

## **6. FULL APPLICATION - DEWATERING PIPELINE AND NEW OUTFALL FROM BALLIDON QUARRY TO BLETCH BROOK (NP/DDD/0125/0066) RB**

**APPLICANT:** Tarmac Ltd

### **Proposal**

1. The proposals are for the installation and operation of a dewatering pipeline. The pipeline will allow for the discharge of ground and surface water from Ballidon Quarry into the Bletch Brook, approximately 2.6km south of the quarry.

#### **Installation and Restoration**

2. The pipeline will be laid in a trench, which will be backfilled with the excavated materials once the installation process is completed. The trench will be approximately 700mm deep, and will house the 300mm diameter high density polyethylene pipe.
3. A series of 4 settlement lagoons will be installed on the quarry floor, which will hold the water prior to its discharge into the pipeline. A concrete apron will be built where the pipeline meets the brook, with a 10m course of riprap (bank erosion protection) being installed downstream of the outfall. Following the completion of the quarrying operations at Ballidon, the settlement lagoons, outflow apron and riprap will be removed, but the submerged pipeline will be left in situ underground.
4. Where the route travels along the highway, the surface of the existing asphalt will be removed and disposed of at an appropriate licensed waste facility. Once the installation process is complete, a new road surface will be laid in accordance with the Highway Authority's criteria. The road works will be undertaken in accordance with the Highway Authority's regulations and licence.
5. A restoration/landscaping scheme has been submitted as part of the application. The scheme provides details of how any disturbed grasslands, verges and hedgerows will be re-planted. The proposed routing gives a 5m stand-off for the hedgerow that runs south through the two fields closest to the Brook. Where possible, turves will be cut in the field for immediate replacement following the backfilling of the trench. Where it is not possible to cut turves, a seeding mix has been proposed.
6. The two fields closest to the Brook have well preserved examples of medieval ridge and furrow land forming. The proposals are for the excavation of this section of the pipelines route to be conducted under the supervision of an appropriately licenced archaeologist. Following the completion of the installation process, the ridge and furrow landforms will be reinstated using the excavated material.

#### **Operation of the Pipeline**

7. The water to be discharged by the proposed pipeline will be a combination of ground water and surface water run-off that has been collected in the bottom of the working area quarry void, which is located in the western portion of the main quarry. The water will be pumped out of the void, up to the proposed settlement lagoons that will be installed in the eastern portion of the quarry, close to the existing natural quarry sump. The water will then pass through the lagoons to allow any suspended solids to be removed from the water prior its discharge.
8. Peak discharge rates from the pipeline will be 120 litres per second (l/s), which equates to 10,368 cubic metres per day (m<sup>3</sup>/d). There will be 3 separate pumps and valves that will give the operator full control over the rates at which the water is discharged. The pump

from the quarry void to the settlement lagoon, the valve at the top of the pipeline and the passively controlled one-way valve at the outfall of the pipe will ensure that the operator has complete control over the rates at which water is discharged into the Brook.

9. A water quality strategy and flood prevention strategy has been proposed which are designed to prevent contaminated water being discharged or quantities of water from being discharged at rates that would exacerbate flood risk during times of high rainfall and/or raised water levels in the Brook.
10. The proposed discharge of water requires an Environment Agency Discharge Consent under the Water Resources Act 1991, as amended by the Environment Act 1995. The operator already has the requisite licence, which has been submitted to the Authority in the course of determining this application. The licence has several stipulations relating to matters including water quality and flood risk prevention, inter alia, but ultimately allows for the discharge of up to 10,368m<sup>3</sup> a day with limits on the pH balance and the levels of suspended solids in any discharged waters.
11. In order to operate in accordance with the requirements of the discharge licence, the operator is proposing to install a suspended solids and pH monitoring system that will provide real-time data relative to the quality of the water in the settlement lagoons. In the event that there is a breach of either the suspended solids or pH limits, the valve controlling discharge of water from the lagoons to the pipeline will be closed until remedial action is taken and water quality is compliant with the Discharge Consent limits before discharge resumes. An automated data logger will be installed at the Gorsehill Farm culvert to monitor water levels in the Brook downstream of the outlet. The data provided from this logger will ensure the outflow from the pipeline is reduced to greenfield run-off rates in times of flood and discharge will be stopped entirely at times of extreme flood.

