

14. SECTION 73 APPLICATION FOR THE VARIATION OF CONDITION 2, 15, 19, 20, 22, 42, 81, 91, 102 & 113 ATTACHED TO NP/HPK/0814/0882, FOR THE PURPOSE OF SECURING A REVISED WORKING AND RESTORATION SCHEME AT TOPLEY PIKE QUARRY AND DEEP DALE AND AN INCREASE IN THE PERMITTED DISPATCH OF STONE

Applicant: MR GEOFF STOREY, FOR AND ON BEHALF OF AGGREGATE INDUSTRIES LTD

Summary

1. The dismantling of the Deep Dale Tip began in 2018, following the approval of the consolidation application in February 2017. It was discovered that there is a body of the tipped material that had been placed higher up the valley side than originally thought. The dismantling works stopped following the discovery.
2. This application for the variation of conditions seeks permission for this over-tipped material to be removed from Deep Dale and for it to be used in the restoration land-forming within the Topley Pike Quarry void. The application also seeks to increase the annual export limit of material from the site from 250,000 tonnes per annum to 400,000 tonnes.
3. The key issues for the Authority to consider here is: Whether the complete restoration of Deep Dale and the Topley Pike Quarry Void is compatible with National Park Purposes; The impact on the environment; the impact on the landscape, and; the impact on highways.

Proposals

4. The proposals are for the variation of Conditions 2, 15, 19, 20, 22, 42, 81, 91, 102 & 113 of NP/HPK/0814/0882.
5. The wording of these Conditions will be changed to facilitate the following:
 - Change the approved plans to show the removal of the over tipped material from Deep Dale and the associated changes to the land-forming in the Quarry void. The tip material will be placed on the un-fissured bedrock, surrounded with a thick granular bund and will be capped with granular material;
 - Some minor alterations to the restoration planting scheme;
 - An increase in the annual volume of stone allowance for export from the site from 250,000 tonnes to 400,000 tonnes.
6. There is a broad agreement between officers and the applicant that there is scope to simplify and streamline the consent through the determination of this application. This report seeks delegated authority for officers to agree a schedule of conditions which will allow the additional works to take place whilst retaining the mitigation strategies and restrictions imposed by the extant consent. A draft schedule of conditions is included in this report for the Committee to consider, should it be minded to approve the application. It may be the case that some minor amendments are needed to ensure the wording of the conditions is sufficiently robust.

Site and Surroundings

7. The application is an area of land that includes the Topley Pike extraction site, the Deep Dale Tip and non-tipped land in the Dale, and the associated areas covered by the extant mineral planning consent.
8. The site is located immediately east of the hamlet of King Sterndale. The quarry is served by a vehicular access with the A6. The quarry void is approximately 2.8km south-east of Buxton at their nearest points.
9. Deep Dale is located immediately south of the quarry, with the northern valley side and southern quarry face separating the two. Deep Dale is served by a vehicular access which is connected to the main quarry access to the north. There is a public footpath which runs through the Dale, which has been temporarily diverted to facilitate the remediation works that took place following the approval of the 2018 consolidation consent.

Quarry and Associated Workings

10. Topley Pike is a large limestone quarry that produces a range of aggregate products. The mineral is won by blasting portions of the working face, before being crushed and processed by mobile plant that is located on the quarry floor. The product is then stockpiled on the quarry floor and is loaded onto HGV's that access the quarry via the ramp at the eastern end of the quarry.
11. The quarry has been worked progressively from west to east, with the working faces moving away from the residential properties in King Sterndale. The large historic faces which encircle the western and the northern boundaries of the quarry pre-date modern regulation which explains why they are much taller than the working faces within the quarry itself. These large faces have been abandoned for some time and have started and will continue to re-vegetate naturally over time.
12. The sites offices, maintenance areas, wheel wash and car park are all located at the eastern end of the quarry at surface level. An Asphalt plant was located next to the office prior to its removal in 2023.

Deep Dale

13. Deep Dale, a narrow steep-sided valley, contains limestone cliffs, scree, rich flora and calcareous grassland; it abuts the eastern and southern quarry boundaries and has a floor elevation of 253mAOD falling north-eastwards to 238mAOD where it meets Wye Dale (at the quarry access). The south valley side rises to 310mAOD. The eastern portion of the northern valley side is currently a man-made slope from former tipping (probably 1960's/70's) of quarry waste, naturally re-vegetated and planted with trees, rises steeply from the base of Deep Dale to the top of the eastern quarry edge.
14. The northern valley side rises to 300mAOD above the tip, which covers 2.5 ha and forms a bunded plateau on the valley floor, rising to 262mAOD in the west, 266mAOD in the east. The tip is bounded to the south by a tree planted screening mound alongside which runs the diverted route of footpath 37. The Deep Dale winterbourne

stream (dry in summer) flows east through the valley; the southern stream section is culverted for 472m under the tip, re-emerging in the south-east corner of the site in a 1m to 2m wide, 30cm deep channel; the stream then flows northwards for 300m to the River Wye.

Designations

Deep Dale is designated as Flood Zone 2, which means there is a moderate risk posed by surface water or fluvial flood.

15. Deep Dale and Topley Pike is a designated SSSI and is located within the Peak District Dales SAC, although neither of the designation cover the Topley Pike Quarry itself. The Wye Valley SSSI is located on the northern side of the A6, in very close proximity to the application site. The listings for each of these designations detail the following:

- Peak District Dales SAC – The primary habitats given as the reason for designation are the semi-natural dry grassland and scrubland facies on calcareous substrate, and, Tilio-Acerion forests of slopes, screes and ravines (which is detailed as a priority feature). White Claw Crayfish are also listed as a primary reason for designation.
- Deep Dale and Topley Pike SSSI – The main habitat is listed as a lowland calcareous grassland with patches of hazel scrub, ash woodland with cliff edges and scree. It was last assessed in 2005, where it was described as being in a favourable condition.
- Wye Valley SSSI – There is a limited amount of information available on the Natural England listing, but it is explained that the site has been designated for the geological features of the valley. The condition of these features is listed as unfavourable – declining.

Recommendation

16. **That the application is APPROVED subject to a Section 106 legal agreement and delegated authority for officers to agree final wording of conditions based broadly upon the following;**

Compliance

- 1) *For the purposes of applying the conditions attached to this permission the term ‘the site’ shall mean all the land within the areas shown outlined in red and all other areas associated with the development hereby approved within the area shown outlined in blue on the submitted Drawing No: AI-020-M.D.009, known as Topley Pike Quarry and Deep Dale.*
- 2) *Unless modified or required by other conditions attached to this permission, the development shall be carried out only in accordance with the details contained in the submitted planning application documents comprising:*

- a) *Supporting Statement dated May 2014; with Appendices (SS1 to SS5 inclusive), and Plans, Reports and Drawings numbered:*
- i 1970/CA/34 (Phasing up to 2021);
 - ii 1970/CA/35 (Phasing up to 2022);
 - iii 1970/CA/36 (Phasing up to 2023);
 - iv 1970/CA/37 (Phasing up to 2025);
 - v 1970/CA/46 (Further detail on Overtipped Slopes);
 - vi AI-020-M.D.002 (Revised Concept Restoration Scheme);
 - vii AI-020-M.D.008 (Revised Concept Restoration Contours – 1m);
 - viii 1970/CA/24(A) (Deepdale Sections 1 & 2);
 - ix 1970/CA/24(B) (Deepdale Sections 3 & 4);
 - x 1970/CA/7 (3D Views 2022 to end 2025);
 - xi 1970/CA/8 (Deep Dale Tip Deconstruction Section Location Plan and Sections);
 - xii M11.160(h).D.005 (Restoration Illustrated with 1 Metre Contours) – Also shown on Sheets 1, 2, 3 and 4 at 1:500 scale, all with the same reference number;
 - xiii M11.160(h).D.006 (Geological Restoration);
 - xiv M11.160(h).D.010 (Lagoon Restoration).
- b) *Documents submitted required for the discharge of condition (discharged and partially discharged by NP/DIS/1217/1251) which are:*
- i *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 102;*
 - ii *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 113;*
 - iii *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 117;*
 - iv *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 124;*
 - v *Revised working and restoration proposals, including a reduction to the end date for mineral operations, restoration of Deep Dale tip area and retention of the Asphalt Plant. Information to Discharge Condition 125;*
 - vi *Restoration Quarry Lake Water Level Maintenance Strategy (document ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 106 r1);*
 - vii *Reinstatement of Deep Dale Stream (Document ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 107 r1);*
 - viii *Restoration Drainage, Erosion Control and Long-Term Water Management Strategy (document ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 105 r2)*
 - ix *Draft Biodiversity Management Plan (document ref: 2358.11_BMP_PH_250517);*
 - x *Detailed Design, Remediation, Implementation & Verification (document ref: 0510/R10 issue 2)*

- c) *Environmental Statement dated May 2014, as updated by the Environmental Statement dated November 2020 and by the subsequent Regulation 25 submissions.*
- 3) *From the commencement of the development and until completion of the restoration and aftercare of the site, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available at the Topley Pike Quarry offices for inspection by the site operator and visitors to the site during the prescribed working hours, and the terms and conditions of this permission shall be made known to any person(s) given responsibility for the management and control of the operations.*
- 4) *A public notice shall be positioned at the site entrance to the A6 road either on, or adjacent to the applicant's company identification board, within two months of the date of this permission. The notice shall give the name(s), business address, business daytime and emergency (night time) telephone number(s) of a nominated representative or representatives of the site operating company with who contact should be made if nuisance is perceived or complaints arise in consequence of the approved development. The notice shall be weatherproofed, and placed in such location as may be safely accessible and clearly read by members of the public at all times. Thereafter, the notice shall be maintained in position, and if it becomes deteriorated or removed shall be replaced, throughout the duration of the approved development.*

Timescales

- 5) *The date of commencement of the development hereby approved shall be the date of this decision notice, and this permission and its conditions shall come into effect on the date of issue.*
- 6) *The following timescales shall apply to each operation respectively:*
- i *No limestone shall be extracted after 31 December 2025. On or before that date all operations for the winning and working of mineral and removal and transport of unprocessed mineral from the excavations shall cease;*
 - ii *No disposal or re-grading of overburden, inter-burden, and residual waste derived from tip removal and quarrying operations shall take place after 31 March 2026. On or before that date all tip removal operations and the backfilling and tipping into the excavations of overburden, interburden, and residual waste derived from tip removal and quarrying operations shall be completed;*
 - iii *Processing and asphalt coating of stone and the disposal within the excavations of stone process waste shall not take place after 30 April 2026. On or before that date all remaining stockpiles of unprocessed stone shall be removed, the processing of stone shall cease, and the tipping into the quarry excavations of stone processing extractive wastes shall cease;*

- *All ancillary development including plant, machinery, structures, tanks, other installations, buildings and infrastructure, shall be removed from the site in accordance with the following timescales: ancillary development as specified above in this condition shall be removed from the site at such time(s) as it is no longer required for the purposes for which it was installed; and*
 - *no later than 30 April 2026 all remaining stockpiles of processed stone shall be removed from the site; and*
 - *all remaining ancillary development shall ultimately have been removed from the site on or before 31 December 2026, save for any plant and machinery required on the site for use for aftercare operations and land, woodland, lake and habitat management.*
- iv *The restoration of the site to the approved landform, in accordance with the other conditions to this permission, shall be completed no later than 30 June 2026.*
- v *The final restoration of the site, including the placement and initial treatment of soils and other surfaces appropriate for the approved landscaping and habitat creation schemes and the implementation of drainage arrangements shall be completed no later than 31 December 2026.*

Notification of Key stages of Development

- 7) *The following dates shall be notified in writing to the Mineral Planning Authority no later than seven working days before each intended date:*
- a) *commencement of dismantling of the Deep Dale tip;*
 - b) *completion of each operational phase defined by Drawings Nos: 1970/CA/34; 1970/CA/35; 1970/CA/36; 1970/CA/37;*
 - c) *cessation of winning and working of minerals;*
 - d) *completion of final restoration in the quarry;*
 - e) *completion of the Deep Dale tip removal and stabilization of the eastern valley side;*
 - f) *completion of final restoration in Deep Dale;*
 - g) *decommissioning the use and removal of buildings, plant and other ancillary development.*

Approved Working Times

- 8) *Except in emergencies to maintain safe working practices, which shall be notified to the Mineral Planning Authority as soon as may be practicable after any such event, no mineral extraction, stone processing, removal of stone off-site, quarry waste disposal, restoration or other operations or works associated with the development hereby approved shall take place on the site at any time on Sundays except as exempted below, or public holidays, and none of the following operations shall take place on any other days other than between the following hours:*

- i Quarry Operations: comprising the winning and working of minerals, and tipping (including the construction, use, maintenance and dismantling of access ramps and haul roads, the transport of stone for primary crushing and treatment, quarry waste backfilling, processed mineral waste tipping, the formation of silt containment bunds on Tip 4, the mixing and tipping of granular bund material and lagoon silt material from Deep Dale Tip, and all associated plant, machinery and vehicle movements):
 - 06:00 hours to 19:00 hours on Mondays to Fridays;
 - 06:00 hours to 16:00 hours on Saturdays.

