5. SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 5 AND 71 ON NP/DDD/0712/0760 FOR THE PURPOSE OF SECURING A 2-YEAR EXTENSION OF TIME TO THE EXTRACTION OPERATION AT THE QUARRY (NP/DDD/1022/1238, RB)

Applicant: **Mr Paul Bailey on Behalf of BlockStone Ltd**

Summary

1. This application has been submitted by the operator of New Pilhough Quarry for a 2-year extension of time to allow for the full extraction of the permitted reserves of dimensional building stone.

2. The applicant states that the extension of time is required due to the Brexit process and the Covid-19 Pandemic having had a substantial impact on the market demand for the product and their ability to extract the mineral.

3. The quarry is currently being operated under a 2017 consent that allowed a physical extension and time extension to the operation in return for the relinquishment of the operator's permission to work Stanton Moor Quarry, Application Ref: NP/DDD/0712/0760.

4. The key issues for the Authority to consider is whether the proposed extension of time is acceptable in regard to: National Park purposes; Whether the exceptional circumstance test is met; Impact on the environment; Impact on amenity; Impact on the safe operation of the highway network; Impact on cultural heritage; Impact on the landscape.

Proposal

5. The proposals are for a 2-year extension of time to the operational life of the quarry. This would allow the operator to extract the remaining permitted reserves, which at the time this application was submitted were approximately 24000 tones. The proposals are for the variation of some of the conditions attached to NP/DDD/0712/0760, which is the extant consent the quarry is operating under.

6. Condition 5 would be amended to extend the end date for quarrying operations to the 31st December 2024.

7. Condition 71 would be amended to require the final agreed restoration of the site to be completed by the 31st December 2025, or within 12 months following the permanent cessation of the winning and working of mineral, which ever is the soonest.

8. Although not listed on the application form, the applicant has agreed that Condition 26, relating to the restoration scheme of the haul road, would also have to be amended. The proposals are for the Condition to be amended to require the submission of a restoration scheme for the haul road to be submitted to the Authority no later than the 31st December 2023. Should a restoration

scheme receive written agreement from the Mineral Planning Authority, the restoration of the track should be carried out in strict accordance with that approved scheme and would be completed no later 30st June 2025, or 6 months following the permanent earlier cessation of extraction at New Pilhough Quarry.

9. The proposals also include an enhanced final restoration scheme that includes a more biodiverse planting scheme (subject to final agreement by way of condition) as well as the inclusion of a usable track for the landowner to access and maintain the land. A final restoration and aftercare management plan would be required to be submitted to the Authority by the 31st March 2024 which would detail, amongst other matters, a final seeding mix and planting methodologies which would be informed by soil and nutrient testing.

10. The conditions relating to the operation of the quarry (i.e working hours, vehicle movements, environmental mitigations etc) would be unchanged.

11. A Deed of Variation would need to be undertaken to amend the Section 106 Agreement which is attached to NP/DDD/0712/0760. Matters relating to dates, plan titles and the references made to heather-brash would need to be amended in the event the proposals are granted consent.

Site and Surrounding

12. New Pilhough Quarry lies on the western side of the Derwent Valley, on the crest of the hillside that forms Stanton Moor. Stanton-in-Peak village lies about half a mile to the west of the site while the village of Stanton Lees lies approximately ¾ mile to the southeast. The quarry is situated 250m from the Stanton Conservation Area to the west and 650m from Stanton Moor Scheduled Ancient Monument (SAM), which lies due south. Dale View Quarry, operated by another company, adjoins the application site. The current working area of Dale View lies immediately south of the application site. To the immediate west of New Pilhough Quarry is Sheepwalk Wood, which lies between the quarry and Stanton-in-Peak village. To the north, the land falls away towards the settlement of Congreave and onwards down to the valley of the River Wye.

13. The site is comprised of the void, working faces, a portable office/cabin and a stockpile of worked stone and restored areas of land. There are no permanent infrastructure or lighting systems installed on-site. The site has a vehicular access from Lees Road, which is used by all traffic accessing the site. There is a track that runs south of Lees Road, across the agricultural land, and re-joins Birchover Road approx. 750m south-west of the quarry void. The track, known as the haulage road, is only permitted for use by HGV's that are traveling to/from the site, allowing the HGV's to avoid having to drive through Stanton-in-Peak village.

14. The quarry produces dimensional building stone products. The site sits on the Ashover Grit horizon of the Millstone Grit series of Upper Carboniferous (Namurian) age. The mineral is predominantly won by hydraulic excavators, with black powder being used to split large pieces of rock once it has been pulled from the face. Black powder is a low-explosive substance used in dimensional stone quarries to split or win larger pieces of rock. It is used in dimensional

stone quarries as it has a much lower energy output, meaning the structure and integrity of the rock is preserved. Black powder causes significantly less noise and vibration than the explosives that are used to blast rock faces in larger hard rock quarries.

15. The site is operated by 4 permanent members of staff. Two contractors are used to service and repair the machinery and plant as and when required. The operators use 2 HGV drivers to transport the won block from site. The operation is limited to 5 HGV movements in and out of the quarry per day, by virtue of a condition attached to the extant 2017 permission. The operator submits weekly lorry data to the MPA, showing how many HGV's have been to site and how much material was loaded into each truck. The stone won on site is transported to a processing facility the operators own at Cadeby Quarry, close to Doncaster, where it is dressed by stone masons into the finished product.

16. The extraction and phased restoration appear to have been taking place in broad accordance with the approved phasing plans that were detailed 2017 permission. The extraction operation is now in Phase 2 as per the approved phasing plans. Restoration of the northern and eastern elements of the quarry have taken place and ground levels appear to be compliant with those detailed in the approved phasing plans. A topographical survey of the site is submitted to the Authority on an annual basis which provides the data for officers to check the extraction and restoration is taking place in accordance with the approved plans.

17. The operation is governed by a schedule of conditions that were attached to the 2017 permission, which dictate when and how the operation can take place. The extant permission contains conditions relating to: hours of operation; lorry routing; noise suppression and limits; archaeological investigation; site drainage; storage of contaminants; directions for storage and use of quarry waste; soil handling and protection protocols; ecological protection strategy; restoration plants; the requirements of the aftercare period; HGV movements; total annual sales and the total volume of mineral to be exported from the site.

Recommendation

18. **Officers recommendation is that the application APPROVED subject to a Section 106 legal agreement and to grant officers to agree final wording of conditions under the following headings:**

1. **Archaeology**

2. **Soil Stripping**

3. **Accordance with Approved Plans**

4. **Commencement**

5. **Duration**

6. **Cessation of Operation**

7. **Hours of Operation**

8. **Compliance**

9. **Landscape**

10. **Highways**

11. **Restoration of Haul Road**

12. **Noise Suppression**

13. **Dust Suppression**

14. **Hydrological Mitigation**

15. **Waste Management**

16. **Ecology**

17. **Restoration and Aftercare**

Key Issues

19. Whether the proposed development in is accordance with National Park purposes.

20. Whether the circumstances which underpin this application are considered to be exceptional.

21. Is the proposed development acceptable with regard to environmental impact, including impacts on amenity, cultural heritage, transport and biodiversity?

22. The implications of not approving the proposed extension of time.

Background

23. The quarry was granted an extension of time, along with a physical extension of the extraction site in 2017 as a trade-off for relinquishing the permission for extraction at Stanton Moor Quarry. Stanton Moor Quarry sat in close proximity to the Stanton Moor Scheduled Ancient Monument, and as such was considered to be a far more sensitive site than New Pilhough Quarry. This trade-off was considered to accord with the Stanton Moor Principles which sought to move operational quarrying away from the most sensitive heritage assets on the Moor, in return for extended timeframes and/or permitted reserves for the sites at the edge of the Moor.

