the site and the off-site compensation habitat creation will take place in accordance with the details and timescales specified in “Figure 12-3 – Compensation Proposals – CEME02-5 CC 020322” “Beelow Quarry ROMP Extension_BNG Statement_Dec22” and “ROMPext_Biodiveristy Metric 3.1”, which seek to achieve a 17.36% increase in the number of habitat units over the life of the development. A Biodiversity Net Gain calculation shall be submitted to the MPA for consideration prior to the completion of restoration works in each phase and prior to the commencement of soil stripping operations in the next phase. The restoration of any phase will be agreed only upon written confirmation of the MPA. If a minimum of 10% increase in habitat units is not achieved over the course of the phased restoration then an additional Habitat Creation Plan shall be submitted to the MPA to be agreed in writing.
39. Should a Habitat Creation Plan be required, it shall be implemented in full accordance with the approved details and timescales set out within it. Final restoration of the site is required to be confirmed in writing by the MPA.
40. Within 12 months of these conditions coming into effect, a Geology Action Plan shall be submitted to the Mineral Planning Authority for its written approval and shall include the following:
 - a) A survey of the Beelow Quarry Regionally Important Geological site (RIGS);
 - b) A report identifying the key features of the Beelow Quarry RIGS and proposals to ensure the permanent inclusion of stretches of exposed face within the restoration of the quarry, and;
 - c) A programme of implementation
41. Throughout the period of working and restoration, provision shall be made as necessary for the collection, treatment and disposal of all water entering or arising from the site.
42. There should be no interruption to the surface water and field drainage systems of field drainage supplies surrounding the site except for any necessary diversion or rearrangement of them as part of the proposed development.
43. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious based and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents and gauges must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, and or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

44. Within 12 months of the date of these conditions coming into effect a Water Management Scheme which should include provision for monitoring should be submitted for the approval of the Mineral Planning Authority.
45. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
- a. Cemex. (July 2021). Dove Holes Quarry Flood Risk Assessment, CMP 07/04/2022 and drawing Cemex. (July 2021). Schematic Water Management, 21-07/M/DOV/3, including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team;
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015);

Have been submitted to and approved in writing by the Authority.

46. a) No development shall take place until the Applicant has submitted a Written Scheme of Investigation for a phased programme of archaeological work covering both field evaluation and mitigation has been submitted to and approved by the National Park Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the National Park Authority. The WSI may require updating prior to the commencement of any mitigation works. The scheme shall include an assessment of significance and research questions and:
- i. The programme and methodology of site investigation and recording;
 - ii. The programme for post investigation assessment;
 - iii. Provision to be made for analysis of the site investigation and recording;
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).
- c) The development shall not commence until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
47. Any items of archaeological or scientific interest discovered during the course of excavations should be prepared to the Mineral Planning Authority within 48 hours of being discovered. Subject to giving 24 hours prior notice, safe access shall be afforded to the County Archaeologist, or other such archaeologist as

may be nominated by the County Archaeologist, at reasonable times to observe soil stripping and excavation operations and record finds of archaeological interest.

48. The development shall be restored in accordance with the approved Restoration Plan Reference 140107_002.018_DH019b_Gutted Quarry-Final Restoration Masterplan, 21-4-0951_BEELOW_END 2022 REV4; 21-4-0951_BEELOW_END 2025 REV4; 21-4-0951_BEELOW_END 2030 REV4; 21-4-0951_BEELOW_END 2035 REV4; 21-4-0951_BEELOW_END 2040 REV4). The restoration works shall be implemented in accordance with the principles set out in the Restoration Techniques document found at Appendix 8 of the Planning Statement.
49. Before the commencement of soil stripping operations in each phase of the extraction operation, a detailed restoration plan/scheme for the that phase will be submitted to the MPA to be agreed in writing. No soil stripping operations shall commence until the operator receives the written approval of the detailed restoration plan/scheme from the MPA. The restoration plan will include surface treatments, soil application, species mix for planting and habitat creation. The restoration of the site will then take place in strict accordance with the approved plans and timescales. The operator will give the MPA written notice within 7 days of the commencement of operations in each phase.
50. A scheme of aftercare to be agreed with the Mineral Planning Authority detailing the steps that are necessary to bring the land to the required standard shall be implemented for a period of 5 years following completion of restoration works. The scheme should include:
 - a) The designated areas of the intended afteruses of the whole site
 - b) The timing and pattern of vegetation establishment including species to be planted, grass seeding mixtures and application rates, stock types and size, spacing, method and position of planting
 - c) Boundary/dry stone wall construction
 - d) Fertiliser, lime application and weed control based on soil analysis as necessary including chemical analysis
 - e) Drainage proposals including timing of installation work, maintenance works or temporary drainage measures including ponds and wetlands
 - f) Grassland management including timing of grazing stock, livestock, stocking density and mowing practices
 - g) Watering facilities and provision of supplies as necessary including watercourses field ditch systems and piped field under-drainage as necessary
 - h) The assessment of the introduction of areas to be restored to amenity/nature conservation and its application to local biodiversity objectives
 - i) The creation, management and maintenance of any paths, tracks or roads
 - j) Any other agricultural, silvicultural or conservation treatment particularly relevant to the site