### **Site and Surroundings**

12. The route of the pipeline will run from the settlement lagoons on the quarry floor along the unnamed road that connects Ballidon village to the Parwich Road. It will then continue to travel south through a series of agricultural fields until it reaches the Bletch Brook. The area surrounding the site is generally undeveloped agricultural land, with gradually undulating topography.
13. The portion of the route closest to the Quarry and to Ballidon village is located within an Inner Zone Environment Agency Source Protection Zone, which is a designation designed to protect groundwater sources from contamination. A portion of the last field the pipeline is proposed to travel through is in Flood Zone 3, which is the highest risk level for flood events. The Flood Zone 3 designation continues downstream of the proposed outfall along the subsequent watercourses.
14. The pipeline travels along the road that passes through the Ballidon medieval settlement Scheduled Monument, which is a designation defined as being of the highest significance in the NPPF. The two fields at the southern end of the proposed route have well preserved examples of medieval ridge and furrow earthworks, which are reasonably prevalent in this area of the National Park but are scarcer on a national level.
15. The Bradbourne Mill Meadows SSSI is approximately 100m downstream at its nearest point from the proposed outlet. The Bradbourne Mill Meadows are a seasonally inundated floodplain grassland, and is a nationally important site because of the communities of species closely associated with regular hay meadow management on damp floodplain soils.

**RECOMMENDATION:**

16. That the application be approved subject to a Section 106 legal agreement. Permission is being sought for officers to agree a final schedule of conditions under the following headings:

- i. **Compliance;**
- ii. **Timeframes;**
- iii. **Approved Plans;**
- iv. **Pre-commencement Conditions (covering construction management plan; ecology, arboriculture and archaeology);**
- v. **Highway safety and management;**
- vi. **Environmental & Amenity Controls**
- vii. **Ecology;**
- viii. **Biodiversity Net Gain, as per Schedule 7A of the Town and Country Planning Act (1990);**
- ix. **Archaeology;**
- x. **Water Quality and Discharge Management;**
- xi. **Restoration and aftercare;**
- xii. **Annual Site Monitoring.**

17. **Key Issues**

18. Is the proposed development in accordance with the policies of the Development Plan?
19. Will the development have an unacceptable impact on the protected landscape of the National Park?
20. Will the development have an unacceptable impact on the risk of flood events, or be detrimental to the water quality of the Bletch Brook and subsequent watercourses and dependant ecological receptors and designations?
21. Will the proposals have an unacceptable impact on the well-being or amenity of local residents or visitors to the area?

22. **Background**

23. Ballidon is a relatively large quarry in the context of the National Park. The site produces high-purity limestone that is an important material for a wide range of chemical and industrial products. The site currently has consent to keep operating until 2035, with the site to be restored no later than 2036. The site has an output limit of up to 1.1 million tonnes per annum.
24. In recent years the site's operator has had a significant problem with ground water levels, which have remained consistently high despite efforts to de-water the working area of the quarry void. The current method used on site is to pump the water from the deepest areas of the western quarry working area to a natural fissure in the rock in the east of the quarry. The operator has recently undertaken an investigative programme of dye testing to establish where the water has been discharged to through the sump. The findings were that a portion of the water being discharged through the natural sump was being recirculated into the quarry void, thus making it very difficult to drain a sufficient volume of water to access the permitted reserves.
25. The water levels in the quarry void naturally fluctuate with changes in the ground water table and with environmental factors like periods of high rainfall. This has meant that for a number of years, a significant portion of the deeper permitted reserves have been inaccessible because of the water levels. This has meant the operator has had to

deviated slightly from the agreed phasing plans for the extraction process to access mineral that is higher in the working area.

26. The proposals are submitted as a potential solution to achieve the effective and efficient dewatering of the quarry to allow the deeper reserves to be won and worked within the remaining timeframe of the operation.
27. The Environment Agency have already granted the operator a license to discharge 10,368m<sup>3</sup> a day into the Bletch Brook from the proposed outfall. Other relevant stipulations attached to the consent are:
28. A sample point is installed in the settlement lagoons, that all water to be discharged through the pipeline must pass through, and that the operator must provide safe access to the sample point at all times;
29. The operator must maintain records of flow-rates to a standard agreed by the Agency, and must make those records available to the Agency when requested;
30. Discharged waters must not contain more than 100milligrammes per litre of suspended solids;
31. Discharged waters must not have a pH balance of less than 6 or greater than 9;
32. The site and facilities must operate to prevent discharged water from containing any trace of visible oil or grease, so far as is reasonably practical;
33. The facilities and equipment will be maintained in good working order. In the event of an unavoidable mechanical or electrical breakdown, the Agency will be informed as soon as is practicably possible;
34. The facilities and equipment shall be “desludged” at sufficient frequency and in such a manner as to prevent excessive carryover of suspended solids;
35. The operator shall maintain records of all programmed maintenance and all non-routine actions undertaken that may have adversely affected the quality of the discharged water. These records shall be made available to the Agency upon request;
36. The discharge of water shall be done in such a way as to prevent any scouring of the banks or bed of the receiving watercourse.