- ii Blasting (detonation of explosives):
 - 09:00 hours to 17:00 hours on Mondays to Fridays within the eastern (IDO) mineral working area of the quarry (as previously reviewed under application Code No: NP/HPK/1093/127); and
 - 10:00 hours to 17:00 hours on Mondays to Fridays within the western mineral working area of the quarry (as originally approved under application Code No: NP/CHA/866/6).

- iii Primary Mineral Processing (including the operation of the primary crushing plant on the quarry floor):
 - 06:00 hours to 19:00 hours on Mondays to Fridays;
 - 06:00 hours to 16:00 hours on Saturdays.

- iv Deep Dale Tip Removal Operations: comprising soil stripping, excavation and phased removal of the Deep Dale Tip and Lagoons (including associated construction, use, maintenance and dismantling of access ramps and haul roads, vegetation clearance, removal of the Deep Dale Tip dam and culvert, and the operation of all associated plant, machinery and vehicles):
 - 06:00 hours to 18:00 hours on Mondays to Fridays;

- v Quarry Site Clearance (including plant and structures dismantling and removal and the demolition of buildings):
 - 06:00 hours to 19:00 hours on Mondays to Fridays
 - 06:00 hours to 16:00 hours on Saturdays

- vi Restoration and Post-Restoration Reinstatement (including land shaping and regrading, embankment stabilization, placement and treatment of soils, drainage, landscaping, habitat creation works, and the operation of all associated plant, machinery and vehicles):
Within the Quarry and Quarry Access:
 - 06:00 hours to 19:00 hours on Mondays to Fridays;

- 06:00 hours to 16:00 hours on Saturdays.

Within Deep Dale involving the operation of plant and machinery:

- 06:00 hours to 18:00 hours on Mondays to Fridays.

Within Deep Dale not involving the operation of plant and machinery:

- 06:00 hours to 19:00 hours on Mondays to Fridays;
- 06:00 hours to 13:00 hours on Saturdays.

Working Scheme

- 9) *The marker posts, buntings and/or temporary fencing delineating the boundary of the extended extraction area shall remain in place until the extraction operation has ceased. At all times during quarrying within this area the approved extraction boundary shall remain clearly identified and delineated on the ground sufficient to ensure that quarrying is contained within the approved boundary.*
- 10) *There shall be no mineral extraction or quarrying excavations deeper than 225 metres AOD.*
- 11) *The quantity of limestone extraction from the quarry workings shall not exceed a maximum of 400,000 tonnes per annum or such higher level of output as may be temporarily approved by the MPA.*
- 12) *No quarried or processed mineral wastes existing within the quarry or generated by the continued quarrying activities or by the dismantling of the Deep Dale tip, shall be removed from the site unless contaminated and unsuitable for use for site restoration.*
- 13) *All overburden, inter-burden, stone and mineral waste within the quarry shall be immediately backfilled into the approved tipping areas within the quarry unless required for the purposes of approved temporary access ramp construction. With the exception of the approved Deep Dale works, no new temporary or permanent tipping of quarry waste, or any other waste derived from the site, shall take place above original ground levels (undisturbed ground levels and ground levels as existed prior to disturbance for quarrying) other than as may be necessary to facilitate the approved restoration landform. For clarity there shall be no further tipping of any waste materials in or on Deep Dale.*
- 14) *The Deep Dale tip shall be progressively dismantled and removed in strict accordance with the approved methodology (TerraConsult document reference 0510/R10 Issue 2, approved through NP/DIS/1217/1251, and the Envireu Water Technical Note Topley Pike Scheme of Monitoring 2022 document reference 3490150).*

Ancillary Development

- 15) *Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amending or replacement Order, no fixed plant, installations or machinery, buildings or structures, or buildings or structures in the nature of plant or machinery, shall be placed or erected on the site, outside of the designated Plant Site area occupied by the existing asphalt plant and other ancillary development and infrastructure shown in the area shaded grey (excluding the site access road) on the submitted Drawing No: TP/CSV2/11 [Plant Site Detail], except as authorised or required by this permission, or unless separate planning permission is granted by the Mineral Planning Authority for such development pursuant to Part III of the Town and Country Planning Act 1990 or any amendment, replacement or re-enactment thereof.*
- 16) *All buildings, structures and fixed plant on the site shall be maintained in a good state of repair throughout the duration of the development.*
- 17) *No mobile plant or vehicles shall be parked on high ground above the quarry excavations outside the plant site area shown on the submitted phasing plans or within Deep Dale, except when carrying out approved operations within those areas. In the event that the quarry closes temporarily for a period of 3 months or more, all mobile plant, machinery and vehicles not contained within the plant site area shall be moved to a screened location on the quarry floor.*
- 18) *Stock-proof fencing or other secure boundary treatment shall be provided and maintained on the limits of the extraction areas at all times throughout the approved period of working and restoration.*

Stone Storage and Stockpiles

- 19) *All primary processed limestone (i.e. processed through the primary crushing plant on the quarry floor) shall be retained and stockpiled on the quarry floor pending further processing or removal from the site.*
- 20) *The importation of any aggregate for use in the manufacture of asphalt shall permanently cease following the removal of the asphalt plant.*

Transport, Highway & Access

- 21) *All plant, machinery and vehicles associated with the development hereby approved, including all mineral, asphalt and service road traffic shall only enter and leave the site via the existing access to the A6 road, shown on the submitted phasing plans.*
- 22) *The approved site / highway access road, from the point of access off the A6 carriageway edge to the visitors car park shown on the submitted phasing plans shall be maintained in a state of good repair, in a hard bound surface in asphalt or other solid bound material, throughout the approved use of the access road.*

- 23) Measures shall be implemented to ensure that the public highway is kept free of mud, stone, and contaminants from the site at all times. The measures shall include the following:
- a) The provision and use of vehicle wheel, carriage-side, cab-side and underside washing facilities, and the use of hoses or sprinkler systems to wash the internal access road. The site operator shall ensure the use of those facilities when it is necessary to do so to keep the public highway clean;
 - b) Facilities to prevent the spillage of materials, incorporating wagon overload control and sheeting, shall be provided and used at all times;
 - c) Instructions shall be issued to site personnel to monitor daily the condition of the public highway at the site access;
 - d) In the event of mud being transported onto the highway, the operator shall employ the use of a mobile road brush and/or mobile road vacuum sweeper which are to be kept available on the site at all times.
- 24) The site operator shall ensure the continued daily monitoring of HGV arrival and departure movements to and from the site and shall keep a log which shall provide weekly and annual records of this traffic generation. Copies of the records shall be submitted to the Mineral Planning Authority upon request during the period of the approved development.

Recourse Monitoring and Control

- 25) The site operator shall, at all times throughout the duration of the approved development, monitor and record on a monthly basis the quantities of limestone worked from within the quarry and waste stone and materials deposited within the site.
- 26) The site operator shall, no later than 31 January of each year, submit to the Mineral Planning Authority annual returns specifying monthly records of the quantities of stone quarried and quarry residual / waste materials generated and backfilled / disposed of within the quarry during the preceding year.
- 27) The site operator shall, no later than 31 January of each year, submit to the Mineral Planning Authority, on a confidential basis, annual returns specifying monthly sales records of the following quantities of stone exported from the site during the preceding year:
- a) Dry Aggregate Stone.
 - b) Asphalt coated stone.

Environmental Management and Mitigation

Noise

- 28) During all operations (including extraction, processing, restoration, land-forming and maintenance of plant and machinery) all practicable steps will be taken to

minimise noise generation and mitigate noise pollution escaping the site. All operations shall take place in accordance with the mitigation strategy set out in the “Assessment of Environmental Impact of Noise” (Ref: R14.7015/6/N/RS).

- 29) *Between 06:00 hours and 19:00 hours Mondays to Fridays and 06:00 hours to 16:00 hours on Saturdays the free-field Equivalent Continuous Noise Level $L_{Aeq,1h}$ received at any inhabited noise sensitive property due to normal daytime operations within the site, as recorded at points 3.5 metres from the façades of any inhabited property or if not accessible adjacent to the curtilage of the property, shall not exceed the measured background noise levels, by more than 10 dB(A), or a maximum noise level of 55 dB(A) $L_{Aeq(1hr)}$ whichever is the lowest, or shall not exceed 55 dB(A) $L_{Aeq(1hr)}$ in the event that a limit of +10 dB(A) is not practicable to achieve, except as otherwise specified below for the daytime noise limits at those representative dwellings below:*

<i>Representative Dwellings</i>	<i>Measured background Noise Levels dB(A)LA90,1hr</i>	<i>Predicted Worst Case dB $L_{Aeq,1h}$</i>	<i>Maximum Permitted Noise Limit (Daytime) dB(A) $L_{Aeq(1hr)}$ (free field)</i>
<i>Woolow Farm</i>	<i>37</i>	<i>42</i>	<i>47</i>
<i>Upper Farm, Cowlow</i>	<i>33</i>	<i>40</i>	<i>43</i>
<i>Sterndale Green Farm</i>	<i>36</i>	<i>42</i>	<i>46</i>
<i>Topley Head Farm</i>	<i>38</i>	<i>41</i>	<i>48</i>

Measurements for daytime noise levels shall be taken in accordance with BS4142:2014 ‘Methods for rating and assessing industrial and commercial sound’. Measurements for daytime noise levels shall be taken in accordance with BS4142:2014 ‘Methods for rating and assessing industrial and commercial sound’.

For the purposes of this condition the term ‘normal daytime operations’ means those operations specified in Condition 8 other than those specified in condition 30 to this permission.

- 30) *Between 08:00 hours and 17:00 hours Mondays to Fridays and 08:00 hours to 16:00 hours on Saturdays the free-field Equivalent Continuous Noise Level $L_{Aeq(1hr)}$ received at any inhabited noise sensitive property due to temporary operations within the site, as recorded at points 3.5 metres from the façades of any inhabited property, shall not exceed 70 dB(A) $L_{Aeq(1hr)}$ for periods of up to eight weeks in a year at specified noise-sensitive properties. Measurements for noise from temporary operations shall be taken in accordance with BS4142:2014 ‘Methods for rating and assessing industrial and commercial sound’.*

For the purposes of this condition the term ‘temporary operations’ shall be defined as surface soils stripping, the construction and dismantling of baffle and soil storage mounds, the construction, maintenance and dismantling of haul roads and ramps, embankment formation and stabilization, land shaping, regrading, the placement and treatment of soils, and all associated plant and vehicle

movements. The Mineral Planning Authority shall be notified of the commencement date of each period of temporary operations so defined.

- 31) The free-field Equivalent Continuous Noise Level $L_{Aeq(1hr)}$ from site activity between 19:00 hours and 06:00 hours shall not exceed 42 dB(A) $L_{Aeq(1hr)}$ free field as recorded at points 3.5 metres from the façades of any inhabited noise sensitive dwellings. Measurements for night-time noise levels shall be taken in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'.