24. The physical extension of 1ha increased the permitted reserves by 50,000 tonnes, from 17,524 to 67,524 tonnes. The extension of time gave the operator until 31st December 2022 to finish the extraction, with the restoration process to be completed no later than 31st December 2023. The permission was subject to conditions that restricted the operation to 10 HGV movements (5 in and 5 out) a day, with the overall annual output restricted to 18,000 tonnes and no processing to take place on site.

Planning History

25. 1985 - Unauthorised working within New Pilhough Quarry commenced on the misunderstanding that a planning permission issued in 1952 covered the site. (The 1952 consent covered Dale View Quarry immediately to the south of the site).

26. 1986 - Regularising application submitted. Application subsequently approved subject to the signing of a legal agreement revoking consent for a quarry near the Nine Ladies Stone Circle on Stanton Moor (Boden Stone Quarry).

27. 1989 - Legal agreement signed and permission issued subject to conditions, including duration (valid until 31 December 2006), output and lorry movements.

28. 1998 - Application for extraction of area to the west of the existing quarry using the existing access. It was recommended for refusal on the grounds that there was no need for the development as reasonable alternatives existed; on highway safety issues and; it was not in the public interest to allow the development. Prior to the decision notice being issued, the application was withdrawn.

29. 1999 - A further application DDD0399227 submitted for the extraction of an area to the west of the existing quarry, including the development of a haul road from the site south of Lees Road to join the Birchover - Stanton road. This would divert traffic from Pilhough, Rowsley and Stanton Lees, but redirect it though Birchover and/or Stanton-in-Peak. Planning permission refused on the grounds that there was no need for the development since reasonable alternatives existed and as such it was not in the public interest to allow the development; and on highway safety grounds.

30. 2000 - Two applications submitted. The first DDD0800335 was for a one-field extension to the west of the existing site, subsequently withdrawn prior to committee meeting to focus on the second application.

31. The second application DDD0399227 was for a two field extension to New Pilhough Quarry and included a haul road to the Birchover Road, revocation of Dungeon Quarry and part of Stanton Moor Quarry, an agreement not to work the remainder of Stanton Moor Quarry for 5 years, and a unilateral undertaking which committed the company to make an application for a full haul road to avoid all the villages around Stanton Moor. This application was considered by Planning Control Committee in May 2001 and refused. The applicant appealed against the decision and a public inquiry was scheduled, but the appeal was subsequently withdrawn.

32. 2001 - Application DDD1001434 made to consolidate the applicant's interests in the area. This included: renewal of consent for the existing quarry; 1.7ha extension of the existing quarry; construction of short haul road from the quarry to Birchover Road; capping and planting the Parish Tip; relinquishing reserves at Dungeon quarry; relinquishing part of Stanton Moor quarry and not working the remainder for five years; commitment by legal agreement to make an application for a haul road to reduce traffic through Birchover and Stanton in Peak. This proposal was granted permission in 2002.

33. 2004 - Application refused for an increase in the permitted output from 18,000 tonnes per annum to 28,000 tpa. NP/DDD/0804/0879.

34. 2005 - Breach of Condition Notice served in relation to output exceeding 18,000 tonnes per annum.

35. 2006 - Applications made for a new dedicated long haul route NP/DDD/0106/0039; and NP/DDD/0206/0118 for 1.8 ha extensions to the north and south of New Pilhough Quarry and relinquishment of Stanton Moor Quarry permission. The haul route application was considered by Planning Committee in June 2007 and refused. The extension application was recommended for refusal but withdrawn prior to committee.

36. 2008 - Application for variation of condition 17 to allow for a temporary increase in annual output to 24,000 tonnes per annum for two years. Application recommended for approval but subsequently withdrawn. NP/DDD/1008/0896.

37. 2011 - Continuation of stone extraction, (in the form of block) from the consented area of New Pilhough Quarry under varied conditions, the proposed 146,970 tonne extension to a permitted area of stone extraction at New Pilhough Quarry and amendment of the permitted restoration landform, refused. Appeal submitted but subsequently withdrawn. NP/DDD/0811/0766.

38. 2012 (application submitted) – Most recent consent (granted 2017). The application secured the relinquishment of the permission for extraction at Stanton Moor Quarry in return for a physical extension to New Pilhough Quarry along with an extension of time for the extraction to take place within.

39. The quarrying operation was conditioned to cease on the 31st December 2022. The quarry continues to operate in breach of planning control. The Authority has decided it would not be expedient to take enforcement action until this application has been determined.

Consultation

40. Birchover Parish Council – No objection.

41. Derbyshire County Council Highways – No comment as the conditions to be amended are not related to highways.

42. Environment Agency - We have reviewed the Environmental Statement (September 2022) which has been submitted in support of this application to

extend the time limit on the quarry. We have paid particular attention to Chapter 12 which relates to the water environment. The chapter concludes that the proposed extension of time of 2 years would have a negligible impact on the local water environment in the vicinity of the quarry. Based on the information submitted we agree with this conclusion. We therefore have no objection to the proposed time extension.

43. Natural England – No comment on the variation of Conditions 5 or 71.

44. Stanton Parish Council – Object to the application on the following grounds:
    - The application should not be dealt with under a Section 73 application;
    - The company should have planned for the impacts of Brexit;
    - The operator should have continued to extract the product for storage at the Cadeby Depot during 2018 when market demand was very low;
    - The operator choose to reduce quarrying rather than increase their stock and stocking facilities during 2019;
    - The submission of a pre-application enquiry regarding a 10-year extension of time is another example of the Company had a lack of foresight as to market conditions and lack of provision of additional storage facilities;
    - The operation of the quarry did not take place in line with government guidelines on Covid-19 restrictions, as the staff remained furloughed until August when the guidance changed in May stating that those who could not work from home should return to the workplace;
    - HGV movements have a negative impact on the village.

45. Derbyshire County Council Flood Authority – No comment.

46. PDNPA Ecologist – No objection. Has provided some detailed guidance for further investigation and clarification of matters to be dealt with through the submission of a Restoration and Aftercare Management Plan.

47. PDNPA Built Environment – Concludes that the proposed extension of time will result in a small, temporary adverse impact on the setting of the Scheduled Ancient Monument. The impact is judged to be at the low end of less than substantial harm.

48. A re-consultation was undertaken following the agreement of an amended restoration plan. Stanton in Peak Parish council made the following comments:

- The proposed Restoration Plan only deals with the quarried area and the haul road leading from the quarried area to Lees Road. Condition 71 of the extant consent requires that the restoration plan must cover all of the permitted area.

    - Officers comment: It is correct that the proposed restoration scheme only deals with the quarry and haul road north of Lees Road. The restoration of the haul road south of Lees Road was always intended to be dealt with by a separate plan. The plan detailed in Condition 71 of permission ref: NP/DDD/0712/0760 only covers the quarry and the haul road north of Lees Road. It is appropriate, therefore, that the restoration plan submitted as part of this application only deals with the parcel of land north of Lees

Road. Condition 26 of the extant consent states that "A scheme for the removal and restoration of the short haul road shown within the red line on plan BS/NP/12/01 REV B shall be submitted to the MPA for written approval by 30 April 2021. The scheme shall include the removal of the carriageway, regrading of the land, placement of soils available, removal of gates and any other works necessary to return the land to agricultural use". This deadline was missed by the operator but the issue is being remediated by this application. Should the Authority grant permission for the extension of time, Condition 26 will be varied to require the submission of the restoration plan for the haul road south of Lees Road to be submitted within 3 months of the permission being granted.

- The failure to include the Haul Road south of Lees Road breaks the Revocation Order attached the NP/DDD/1001/434. Condition 43(iv) states that "access roads including all sections of the haul road" Appendix B of the Revocation Order outlines both sections of the haul road. Therefore, both sections of the haul road must be covered by the restoration plan.

    - Officers comment: The Revocation Order for NP/DDD/1001/434 (which was the permission the quarry was operated under prior to current consent) was issued following the approval of the extant permission. The Order revoked NP/DDD/1001/434 and any conditions attached to it. The only relevant permission for the operation of the site is NP/DDD/0712/0760, which is subject to the aforementioned Condition 26 relating to the restoration of the haul road, which will be amended should the Authority be minded to grant permission for the extension of time.