### **History**

37. This application is a re-submission of an application for a discharge pipeline that was approved by the Authority in 2009.
38. **NP/DDD/0708/0596** – Planning application for the discharge of ground water from the working area via a pipeline into the Bletch Brook. Conditionally Approved in 2009.
39. Conditions attached to this consent included, inter alia: A requirement for the re-instatement of the ridge and furrow earthworks in the fields adjacent to White Meadow Farm; No rising of ground levels within Flood Zone 3 areas; pre-commencement condition requiring the submission of detailed water monitoring and testing methodology.
40. **NP/DDD/0411/0315** – Application to amend the southern 390m stretch of dewatering pipeline permitted under NP/DDD/0708/0596 between Ballidon Quarry and the Bletch Brook. Conditionally approved in July 2012.

41. This application was required to remedy a discrepancy between the outfall location approved under NP/DDD/0708/0596 and the outfall location required by the Environment Agency's discharge consent. The new outfall location approved by this consent required a minor re-routing of the pipeline through the field south-west of White Meadow Farm.
42. This consent was not implemented within the 3-year timeframe imposed by Condition 1 of the permission. The consent for the pipeline has now lapsed.
43. **NP/DDD/0616/0542** – Application for installation of a dewatering pipeline to discharge into the Bletch Brook. Submitted in June 2016 but was then subsequently withdrawn in September 2016.
44. The quarry is currently operated under two consents: **NP/DDD/0715/0618** and **NP/DDD/0715/0619**. Both consents have a deadline of 31<sup>st</sup> December 2035 for the cessation of quarrying activities and a deadline of 31<sup>st</sup> December 2036 for the completion of the restoration process.

45. **Consultations**

46. Highway Authority – No objection providing: the pipeline is laid as close to the edge of the carriageway as possible; the highway is reinstated to the satisfaction of the Highway Authority; and, vehicular access is maintained along the road during the works. The response contains 5 informatives that the operator should note in the event that consent is granted for the development.
47. Derbyshire County Council Lead Local Flood Authority – No objection in principle. Conditions recommended to be included with a consent are: No development to take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site is submitted and approved; No development to take place until a detailed assessment to demonstrate that the proposed destination for surface water accords with the drainage hierarchy set out in Paragraph 56 of the planning practice guidance has been submitted to and approved by the Authority; and, Prior to commencement of the development, the applicant shall submit for approval to the MPA details indicating how additional surface water run-off from the site will be avoided during the construction phase.
48. The LLFA also provided comments in response to concerns raised by members of the public for the safety and conservation of Listed Buildings downstream of the proposed outfall. The LLFA agreed with the conclusion of the Hydrological Assessment provided by the applicant that the velocity of the watercourse would not be increased as a result of the proposals and so therefore there will not be an enhanced risk of river bank erosion. The LLFA also replied to concerns raised by residents about the possible impact the proposals would have on the Tissington Ford that crosses the Bradbourne Brook, and agreed with the applicant's assessment that the proposed discharge of water into the brook would not have an unacceptable impact on the frequency with which the ford becomes unpassable.
49. Environment Agency – The application falls outside of Agency jurisdiction because the proposed outfall is located over 4km upstream of the head of a Main River and so deferred comment on flood risk to DCC LLFA. The Agency recommend an 8m easement is provided between the pipeline and the top of the bank of the water course. They also recommend that: the angle of the outfall should be between 45-60 degrees to the direction of flow; the headwall, wingwall and apron should be kept 1.5m away from the bank edge; ideally the height of the headwall should not be more than 75% of the height

of the bank; the gradient of the outfall pipe through the headwall should be less than 1:50; applicants to consider a swale like feature from the headwall to the river. These comments were later clarified by the EA as not being relevant to this ordinary watercourse, but would be relevant to developments affecting major rivers. The EA agreed that these requirements would not be practicable or necessary for this type of development in relation to a minor watercourse.