- k) To provide annually a formal review to consider the restoration and aftercare operations which have taken place on land during the previous year, and the programme of management for the following year. The review shall include a meeting or series of meetings as necessary which shall include the operator, the owners of the land and the Mineral Planning Authority; and**
- l) At least four weeks before the date of each annual review the Operator shall provide the Mineral Planning Authority with a record of the management and operations carried out on the land during the period covered by the review.**
- 51. On the first day of and every February and October, unless otherwise agreed in writing by the Mineral Planning Authority, after these planning conditions take effect until the cessation of the development, an aftercare meeting shall be convened between the site operator and representatives of the Mineral Planning Authority to review the progress of the development of the site and in particular any restoration and/or aftercare proposed to commence or be completed that year.**
- 52. Any trees or plants which within a period of 5 years from the completion of the restoration die, are removed, or become seriously damaged or diseased, shall be replaced with another of a similar size and species during the next available planting season.**

Key Issues

25. Are the committee satisfied that the proposed schedule of conditions will provide for the operation of the quarry in accordance with modern environmental standards, providing suitable restoration and mitigation where appropriate.
26. Does the proposed schedule of conditions accord with National Park purposes, as far as is possible without restricting the pre-existing working rights of the operator.

History

27. The operational unit of Beelow Quarry, as it exists today, was once three smaller individual quarries named Bee Low Quarry, Peak Quarry and Holderness Quarry. The original consent for the extraction of mineral and deposition of waste was granted by the Minister for Housing and Local Government in 1948. This original permission related to a piece of land that spanned both Derbyshire County Council (DCC) and the 8.3ha within the Peak District National Park Authority to which this application relates.
28. Planning applications submitted in DCC include:
- R1/0697/2 – A Review of Old Minerals Permission under Schedule 13 of the Environment Act 1995. A schedule of conditions were approved 19th March 1998.
 - CM1/1201/113 – Construction of road to replace the existing Bee Low Lane (non-classified highway) so as to be able to divert the lane and continue winning of limestone in accordance with the approved working scheme for Doveholes Quarry – Granted conditionally. 12th April 2002.

- CM1/0212/164 – Diversion of Beelow Lane to allow the continued implementation of Planning Permission R1/0697/2 at Doveholes Quarry – Granted Conditionally. 1st September 2014.
- R1/03313/26 – Periodic Review of Minerals Permission which established the current schedule of conditions to which the DCC element of the operation is governed. A schedule of conditions were approved 2014.

29. Applications within the PDNPA include:

- HPK0697092 – Application for determination of conditions. Granted conditionally. 30th September 1997. The decision notice had a single condition attached, which was that: “No winning or working of mineral could take place within the National Park until a scheme of conditions, which provides full details of proposed workings, landscaping and restoration for the entirety of the site is submitted and approved by the PDNPA”.
- HPK0697092 had been jointly submitted with R1/0697/2 (Review of Old Mineral Permission application) in DCC. This corresponding application updated the historic permissions across the three quarries into one operational site with one corresponding permission. These applications did not include any phasing or restoration plans for the area of the site that falls within the park, so for that reason the consent only had one condition attached. There have been several deferrals made to the 15-year review date of HPK0697092. A 3-month extension of time to the 31st December 2021 deadline was granted by the Authority following a request by the applicant in October 2021.