Representations

49. A total of 20 letters of objection were received. The issues raised were:
    - Impact of HGV's on the valued characteristics of the village;
    - Quarrying is incompatible with the protection of the National Park;
    - Questioning whether the Covid-19 pandemic and the impacts of Brexit are valid reasons for the operation being delayed;
    - The environmental impacts of the quarry have a negative impact on the residents of the village (i.e. dust, noise and dirt);
    - The extension of time should not be granted because the operators have demonstrated an inability to adequately plan for the extraction and storage of the permitted reserves in the allotted timeframe.

50. A total of 2 letters of support were received from companies whose business is either intertwined or heavily dependent on the operation of the quarry. The businesses explain that they experienced a marked slow-down in trade over the Covid-19 pandemic, have all been affected by Brexit and are now dealing with significantly increased operating costs as a result of current economic environment. The extension of time for the operators to extract the permitted reserves will be a benefit to the companies as they continue to recover from the impacts of the Covid-19 pandemic.

Policy Context

51. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales:
    - Conserve and enhance the natural beauty, wildlife and cultural heritage
    - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.

52. When national parks carry out these purposes they also have the duty to:
    - Seek to foster the economic and social well-being of local communities within the national parks.

National Planning Policy Framework

53. The National Planning Policy Framework (NPPF) has been revised (2021). This replaces the previous document (2019) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.

54. In particular Paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.

55. Paragraph 209 states that it is essential there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs.

56. Paragraph 210 states that planning policies should safeguard mineral resources so that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development.

57. Paragraph 211 states that great weight should be afforded to the benefits of mineral extraction, including economic benefits. The paragraph also states that due consideration should be given to ensure there is no unacceptable impact on the natural and historic environment, human health or aviation safety, and the cumulative effects of multiple impacts from individual sites and/or from a number of sites in a locality.

Peak District National Park Authority Development Plan

Core Strategy (2011)

58. Policy GSP1 relates back to the Park's statutory purposes and states that applications for major development within the National Park will only be permitted following rigorous consideration of the criteria in national policy. Where a proposal for major development 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.

59. Policy GSP2 builds upon this by stating that opportunities should be taken to enhance the valued characteristics of the National Park. Proposals intended to enhance the National Park will need to demonstrate that they offer significant overall benefit to natural beauty, wildlife and cultural heritage of the area. This is expanded in policy L1 which relates directly to the conservation and enhancement of landscape character and other valued characteristics.

60. Policy GSP3 refers to development management principles. Relevant criteria listed in this policy relate to appropriate scale of development in relation to the character and appearance of the National Park, impact on access and traffic, and impact on living conditions of communities. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.

61. Collectively, GSP1, GSP2, GSP3, GSP4 and L1 provide overarching principles for spatial planning in the National Park and the delivery of national park purposes when considering development proposals, including mineral proposals, to ensure that the valued characteristics and landscape character of the area are protected.

62. Core Strategy policy L2 seeks to conserve and enhance any sites, features or species of biodiversity and where appropriate their setting. It also seeks to adopt the same approach to features or site of geodiversity importance. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on sites of biodiversity or geodiversity importance. Similarly, 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.

63. Policy DS1 seeks to direct development to the most sustainable locations based on a range of criteria. In all settlements and in the countryside outside the Natural Zone the policy specifies a range of developments that are acceptable in principle, which includes mineral working. This is subject to the need to ensure that the principles contained within policy DS1 be considered in relation to other relevant and specific core polices of the plan.

64. Specific to minerals, Core Strategy policy MIN1 states that proposals for new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals and local small-scale building and roofing stone which are covered by MIN2 and MIN3 respectively) will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy Framework. Part B of policy MIN1 in the Core Strategy states that restoration schemes will be required for each new minerals proposal or where existing sites are subject to mineral review procedures. Where practicable, restoration will be expected to contribute to the spatial outcomes of

the Plan (either generally or for the constituent landscape character areas of the National Park). These outcomes will focus mainly, but not exclusively, on amenity (nature conservation) after-uses rather than agriculture or forestry, and should include a combination of wildlife and landscape enhancement, recreation, and recognition of cultural heritage and industrial archaeological features.

65. MIN3 relates to the development and operation of local small-scale building stone quarries. New Pilhough Quarry is modest in both the area of land it covers and in the amount of permitted reserves that have been work across its operation history, however the mineral that is worked on site is sold on the national market and is used particularly in the restoration of historic buildings. The operation is not covered by the allowances of MIN3 as the quarry doesn't solely supply the local National Park market.

66. 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 where developments require access by large goods vehicles they must be located on and/or be readily accessible to the Strategic or Secondary Road Network.

Development Management Policies

67. Policy DM1 explains that the Authority will adopt a presumption in favour of sustainable development, will work proactively with applicants to find solutions that are consistent with the National Park a purpose and that applications that accord with the policies contained within the Development Plan will be approved without delay, unless material considerations indicate otherwise.

68. Policy DMC1 sets out how development that may have a wide scale landscape impact should be determined. Such applications are required to be accompanied by landscape assessment which should be proportionate to the proposed development. The assessment should demonstrate how the valued characteristics of the National Parks' landscape will be conserved and, where appropriate, enhanced.

69. Design, landscaping and layout of developments are dealt with by Policy DMC3 which states that where development is acceptable in principle, permission should only be granted where the detailed treatments are of a high standard that respect, protect and where possible enhance the natural beauty and quality of the landscape.

70. Assessing the impact of development on designated heritage assets and their setting is laid out in Policy DMC5. The policy sates that any planning application for development which will affect a heritage asset, including it setting, must clearly demonstrate how the assets significance will be conserved, and why the proposed development is desirable or necessary. The supporting evidence must be proportionate to the significance of the asset. Development of a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of a heritage asset unless there is clear and convincing justification that the harm or loss is

necessary to achieve substantial public benefits that outweigh that harm or loss. Policy DMC6 relates to applications that affect a Scheduled Monument or its setting and states that these applications will be determined in accordance with Policy DMC5.

71. Policy DMC14 relates to management of pollution and disturbance generated by development. It states that development that presents a risk of pollution or disturbance including soil, air, light, water or noise pollution will not be permitted unless adequate control measures are put in place to bring the pollution within acceptable limits. Impacts to be assessed include: the amenity of neighbours; the amenity, tranquillity, biodiversity or other valued characteristic of the area; existing recreation activities; extensive land uses such as agriculture or forestry; ecosystem services including groundwater supply and the water environment; potential future uses of the land; any nuisance or harm to the rural character of the area.

72. The justification for mineral and waste development is dealt with by Policy DMMW1. Minerals development will only be permitted where evidence is provided to the viability and need for the development. The evidence base should include: the availability of other permitted mineral supply; the availability of other permitted or allocated sites both within and outside the National Park; the proximity of the waste operation to the supply-chain; suitable geological information on the quality, availability and volume of the mineral reserves, ensuring that high quality materials are retained for appropriate end uses; the durability and aesthetic qualities of the building stone together with precise details of its compatibility with any repair or restoration project it is proposed to supply. In order to demonstrate whether minerals development is in the public interest, consideration should include an assessment of: the need for development, including in terms of any national considerations, and the impact of permitting it, or refusing it, on the local economy; the cost of developing elsewhere outside the designated area; any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which these can be moderated. The need to demonstrate the requirements set out in the policy may vary in the case of applications for the extension to minerals workings, depending on their scale and nature.

73. Policy DMMW2 covers the impacts on amenity of minerals development. The policy states that minerals development will only be permitted where the adverse impacts on amenity can be reduced to an acceptable level or eliminated, particularly in relation to: nuisance and general disturbance generated from transport and vehicle movements; noise, which includes noise of a level, type, frequency and duration, likely to have a negative impact on areas of tranquillity; vibration; dust; fumes and odour; water run-off and flooding; visual impact; the potential effects of land instability arising from the development; effects on human health; and, impacts on recreation and public rights of way.