For the avoidance of doubt night-time activity on the site is limited by condition 14 to this permission to quarry dewatering, mineral (other than primary) processing, use of weighbridges, and the use of the access road and plant area by road traffic to and from the A6 highway.

- 32) In the event of complaint that the Mineral Planning Authority considers justifies monitoring noise from the site, the site operator shall undertake the monitoring of site noise levels at or if not accessible adjacent to the curtilage of the appropriate noise sensitive property at the request of, and submit the results to, the Mineral Planning Authority. The monitoring shall be undertaken for a minimum of 15 minutes per monitoring event during those working hours specified in condition 14 for the operation or operations responsible for the complaint. Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, nor during periods of plant breakdown, nor when the wind is blowing towards the site from a monitoring point or during wind speeds in excess of 5 metres per second (average over the monitoring period), nor during periods of heavy rain. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for such effects.

The results of the noise monitoring which shall include LA90(T) free-field and $L_{Aeq}(T)$ free-field noise levels, and details of the noise monitoring equipment used, prevailing weather conditions, comments on noise sources controlling the noise climate, and procedures and further mitigation measures to be adopted if the noise limits exceed the approved levels, shall be made available to the Mineral Planning Authority upon request.

Dust

- 33) A Dust Action Plan comprising specific measures and employing best practicable means to prevent or minimise the generation of dust, to prevent dust arising and being carried beyond the boundaries of the site, and for the monitoring of dust from the site, shall be implemented and maintained at all times during the carrying out of the approved development. The Dust Action Plan shall include and accord with the suitable dust prevention and control measures specified in Section 4 'Dust Control Methods' of the submitted Assessment of Environmental Impact of Dust Report dated 22 July 2014, and the following:

- a) an assessment of the potential for dust emissions, and the need or otherwise for dust suppression within the site, shall be undertaken by the site operator at the start of each working day, and during each working day when conditions are dry or windy, throughout the duration of the approved development;

- b) *the use of suitable dust arrestment and extraction equipment and filters compliant with manufacturer's recommendations;*
 - c) *maintenance of an adequate water supply for all wet dust suppression systems and the provision and use within open areas of the site of facilities for the suppression and collection of fugitive dust, including a sufficient number of water bowsers and as appropriate sprinkler systems, sprayers, road sweepers or similar equipment;*
 - d) *regular cleaning of all hard surfaced areas of the site to remove dust deposits likely to be windswept or raised by the passage of plant and vehicles;*
 - e) *measures to ensure that all exhausts and silencers fitted to all plant and vehicles used on the site are upward facing (discharge away from the ground) and that radiator fan deflector plates are fitted on heavy plant to keep dust displacement to a minimum.*
- 34) *The site operator shall take all practicable steps necessary to prevent or minimise dust arising from any operation associated with the extraction or restoration processes. The operation shall be carried out in strict accordance with the requirements set out in the Dust Impact Assessment (R14.7016/7/D/DW, dated 22nd July 2014) and the variation to Permit P11D-3 (6th July 2009) issued by High Peak Borough Council.*
- 35) *Visual monitoring for dust shall be undertaken during drilling, blasting, quarrying, soils and materials handling and storage, tipping, haul road and ramp construction, use and dismantling, the excavation of Deep Dale tip, restoration works, stone processing, operation of the asphalt plant, and all associated operations including the use and operation of all plant, machinery and vehicles, on-site trafficking, and the loading and movement of road lorries. The monitoring shall include checks to ensure the efficient functioning of dust arrestment equipment and the site operator shall ensure corrective action and maintenance works when necessary to achieve this. Having regard to any specific dust climate circumstances, the methodology of dust monitoring, the location of key monitoring stations, the frequency of data collection and analysis and the presentation of results shall be reviewed and alternate dust monitoring arrangements shall be implemented in accordance with such details as may be agreed or required in writing by the Mineral Planning Authority.*
- 36) *Within the context of condition 35 to this permission the site operator shall ensure visual monitoring of the dust emission potential from operations within Deep Dale at the start of each working day. Thereafter, throughout each working day monitoring shall be undertaken of any dust arising within Deep Dale from the following:*
- a. *the movement of excavation plant, dump trucks and vehicles on the access haul ramps into and out of Deep Dale;*
 - b. *during soil stripping, handling and storage;*

- c. the excavating, lifting and dropping into dump trucks of any dried lagoon silts and the finer fractions of the granular bund material from the Deep Dale tip, during windy weather;
- d. the transfer of any dried tip materials into the quarry or to the eastern valley side;
- e. the tipping and treatment of materials, slope stabilization and regrading on the eastern valley side;
- f. soils placements and treatments within Deep Dale; and
- g. all other restoration work within Deep Dale.

37) A log book shall be kept on site throughout the period of the approved development and any dust complaints shall be recorded in it, together with details of the location and cause of the alleged dust problem, and any action taken to control the dust. The log book shall be made available for inspection at any reasonable time at the request of the Mineral Planning Authority.

38) In the event of visible emissions of airborne dust from the site being emitted and migrating beyond the site boundary, or adversely affecting any public right of way footpath in the vicinity of the Deep Dale tip (unless the subject of a diversion / temporary closure order), or becoming a nuisance to local residents, such as to give rise, in the view of the Mineral Planning Authority, to justifiable complaint:

- a) the operation or operations causing the excessive dust shall cease immediately;
- b) the operation(s) responsible for the dust shall remain suspended, or shall be undertaken elsewhere provided a further dust problem is not generated, until such time as prevailing meteorological conditions improve, or the operation(s) can be effectively controlled and mitigated by remedial action;
- c) at the request of the Mineral Planning Authority, the deposits of dust arising from the site shall be monitored and recorded using Frisbee or other suitable dust deposit gauge(s) at such accessible receptor location(s) as may be agreed between the Mineral Planning Authority and the site operator;
- d) in the event that dust deposits measured by the gauge(s) exceed a 'nuisance threshold' of 200mg/m²/day, the site operator shall agree with the Mineral Planning Authority a programme of dust management employing specific measures sufficient to reduce the dust emissions to a non-nuisance level.

Blasting and Vibration

39) No blasting shall be carried out except in accordance with the recommendations in the Vibrock "Blast Vibration Assessment" to the submitted Environmental Statement, except as may be otherwise required by this or other conditions to this permission. At all times during the carrying out of blasting operations on the site the operator shall take measures to reduce the environmental impacts of airborne vibration and ground vibration on the local community, including the following:

- a) *implement measures to minimise ground vibration, flyrock and air overpressure employing "Best Available Techniques" including control of air overpressure at source and magnitude at distance;*
 - b) *prohibit secondary blasting, except in emergencies where life, limb, property or geotechnical stability is judged by the site operator to be at risk, the circumstances of which the Mineral Planning Authority shall be notified as soon as possible following the occurrence of such emergency.*
- 40) *Ground vibration as a result of blasting operations measured at or within the curtilage to any occupied residential or other vibration sensitive building shall not exceed a peak particle velocity of 6 mm/s⁻¹ in resultant vector at a 95% confidence level, that is for 95% of all blasting events measured over any six months period, and no individual blast event shall generate a peak particle velocity in excess of 10 mm/s⁻¹. All blasts shall be carefully designed to ensure, within practicable limits, compliance with these vibration criteria. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.*

For the purposes of this condition the terms 'vibration sensitive property' shall be taken to mean any occupied residential building and curtilage, occupied place of work, church or other community building.

- 41) *During the operational life of the quarry:*
- a) *The site operator shall notify the Mineral Planning Authority and High Peak Borough Council Environmental Health Officer (EHO pollution control) of the date and time of, as soon as is practicable within the preceding 7 days and no later than 24 hours prior to the scheduled initiation of, each blast or series of blasts at the site.*
 - b) *The site operator shall give at least 24 hours advance notification of each blasting event to those residents of King Sterndale who request notification.*
 - c) *Signage shall be provided and maintained at appropriate locations along the routes of definitive public rights of way footpaths 15, 19, 29 and 37 (as diverted) to warn users of the times of blasting operations.*
- 42) *The site operator shall at all times implement a programme for the monitoring of all blasts and shall:*
- a) *ensure the regular correct calibration and functioning of the monitoring equipment;*
 - b) *ensure the continued monitoring of blast vibration at Sterndale Green Farm, except as specified at (c) below;*
 - c) *ensure the continued monitoring of blast vibration at or adjacent to Green Farm, and/or adjacent to the Cottages at King Sterndale whilst blasting*

operations take place within 150 metres of the fault plane that strikes across the south-western corner of the quarry on an east-south-east to west-north-west orientation through the Phase B Extraction Area shown outlined and hatched in blue on the submitted Drawing No: TP/CSV2/08b;

- d) at the request of the High Peak Borough Council Environmental Health Officer (EHO pollution control), undertake the combined monitoring of blasts with the EHO at or adjacent to such vibration sensitive properties as may be specified by the EHO, and cross-check the calibration of the respective vibrographs;*
 - e) at the request of the EHO, undertake separate but simultaneous monitoring with the EHO to provide a wider geographical range of recordings at separate monitoring stations.*
- 43) In the event of complaint which the Mineral Planning Authority considers justifies the monitoring of ground vibration or air overpressure at the complainant's property, the site operator shall undertake the monitoring of ground vibration or air overpressure at or adjacent to the curtilage of the appropriate vibration sensitive property or air blast sensitive property at the request of, and shall submit the results to, the Mineral Planning Authority. For the purposes of this condition the terms 'vibration sensitive property' and 'air blast sensitive property' shall be taken to mean any occupied residential or other building and curtilage.*

Storage of Rubbish and Scrap

- 44) All rubbish, debris, disused machinery, scrap and other waste materials generated on the site (other than mineral and Deep Dale Tip content waste) shall be regularly collected and stored in a tidy manner in a contained and inconspicuous location, as may be agreed by a representative of the Mineral Planning Authority. At the request of the Mineral Planning Authority the contained location shall be screened by the provision and maintenance of a low level earth bund to such design and specifications as may be agreed by the Authority's representative.*

Lighting

- 45) Site lighting other than lighting inside buildings shall only be switched on and used within the site when it is necessary for site security, the safety of site personnel, the movement of machines and vehicles in hazardous areas, and the operation of the quarry, processing.*
- 46) The operator shall take measures to ensure that, at all times, the external floodlighting on the site is maintained in a manner to minimise the spillage of light beyond the site boundary. The measures shall include the correct positioning and orientation (direction and angle) of external floodlighting heads, optimum beam directivity to target areas, replacing lighting heads with more efficient (minimal light spillage) units, modifying or providing new shielding above the lamps, reducing illumination power, and restricting lighting times and the duration and periods of lighting. Any such measures as may be implemented in accordance with this condition shall be notified to the Mineral Planning Authority in writing.*

47) *No additional floodlighting or floodlighting towers for the external illumination of the development hereby approved shall be used unless an application for additional floodlighting installations has been submitted to and approved by the Mineral Planning Authority.*

Hydrological Environment

48) *No dewatering shall be undertaken beneath a level of 225m AOD.*

49) *The development hereby approved shall be carried out in accordance with the approved scheme of water environment monitoring, assessment and mitigation proposals outlined in the submitted Envireau Water Hydrogeological Impact Assessment Report dated December 2013 with Annex 3 Appendices A to G inclusive and Monitoring Locations plan dated 21 October 2011.*

The monitoring of surface and groundwater shall continue throughout the duration of the approved development and, for the avoidance of doubt, shall include the following:

- a) rainfall measurement at the quarry;*
- b) flow meter monitoring of all dewatering water;*
- c) monitoring of flows between the Deep Dale tip and lagoon 2;*
- d) retention and maintenance of the existing groundwater monitoring boreholes; save for*
- e) replacement monitoring boreholes and other arrangements necessary to maintain the monitoring if existing monitoring points are compromised; and*
- f) water quality monitoring;*
- g) arrangements for continuous recording, and periodic reporting to the Mineral Planning Authority, the Environment Agency and Natural England the recorded surface and groundwater monitoring data, and brief analysis thereof, at intervals no longer than once every year, except as otherwise required by condition 72 to this permission.*

50) *In the event that the surface water and groundwater monitoring required by Condition 49 to this permission indicates any incident of impact on the quality and / or flow of groundwater or surface water, such as to be harmful to the water environment, or the Peak District Dales Special Area of Conservation (SAC), or the Wye Valley Site of Special Scientific Interest (SSSI), or Topley Pike and Deep Dale SSSI, or Lathkill Dale SSSI, or Monks Dale SSSI, or any ecology or features dependent on groundwater, spring water and river flows and quality, the operators shall immediately cease pumping and dewatering and shall notify the Mineral Planning Authority, the Environment Agency and Natural England of the circumstances. Thereafter pumping shall only resume in accordance with such*

remedial or mitigation measures as may be agreed by the Authority and Agency and, if appropriate, with Natural England.