Consultation

PDNPA Archaeological Officer

30. No Objection but recommended that a programme of works is developed and a WSI produced for the said works. This should be a two stage process with: A) evaluation undertaken before the quarrying works in the PDNP start; B) mitigation should be undertaken in conjunction with the stripping of topsoil and overburden with agreed phased timetable.

Chapel-en-le-Frith Parish Council

31. No objection

PDNPA Footpath Officer

32. The proposal will require a diversion order for the UCR shown to facilitate these works to take place, until such an order is confirmed the public has a right of access to this route across its whole width at all times.

33. The client is being advised by Minerals Planners of the due process required to divert the route. Due process is open to objection by the public and the client is advised to commence consultations with the order making authority (in this case the Department of Transport) as soon as practicable.

34. Works shall not take place on any part of this route until (and if) the diversion process has been concluded.

PDNPA Landscape Officer

35. No objection.

Environmental Health

36. No objections, but highlighted the fact that the background levels of noise and the levels of noise generated when the site was operating were outside of the PPG guidance range.

Local Flood Authority

37. No objection but proposed an additional condition be added to the schedule regarding the submission of a surface water drainage strategy.

DDC Highways

38. No objection.

Wormhill Parish Council

39. No objection.

PDNPA Ecological Office

40. No objection but recommended a new condition regarding the re-surveying of the site for Great Crested Newts and some minor amendments to the other ecological conditions.

PDNPA Landscape Officer

41. No objection

Historic England

42. No objection

PDNPA Conservation Officer

43. No objection

Environment Agency

44. No objection and agreed with the proposed conditions 40 and 41 as being appropriate for the protection of controlled ground-waters

Natural England

45. No objection

Representations

46. There have been no representations received from members of the public.

Main Policies

47. The objective of Review of Old Minerals Permission (ROMP) application is to agree an updated schedule of conditions which will govern the operation of the site in line with modern working practices and environmental mitigation strategies. The statutory framework for the determination of a ROMP application is set out in Schedule 14 of the Environment Act 1995 (the Act). Paragraph 13 of Schedule 14 of the Act explains that the Authority cannot impose new or amended conditions that restrict working rights of the original permission which includes: Size of the site; depth of the extraction; height of any mineral deposit; extraction rates; the final cessation date of the permission; total quantity of mineral to be extracted.
48. The principle of the extraction operation does not form part of the review process as it has already been established. Therefore, not all policies of the Development Plan are applicable to the determination of this application, particularly those governing the premise of new and/or extended minerals extraction. However, some policies have been listed as the proposals demonstrate compliance with them without restricting working rights.

Relevant Core Strategy Policies:

49. GSP2 - Opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon. 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. Opportunities will be taken to enhance the National Park by the treatment or removal of undesirable features or buildings. Work must be undertaken in a manner which conserves the valued characteristics of the site and its surroundings.
50. GSP4 - 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.
51. DS1 - To promote a sustainable distribution and level of growth and support the effective conservation and enhancement of the National Park, the following principles will be applied to determine proposals for new development. These principles must be considered in relation to the specific core policies in this plan and the subsequent Development Management Policies.
52. L2 - Development must conserve and enhance any sites, features or species of biodiversity 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, features or species of biodiversity importance or their setting that have statutory designation or are of international or national importance for their biodiversity.
53. L3 - Development must conserve and where appropriate enhance or reveal the significance 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.

54. CC5 - 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.
55. T4 - Freight facilities should be related to the needs of 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. Infrastructure developments that enable the transfer of road freight, including minerals, to rail will be supported where appropriate. Developments requiring access by Large Goods Vehicles must be located on and or readily accessible to the Strategic or Secondary Road Network. Weight restriction orders will be sought where necessary to influence the routing of Large Goods Vehicles to avoid negative environmental impacts.

Relevant Local Plan Policies:

56. DM1 - When considering development proposals, the National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (2012). Planning applications that accord with the policies in the Development Plan will be approved without unnecessary delay, unless material considerations indicate otherwise.
57. DMC1 - In countryside beyond the edge of settlements listed in Core Strategy policy DS1, any development proposal with a wide scale landscape impact must provide a landscape assessment with reference to the Landscape Strategy and Action Plan. The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved. Where a development has potential to have significant adverse impact on the purposes for which the area has been designated (e.g. by reason of its nature, scale and setting) the Authority will consider the proposal in accordance with major development tests set out in national policy.
58. DMC3 - Where development is acceptable in principle, it will be permitted provided that its detailed treatment is of a high standard that respects, protects 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.