74. Policy DMMW3 relates to the impact of minerals development on the environment. It states that minerals development should only be permitted where the impacts of the development on the environment of the National Park are reduced to an acceptable level, or eliminated, particularly to: the risk and

impact on environmental receptors; the need to minimise landscape and visual impact; the need to minimise impacts on cultural heritage assets; the need to minimise residual waste arising from the development along with the proposals for the disposal of residual waste; any potential effects on groundwater, rivers or other aspects of the water environment; the need to prevent unauthorised stock ingress; the functional need of any buildings, plant and structures.

75. The restoration and aftercare of minerals sites is dealt with by Policy DMMW5. Minerals development will only be permitted where the restoration and aftercare contributes to the enhancement of the National Park. All proposals must demonstrate that: restoration can be achieved in the timescales proposed; sufficient material is available to achieve the levels proposed; no future land stability issues will arise; all buildings, plant and machinery including bases, foundations and utilities will be removed, restoration will contribute to the enhancement of biodiversity, geodiversity and amenity, as appropriate, and be acceptable within the National Park; a comprehensive scheme for the aftercare of the restored site for a period of 5-years.

76. Policy DMMW6 relates to the cumulative impact of minerals development. The policy requires that minerals development only be permitted where the cumulative impact of the development is considered to be acceptable, taking into a consideration: existing operations on the site and in the locality; other impacts from existing or planned development; the setting of the development; and, the off-site impact of any utility or infrastructure improvements necessary to serve the development.

Wider Policy Context

Stanton Moor Principles

77. The Stanton Moor Principles do not form part of the Authority's adopted Development Plan. They were however considered by the Authority in determining the policy content of the Peak District Core Strategy and policies, and so the policies of the Development Plan reflect the Stanton Moor Principles. The Stanton Moor Principles are a material planning consideration, but can only be afforded limited weight in the determination of planning applications as the document has not been formally adopted into the Development Plan, having regard to the statutory provisions of s38(6) of the Planning and Compulsory Purchase Act 2004.

78. The Stanton Moor Principles were agreed by the Authority's Planning Control Committee on 27 October 2000, following a period of consultation. The consultation concluded in a meeting with interested parties on the 12 October 2000. This meeting was attended by representatives of the parish councils, landowners, mineral operators, English Heritage, action groups and officers of the Authority, and was observed by the Chair and Vice-Chair of the Committee.

79. The Principles agreed by Planning Committee were minuted as follows:

"That the following principles be taken into account when considering mineral proposals within the Stanton Moor Area.

a) There is an acceptance that quarrying for building stone will continue in the area for the foreseeable future. The Authority encourages the use of natural stone for building provided the scale and the environmental impact of working can be adequately controlled or mitigated. A number of the consents in the locality do not expire until 2042. Mineral working will therefore continue to have an impact on the local area particularly in terms of traffic generation. The emphasis must therefore be on controlling this impact rather than believing that it can be eliminated.

b) The Authority has a responsibility for conserving the landscape, wildlife and cultural heritage of the area. In particular it would wish to see the cessation or very severe curtailment of working in the central section which includes Lees Cross/Endcliffe and Stanton Moor quarries. These sites adjoin or overlap the Scheduled Ancient Monument and any working would be likely to cause environmental damage and would spoil the special character of the area. There are however valid planning consents covering these areas and these are unlikely to be given up lightly by the landowners and operators. As a general principle the Authority would wish to see working concentrated in the northern and southern groups of quarries.

c) Any proposals for variation or extension of existing workings must also put forward an acceptable means of minimising the impact of working and traffic on local residents. This is likely to involve restrictions on lorry movements and/or new or improved lorry routes."

80. On 14 September 2012, a report was taken to Planning Committee to establish to on-going relevance of these principles. The Committee resolved:

"That the Stanton Moor Principles agreed by the Authority on the 27 October 2000 and incorporated into the Stanton Moor Conservation Plan agreed with English Heritage in 2007, which enshrine the Core Strategy principle of the exchanges of historic planning consents for more environmentally acceptable alternatives, remain in place unchanged until the two current applications (for New Pilhough Quarry (NP/DDD/0712/0760, granted conditionally) and Birchover Quarry (NP/DDD/0312/0257, granted conditionally)) are determined, as they provide specific locational advice that remains valid and relevant to planning decision making".

<u>Stanton Moor Conservation Plan</u>

81. The Stanton Moor Conservation Plan provides an assessment of the significance of the Moor and the potential impact of the broad range of factors that may influence the site. The Plan contains are number of policies that are a material consideration in the decision-making process. It is worth noting that the Plan is does not form part of the Development Plan and is not listed as a Supplementary Planning Document, and so can only be afforded a very limited weight in the decision-making process.

82. The Plan identifies future expansion of mineral extraction operations to the north of the moor as a potential impact to the setting of the Scheduled Monument. The Plan states that the impact of quarrying relates to the immediate setting of

the entire monument and not just the setting of the Nine Ladies stone circle and King Stone. A physical extension or an extension of time for either the operation of New Pilhough Quarry or the use of the haul road are identified as having potential impacts.

83. The Plan states that the aims of the policies, in relation to the impact of mineral extraction, is to reduce and control the adverse impacts which mineral extraction and associated activities have on opportunities for the quite enjoyment and intellectual, spiritual and aesthetic appreciation of the scheduled monument within its setting.

84. The pertinent policies of the Plan are:

- Policy A3 – Pursue the preparation of an Environmental Impact Assessment as part of any development proposals affecting Stanton Moor, its setting and local landscape. The EIA should consider the impact of such proposals and demonstrate how this impact will be avoided, reduced or remedied.

- Policy C1.3 – Identify and implement measures necessary to address the current and future environmental impact on the scheduled area, and on local approach routes to the moor, of mineral extraction and tipping associated with Dale View and New Pilhough quarries, or any extensions to these quarries.

- Policy C1.4 - Identify and implement any measures necessary to address the potential impacts of current or future quarry haul routes on the archaeological and environmental value of the setting of the scheduled area and on the quality and character of local approach routes to the moor.

- Policy D.13 – Seek to preserve, and where possible expand, the Moor's biodiversity by maintaining and where possible enhancing: the priority value of the heather moor; the habitat mosaic across the moor and its periphery.

- Policy L.1 – Identify and support ensures to preserve and sustain the Historic Landscape Character of the moor's context area.

- Policy L.6 – Seek environmentally appropriate measures to lessen the impact of quarry traffic on routes within the moor's approach zone.

- Policy N.1 – Continue to promote and abide by the principle relating to quarrying in the Stanton Moor area which were agreed in 2002 following Peak District National Park Authority consultation with quarry operators, landowners and the public.

- Policy N.2 – Continue to promote the use of natural stone for building providing that the scale and environmental impact of quarrying can be adequately controlled or mitigated, and that the stone is used locally.

Assessment

Principle of the Development

85. The operator has submitted this application for a 2-year extension of time on the basis that the impacts of the Covid-19 pandemic and the Brexit process have caused a substantial disturbance to their business, which in turn has resulted in their inability to extract the permitted reserves before the deadline of the 31st December 2022.

86. The determination of this application must take place in accordance with the policies of the Development Plan, unless material considerations indicate otherwise, as per s38(6) of the Planning and Compulsory Purchase Act 2004. The key policies that relate to the principle of the extension of time for a mineral extraction operations are Policies GSP1, MIN1 and DMMW1. These policies state that major development should not take place within the National Park without exceptional circumstance to justify the operations. The Town and Country Planning (Development Management Procedure)(England) Order 2015 states that development involving the winning and working of minerals constitutes major development. Therefore, the proposed extension of time to the quarrying operation on site is considered to be an application for major development, and as such, the Authority needs to determine whether the reasons underpinning the application, or the implications of not granting permission, meet the criteria of being exceptional circumstance.