50. Natural England – No objection based on the clarification provided from the applicant's hydrological consultants that the levels of suspended solids and pH in the discharged water will not breach the limits set out in the EA's discharge permit.
51. PDNPA Built Environment – Responded with no comment.
52. PNDPA Ecology – Agreed that the updated BNG metric is acceptable. A condition to be attached to the consent must require the submission of a detailed BNG Plan, as per the requirements of Paragraph 13(1), Schedule 7A of the Town and Country Planning Act (1990). The off-site BNG uplift must be secured with a legal agreement and be registered with Natural England, which must happen before the BNG Plan can be discharged.
53. PDNPA Archaeology – Sufficient information has been provided to justify the permanent harm that would be caused to the heritage asset (ridge and furrow earthworks). Conditions required to mitigate harm and to secure the reconstruction and reinstatement of ridge and furrow earthworks. Conditions should cover:
  54. Archaeological mitigation: pre-commencement analytics of earthworks; Watching brief during installation process; Watching brief during reinstatement of affect sections of ridge and furrow; resurvey of earthworks following reinstatement of ensure accuracy; Provision for further surveys following any remedial works until successful restoration to baseline condition achieved.
  55. Construction Methodology: To include details of machinery required, how the excavation will take place, including use of lower impact methods where possible; Details of access routes and corridors to minimise wider impact; Soil separation; Construction timing and ground conditions to ensure work does not take place in wet conditions; How reconstruction and reinstatement will take place; How recreated earthwork profile will be achieved; methodology explain how remedial works will be carried out in the event of slumping, settlement o compaction; proposed seeding mix so vegetation on restored land matches; Monitoring scheme to be agreed with the Authority to ensure long-term restoration of earthworks is successful; Provision for further works should any remedial works be required.
56. DDDC Environmental Health – Responded with no comment.
57. Ballidon and Bradbourne Parish Council – Object to the proposals. Concerns centred around the impact on flood risk and the increased risk of high rainfall events due to climate change, impact on ecology, and concern that approving the application would set a dangerous precedent for other quarrying operations to override environmental protections.
58. Specific properties are named which are downstream of the outfall and have been flooded in the last 2-years. Concern is also raised about the impact the proposals would have on the Tissington ford, where three vehicles have become stranded since 2023.
59. Parwich Parish Council – Do not make comment on the acceptability of the application, but ask that the risk or impact of any diverted traffic through Parwich, either as a result of the installation process or as a result of flooding, is minimised.

**60. Representations**

61. The Authority has received six representations from members of the public, all of whom object to the proposals. The reasons for objecting are summarised as follows:
62. Flood risk. Several of those who have made representation live in properties close to the watercourses downstream of the proposed outfall. Concern is raised that recent changes in climactic conditions have resulted in several flood events which they are worried will be exasperated by the proposed discharge of water into the Bletch Brook.
63. Impact on historic fabric of listed buildings. Concern is raised that an increase in flow rates in the Brook could impact the foundations or historic fabric of Listed Buildings.
64. Water quality. Concern is raised that water discharged from the quarry will be contaminated and will have a detrimental impact on river habitats and the Bradbourne Meadows Mill SSSI.
65. River bank erosion.
66. Impact on highways downstream of outfall that would be impact by increased flood risk.
67. Unacceptable precedent for the over-riding of environmental considerations set to other quarry operations and industrial development.
68. Harmful impacts on business and tourism if holiday cottages flood and the Tissington Ford becomes unpassable.
69. Representations were also received from Fish Legal and Leek and District Fly Fishing Association. Both organisations object to the proposed development, citing the harmful impact that contaminated water and increased water flows could have on ecological receptors downstream of the proposed. Key species including Wild Brown Trout, Grayling, Otters, Water Voles and White Clawed Crayfish are listed as being at threat as a result of the proposals. Fish Legal recommended that if consent is granted for the development, conditions be attached that require: i) compressive metering of discharge levels; and, ii) a condition requiring any changes in quarrying practice to be subject to a further planning decision.
70. Concern is also raised for the works that have been undertaken to create supportive habitats for juvenile fish, including the installation of willow bunds and hinged marginal covers which provide shelter from predators and strong currents as well as encourage natural breeding. The organisations are concerned that any increase water flow as a result of the proposals could damage these delicate habitat structures.

**71. Main Policies**

72. Relevant Core Strategy policies: GSP1; GSP2; DS1; CC1; L1; L3;
73. Relevant Development Management policies: DM1; DMC1; DMC3; DMC6; DMC10; DMC12; DMC14; DMMW1; DMMW2; DMMW3; DMMW8.