51) All surface water drainage to, within and from the site shall be contained and managed in accordance with the surface water management strategy specified in Section 7 (Existing Quarry Water Management) and Section 11 (Future Water Management) and shown on Figure 11 (Existing Water Management) in the submitted Hydrogeological Impact Assessment dated December 2013, and in accordance with the following:

- a) There shall be no interruption to the surface water drainage system surrounding the site, save for any necessary diversion or rearrangement of the system if and where affected by the approved operations.*
- b) No surface water drainage from the site shall be allowed to flow on to A6 public highway.*
- c) No surface water drainage from the site shall be discharged beyond the boundaries of the site other than via the existing lagoon and outfall / culvert system to the River Wye as consented under the terms of the Environment Agency Discharge Permit, or any modifications or replacement thereof.*
- d) The lagoons in Deep Dale shall be regularly monitored and from time to time desilted as necessary to maintain the water retention capacity of the lagoons.*
- e) Oil absorbent booms shall be maintained at all times in the lagoons in Deep Dale to hold and treat the water prior to discharge from lagoon 2 into the culvert to the River Wye.*
- f) The culvert that takes the water outflow from lagoon 2 shall be regularly inspected for obstructions or blockages and shall be cleaned-out as necessary to prevent obstruction to the outflow and over-topping of the lagoon.*
- g) Flood risk management shall be implemented within Deep Dale during the removal of the Deep Dale tip and restoration works within the dale in accordance with the details and undertakings in Section 5.5 (Flood Risk Assessment) of the Hydrogeological Impact Assessment.*

52) At all times during the operation and restoration of the site:

- a) There shall be no discharge of foul (including foul sewage) or contaminated drainage from the site into the ground, ground water or any surface waters, whether direct or via soakaways. Measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, ground water system, underground strata or aquifer. Contaminated drainage shall be passed through oil interceptor(s) which shall be provided and used as necessary to comply with this condition. The contents of the oil interceptor(s) shall be periodically removed from the site.*

- b) *Any vehicle wash water including steam cleaning effluent shall be contained in a sealed vessel and re-circulated unless disposed of off-site. A dedicated area, graded to ensure wash water is directed to the discharge point, shall be provided.*
 - c) *All vehicles, mobile plant and machinery and any static machinery used on the site outside of containment bunds shall be regularly checked for leaks of fuel or lubricants and if found leaking shall be repaired prior to further use to prevent spillage and seepage into the ground. The repair, maintenance and fuelling of vehicles, mobile plant and machinery shall only be carried out on an impermeable base within an impermeable bunded designated area.*
- 53) *Any oil, fuel, lubricant or chemicals or other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any ground water system or underground strata, watercourse or aquifer. All facilities for the storage of these potential pollutants shall be provided with adequate and safe secondary containment that is impermeable to oil, fuel or chemical and water, by siting the facilities on impervious bases surrounded by impervious bund walls, or other suitable means. The minimum volume of each secondary containment facility shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there are multiple tankages within a secondary containment, the capacity of the containment shall be at least equivalent to the capacity of the largest tank or vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%, or 25% of the total tank capacity, whichever is greatest. Double skinned tanks may only be used as an alternative to bunds if they provide the same retention capacity. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. Associated above ground pipework shall be protected from accidental damage. All filling points and tank/vessels overflow / vent pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The secondary containment shall be sealed with no opening or discharge to drain the system to any watercourse, land or underground strata.*
- 54) *All foul sewage, waste oils, lubricants or chemicals generated on the site shall be regularly removed from the site in suitable containers.*
- 55) *The Deep Dale tip shall be progressively dismantled, monitored and remediated in strict accordance with the approved methodology (Detailed Design, Remediation, Implementation & Verification Plan: document ref 0510/R10 Issue 2, approved through NP/DIS/1217/1251) as updated by the approved Phasing Plans.*
- 56) *A Deep Dale tip surface water drainage control plan shall be adopted and implemented throughout the period of carrying out operations for the excavation and removal of the tip. The plan shall be consistent with a remediation strategy, implementation and verification plan approved under the provisions of condition 81 to this permission, and shall include the following:*
- a) *monitoring tip surface water and the presence of perched water within exposed areas of the tip;*

- b) *measures to prevent drainage from the tip or adjacent areas mobilising silt or contaminants;*
- c) *all surface water run-off from the tip to drain into a sump of sufficient capacity to accommodate the water pending ground percolation;*
- d) *other measures as may be necessary to contain all tip drainage away from the Deep Dale stream and to prevent discharge into the stream.*

Speleological, Geological and Archaeological Interests

57) The Mineral Planning Authority shall be notified of any natural cave systems or other karst features of special speleological interest encountered during the operations. Reasonable access shall be afforded to the Mineral Planning Authority or their representatives to survey and record those features, as may be agreed by the site operator having regard to health and safety.

For the avoidance of doubt the term ‘reasonable access’ in this condition shall not apply to circumstances in which the site operator considers that access into caves, or within safe distance standoff zones determined by the site operator in the proximity of cave entrances, karst features (including swallets, dolines and sink holes), quarry faces, or elsewhere upon the quarry floor or benches, or other locations within the site, would not be safe or would contravene mines and quarries legislation or guidance issued by HM Health and Safety Executive.

58) Any features of geological interest exposed by the quarrying operations below 240 metres AOD shall be photographed and recorded by a qualified geologist prior to the final cessation of dewatering of the quarry void. The records shall be made available to the Mineral Planning Authority and British Geological Survey.

59) In the event that any finds, features or artefacts of potential archaeological including industrial archaeological significance are encountered during the carrying out of the approved development, the Mineral Planning Authority’s nominated Archaeologist shall be notified as soon as is reasonably practicable and shall be permitted to inspect the site and shall be given sufficient time to record and / or recover any finds or features of archaeological interest brought up or uncovered by those operations.

Land stability

60) Throughout the duration of the aftercare period, the operator shall ensure accurate assessments are conducted of any made slope comprising tip material are conducted by an appropriately qualified person. These stability investigations shall entail:

- *A quarterly photographic assessment which shall include a fence and signage inspection;*

- *Annual topographical surveys of the made slopes with an accuracy of at least +/- 100mm on exposed areas and/or stations;*
- *Annual visit and review of the geotechnical specialist which shall include a written report with conclusions highlighting any area of concern and to make recommendations as to any additional engineering or inspection works that might be necessary to be submitted to MPA, any recommendations shall be implemented in accordance with a scheme to be agreed by the MPA, within time frame to be agreed;*
- *A final 5-year aftercare period point by an independent geotechnical specialist, to include a site visit and all of the above requirements. This report will confirm if there are any extant or developing issues relating to the stability of the slope. This report will make an informed decision on whether the slope is stable and, in the balance of probabilities, is like to remain as such in the long term.*

The operator shall notify the Authority in writing 7 working days prior to any such assessment taking place, and will subsequently make the finding and reports available to the Authority within 1 month of the assessments being carried out for written agreement. In the event that any of these reports identify issues with the stability of the slope, the Authority will require the submission of a remediation plan, to be agreed in writing and duly implemented, prior to the sign off of the site out of the aftercare period.

Ecology

61) An Extended Phase 1 Habitat Resurvey shall be carried out no earlier than 28 days from the programmed commencement of the operations within each of the following areas:

- a) the Deep Dale tip and adjacent ground;*
- b) the Deep Dale eastern valley side and adjacent ground;*
- c) the corridor of the proposed haul route between the Deep Dale tip and eastern valley side;*
- d) any other areas proposed to be newly disturbed.*

A report of each resurvey shall be submitted to the Mineral Planning Authority.

In the event that protected species are encountered within any of these areas, measures for the protection or if necessary translocation of species or their habitats shall be implemented prior to any disturbance of these areas in accordance with such details as may be agreed in writing by the Mineral Planning Authority, in liaison with Natural England.

62) No site work shall be undertaken during the bird nesting season (March to August inclusive) which involves the removal, destruction or disturbance of trees, shrubs, scrub or grassland from within the site, unless that work is considered justifiably unavoidable as may be agreed by a representative of the Mineral Planning Authority.

In the event that such work is necessary during the bird nesting season the site operator shall commission a suitably qualified ecologist to survey each proposed working area for active bird nests prior to any disturbance to trees, other vegetation, or ground within that area. Any active birds nests found by the survey and trees or other vegetation that contain nesting birds or their active nests shall be left undisturbed until vacated.

- 63) *Throughout the period of continued quarrying, tipping and restoration, all necessary measures shall be employed to protect wildlife interests associated with the quarry cliff faces. The measures shall include minimising within practicable limits noise, dust and other disturbance in the vicinity of inactive and abandoned quarry faces, and the permanent retention of quarry faces or sections thereof in accordance with the quarry restoration scheme as approved by the Mineral Planning Authority.*

Trees and Vegetation

- 64) *No trees or mature shrubs within the site shall be felled, damaged or disturbed without the prior written approval of the Mineral Planning Authority, except for those trees proposed to be removed to facilitate the approved development in accordance with the submitted Assessment of Impact on Trees and Woodland dated November 2013. Prior to the disturbance or felling of any trees or removal of any mature shrubs, the trees to be felled shall be clearly individually marked or otherwise demarcated in groups by buntings, and the trees as identified together with any mature shrubs within the area to be disturbed shall have been checked and agreed as consented to fell or remove by a representative of the Mineral Planning Authority.*

At all times during the carrying out of the approved development there shall be careful site supervision to ensure that no damage occurs to any other trees or mature shrubs within the site.

- 65) *All existing trees, shrubs, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying, stone processing operations, the removal of Dep Dale Tip, and until the completion of restoration of the whole of site (including the quarry and Deep Dale), except as may be allowed by this permission. For the purposes of this condition the retained trees, shrubs, hedges and boundary features shall be protected by the provision of adequate standoffs for that protection, with machinery and storage exclusion areas that extend to the edge of all site boundaries where the protected vegetation and features are present.*

Soil Stripping, handling and Storage

- 66) *The stripping, excavation, movement, storage, lifting and placement of topsoil, any subsoil and mixed soils that may be encountered, and soil forming materials shall only take place in accordance with the good practise techniques specified in the MAFF (2000), Good Practice Guide for Handling Soils (version 04/00). No soil stripping or disturbed soil recovery or excavation or soil placement and spreading*

shall take place except during periods of dry weather when the full depth of soil to be stripped, recovered or excavated is in a suitably dry and friable soil moisture condition (i.e. non-plastic state) such that damage to its structure is avoided, and the topsoil can be separated from any subsoil and / or the underlying soil forming materials without difficulty.

The Mineral Planning Authority shall be notified at least seven days prior to any soil stripping, recovery, excavation or placement event, and opportunity shall be given to a representative of the Mineral Planning Authority for inspection of the condition of the soil to be handled prior to handling.