87. In the Environmental Statement submitted with the application, the operator states that the following timeline of events has contributed to the slowdown in operations:

- 2017 – The two-year countdown to the UK leaving the EU began which was accompanied by a downturn in market demand which resulted in 26% of worked mineral not being sold and being stored at Cadeby. The Referendum took place in 2016, which was followed by a period of significant uncertainty for business. There was a slow recorded in the construction industry which had a negative impact on the demand for building materials.

- 2018 – The continued downturn in the demand for the product meant the operator decided not to work the quarry for most of the year, with any orders being fulfilled from the stocks that had been worked in 2017. Only 0.03% of the permitted tonnage was worked.

- 2019 – An extension to the Brexit process was agreed, but on-going uncertainty meant the market continued to have low demand, resulting in only 46% percent of the permitted output being achieved.

- 2020 – The market remained depressed. Production was also impacted by the Covid-19 pandemic and associated restrictions/lockdowns. The quarrying team

were furloughed between March and August, along with rolling periods of self-isolation and sickness for individuals in the team, which hampered production rates. These factors resulted in only 18% of the permitted output being achieved.

- 2021 – There was an up-tick in demand and production, with 60% of 18,000 tonne permitted annual volume being worked, but a shortage of HGV drivers meant that only 40% left the site, with the rest of the unprocessed blocks being stored on-site.

- 2022 – In the operators returns to the East Midland Aggregate Working Party they stated that as of 31st December 2022 there was an estimated 26987 tonnes of permitted reserve left in the ground (this information did not form part of the Environmental Statement but was made available to the Authority through the determination process).

88. The applicant has provided historic figures to give some context to the figures detailed above. Between 2000 and 2014 the site averaged 92% of permitted output. The figures between 2015 and 2021 equate to 31% of the overall permitted output. These figures are reflected in the sales data which show a 61% reduction across 2015-2021. It is possible that the downturn in demand in 2015 is attributable to the economic uncertainty in the run up to the 2016 Brexit Referendum.

89. The figures submitted as part of this applicant demonstrate a marked decrease in the demand for the product. Working to order (i.e. only extracting when there are sales orders to fulfil) is not uncommon in the dimensional block stone industry. The product can become worn or discoloured by environmental factors if it is left unprocessed in out-door storage for an extended period of time. There is also a financial rationale to why extraction rates slowed in line with demand. The operation of the quarry has some substantial and unavoidable costs such as fuel, maintenance of plant and machinery and wages for employees. Therefore, there was a material risk to the company's cash flow if they kept extracting at a higher rate without a clear demand for the product, notwithstanding the difficulties they have experienced in relation to HGV availability and staffing issues, which are a result of Covid-19 and Brexit.

90. This slowdown in production rates is confirmed by the Annual Returns Sales data that is submitted to the Authority on a confidential basis. Quarry operators are requested to record yearly sales which are provided to the relevant Mineral Planning Authority in the Annual Returns data. The Returns data doesn't deal with the production/extraction rates themselves, however it does give a clear indication of market demand, which for a small operation such as New Pilhough will be closely related to the onsite extraction. The Authority therefore has a level of confidence that the data submitted as part of this application is accurate.

91. In the processing of this application, the Authority has examined the Annual Returns data for other gritstone quarries in the National Park. Whilst a general downward-trend for most gritstone quarries was observed across the years 2015-2020, it is noted that no other site experienced such an acute slowdown as the application site. It is not possible to draw conclusions from the correlations in this particular data set, especially when considering the unique

qualities of the stone won at each of the different sites. However, it is worth noting that not all the gritstone sites in the National Park experienced the same severity of slowdown.

92. Sales data is a good indicator of demand and the Annual Returns between 2000 - 2014 were fairly consistent at between 12,000 – 14,000 tonnes a year. Given the level of information that is available on the matter, the Authority concludes that in the balance of probability, the Covid pandemic and the Brexit process were the underlying causes of the slowdown of demand and sales, and therefore, production rates.

93. Given the wide ranging and profound impacts both of these disruptive events had on the economy, it is the officer's conclusion that it is reasonable to categorise them collectively and individually as exceptional circumstances. These exceptional circumstances have directly impacted the operator's ability to extract the permitted reserves within the timeframe stipulated by the 2017 permission.

94. Paragraph 211(f) of the NPPF states the importance of meeting any demand for the extraction of building stone needed for the repair of heritage assets, and of taking account of the need to protect designated sites through the decision making process. Paragraph 211(g) recognises the small-scale nature and impact of building stone quarries and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites. Both of these subparagraphs support the premise of a short-term extension of time to extract the remaining mineral reserves.

95. Sub-paragraph F of Policy GSP1 requires that major development must be able to demonstrate a significant net benefit to the National Park. Where this benefit is identified, every effort must be made to mitigate potential localised harm and compensate for any residual harm to the area's valued characteristics. The main benefits of the proposed development are two-fold. Firstly, the stone extracted on site is a valued building material that will continue to play a part in the local vernacular. The stone won on site has very particular qualities in terms of colour and durability and so it cannot be assumed that another source of block stone with the exact same properties would be forth-coming in the short or medium term. It is worth noting that the following points:

- permitted reserves at another building stone quarry are nearly exhausted;

- A large proportion of the National Park's permitted building stone reserves are held in another quarry which is currently almost inactive. The quarry has been inactive for a number of years and the Authority is not aware of an imminent change in the level or intensity of the operation. This has the potential to cause a significant negative impact on the supply of local sourced building stone in the National Park.

96. The stone from the area surrounding Stanton Moor is a key material that is part of the local building tradition. There is an inherent value allowing the permitted reserves to be worked to ensure a continued supply of stone for repair and

maintenance of traditional buildings in the area, which is an objective supported by Paragraph 211 of the NPPF

97. Secondly there is an environmental benefit to allowing the full extraction of the permitted reserves. If permission was not granted then the extraction operation will cease, leaving the remaining reserves in the ground. This is fundamentally unsustainable as the majority of the negative environmental impacts of the operation and significant release of carbon emissions have already been generated through the soil stripping and initial phases of the extraction. The wasted resource of any permitted mineral left in the ground would ultimately mean that a higher environmental price had been paid for the stone that has already been won and would require additional stone being won elsewhere which again has a negative environmental impact. The outcome of permitted reserves being left unworked is contrary to the objectives of Policy CC1 to make the most efficient and sustainable use of land and natural resources.

98. The applicant has submitted an enhanced restoration scheme with this application which offers a biodiversity gain above what had been offered through the extant restoration scheme (the full ecological impact on the development is analysed in a later section of this report). The operator is offering a commuted sum of £12,000 which can be used by the community for local services, equipment improvement or enhancement/restoration works for the Scheduled Ancient Monument. Both of these factors are considered to be a material benefit to local community.

99. Policy DM1 sets the Authority's commitment to a presumption in favour of sustainable development. The policy requires the Authority to work proactively with applicants to find development solutions that are consistent with the National Parks' purposes. The principle of extracting the permitted reserves has already been established and is deemed acceptable through the approval of NP/DDD/0712/0760. The limited scale of the proposed extension of time to extract the remaining permitted reserves is considered to be a sustainable development that does not conflict with National Park statutory purposes.

100. The requirements for the justification of a minerals development are set out in Policy DMMW1. The Environmental Statement that was submitted with the application is considered to have satisfied the criteria of the policy. It is clear from the data provided that the site is economically viable, notwithstanding the impacts of Covid-19 and Brexit, with an established high-quality product that contributes to the local vernacular. Therefore, the proposed extension of time is considered to be underpinned by the exceptional circumstances required by Policies MIN1 and GSP1, making the principle of the development acceptable. It is worth noting that Policy MIN1 sets out clearly that the need for exceptional circumstance may vary in cases where an extension is sought to an existing quarry, which can lower the threshold of the justification required for the Authority to support the application. The principle and impact of winning the permitted reserves has already been deemed acceptable, this application only seeks to justify an extension of time to extraction the remaining stone. There are also limited alternative options to meet market demand. As such, he proposed development accords with the requirements of Policy DM1 and DMMW1. The premise of the development is therefore considered acceptable.