Nation Planning Policy Framework:

59. The National Planning Policy Framework (NPPF) current iteration was published in July 2021, setting the over-arching and strategic framework within which LPA's must operate when producing plans and determining applications. The Development Plan, which consists of the Core Strategy (2011) and the Development Management Policies (2019), is considered to be broadly consistent with the goals and objectives of the NPPF.
60. 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 more recent Government guidance in the NPPF with regard to the issues that are raised.

61. Paragraph 209 - It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
62. Paragraph 211 - When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction, minerals planning authorities should:
- a. As far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
 - b. Ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
 - c. 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;...
 - d. Provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.

Assessment

Principle of Development

63. The ROMP is designed to ensure that historic mineral permissions are updated with a schedule of conditions that reflect modern standards of environmental protection, safety, mitigations and best practices. The principle of the development, in this case the premise of extracting 33mt of limestone from the area of the site within the National Park, is already established.
64. Policy MIN1 states that the proposed extensions to existing mineral operations will not be permitted except in exceptional circumstance. Policy GSP1 states that the National Park is not an appropriate place for major development to take place except for in exceptional circumstance. The application site already has an extant consent granted in 1948. An initial review was approved with the single condition that no development took place until a full scheme of conditions has been agreed with the Authority. The statutory framework of the Environment Act 1995 means that Policy MIN1 and Policy GSP1 are not relevant to the determination of this application as consent already exists for the extraction of the mineral.
65. The overarching Environmental Statement (ES) assesses the impacts of the likely effects of the development on the environment. The assessment is made by quantifying the sensitivity of any sensitive receptors of those impacts and the likely magnitude of the development's environmental effects.
66. The proposed schedule of conditions has been amended through discussion with the applicant, in light of the data and findings presented in the ES, to mitigate any harmful impacts of the development, enhance its potential benefits and ensure the site is restored in a comprehensive and sensitive fashion.

Impact on Highway/Transport

67. Whilst there are no proposed conditions that are specifically related to transport and highways matters, the result of this review process would serve to extend the life of the quarry, which in turn will extend the lifespan of quarry traffic using the surrounding highways.
68. Through the assessment of the data submitted to the Authority through the ES, it has been concluded that the proposed schedule of conditions, and associated extension of the quarry, will not have an undue negative impact on the safe and effective operation of the highway network.

Impact on Ecology

69. The ES included a comprehensive set of ecological surveys. The Authority's ecological officer has requested additional surveys to be carried out on some of the ponds that have shown possible signs of great Crested Newts. The conditions reflect this and require the surveys, and any subsequent mitigation strategy, to be carried out prior to commencement of the extraction operation.
70. The proposed schedule of conditions is considered to adequately mitigate the direct impact of the quarrying operation on local wildlife, while also securing the long-term restoration of the site and the Biodiversity Net Gain of 17%.

Impact on the Landscape

71. The extraction of 33mt of limestone will have a material impact on the landscape. However, this application does not deal with the premise of the already permitted reserves and the Authority has no mechanism available to refuse or amend the proposal on these grounds.
72. The submitted phasing plans give an initial outline of how the quarry will be worked which includes a phased restoration. The restoration techniques outlined in the planning statement demonstrate a considered and targeted approach at addressing the most visible aspects of the quarry as a priority.
73. A condition has been included in the proposed schedule that will require the submission of detailed restoration plans for each phase so the Authority can ensure that work is carried out to acceptable standards, delivers the appropriate ecological benefits and gives a foundation from which to ensure the restoration is carried out in an acceptable manner.
74. The proposed conditions are considered to protect the valued characteristics of the protected landscape sufficiently and are therefore acceptable in landscape terms.

Impact on Amenity and Environmental Health

75. The data and assessments submitted with the ES is considered to be reliable and accurate as there is already a very large quarrying operation taking place immediately adjacent to the application site. This means that the assessments made for environmental impacts such as noise, dust and vibration have accurately recorded data at the sensitive receptors, which in turn has guided the requirements set out in the conditions.

76. The proposed conditions have been assessed as minimising the potential impacts on the surrounding sensitive receptors, whilst not restricting the working rights of the operator.