- 67) Following the stripping of topsoil, any subsoil, mixed soil, and all available soil forming materials that may be encountered shall be stripped from the areas to be excavated, or tipped upon, or regraded, or traversed by heavy vehicles or machinery (except for the purpose of stripping or stacking topsoil or subsoil or soil forming materials on that area), or for the construction of haul roads, using low ground pressure wide tracked bulldozers or back-acting excavators.*
- 68) Any soil forming materials encountered during the Deep Dale tip removal operations shall be separately recovered.*
- 69) All soils and soil forming materials stripped or excavated from within the site shall be tested for nutrient and pH status and to ensure that the materials are free from contamination sufficient for their use in the site restoration.*
- 70) All topsoil, any subsoil and soil forming materials shall be retained on the site for selective use in the restoration and / or restoration landscaping of the site, except for any soils or soil-making materials that may be contaminated such as to render them unsuitable for restoration purposes. In the event that any temporary storage of retained soils or soil forming materials becomes necessary, the storage shall conform with the following criteria, the details of which shall be agreed on site with a representative of the Mineral Planning Authority:*
- a) the location and extent of the soil and soil forming materials storage mounds which shall be in areas safe from standing water, trafficking by heavy vehicles, plant or machinery (except as necessary for the purposes of construction and dismantling of each mound), erosion and contamination;*
 - b) topsoil shall be separately stored from any subsoil and soil forming materials (the latter two may be mixed together);*
 - c) the height which shall not exceed 3 metres, width, form, angles of repose and treatment of all temporary soil and soil forming materials storage mounds, including measures to minimise compaction and water infiltration, and to ensure stability;*
 - d) grading and seeding to grass of the outer (southern) faces of any soil storage mounds placed on the southern perimeter of the Deep Dale tip;*
 - e) measures for soil mound sward management, maintenance, weed and erosion control.*

71) *Following the construction of any temporary interim soil storage mound(s) the quantity of soil in each mound shall be measured, and a detailed soils audit shall be maintained of those soils together with an assessment of any soils believed to be concentrated or dispersed within previously tipped material. Between July and August of each year of the development a plan shall be submitted to the Mineral Planning Authority identifying the location, soil type and volumes of all (if any) temporary storage mounds then present on the site and the location and extent of any assumed soils resource in former tipped areas.*

72) *Where practicable stripped or recovered soils and on site soil forming materials shall be placed directly in the area intended for their future use. The use of soils and on site soil forming materials in the restoration of the site shall be undertaken in accordance with a soils distribution strategy which has regard to the requirements of conditions 110 and 111 to this permission and which has received the prior approval in writing of the Mineral Planning Authority. The strategy shall include a plan to an appropriate scale to clearly show the extent of the areas where the soils and on site soil forming materials are to be placed on the site, together with details of the type, volume, depth, and treatment of soils material to be used in each soils placement area.*

73) *Any available soil-forming materials and subsoil shall be spread, either sequentially (the least organic content material forming the lowermost layer) or mixed and spread together, over restoration areas proposed for woodland planting, final infill surface areas proposed for natural colonisation, on final quarry face benches and scree, and in any other suitable receptor locations, as may be approved in the restoration scheme, or as may be agreed on the site and subsequently in writing by a representative of the Mineral Planning Authority.*

The Mineral Planning Authority shall be notified in writing no later than 7 days prior to the commencement of any period of spreading of soil-forming materials or subsoil or mixed soils on any restoration area.

After the conclusion of each phase of this spreading, the site operator shall meet on site representative(s) of the Mineral Planning Authority to determine the grading and treatments to the spread surface, which shall be carried out as so determined prior to the spreading of topsoil.

74) *Any available topsoil shall be spread over restoration areas proposed for woodland planting, over areas proposed for natural colonisation, on final quarry face benches and scree, and in any other suitable receptor locations as may be approved in the restoration scheme, or as may be agreed on the site and subsequently in writing by a representative of the Mineral Planning Authority. No topsoil shall be:*

- spread or used in areas proposed for calcareous grassland creation;*
- spread or used in areas to be left as bare ground;*
- disposed of within the quarry excavations other than as specified in condition 123;*

- removed from the site, unless contaminated.

Available topsoil shall be spread to appropriate depths for the intended after-use sequentially after the placement of soil forming materials and subsoil within those areas. The Mineral Planning Authority shall be notified in writing no later than 7 days prior to the commencement of any period of spreading of topsoil on any restoration area.

After the conclusion of each phase of replacement of topsoil, the site operator shall meet onsite the representative(s) of the Mineral Planning Authority to determine the grading and treatments to the final surface of the topsoil which shall be carried out as so determined.

- 75) There shall be no importation of soil-forming materials to the site. There shall be no importation of soils or soil ameliorants to the site without the prior written approval of the Mineral Planning Authority. Any submission for approval shall include details of the source, type and quantity of soils to be imported, and the proposed use of the soils and receptor locations.

Site Restoration

- 76) The deposition of material into and infilling of the quarry shall take place using only extractive and processed mineral waste material derived from within the quarry, and material from the Deep Dale tip, spatially distributed in such quantities as may be necessary to achieve the approved restoration contours and site levels.

- 77) The site operator shall meet on site the representatives of the Mineral Planning Authority at the conclusion of each of the following stages in the approved restoration works:

- (i) each phase of infilling the quarry excavations to final fill restoration levels or otherwise establishing the final quarry floor and bench levels;
- (ii) removal of the Deep Dale tip down to base restoration level and removal of the culvert within the Deep Dale Tip Restoration Area as defined on Drawing No: TP/CSV2/06 (Consolidating Scheme: Key Plan]; or
- (iii) the tipping of materials, stabilisation and re-profiling within the Deep Dale eastern valley side as defined on Drawing No: TP/CSV2/06;

The purposes of each site meeting required by this condition shall be:

- a) to ensure that the ground conforms generally with the levels as set out in the approved restoration contour plan;
- b) to ensure that the contours, after allowing for settlement and where applicable the placement of soils or soil-forming materials, shall be

appropriate to facilitate the approved landscape and biodiversity proposals;

- c) to ensure efficient drainage and no impediment to surface water runoff or lake outflow;*
- d) to determine and agree any appropriate treatments to the final surfaces of the excavations, tipped, backfilled and infilled surfaces, or other ground, which may include regrading, and the provision of localised landform variations, hollows, rocky exposures, flat areas, hummocks, banks and rough uneven ground with occasional boulders.*

The treatments determined and agreed during each meeting shall be carried out prior to any placement of soils or soil forming material, or planting or seeding works.

78) The Restoration Drainage, Erosion Control and Long-Term Water Management Strategy (Document Ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 105 r2), as discharged by NP/DDD/1217/1251, will be adhered to throughout the course of the dismantling and restoration of Deep Dale Tip.

79) The measures and protocols for the passive control of water levels of the restored quarry lake set out in Restored Quarry Lake Water Level Maintenance Strategy (Document Ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 106 r1), as discharged by NP/DDD/1217/1251.

80) The reinstatement of the Deep Dale Stream will take place in accordance Revised Concept Restoration Scheme (Ref: AI-020-M.D.002), and will reflect the methodology set out in Restoration of Deep Dale Stream (P:\AI Topley PC (2107)\40 - Reporting\Condition 107), as discharged by NP/DDD/1217/1251.

81) Works to the settlement lagoons will take place in accordance with Retention, Redesign and Landscaping of the Settlement Lagoons in Deep Dale (Document Ref: P:\AI Topley PC (2107)\40 - Reporting\Condition 108 r1), as discharged by NP/DDD/1217/1251.

Landscaping

82) A comprehensive scheme for the post-restoration landscaping of restored areas shall be submitted for the approval of the Mineral Planning Authority no later than 31 December 2025. Thereafter, the scheme of landscaping shall be implemented in accordance with the details as approved in writing by the Mineral Planning Authority. The landscaping scheme shall be based on the submitted Revised Restoration Scheme Figure 7 (Drawing No: AI-020-M.D.002) to the extent that it shows the generality of distribution of proposed woodland and scrub planting, shall have regard to the Peak District National Park Landscape Strategy and Action Plan 2009 – 2019 (July 2009) including the Landscape Character Assessment (2008) or any replacements thereto, and shall include details of the following:

- a) *selective planting proposals, including the use only of healthy locally sourced native species stock grown from seed sources of local provenance, and the locations, numbers, groupings, species mix, planted heights and details of planting of native trees and shrubs, in the form of schedules of planting for each scheme or parts thereof, and general location/distribution details on plan(s) to a scale of not less than 1:1250;*
- b) *an extended area of proposed woodland and scrub planting in the north-east corner of the quarry to extend to the proposed lake margin;*
- c) *no planting of aquatic and marginal zones;*
- d) *the planting mix to include willow only in association with the lake, sycamore as a low percentage of the planting mix in the proposed woodland area referenced at (b) above, and ash should disease resistant strain(s) become available by the time of submission of the landscaping scheme;*
- e) *the landscape treatment and appearance of the final extraction void, quarry cliff edges faces, benches and slopes;*
- f) *the seeding of appropriate areas to calcareous grass or other suitable species rich grassland, including the use only of healthy native species seed sources of local provenance (if possible, grasses seed to be locally harvested and collected under licence from within the Deep Dale SSSI), including a specification of seed mixes, which shall include wild flower seeds and diverse seed mixes where appropriate, sowing rates, and the sowing of seeds within tree areas to establish ground flora;*
- g) *notwithstanding (f) above, hydro-seeding control, the exclusion of seeding in natural succession areas and an emphasis, where suitable, on natural regeneration of both trees and grasses with minimum or no seeding as the preferred method of grassland establishment;*
- h) *initial fertiliser applications' if appropriate, based on soil analysis in areas proposed for tree seeding;*
- i) *measures for the protection of all plantings, including temporary rabbit proofing and fencing as necessary;*
- j) *arrangements for the drainage of all planted areas;*
- k) *the retention, replacement or repair of fences and the provision of new fencing, gates, stiles and stone walls and establishment of field boundaries where appropriate.*

Habitat Creation

- 83) *A detailed Biodiversity Management Plan for the site, comprising a comprehensive scheme or schemes for the creation, establishment and management of wildlife habitats within the site (as defined in condition 1 to this*

permission to include the quarry, plant site and Deep Dale), shall be submitted for the approval of the Mineral Planning Authority no later than 31 December 2021. Thereafter, the habitat scheme(s) shall be implemented in accordance with the details as approved in writing by the Mineral Planning Authority. The scheme(s) shall be based on the details contained in section 7.5 in the submitted Supporting Statement, Table 6 [Summary of Proposed Compensation Areas] in the submitted Ecological Impact Assessment, and Appendix ES2 with Drawing No:M11.160(f).D.027 [Restoration Strategy] to the submitted Environmental Statement, and as shown on the submitted Drawing No: TP/CSV2/09 [Concept Restoration] to the extent that as it shows the generality of distribution of habitat types, shall have regard to the Peak District Biodiversity Action Plan 2011-2020 or any subsequent replacements thereto, shall comply with any reasonable appropriate habitat creation, establishment and management guidelines provided by a qualified ecologist representing the Mineral Planning Authority, and shall include details of the following:

- a) *Phased habitat creation proposals: restoration biodiversity distribution / mosaic plans providing for a pattern of habitat mosaic with sinuous boundaries designed to sensitively and naturalistically reflect the restoration topography, optimum landscape design and surrounding landscape character, and potential visual impact; site (including substrate) ground preparation; species rich seeding in accordance with the principles specified in condition 113; and interventional techniques for the creation of a mosaic of calcareous grassland, native broadleaved mixed woodland, scrub, bare ground, areas for natural colonisation, rocky outcrops, scree slopes, lake shallows, ephemeral stream habitat and marshy grassland.*
- b) *Phased adaptive habitat establishment and adaptive management proposals which shall include monitoring, control of invasive species, weed control, controlled grazing management, cutting regime, prohibition of use of organic mulches, maintenance of bare ground habitat, and shrub and aquatic vegetation establishment.*
- c) *A programmes or programmes of implementation*

84) *Wildlife habitats established on the site shall be managed in accordance with the approved habitat management proposals, as appropriate for a period of six years following their creation and establishment, or such other period or periods during the approved working life of the site and / or within a period ending five years following completion of the final restoration and landscaping of the site as may be determined by the approved habitat management scheme.*

85) *Annual records of habitat establishment and management shall be kept by the site operator throughout the management period and shall be made available for inspection by the Mineral Planning Authority on request.*

Aftercare

86) *The five-year woodland, nature conservation and amenity aftercare period for the restored site shall commence on the date of written certification by the Mineral*

Planning Authority that all the land has been satisfactorily restored in accordance with the requirements of Conditions 75 to 80 of this permission.