Environmental Impact

101. Quarrying operations can cause environmental pollution in a number of ways. For a modestly sized dimensional stone quarry such as New Pilhough the key environmental impacts are: dust; noise; carbon emissions and potential pollution of the hydrological environment. The site does not use high explosives and so vibration being generated on the site is not considered to be a factor.

102. The governments Planning Practice Guidance states that most building stone quarries are small-scale and have a far lower rate of extraction when compared to other quarries. This means that their local environmental impacts may be significantly less. Whilst the site does not qualify under the specific "small scale building stone" policy, in general quarrying terms the amount of remaining permitted reserves and the scale of the operation to win and transport the mineral is modest.

103. Policy DMMW3 deals with the environmental impact of minerals operations. The policy details a list of criteria relating to environmental pollutions that need to be eliminated or mitigated to an acceptable standard in order for the mineral developments to be considered acceptable. The notable impacts of the development are examined individually in this section of the report, but ultimately it is concluded that the proposed development does mitigate against environmental impact and pollution sufficiently to meet the requirements of Policy DMMW3.

104. Policy DMMW2 relates to the impact of minerals development on amenity. The impact of quarrying on the amenity of sensitive receptors is inextricably linked to the environmental pollutions generated by the operation and the degree with which these impacts can be mitigated. It is therefore appropriate to consider amenity in this section of the report. It is worth noting that odours are not generated on site and so have not been included in the assessment, and fumes generated by plant and machinery is at such a low level it does not have a materially negative environmental impact. The criteria Policy DMMW2 and Policy DMMW3 cover many of the same issues, but DMMW2 also details impact on human health and impact on recreation and rights of way. The potential risk to human health for on-site employees and visitors is mitigated by the operator's adherence to industry standard regulations. Given the size and nature of the site there is no material threat to the health and safety of surrounding residential properties, and so the proposals are considered to satisfy the requirement of DMMW2(ix). The site is private land and the proposed development would not impact any public rights of way and so the proposals are not considered to have a negative impact on public recreation and therefore satisfies DMMW2(x).

Noise

105. The ES submitted to the Authority included a detailed assessment of the likely impact of noise generated by the proposed development. The assessment was

comprised of computer software modelling and free field noise measurements taken from the properties that are identified as sensitive receptors.

106. The data collected from the noise sensitive properties is particularly useful in this application as the proposed extension of time would be carried out in strict accordance with the existing schedule of conditions which govern how the operator will mitigate the noise generated from site and what the maximum acceptable levels of noise are at the noise sensitive receptors.

107. As previously stated, the operator does not use high-explosives to win the mineral. Instead the rock is won by plant including a 360^0 excavator and a rock drill, and is then subsequently moved around the site using a loading shovel and dump truck. The majority of the work is carried out at the bottom of the quarry void, which is currently 35m below original ground level. The high walls of the quarry act as an effective natural acoustic barrier. Furthermore, any quarry waste remains on site to be used for the restoration process which minimises the volume of overall plant movements around the site and means that only the won product is transported from the site.

108. The current permission limits the operator to 5 HGV movements a day (5 in and 5 out). The lorries drive into the site in a forward gear, turn around where the access widens out and then reverse toward the quarry office portacabin where the loading shovel places the product onto the truck. The HGV then leaves the site in a forward gear, heading straight onto the haulage road south of Lees Road. The loading and movement of the HGV's takes place at ground level and so does not benefit from the acoustic barrier of the quarry void. However the number of HGV movements is controlled by condition and a HGV travelling at low speed generates significantly less noise than the plant and equipment that is used in the extraction process (the ES noise assessment states that HGV's generated 66dB(Lwa) where as a Rock Drill generates 108dB(Lwa) for example).

109. Condition 40 of NP/DDD/0712/0760 requires that the noise level attributed to normal site operation measured at any noise sensitive property shall not exceed 45dB LAeq (1 hour) (free field).

110. The sound modelling assessment provided in the ES, which is built around on-site data collected during the noise survey, states that during all the phases of the proposed extension of time the predicted noise generated through the mineral extraction will fall below the 45dB LAeq (1 hour) (free field) limit, and will be in the region of 10dB lower than the measured background noise at the noise sensitive receptors. There is one exception, which is that the model predicts that during the last phases of the operation, the quarry generated noise at Edelweiss Cottage will only be 5dB lower than background noise levels, but would still be comfortably below the 45dB limit.

111. The Authority has not received any complaints that the operator is breaching the noise limit and so it is considered reasonably likely that the predicted sound levels will be achieved. Therefore, the proposed extension of time is considered to be acceptable from a noise pollution perspective. The proposals are therefore considered to satisfy the criteria of Policy DMMW2(ii) and DMMW3(i).

Dust and Air Quality

112. Mineral extraction operations have a multi-facetted capacity to generate dust which can travel from the site to affect local sensitive receptors. The likelihood of nuisance dust being emitted from the site and the severity of the emission is mostly influenced by the type of operational activity taking place on the site which is then influenced by climatic conditions.

113. The main sources of dust emissions for dimensional stone quarries are: soil stripping and handling; mineral extraction operations; movement of materials; and, mineral processing. The soil stripping operations have already taken place at New Pilhough and the footprint of the void is not going to be enlarged as a result of the proposed development so there is no risk of nuisance dust being generated from soil handling. The extant permission is clear that no processing of the won mineral can take place on site. This application does not seek to vary this stipulation of the permission and so there is no risk of dust being generated from mineral processing on site.

114. The geology of the site provided a natural mitigation to dust generation during the extraction process. The Ashover Grit horizon that runs through the site is a relatively faulted strata, which means that extraction can be undertaken using excavator, easing the rock out of the face, without having to use more robust methods. Extracting the mineral this way is inherently less likely to generate a substantial dust emission than using high explosives or pneumatic drills.

115. The most significant potentially dust generating activity is the movement of the won mineral out of the void to the storage and loading area. During the winter months the access leading down into the void becomes boggy and gets churned up by the plant and machinery moving up and down. During dry periods the ground becomes quite sandy and has a loose surface which in turn can generate dust pollution.

116. The survey undertaken as part of the ES states that the key dust sensitive receptors are: December Cottage, 390m north east of the site; Beighton House, 340m north west of the site; and, Edelweiss Bungalow, 420m south west of the site. It is generally accepted that properties at a distance of between 250m-500m will only be affected by medium sized dust particles that have been propelled with significant force with a corresponding wind speed.

117. The site is currently operated in accordance with the Dust Management Scheme that was submitted to the Authority by the operator, in line with the requirements of Condition 42 of the extant permission. The mitigation strategy to minimise dust generation includes: minimising drop heights for materials being loaded/unloaded; quarry plant to have upswept exhausts; restricted speeds for vehicles accessing the access roads to the site to be maintained in good order and to be well-compacted; where practicable road/track surfaces will be dampened down.

118. On balance the combination of the distances between the site and the nearest sensitive receptors, the infrequent nature with which the required climatic conditions occur and the mitigation strategy that is in place, and will remain in place for the duration of the proposed development, mean that it is unlikely that the extension of time will result in any enhanced risk of nuisance dust being generated on the site. The proposals are therefore considered to satisfy the criteria of Policy DMMW2(iv) and DMMW3(i).

Vibration

119. The method with which the mineral is won (i.e. pulled out by an excavator and, where necessary split with black powder) means that there is no risk of nuisance vibrations being emitted from the site. The proposals are therefore considered to satisfy the criteria of Policy DMMW2(iii) and DMMW3(i).