### National Planning Policy Framework

74. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. The most recent version to the NPPF was published in December 2024.
75. The relevant paragraphs of the NPPF to this application are considered to be:
76. Paragraph 48 states that planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
77. Paragraph 164 states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaption measures, including through incorporating green infrastructure and sustainable drainage.
78. Paragraph 170 states that inappropriate development in areas at risk of flooding should avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
79. Paragraph 173 states that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding.
80. Paragraph 174 states that within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test.
81. Paragraph 177 states that having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding, the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.



82. Paragraph 178 states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test, it should be demonstrated that:
- i. The development would provide wider sustainability benefits community that outweigh the flood risk; and
  - ii. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
83. Paragraph 179 states that both elements of the exception test should be satisfied for development to be allocated or permitted.
84. Paragraph 181 states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flood where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- i. Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - ii. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - iii. It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - iv. Any residual risk can be safely managed; and
  - v. Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
85. Paragraph 182 states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposals. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:
- i. Take account of advice from the Lead Local Flood Authority;
  - ii. Have appropriate proposed minimum operational standards; and
  - iii. Have maintenance arrangements in place to ensure an acceptable standard for the lifetime of the development.
86. Paragraph 187 states that planning decisions should contribute to and enhance the natural and local environment by (inter alia):
- i. Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - ii. Recognizing the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services;
  - iii. Minimizing impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species;
  - iv. Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water

quality, taking into account relevant information such as river basin management plans.

87. Paragraph 189 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes 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.
88. Paragraph 190 states that when considering applications for development within National Parks, the Broads and National Landscapes, 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:
  - i. 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;
  - ii. The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - iii. Any detrimental effects on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
89. Paragraph 193 states that when determining planning applications, local planning authorities should apply the following principles (inter alia):
  - i. 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;
  - ii. 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;
  - iii. 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.
90. Paragraph 202 states that Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
91. Paragraph 207 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest,

local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

92. Paragraph 208 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
93. In the National Park the development plan comprises of the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.

### **Assessment**

94. Section 70(2) of the Town and Country Planning Act 1990 (as amended) states that planning applications should be determined in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
95. The NPPF is a material consideration in the determination of planning applications. The relevant paragraphs of the Framework have been included in the assessment below.

### **Major Development**

96. The first issue to be considered in the determination of this application is whether the proposed development constitutes major development, as that would have a direct impact the principle of the development.
97. Policy GSP1 states that in securing National Park purposes major development should not take place within the Peak District National Park other than in exceptional circumstances.
98. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that the definition of major development includes the winning and working of minerals and any development with a site area of 1 hectare or more.
99. Although the proposed pipeline is inextricably linked to the operation of Ballidon Quarry, the installation and use of a dewatering pipeline is not the direct operation of winning and working minerals, and the proposals would not result in any increase to the permitted volume of mineral that has previously been consented for extraction. Therefore, the proposed development does not qualify as major development in this regard.
100. The Authority agreed with the applicant that the site area covered by the red line of the Site Location Plan is 0.95ha, with the trigger for Major Development being at a threshold of 1ha. However, the legislation states that National Parks are a "sensitive area" and so the thresholds do not apply and Authorities need to make a decision on a case-by-case basis. The settlement lagoons would be located within the existing quarry complex and therefore not considered to represent a significant change to the landscape or amenity in that context. Impacts derived from the construction of the pipeline itself will be minor and short lived due to their temporary nature. Impacts that would arise can be suitably mitigated through the implementation of planning conditions. Given the consultation

responses from experts and specialists, the flood risk and water quality mitigation strategy is considered to suitably prevent and limit any wider potential impacts of the development such that they are not of a level which may be considered to constitute major development.

101. The Authority under-took a screening exercise when the application was submitted and concluded the proposals did not meet the threshold or criteria set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and so is not EIA development.

102. The proposal is therefore considered to be a minor development and the major development tests are not applicable in the determination of this application. The proposals therefore do not conflict with the strategic objectives of Policy GSP1.

103. Principle of the Development

The dewatering pipeline is required to facilitate the continued operation of the quarry in accordance with its approved working strategy to enable existing consented reserves to be extracted.