- 87) *Records of the woodland, nature conservation and amenity aftercare operations shall be kept by the site operator throughout the period of aftercare of the site. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority in the form of an Aftercare Report between 31 March and 31 May each year.*
- 88) *Provision shall be made by the site operator for annual meetings with the Mineral Planning Authority between May and August each year, to review and determine the detailed annual programmes of woodland, nature conservation and amenity aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation.*
- 89) *All trees and shrubs planted or seeded in accordance with the approved landscaping scheme shall be maintained in accordance with the principles of good forestry and husbandry, and replaced as necessary for a period of 6 years following the planting or seeding of each landscaped area, or throughout the approved working life of the site, whichever is the later date. The maintenance shall include as necessary woodland thinning and sensitive arboricultural management by agreement with a qualified landscape representative of the Mineral Planning Authority. For the purposes of this condition, replacement planting or seeding with the same species, or such alternative species as may be approved by the Mineral Planning Authority, shall be undertaken in the event of trees or shrubs dying, or becoming seriously damaged or diseased.*
- 90) *Records of landscaping management shall be kept by the site operator throughout the period of maintenance and made available for inspection by the Mineral Planning Authority on request.*

Public Engagement and Information

- 91) *The public site information boards shall remain in position as agreed by the Authority through the discharge application NP/DIS/1217/1251.*
- 92) *The permissive footpath to the viewing platform will be constructed in accordance with the approved plans M11.160(h).D.011 and Footpath Sectional Drawing approved through NP/DIS/1217/1251.*

17. This report seeks the delegated authority for officers to agree a schedule of conditions.

Key Issues

18. Do the proposals accord with statutory National Park purposes?
19. Are the environmental and landscape impacts of removing the over-tipped material from Deep Dale for placement in the quarry void acceptable?
20. What are the implications of not approving the proposals?

Background

21. The extraction operation at Topley Pike is required to cease no later than the 31st December 2025. The restoration of the site and Deep Dale is required to be completed no later than 31st December 2026. The Authority receives Annual Monitoring Figures relating to output from the quarry and remaining reserves, and is confident that the extraction process will be completed by the 2025 deadline.
22. The consent the quarry is currently operating under (NP/HPK/0814/0882) required the phased restoration of Deep Dale, while the extraction operations worked through the remaining consented reserves.
23. The approved restoration scheme allowed the tipped material from Deep Dale to be placed on the western side of the Quarry void to be used in the approved land-forming. Following the completion of the extraction process and restoration land-forming inside Topley Pike Quarry, the active dewatering process will stop meaning a lake feature will naturally occur once the pumps are removed from site.
24. The lake will be kept at a height of 240AOD and will be controlled passively by an out-flow system that will discharge any excess water from the quarry into the River Wye. The tip material was subject to the appropriate testing for contaminants and pollutants due to the potential risk of chemical leakage into the protected hydrological environment that surrounds the site.
25. Laboratory leachate testing was conducted on the tip material and it was concluded that the vast majority of the tip was inert quarry waste (predominantly sludge produced by the old dust suppression systems). This inert material was agreed by both the Environment Agency and Natural England to not pose an unacceptable threat to the hydrological environment. A watching brief will take place during this dismantling process to ensure that any pollutants, bituminous, asphaltic or otherwise contaminated materials are removed and disposed of offsite. The watching brief will be carried out by an independent and suitably qualified specialist. This process will ensure that only the safe, inert materials are used in the land-forming in the quarry.
26. A hydrological mitigation and monitoring scheme has been agreed with the Environment Agency (application ref: NP/DIS/1217/1251) which required the operator to continuously check for pollutants leaking from the site at a number of key points surrounding the site. Surface water monitoring points have been set up along the River Wye, both up-stream and down-stream of the Deep Dale stream outlet. By having monitoring points at both sides of the Deep Dale outlet it will be possible to ascertain if

any pollution leakage has originated from the quarry and/or the tip. There are also groundwater monitoring and other surface water monitoring sites spread across the quarry and in Deep Dale.

27. The Authority's understanding of the material to be placed in quarry void was critical because once the quarry is flooded, the risk of pollutants leaking into the hydrological system could cause significant harm to the surrounding water sources and it would be impractical to carry out any remediation work retrospectively. The Environment Agency agreed that the testing of the material, coupled with the mitigation and monitoring scheme would be sufficient to protect the hydrological environment.
28. As the dismantling process for the Deep Dale tip began, it became clear that the tip material had been placed higher up the valley sides than had been previously thought. The applicant is therefore seeking consent for the removal of all the Deep Dale tip material, with an amended land-forming scheme within the quarry void.
29. During the transportation of the silt initially excavated from Deep Dale, it became apparent that the material was prone to liquefaction. This made it unsuitable for use in the land forming process until it had been placed in a holding cell to dry. This application proposes an alteration to the existing land forming plan, where by the tip material will be placed in a large cell in the south-west corner of the quarry and allowed to dry. Once dry, the material will be capped and bunded by granular material which will allow it to site below the water table without risk of future mobilisation. In the current approved plan, all the tip material would be situated above the water level.
30. This application is also for the increase in the permitted annual tonnage of stone to be exported from the site, from 250,000 tonnes per annum to 400,000 tonnes per annum.

Planning History

31. Quarrying on the site dates back to 1879. Since the 1940's the quarry operated under the following extant mineral planning permissions, which cumulatively cover an area of 32 hectares:
 - Ministerial Interim Development Order 1946 permission (reference: IDO 1986/621/5) dated 25 November 1947 for the eastern part of the site "to develop for quarrying purposes lands in and adjacent to Topley Pike Quarries"; later registered on 6 May 1992 (NP/HPK/0392/026 1992) and reviewed in 1993/4 (NP/HPK/1093/127) under the Planning and Compensation Act 1991 with new conditions determined on 11 January 1994; as modified by a Certificate of Lawful Use of Development (CLUD) for the extraction of stone until 22 February 2042 (NP/HPK/0103/007) dated 19 September 2003. This permission expires on 21 February 2042.
 - Planning permission (Code No: NP/CHA/866/6) dated 21 December 1966 for the western part of the site for "Extension to quarrying area" for Derbyshire Stone Quarries Limited; this also granted permission to tip quarry spoil in Deep Dale (now referred to as the 'Deep Dale tip'); this permission is currently subject to a stalled

review under the Environment Act 1995. This permission also expires on 21 February 2042.

- The critical planning history for understanding this application is the 2018 consolidation application (NP/HPK/0814/0882). This application brought all the historic and various mineral permissions under one single consent, with modern conditions that reflect up-to-date best practice and environmental protections, and is the consent the quarry operates under today. This application set out the strategy through which the Deep Dale Tip would be dismantled and how that material would be used in the phased restoration of the site.
- The operator submitted an application in February 2018 to discharge the relevant conditions of the consolidation consent (NP/HPK/1217/1251). A Design, Remediation, Implementation and Verification Plan was submitted and subsequently approved. A testing regime was undertaken on the tip material, and it was established the material was inert lagoon silt and a granular bund from the historic working of the quarry, although there were examples of some bituminous materials. The Environment Agency offered no objection and agreed the submitted plan was sufficiently robust to protect the hydrological environment.
- This plan set out the methodology that would be used during the dismantling of the Deep Dale Tip. It included a watching brief to be undertaken by an independent and appropriately qualified person. The watching brief will make sure that any previously unidentified or contaminated materials are not used in the land-forming within the quarry void. Any such material will be removed from site and disposed of at an appropriate waste management facility.

Consultation

32. The application has been subject to three separate Regulation 25 (Environmental Impact Assessment Regulations 2017) requests, through which the Authority has required the submission of further assessment or information in order to determine the application. The consultation responses listed below have been made in light of the most recent submission of further assessments, provided to the Authority in December 2023.

- Environment Agency – Following the submission of the most recent sampling and testing analysis, the EA were satisfied that the over-tipped material is of the same source and same composition as the material previously consented for relocation to the quarry void. It is concluded, therefore, that there is no additional threat of harm to the surrounding water environment through the placement of the material in the Topley Pike quarry void. The response highlights the requirement for an on-going watching brief for the purpose of identifying any additional or unidentified contaminated material in the course of the dismantling.
- High Peak Borough Council Environmental Health – No objection.

- Natural England – No objection and concur with the Environment Agency's comments. Recommend the watching brief is implemented to ensure no unidentified material enters the water course.
- Historic England – Offered no comment.
- Lead Local Flood Authority (Derbyshire County Council) – conditions do not relate to surface water Drainage Containment and Management Strategy and therefore the LLFA have no comments to make.
- Chelmorton Parish Council – Support the application but would like to see some improvements and enhanced maintenance of the highway in the event of increased traffic from the site. Specifically, a warning sign to prevent HGV's traveling along Pippenwell Lane.
- Derbyshire County Council Highways Authority – Does not consider it likely that the proposals for increasing the export limit of material from the site to have a significant adverse impact on the capacity or safety of the local road network. Also reviewed concerns laid out in the Chelmorton Parish Council response, and explained a rationalisation of signage in the area had previously been undertaken. The matter is further discussed in the 'Impact on the Highway' section of this report. (Paragraph 100). Offers no objection.
- PDNPA Archaeologist – No comment.
- PDNPA Tree Officer – Highlighted the importance of woodland in the landscape and that the lose of woodland block 5 (as identified in Landscape and Visual Impact Assessment) would cause a minor harmful impact, but, that this harmful impact should not prevent the removal of these trees for the purpose of slope stabilisation. The officer supported the inclusion of natural regeneration through the restoration scheme as it will help secure full visual integration with the surrounding landscape in the medium/long term.
- PDNPA Rangers – No objection.
- PDNPA Ecology – No formal response received at time of writing. Verbal update to be provided at committee meeting.

Representations

33. The Authority has received no representations from members of the public on this application.

Planning Context

34. 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.

35. 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

36. The National Planning Policy Framework (NPPF) has been revised (2023). This replaces the previous document (2021) 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. The following Paragraphs are considered most pertinent to the determination of this application:

37. Paragraph 182 - Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

38. Paragraph 183 - When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

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

39. Paragraph 186 - When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

40. Paragraph 189 – Planning Policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

41. Paragraph 216(h) - Planning policy should ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.

Peak District National Park Authority Development Plan

Core Strategy (2011)

- 42. The Core Strategy sets out the visions, objectives and spatial strategy for the National Park and contains the core policies to guide development. The pertinent policies for the determination of this application are considered to be:
- 43. 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.

44. 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.
45. 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.
46. Policy GSP4 recommends the use of conditions and legal agreements to ensure that benefits and enhancement are achieved.
47. 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.
48. 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.
49. 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 policies of the plan.
50. 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 mineral 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.

51. 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

52. The Development Management Policies are the second part of the Authority's Development Plan and contain policies specifically tailored to inform how development takes place in accordance with the Core Strategy. The pertinent policies are considered to be:
53. 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 National Park purposes and that applications that accord with the policies contained within the Development Plan will be approved without delay, unless material considerations indicate otherwise.
54. 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 Park's landscape will be conserved and, where appropriate, enhanced.
55. 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.
56. 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.
57. Policy DMMW1 sets out the test for the justification of minerals and waste development. There must be clear justification that relation to the viability and need for the development. In order to demonstrate whether minerals and waste development is in the public interest, consideration should include an assessment of:
- I. The need for the development, and the impact of permitting it, or refusing it, on the local economy;
 - II. The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and

- III. Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which these can be moderated.
58. Policy DMMW2 deals with the impact of mineral and waste development on amenity. Such development will only be granted permission where the adverse impacts on amenity can be reduced to an acceptable level or eliminated altogether, particularly in relation to: Nuisance and general disturbance; noise; vibration; dust; fumes and odour; water run-off and flooding; visual impact; potential impacts of land instability; effects on human health; and, impacts on recreation and public rights of way.
59. 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.
60. 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.
61. 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.