Carbon Emissions

120. The minerals industry is heavily reliant on fossil fuels to extract and process raw materials into usable products. Although electric and battery power plant is coming on-line they are a very costly investment for existing operators to make and there are is still a substantial amount of embodied carbon that is associated with the production of this machinery. Given the modest size of the operation and the amount of reserves left to win, electric plant is not considered to be a viable alternative.

121. Policy CC1(d) states that the Authority should look to achieve the highest standards of carbon reduction. Given this application is for a relatively short extension of time of an existing operation, it is concluded that there is little scope to alter the overall carbon footprint of the site. However, Policy CC1(a) states that development must seek to make the most effective use of land and natural resource. By refusing this application, the Authority would essentially sterilise the remaining reserves of mineral which is clearly not an effective use of natural recourse, and ultimately the market would require that stone be sourced from another site which may result in total carbon emission per tonne of stone won to be substantially higher than if the remaining reverses at New Pilhough were fully worked.

122. It is worth noting that Paragraph 209 of the NPPF gives an express support to the continued extraction and processing of mineral products to satisfy the national demand. The support remains in place despite the well documented dependence the sector has on fossil fuels.

123. In the balance of factors, the impact of the proposed extension of time on the carbon emissions generated on site is considered to be acceptable and broadly accords with the objectives of Policy CC1.

Hydrological Environment

124. The site is located on a ridge with a high point of 287 AOD. The underlying rock is heavily fractured. There are no signs or evidence of any permanent streams in either of the sub-catchment zones on either side of the ridge, which

indicates that rainfall penetrates the soils and fractured rock and travels underground before emerging at lower levels.

125. Ground levels surrounding the quarry void slope downward toward the northern boundary of the site. However, the majority of surface water run-off gets channelled into the void and drains through the fractured rock. Given the free-draining nature of the site it is considered highly unlikely that the proposed development would increase the risk of surface water or fluvial flooding.

126. As the site drains freely into the ground water system there is an enhanced risk from pollution and chemicals that might be leaked from the site. The conditions of the extant permission require all oil, fuel, lubricant, chemicals or any other potential pollutants to be stored on an impervious base, surrounded by impervious bunds and for chemicals to be handled with care on site. During the Authority's regular monitoring visits to the site there has not been any indication that the chemicals and fuels on site are being stored or handled in an inappropriate manner.

127. The Environment Agency offered no objection to the proposals through the consultation process. The conditions of the extant permission relating to the protection of ground water against pollutants would remain in place. The proposals are therefore considered to be acceptable in respect of its impact on the hydrological environment and satisfy the criteria of Policy DMMW3(v).

128. The proposals are considered not to result in a negative impact on the risk of surface water or fluvial flooding as the site benefits from good drainage. The local Flood Authority did not offer any objection to the proposed development. The proposals are therefore considered acceptable in relation to its impact on flood risk and therefore satisfy the criteria of Policy DMMW2(vi).

<u>Impact on the Highway Network</u>

129. Policy T4 of the Core Strategy states that the demand for freight transport should be managed by requiring development that generates HGV movements to be located on or with ready access to the strategic or secondary road network. The geography of the site means that HGV's have no choice but to travel along secondary country roads, however, the installation of the haul road and the condition requiring its use by quarry traffic is considered to adequately mitigate the impact of the development, particularly for the village of Stanton. Minerals can only be won where they are found which means that rural sites sometimes have to generate HGV movements on the rural road network. The proposals are therefore considered to meet the criteria of Policy T4.

130. The proposed extension of time will not alter the conditions that currently govern the vehicle movements associated with the operation of the quarry. This means that the operator would still be restricted to 10 HGV movements per day (5 in, 5 out), and that those HGV's would be obliged to use the haul road, which connects the quarry to Birchover Road, when leaving the site.

131. It is noted that there is an amenity impact of HGV's traveling to and from this location. The extant permission contains a Condition that requires all vehicles to travel within the site, including the haul road, to adhere to a 5mph speed limit.

This serves to reduce the engine noise and the noise of the vehicle travelling along the haul road in the most sensitive parts of the site. The Authority has not received any complaints that the speed limit is not being observed. There is no reasonable alternative to HGV's to transport the stone from the site, and given the number of daily movements and the speed limit on site is considered to adequately mitigate their impact on amenity. The proposals are therefore considered to satisfy Policy DMMW2(i).

132. The site does not have wheel washing facilities but operates with a "dirty" and "clean" zone, which means that HGV's collecting material from the site do not get muddy wheels. This in turn means that there is no quarry related debris being deposited on the highway, again satisfying the criteria of Policy DMMW2(i). The condition of the roads around the access to the quarry and haul road are checked during site monitoring visits conducted by the MPA.

133. The highway impact assessment that forms part of the ES sets out road traffic accident data for the Lees Road and Birchover Road. It is clear from the data submitted to the Authority that there are no over-arching road safety issues on the surrounding network. There have been no recorded incidents which have been caused by or involved quarry traffic since the extant permission came into effect.

134. The proposed development would not have a harmful impact on the safe operation of the highway. The Highways Authority offered no objection through the consultation process. The proposed extension of time is therefore considered to be acceptable from a highway's perspective.

Impact on the Landscape

135. The baseline parameters for assessing development in the National Park is that it is a protected landscape and has the highest standard of landscape protection as set out in both the NPPF and the Environment Act 1995. Policy L1 is clear that any development must conserve and enhance the valued characteristics of the National Park.

136. The site is located in "enclosed gritstone upland" of the Derwent valley, as defined by the Landscape Strategy. The quarry is located on the crest of a hill, with woodland flanking one side, open agricultural land sloping down to the north-east and Stanton Moor to the south and south-east.

137. The Authority des not agree with the assertion made in the ES that the landscape setting of the quarry has a medium sensitivity to the impact of development. The Authority's assessment is that the baseline sensitivity for development is high due to its position in the protected landscape and its intimate relationship with Stanton Moor.

138. However, there are some important mitigating factors. Firstly, the quarry's position on the crest of the hill means that the working void is well screened from view. Furthermore, the fact there is no processing allowed on site means that the amount of physical infrastructure on the site is limited to the site office portacabin and access track. The principle of the extraction of the permitted reserves has already been deemed acceptable under the 2017 consent.

139. There are views across the valley from Beeley Moor where the top of the quarry is visible, but this is mitigated by the woodland background which lessens the impact. There is a substantial distance between the site and these vantage points, again lessening the visual impact. Ultimately the impact of the quarry from Beeley Moor amounts to a distant view of the portacabin, the bare earth of the access into the void and the occasion movement of plant or machinery around the site. The impact on the landscape from this location is therefore considered to be minimal.

140. There are glimpses of the surface development afforded to passers-by on Lees Road, specifically where the road passes the access to the site and the haul road, but again, the modest level of development at the surface means that the visual impact is minimal.

141. Importantly none of the quarry or associated development is visible from the majority of the Stanton Moor Schedule Monument, although part of the haul road and the access into the quarry are visible from the footpath leading from the Moor to Lees Road, from the north-west tip of the Scheduled Ancient Monument designation.

142. All the associated development including the portacabin and any plant would be removed following the cessation of the extraction operations. The restoration plan submitted with this application shows an enhanced scheme from the currently approved plans in that it contains a variety of native plants to provide habitats from wildlife. Allowing the extension of time would allow the operator to access enough quarry waste to achieve the proposed contours.

143. The phasing plans submitted with this application are the same as the phasing plans that were approved with the extant consent, although the titles of the proposed phasing plans have been amended to avoid confusion. The applicant is proposing to continue extracting the mineral from within existing void and footprint of the quarry. No further soil stripping will be required in order for the remaining reserves to be extracted. Therefore, it is concluded that there will be no enhanced impact of the extraction on the landscape as a result of the proposed extension of time.

144. Following pre-application advice, and in line with the requirements of Policy MIN1, the applicant has submitted a revised restoration scheme. The key differences between the proposed and approved restoration masterplans is the planting scheme. There is no difference in the levels and land forming in the proposed restoration plan and so its contribution to the landscape would remain unchanged, with the exception of the enhanced planting scheme.