Impact on Cultural Heritage

77. There will be no negative impact on the setting or significance of the National Parks heritage assets as a result of the implementation of the ROMP. The standard archaeological conditions have been included in the schedule of conditions which will take place before soil stripping operations commence. The proposed conditions are therefore acceptable from a heritage perspective.

Impact on the Hydrological Environment

78. Given the geology of the site and the sensitivity of the surrounding hydrological environment there is enhanced risk from pollution entering the ground and/or surface water systems. The proposed conditions require the operation to be carried out in such a way that minimises the risk of pollutants entering the hydrological environment.
79. The ES data demonstrated that there will be no negative impact on flood risk or on the water table as a result of the extraction operation.
80. Therefore, the proposed conditions are considered to be acceptable in relation to the hydrological environment.

Cumulative Impacts

81. Schedule 4 of the EIA Regulations 2017 requires an ES to offer an assessment of the cumulative effects of the proposals alongside any existing uses within an appropriate distance.
82. The ES concludes, and the Authority agrees, that given the relative isolation of the ROMP application site and the fact there are no major proposed developments within close proximity of the site that there are not likely to be any temporary or residual cumulative landscape, visual, environmental or amenity impacts as a cumulative impact.
83. The agreement of the revised scheme of conditions would have the effect of extending the existing Doveholes quarry creating a greater void. This would constitute a cumulative effect on the landscape and the environment. However, the impacts have been fully assessed as part of the ROMP process and it has been concluded that any effects can be suitably mitigated by the proposed scheme of conditions.

Vulnerability to Accident and Disaster

84. The site is located in an open, rural location and the quarry is, by its nature, covered in inflammable materials. Therefore, the risk of a fire breaking out in the quarry and/or the quarry being affected by a fire that originated elsewhere is low. High winds have the capability to damage plant and machinery and can dislodge loose materials which can then pose a threat to health and safety of staff on site and members of the public walking close by. There is also a risk that the extraction process causes a landslide or other failure of the rock faults and strata. The operator states that their strict accordance with quarrying regulations minimises the risk of either of this risk occurring. The ES demonstrates with sufficient clarity that the site is not at substantial risk of

flooding and the operation will not cause an increased flood risk elsewhere. Therefore, no additional conditions are required to mitigate against the risk of accident or disaster.

Conclusion

85. The ROMP process is designed to ensure MPA's are able to agree a schedule of conditions with operators to ensure historic permissions are carried out in accordance with modern environmental standards. The issue of this ROMP will allow the operator to start extracting within the PDNPA protected landscape. There is a higher standard of environmental protection required by the statutory purposes of the National Park Authority, with the Development Plan stating the Park is not a suitable place for major development to occur without exceptional circumstance. The permitted mineral reserves in the Park already have planning consent and so the Authority's objective in the determination of this application is to secure the highest standards of mitigation and restoration.
86. An Environmental Statement has been submitted to the Authority. The individual chapters have been produced by professional and accredited teams. The ES has informed the proposed schedule of conditions that accompanied the submission.
87. Through the consultation process some wording of the conditions was altered, although the overarching objectives were broadly agreeable. Some new conditions have been added to the schedule following the response from consultees with the agreement of the operator.
88. The conditions closely mirror the existing conditions that are in place for the current operations taking place in DCC MPA jurisdiction. The quarry has been operated continuously for many years with the impact on the environment, landscape and residential amenity being managed proactively.
89. The amended scheme of conditions is considered to broadly accord with the objectives and criteria of the Development Plan and the NPPF. They give sufficient clarity to the metrics that will be used to measure the environmental impact of the operation which take into account the likely receptors for any environmental pollution or nuisance. The wording of the conditions requires the submission of management plans and mitigation strategies for the approval of the Authority which gives a level of assurance as to the environmental standards the development will be carried out in accordance with.
90. The amended conditions require the operator to submit revised restoration plans should the operation temporarily or permanently cease. The restoration scheme submitted with this application makes use of well-established restoration techniques that have been tailored to give site-specific visual and environmental benefits.
91. Although not yet a statutory requirement for developments to provide a minimum 10% biodiversity net gain. The Authority has secured, with the agreement of the operator, a biodiversity net gain in excess of this figure upon the final restoration of the site.
92. In conclusion officers consider that the scheme of conditions as set out can be agreed in principle and that delegated authority should be granted to officers to reach final agreement with the applicant.