Assessment

Principle of Development

62. The overarching principle of removing tip material from Deep Dale, for use in the restoration of the Topley Pike Quarry void, has already been found to be acceptable through the determination of the consolidation application in 2018. The reason this application is necessary is due to the discovery that the tip material is considerably higher up the valley side than was originally thought, consequently a greater quantity of material is proposed to be relocated.
63. It has also been discovered through the dismantling operations that have taken place so far that the silts which comprise the majority of the tip material liquify during their transportation into the quarry. It is now proposed for all the tip material to be placed in a cell in the south-west corner of the quarry, which will be bunded and capped with

granular material derived from quarry waste. The cell will sit below the waterline, which is a substantive change from the extant restoration plan, in which the tip material would be placed above the waterline.

64. The over-tipped material is located on the northern slope of the Deep Dale valley. At its thickest part the over-tipped material is approximately 12m deep. In total there is approximately 35,000m³ of tip material that was previously unaccounted for.
65. Approving this application will allow for removal of all the material, which in turn, will facilitate Deep Dale being returned to its natural state, with the valley sides being completely exposed. Deep Dale is designated as a SSSI and a SAC, and is an area of exceptional natural beauty within the protected landscape of the National Park, so the removal of quarry waste from this highly protected environment is considered to satisfy the exceptional circumstance test set out in Policy GSP1, GSP2 and MIN1.
66. The placement of the additional material in the restoration land-forming in the Topley Pike Quarry void will raise the land levels at the western side of the quarry slightly from those currently approved. The raised levels will have a very modest impact on the overall restoration process when considered in the context of the quarry, which is inherently very well screened from view.
67. The proposals for the removal of the over-tipped material for use in the restoration of the quarry void and the alterations to the restoration land forming are therefore considered to accord with the requirements of the Development Plan and are acceptable in principle, subject to the satisfaction of the policies relating to the landscape and the environmental impacts of the proposals.
68. The proposals to increase the export limit for the site is under-pinned by Policy DMMW1, DMMW2 and DMMW3. As the proposals are for the increased export of already permitted reserves, it is considered by Officers that a lesser level of justification than would required for proposals to win and work new mineral reserves. The volume of extra HVG movements that would be permitted in any year is considered would not cause an unacceptable impact on amenity or the environment, by virtue of the sites remote location and the safe, well maintained access with major road network. The Authority considers that by allowing the export of a larger volume of mineral per annum, whilst maintain the controls and restrictions set out in the extant consent over matters such as blasting and operating times, there will be two main benefits: It will allow for the operator to respond to peaks in demand more readily, which in turn will be a benefit to the availability of critical mineral building materials in keeping with the objectives of Paragraph 215 of the NPPF; and, allows the reserves to be worked faster in order to ensure they are exhausted by the current permitted extraction end date. For these reasons the proposed increase in the export limit is considered to accord with the requirements of Policy DMMW1, DMMW2 and DMMW3.
69. Minerals development constitutes Major Development, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, and as such, the exception circumstance test set out in MIN1 and GSP1 applies. The two factors presented as justification in the above paragraph are considered to satisfy the exceptional circumstance test for the proposed increase in export limits, pending the satisfaction of the Policies T1, T2 and T7, which are considered in the “Highways Impact” section of this report. Therefore, the increase in export limit is considered to be acceptable in principle.

Environmental Impacts

70. Part of the site and its immediate surroundings are covered by a number of SSSI's and a SAC designation. This means the baseline sensitivity for environmental pollution is extremely high. An assessment of what the over-tipped material contains has been a critical piece of information for the Authority to consider.
71. It is important to note that the partial dismantling of the Deep Dale Tip and the placement of those materials in the Topley Pike quarry void land forming is already permitted through the extant planning consent, which is accompanied by a requirement to monitoring the surrounding hydrological environment. The determination of this application needs to focus on any additional impact that would be associated by the removal and placement of the over-tipped materials.
72. At the request of the Environment Agency and planning officers, the applicant carried out a programme of additional sampling and testing of the over-tipped material. This testing was carried out by pits being dug and samples removed from the tip. These samples were then subject to a rigorous testing regime in a laboratory, which looked for contaminants and pollutants that might cause harm to the hydrological environment surrounding the site.
73. The reason why contaminants pose a potentially significant threat to the quality of the protected hydrological environment is due to the lake, which will be created in the quarry void following the cessation of the active dewatering process, having an outlet that will feed directly into the River Wye. The Environment Agency assessed the further sample testing submitted by the applicant and agreed that the over-tipped material was of the same source and composition as the rest of the tip, previously approved for relocation. This means that the hydrological risk assessment that was conducted as part of the 2018 consolidation application is still applicable, and, there is no additional threat posed to the water environment as a result of the placement of the over-tipped material in the quarry void.
74. Given the nature of the historic quarry tipping, there is a risk that previously unidentified, contaminated materials are present in Deep Dale. This risk was identified during the determination of the 2018 consolidation application. A Remediation, Mitigation and Verification Strategy was submitted to the Authority to satisfy the requirements of Condition 81 of the consolidation consent. This strategy detailed how the watching brief will be conducted during the dismantling of the Deep Dale tip. The watching brief will ensure that the dismantling process will be over-seen by an appropriately qualified and independent specialist. Where previously uncharacterised materials are identified, they will be removed from site for disposal at an appropriately licensed waste facility. This measure will ensure that the hydrological environment is protected from any unidentified contaminants.
75. The water monitoring strategy that was established through the consolidation consent requires the continuous monitoring of ground and surface waters at defined locations in the vicinity of the site during the extraction and subsequent restoration process. Surface water chemistry testing is required to take place monthly during the works to excavate and place the tip material in the quarry void, and will take place quarterly during periods of inactivity.
76. Surface water chemistry testing took place during the works to the tip, prior to its cessation in 2020 upon the discovery of the over tipped material. The chemical testing across the site for 2019 showed one instance of a pollutant chemical, Extractable

Petroleum Hydrocarbons (EPH), breaching the tolerance limit, which was recorded at the quarry sump. A single EPH event is extremely unlikely to have been caused by the placement of the tip material in the quarry. If the EPH had originated from within the tip material then it is highly likely that there would be a number of EPH spikes recorded, or even a continuous reading, as the chemical leaked out of the material. The EPH spike is considered to have mostly likely originated from either a fuel/lubricant spill in the quarry (although no spills were officially recorded in 2019), or as a result of either a sampling or laboratory testing error. Importantly, the EPH spike was not detected in any of the monitoring points downstream of the quarry, again supporting the position that this was an at best anomalous, or at worst, an isolated reading.

77. A Habitat Regulations Assessment (HRA) has been undertaken by the MPA as the competent authority on the matter, as per the Conservation of Habitats and Species Regulations 2017. The conclusion of the HRA was that there are no Likely Significant Impacts of the development on the protected habitats. The Authority's HRA is appended to this report as Appendix 1.
78. It is therefore concluded that there will be no additional risk to the surrounding hydrological environment as a result of permitting the placement of the over-tipped material in the quarry void.
79. The other potential environmental impacts of the proposed development are noise and dust that might be created in the course of dismantling the tip. There are conditions attached to the extant consent which set out noise limits and approved working times specifically for the dismantling of the tip. These conditions will be appended to any further approved the Authority may be minded to grant.
80. In relation to noise generated through the general operation of the site, the extant consent detailed 4 specific properties that were considered to be sensitive receptors. Sensitive receptor is the appropriate terminology, as set out by the EIA Regulations, and describes any environ that might be impacted by the proposed development. In this instance the sensitive receptors for noise generated from the operation of the quarry (including the restoration process and works in Deep Dale) are listed as: Woolow Farm; Upper Farm; Sterndale Green Farm; Topley Head Farm. These properties are geographically the closest to the site and are considered representative of other residential properties in the area. Each of the named properties has a dB limit assigned to it (ranging between 43 and 48) and any unnamed property has a limit of 50dB.
81. The proposals are for the removal and placement of the over-tipped material in the restoration of both Deep Dale and the Topley Pike Quarry void. Aside from the volume of material to be moved, the proposed variation of condition will not result in or allow any new activity that does not already have permission. It is therefore considered unlikely there will be an increased level of noise generated from the site.
82. There will be no relaxation of dB limits, or the Authority's control of the monitoring and mitigation of sound generated on site, through this variation of condition proposal. The same standards of protection will be in place to ensure that all sensitive receptors are adequately protected. The proposals are the therefore acceptable with regard to noise emissions.
83. Similar restrictions and mitigations in relation to dust emissions are imposed through the current consent. The site operates under a licence from High Peak Borough Council, which contains a detailed Dust Impact Assessment. Similar to the generation of noise, this application will not permit any new activity that is likely to generate

considerably higher volumes of dust from the site. The proposals are therefore considered to be acceptable with regard to the impact of dust.

84. In light of the environmental impacts and mitigations detailed above, it is concluded that approving the removal of the over-tipped material for its placement in the quarry void is considered to comply with the requirements of Policy DMMW2 and DMMW3.
85. Officers consider there to be no harmful environmental impact in respect of the increase in export limits. The total volume of mineral which is permitted for extraction will not increase as a result of this application and so therefore the number of HGV movements across the life-span of the quarry will not increase. This application will not result in a net increase in the volume of Carbon Dioxide being emitted by HGV movements generated on site.

Landscape Impacts

86. The application has been submitted with a Landscape and Visual Impact Assessment (LVIA), which considers the potential impact of the works and the alterations to the restoration scheme. The LVIA identifies the Landscape Character Types (LCT's) in the locality that may be impacted by the development, as set out in the Authority's Landscape Strategy and Action Plan, which are: Limestone Village Pastures; Limestone Dale; and, Limestone Plateau Pastures.
87. The National Park is a protected landscape and is afforded strong protection through the NPPF and also the Authority's own Development Plan. Policy L1 of the Core Strategy is clear that development must conserve or enhance the valued characteristics of the landscape in order to be considered acceptable. As such, the baseline of sensitivity is very high and the Authority should refuse any application that has a harmful impact on the landscape without thorough justification and/or mitigation.
88. The complete removal of the tip material will offer a substantial landscape gain and will be a significant enhancement for the enjoyment and amenity of the public using the footpath running through Deep Dale, that will be reinstated following the completion of the works. The conditions attached to the extant consent will ensure the dismantling process takes place in such a manner as to minimise the impact of dust, noise and general disturbance to the surrounding area. The removal of the material will also allow the culverted water course at the base of the valley to be uncovered and reinstated to its natural form of a stream. Limestone Dales are described in the Landscape Strategy as being steeply sloping valleys with limestone outcrops and extensive tracts of woodland and scrub intermixed with limestone grassland. Following the removal of the tip material, the northern valley side will naturally regenerate to provide a calcareous grassland which will be interspersed with limestone scree and outcrops. This enhancement will be an important gain for the understanding and enjoyment of the protected landscape and provide further opportunities for indigenous biodiversity and is in keeping with the wider Landscape Strategy.
89. The partial dismantling of the tip already has planning permission and so the determination of this application should primarily consider whether there will be any additional impact associated with the removal of the additional tip material.
90. There will be some additional short-term harm to the landscape throughout the dismantling process, which will be a result of the dismantling process taking longer

because of the increased volume of material to be excavated. Plant and machinery will be used in the dismantling/excavation of the tip and in its transportation into the quarry void, which will be harmful, as well as the extraction process itself having a negative impact. This harm will be most acutely felt for receptors using the nearby public footpaths. The Authority broadly agrees with the conclusions made in the submitted LVIA that during the works there will be a high/very high adverse on the adjacent Rights of Way, but that these are balance out by high/very high beneficial effects on those same receptors that will be retained in perpetuity once reclamation works are complete.