145. The extant permission and associated S.106 agreement do not contain any requirement or mechanism to require the operator to submit a revised restoration scheme in the event that full extraction is not completed. If the Authority is minded to approve this application, officers will ensure a condition is attached to the permission that requires the submission of a revised restoration scheme in the event of premature cessation or if the full permitted reserve is not extracted within the extension of time. This would mitigate any risk of the site being left unrestored or being restored to an unacceptable standard, which

would be an increase in the level of control the Authority has in comparison to the current situation.

146. Overall the continued extraction is going to have a minimal impact on the landscape over the two-year extension period and will have the added benefit of allowing the operator to fully restore the site. The proposals are therefore considered to accord with Policy L1 and Policy MIN1 of the core strategy.

Impact on Ecology

147. An ecological assessment was submitted to the Authority as part of the ES which was comprised of desk-based assessments and monitoring surveys. The assessment has been produced by accredited and competent ecological professionals.

148. The primary impact on local wildlife populations would be that the vibration, dust and noise that is generated through the extraction process would continue until the end of 2024. Given the localised nature of these environmental emissions, it is concluded that there will be no impact on designated sites in the area, the nearest of which is the Clough Wood SSSI 1.6km south of the site.

149. The site, in its current state, is concluded to have no value for breeding or foraging birds detailed in the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area.

150. No badger sets were recorded within or immediately adjacent to the site. There were no trees suitable for bat roosts on the site itself, and the larger trees in the adjacent woodland would not be impacted by the proposed extension of time. A breeding colony of Sand Martins has previously been recorded on site, but there has been no record of them using the site since 2017. The proposals are therefore assessed to not have a harmful impact on any protected species.

151. Given the remaining extraction would take place within the existing footprint of the quarry void, it is concluded that there would no significant loss of habitat through the proposed extension of time.

152. Ultimately the impact of extending the period of time in which the extraction operation can take place is considered to have a very limited negative impact on the local ecological environment.

153. In order to meet the criteria of Policy MIN1 the operator has submitted an enhanced proposed restoration scheme. The proposed restoration strategy would see the northern portion of the site being planted with a heathland and species-rich acid grassland seed mix. The southern portion of the site would be left to regenerate naturally, and a section of exposed rock face on the southern boundary would be left as a potential habitat for Sand Martins. The Authority's ecological officer has agreed that this planting strategy would offer a broad enhancement, but has recommended soil nutrient testing takes place which will in turn inform the final seeding mix and planting methodology to be used in the restoration, which would be secured by condition. A restoration and aftercare management plan would also be required by condition. The management plan

would provide details of the final seeding mix, details of material placement for habitat creation, final details of site boundary treatment and management of undesirable/invasive species

154. To conclude, the negative impacts of the proposed extension of time would be mild and will be temporary in nature, whilst the enhanced restoration scheme would provide a long-term biodiversity net gain in accordance with the objectives of Policy MIN1. Enhancement of the site's biodiversity value would also help achieve the objectives of Policy GSP2. Therefore the proposals are acceptable from an ecological perspective.

Impact on Cultural Heritage

155. The site sits in close proximity to the Stanton Moor Scheduled Monument. The listing of Scheduled Monuments affords the asset the highest standard of heritage protection by Paragraph 200(b) of the NPPF.

156. The Historic England listing explains that the area of moorland has been designated as a Scheduled Monument because of the significant archaeological discoveries that have been made there. Notably the site is home to the "Nine Ladies" stone circle, along with a number of burial sites and settlement remains that have been dated back to the Bronze Age.

157. The extant permission was in part the result of an agreement between the operator and the Authority for the relinquishment of a historic permission that allowed for mineral extraction at Stanton Moor Quarry, which was considered to have a much greater harmful impact on the setting of the monument due to its location on the moor itself.

158. There would be no potential harm to the archaeological environment as a result of the proposed extension of time as the foot-print of the quarry would remain unchanged from that previously consent. There would be no further soil stripping taking place on site so any artefacts close to the surface on the site would have already been discovered.

159. The key question for the Authority to consider is whether the extension of time would have an unacceptable impact on the setting of the Scheduled Ancient Monument. It is important to consider that the quarrying operation would have a defined end date in the near future if this application is approved and so any impact on the setting of the Monument would be temporary in nature.

160. The surface development of the quarry, which would remain unchanged through the course of the development, is partial visible through existing vegetation from the north-west tip of the Monument designation, with the site completely shielded from view from the rest of the Moor. It is therefore concluded that the proposals will have a negligible impact on the visual setting of the heritage asset.

161. It is possible that in certain climatic conditions that noise and/or dust generated on the site may travel toward to the moor, however, given the existing practical mitigations required by the extant consent the likelihood of such an event has been minimised. The Authority has not received complaints from

visitors to the Moor that the quarry is having a negative impact on the enjoyment of the heritage asset. Notwithstanding, the short extension of time is assessed to poses a very limited potential impact on the heritage asset, which is outweighed by the benefits of allowing a sustainable extraction of the remaining permitted reserves.

162. The application has received no objection from English Heritage or from the Authority's Archaeological who offered no objection to the proposals. The Authority's Cultural Heritage Officer concluded that the proposed extension of time represented a less than substantial harm, and furthermore, was at the low end of the scale of less than substantial harm.

163. The impact of proposals on the historic environment are considered to be thoroughly out-weighed by the benefit of approving the application given the minimal visual impact of the site on the Scheduled Monument, the unlikely nature of environmental emissions causing nuisance and the temporary nature of the operation.

Cumulative Impact of the Development

164. New Pilhough Quarry is located immediately adjacent to Daleview Quarry, which is also a dimensional building stone quarry. It is possible that the combination of both quarries operating at the same time could exacerbate the impact of any environmental pollutions or emission that are generated across the sites.

165. The two quarries have operated next to each other for many years and the Authority is not aware of unacceptable impact which have been generate through a cumulative effect. The proposals will not see an intensification of operations above and beyond what is already permitted and so it is concluded that there will not be an unacceptable impact on sensitive receptors through the cumulative impact of the development.

Deed of Variation to Existing S.106 Agreement

166. Should Members be minded to approve this application it would be necessary to secure a deed of variation to the existing S.106 agreement. Such an agreement would ensure the retention of existing requirements and controls, update restoration requirements and secure a financial contribution for community benefit.

Conclusion

167. The proposed 2-year extension of time is considered to be modest addition to the life span of the quarry which is required, in part, due to the impact of Brexit and the Covid-19 pandemic.

168. The proposed variation of condition would allow the extraction process to continue until the end of 2024, with restoration process to be completed by the end of 2025. The final restoration planting would be informed by the results of

nutrient testing of the soils on site required by condition. The new planting scheme would provide an ecological enhancement for the site beyond the restoration scheme that is currently approved, and would create new native habitats.

169. Allowing the extension of time is assessed as being the most sustainable course of action. Both national and local planning policy support the most effective use of natural resources, which would not be achieved by refusing the extension of time and leaving permitted reserves of stone in the ground.

170. The stone won at New Pilhough Quarry plays an important role in the local building tradition and contributes to the national demand for high quality building stone. The stone is not sold exclusively in the National Park and so does not qualify under Policy MIN3. It is however a material consideration to ensure a sufficient supply of local building stone is available for development in the National Park to take place using appropriate materials. The site contributes towards meeting a need that would otherwise have to be met from elsewhere, if not from New Pilhough.

171. The conditions governing the operation of the site would be mostly unchanged, and enforceable limits relating noise, dust, pollution, hours of operation and highways conditions would all still be in place, meaning there would be no unacceptable impact on the amenity of nearby sensitive receptors. Should the Authority be minded to approve this application, officers will ensure that conditions are attached to the permission that require the submission of a restoration plan for the haul road within an amended time frame, and a condition requiring the submission of revised restoration in the event the extraction is not completed, which represents a significant gain for the Authority's control of the site.