91. Temporary impact is considered to be significantly outweighed by the visual and ecological benefit of reinstating Deep Dale to its natural form. Furthermore, the works will take place mostly from the valley floor, which in turn will mean there will be very limited impact on the wider landscape, with most of the harmful effect being contained visually to within the valley and the areas immediately adjacent to it.
92. There are two small parcels of semi-mature trees that will be felled in the course of the restoration works to the valley sides. Block 5 and Block 9, as detailed in the Landscape and Visual Impact Assessment, which have established along the upper portions of the northern valley side and will have to be felled to allow the removal of the tip material. The PDNPA Landscape Officer concluded that the loss of the trees was unfortunate but would have a mild impact and that new vegetation would re-establish itself following the restoration process. This mild and short-term harm to the landscape is considered to unavoidable and is completely out-weighted by the benefit of restoring Deep Dale to its original valley form.
93. There are some modest changes to the land-forming and restoration planting scheme within the quarry void and on the surrounding surface level areas, but the changes are of a size and scale that will ultimately mean there is no meaningful change or harmful impact to the wider landscape. When viewed from the public vantage points at the eastern end of the site, the restored quarry will still appear as a lake surrounded by woodland planting and dominated by historic quarry faces above.
94. The proposals are therefore considered to not have any additional short-term harmful effect on the protected landscape above and beyond what has already been granted planning permission, but do offer a substantial additional benefit enhancing the Limestone Dale characteristics as set out in the Landscape Strategy. The restoration of Deep Dale and the placement of the tip material within the quarry void is assessed as meeting the criteria of Policy L1 and are acceptable in landscape terms.

Impact on Ecology

95. The proposed development will have an impact on a local population of badgers. Officers are satisfied the proposed mitigation strategy will adequately protect the badgers and will ensure there is no long-term harm to their habitats. The operator will have to apply for a Badger Development Licence from Natural England before the works can commence.
96. It is not appropriate for a more detailed explanation of the local population or the impacts of the development due to the protected nature of the species, but officers have assessed the surveys and mitigation strategy thoroughly and conclude that the development is taking place in accordance with Policy DMC12.
97. A plan has been submitted by the operator showing the location of the over-tipped material in relation to the SAC designation. The removal of the over-tipped material will

result in the loss of the vegetation that now covers the tip, but the operator has been able to demonstrate with sufficient clarity that the calcareous grassland within the SAC designation will be unaffected.

98. The soils that cover the tip material will be carefully removed and placed in the western end of the quarry following the completion of the land forming process. The handling and placement of soils will be directed by the existing conditions, albeit with slightly amended wording, which will ensure this valuable ecological resource is protected through the course of the development.
99. There are no significant changes proposed to the overall planting restoration scheme, and so it is still the case that through the course of the restoration of the quarry and of Deep Dale that there will be a significant biodiversity enhancement that will continue to develop over the coming years and decades. It is therefore concluded that the proposals are acceptable with regard to their impact on ecology and biodiversity.

Impact on the Highway

100. The Transport Assessment (TA) which supports this application sets out that the proposed increase in the export limit is likely to result in between 2 and 3 additional HGV movements per hour. The existing number of traffic movements is the baseline for assessing the impact of the proposed increase in export tonnage. The TA was prepared in 2020, and was based on the previous 3-years of operator data (2017, 2018, 2019). On average, there were approximately 12,500 loads of product leaving the site each year, which equates to 25,000 HGV movements.
101. The TA made a technical assessment of the surrounding highway network, the junction/access connecting the site and the A6, traffic flows and recorded crash data. The assessment found that the junction was suitable and safe to accommodate an increased volume of HGV's entering and leaving the site, and that the surrounding road network itself had sufficient capacity to absorb the increase without an unacceptable impact.
102. Chelmorton Parish Council have raised concerns about HGV drivers following satnav's, which on occasion has resulted in large vehicles attempting to drive along Common Lane, through the village and then onto Pippinwell Road which is a single width track. The Parish Council states that in some instances, vehicles have become stranded. The Highway Authority have reviewed these comments and replied explaining that there had already been some work undertaken to rationalise the signage in the area and to remove some clutter making the remaining regulatory signing clearer. Contributory funding is welcome but not considered necessary for minor signage, and consideration should be focused on whether signage available under the Traffic Signs Regulations would actually provide a noticeable benefit, in addition to the its appearance in the National Park context.
103. The Highway Authority also commented that in their assessment of the proposals, the development would not result in a significantly adverse impact on capacity or safety in the area. It is noted that there are several operational quarries in the area, and it is not possible to easily identify from which of these quarries a HGV using these roads originated. As such, it is not considered reasonable to insist upon a contribution to highway maintenance from this individual operator. Officers are aware that appropriate signage is in place along the highways surrounding the village explaining the unsuitable

nature of the roads for use by HGVs in the village and the surrounding lanes as. Of particular relevance to the Parish Council's comments is the weight restriction sign at the junction of Common Lane and the 'Unsuitable for HGVs' sign at the junction of Phippenwell Road. The signage is clear and visible. It is considered that additional signage is unlikely to provide further benefit and given this context would constitute an unnecessary visual impact within the protected landscape. As such, it is not considered necessary or reasonable to require further signage or contributions from the operator in relation to highway maintenance. It is also worthy to note that extraction from Topley Pike is conditioned to cease at the end of 2025 which will reduce the risk of HGVs using the lanes in the vicinity of the village.

104. Policy T1 of the Core Strategy sets out the Authority's strategic approach to transport development in the National Park. Broadly, the policy seeks to encourage more sustainable transport outcomes that conserve and enhance the valued characteristics of the National Park. The proposals will allow a greater number of HGV's to enter and leave the site in a given year, which would normally be contrary to the protection of the valued characteristics of the National Park. In this instance, given there will be no increase in the overall volume of material to be exported from the site, it is considered that the proposals will not have an unacceptable impact on the tranquillity of the National Park. The increase in the permitted export annual limits may serve to bring the end date of quarrying at the site forward, which would be a material benefit to the National Park. The proposals are therefore not considered to conflict with the requirements of Policy T1.
105. Policy T4 sets out the criteria against which development of freight transport must be considered. The policy requires that development is related to the needs of a National Park based business, which Topley Pike Quarry is. The policy requires that the development be located in such a way as to avoid harm to the valued characteristics of the National Park. There is no realistic opportunity through this application to address the location of the development given minerals can only be worked where they are found and a pre-existing consent for extraction exists. The policy requires such development to be readily accessible to the strategic or secondary road network, which the application is given its immediate access to the A6. For these reasons the proposals are considered to broadly accord with the requirements for Policy T4.
106. The Highway Authority agree with the findings of the TA and have offered no objection to the proposals. The proposals to increase the annual export limit to 400,000 tonnes is therefore considered acceptable.

Cumulative Impacts

107. The Regulations make it clear that the EIA process needs to consider the cumulative impact of the proposed development with existing and potential surrounding developments and land uses. Policy DMMW6 of the Development Management Policies sets out the criteria against which the Authority must assess the cumulative impact of minerals development. The Authority must consider the existing operations on the site and in the locality, other impacts from existing or planned development, the setting of the site, and the off-site impact of any utility or infrastructure improvements necessary to serve the development.
108. The cumulative impacts of the continued operation of Topley Pike Quarry, has to be considered in the context of several significant quarries within a 5km radius. The Old Moor/Tunstead site to the north is a nationally significant limestone quarry and cement

plant, in addition to Hindlow Quarry and Dowlow Quarry which are both large aggregate sites, located to the south.

109. Given the number of large quarries within a 5km radius of the site, it is important for the Authority to assess whether there are any cumulative impacts that might be worsened by the proposed development.
110. The ES submitted with the application contains a detailed assessment of the successive, simultaneous and combined effects of the proposed development, which is the broadly agreed methodology for analysing combined impacts. Given the modest scale of the changes to the Deep Dale restoration programme and the slight increase in the number of HGV's entering/leaving the site, it is considered that the proposed variation of condition will not serve to cumulatively enhance any harmful impact relating to this quarry and the quarries nearby.
111. Officers have assessed planning records from the locality covering the period of time since the application has been submitted and agrees with the assertion made in the ES that there will be no unacceptable cumulative impact as a result of the proposals, thus satisfying the requirements of Policy DMMW6.

Consideration of Alternative Solutions

112. The EIA Regulations require the consideration of alternative development solutions. The core objective of this application is to agree the removal of the over-tipped material from Deep Dale, allowing its complete restoration. Officers consider there to be two possible alternative solutions, which are: leaving the over-tipped material in Deep Dale; or, removal of the over-tipped material from site for disposal at an appropriate waste facility.
113. Leaving the material in place would not allow the complete restoration of Deep Dale, which is considered to be harmful to the protected landscape and would be detrimental to the enjoyment and understanding of this natural valley feature for users of the footpath. Deep Dale is a SSSI and has a high degree of natural and scenic beauty. The complete restoration of the valley is considered by the Authority to be a priority outcome. Leaving the material in place would therefore be contrary to Policies GSP1, GSP2 and L1.
114. Removing the over-tipped material from site has a range of harmful impacts. The primary impact would be the additional HGV movements that would be generated to transport the 35,000m³, the carbon emissions and the disruption to the tranquillity of the National Park that would represent. The proposals to increase the permitted export limit would not impact the total volume of HGV's using the site, however, the removal of the tip material from the site would generate a number of new HGV movements that are considered unnecessary given there is an appropriate on-site means of disposal available.
115. The complete removal of the over-tipped material from site would generate a significant volume of additional HGV movements, above and beyond what has been permitted through the existing consent and from the proposed increase in annual export. This would result in emission of a substantial amount of addition carbon dioxide. The re-use of the over-tipped material in the land forming in the quarry void is considered to be a more sustainable outcome, subject to the Authority's satisfaction that the material does not pose an undue risk to the environment.

116. Policy CC3(e) of the Core strategy sets out the Authority's preference for construction and demolition waste to be re-used on site where ever possible. Whilst the quarry waste that has been tipped in Deep Dale is not construction and demolition waste, the principle of re-using available materials on site is still applicable to this application, and is considered to be a sustainable outcome that accords with the Authority's strategic and environmental objectives. As the potential threat to the hydrological environment has been thoroughly assessed, it is considered that using the material in the quarry void restoration process is a preferential outcome than removing all the tip material from site.
117. As such, it is concluded the placement of the material in the quarry void is the most sustainable and preferential outcome.

S.106 Heads of Terms

118. Should the Committee be minded to approve the application, a Deed of Variation to the existing S.106 will need to be signed by all the interested parties. The schedule of obligations will cover the following matters:
- Continued quarrying and associated operations and development;
 - Revocation of Existing Planning Permissions;
 - Maintenance of liaison committee;
 - Monitoring of water flows and quality in the River Wye.
119. The Deed of Variation is required to update the reference numbers for the plans, monitoring and mitigation strategies. The changes to the S.106 are considered to be minor and the agreement will mirror very closely the agreement that is currently in place.

Conclusion

120. The proposals for the use of the over-tipped material in the restoration process are acceptable in principle and represent a sustainable on-site use for a quarry waste material.
121. The testing regime that has been carried out on the over-tipped material has been agreed by the Environment Agency to be thorough and robust enough to conclude that the materials do not contain contaminants and pollutants that would represent an unnecessary risk the surrounding hydrological environment.
122. The proposals will allow Deep Dale to be returned its natural state, which will be a significant benefit and accords with the strategic objectives of the National Park.
123. The proposals to increase the annual export limit of the site from 250,000 to 400,000 tonnes are considered acceptable insofar as it will not represent an overall increase in the volume of mineral to be worked. The Highways Authority have raised no objection the additional HGV movements that will be generated as a result of the increase export limit.

124. The proposals are considered to accord with the policies of the Development Plan and the objectives of the NPPF. It is therefore recommended that the Committee approve this application subject to a Section 106 legal agreement and the final wording of the conditions outlined in this report.

Report Author – Rory Bradford, Minerals Planner