104. The development of the dewatering pipeline is not an ancillary operation in the sense that it is needed in order to process the mineral that is won and worked on site and as such Policy DMMW8 does not apply in that context. However, it is an essential ancillary development for the continued effective operation of the site. As the proposals would not increase the volume of permitted reserves or extend the life of the quarry beyond that which has already been consented, it is not necessary to assess the proposal in the context of Policy MIN1. The quantity of reserves and the life of the quarry have already been established by previous consents. Thus, it is pertinent to consider only the impacts of the proposed construction and operation of the pipeline as proposed by this application against the relevant policy criteria. Consequently, should those impacts be deemed acceptable, the quarry would be able to continue to operate under its existing consent.

105. The proposed installation and operation of the dewatering pipeline is inextricably linked to the continued quarrying of the high-purity limestone that is won and worked on site. Over recent years the site operator has had continued issues with surface and ground water levels essentially sterilising the lower benches of the permitted reserves, which the existing dewatering strategy has been not been capable of resolving. The current dewatering strategy is to pump water from the working void in the western quarry and the sump in the northern quarry (known as Woodbarn Quarry) into a soakaway drain in the eastern portion of the main quarry floor. Although the complete dispersal pattern of the soakaway is not known, a dye-testing exercise conducted in winter 2024 identified that some of the water being drained into the soakaway was being circulated back into the quarry sump. This has led to some minor deviation in the working strategy to access higher “dry” mineral while the water levels have been too high to access the reserves at depth.

106. Regardless of whether the soakaway is circulating water back into the quarry sump, it has been observed through officers regular monitoring of the site that the water levels in the lower portions of the working area are a significant and reoccurring problem, which is a clear indication that the current drainage strategy is not sufficient to allow for the effective operation of the site.

107. The installation and operation of the dewatering pipeline is considered to be a critical but ancillary development to the operation of the quarry. The proposals are for the surface level infrastructure (i.e. the settlement lagoons and outfall apron) to be removed during the restoration of the quarry, meaning there will be no visible legacy of the pipeline following the cessation of the winning and working of the mineral. The proposals are

therefore considered to accord with the principles and overarching objectives of Policy DMMW8, despite not neatly fitting into the scope of the policy.

108. Paragraph 222 of the NPPF states that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods the country needs, and that since minerals are a finite resource that can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
109. Paragraph 224 states in the determination of planning applications great weight should be given to the benefits of mineral extraction, including to the economy. In considering proposals for mineral extraction should consider, inter alia:
- i. As far as is practical, provide the maintenance of landbanks of non-energy minerals from outside National Parks;
  - ii. Ensure that there are no unacceptable adverse impacts on the natural and historic environment.
110. Paragraph 227 states that MPA's should plan for a steady and adequate supply of industrial minerals by, inter alia:
- i. Co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support likely use in industrial and manufacturing processes;
  - ii. Encourage safeguarding or stockpiling so that important minerals remain available for use;
  - iii. Maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant.
111. These three paragraphs of the Framework, when read in conjunction, clearly indicate that great weight should be afforded to the proposed development which will allow the complete extraction of important industrial grade limestone from the site. In the 2023 Aggregate Minerals Survey for Great Britain (AM2023), which is the most recent nationwide survey conducted on general quarry production rates including non-aggregate minerals which includes high-purity limestone, it was found that the East Midlands region accounts for 73% of permitted reserves of industrial grade mineral. The report also found that the Peak District National Park is a major exporter of crushed rock (which includes industrial grade limestone), providing circa 40% (2.9million tonnes) of crushed rock quarried from National Parks. The survey also highlights that Derbyshire in general is of strategic importance for the national supply of industrial grade limestone. The survey found that the East Midlands region sold 9 million tonnes of non-aggregate limestone in 2023, meaning that the Peak District National accounted for approximately 33% of the regions production. These figures demonstrate the strategic importance of high-purity limestone production from Derbyshire, which weighs heavily in favour of approving the proposed development to ensure a steady supply is maintained from Ballidon Quarry.
112. The objectives of the Framework, the strategic importance of Derbyshire in the supply of industrial grade limestone, and the fact this application seeks to make already permitted reserves accessible to the site operator all weigh heavily in favour of granting consent in principle for the development, subject to the satisfaction of environmental, heritage, landscape and amenity considerations.

### Flood Risk

113. The Environment Agency have granted a license for the discharge of up 120 litres a second, which equates to 10,368 cubic metres a day, into the Bletch Brook. This means that it is incumbent on the Authority, in consultation with the Lead Local Flood Authority

(LLFA), to carefully assess the potential impact on the risk of flood events occurring downstream of the proposed outfall as a direct result of the proposals. The banks of both the Bletch Brook and the Bradbourne Brook (which is the water course after the confluence of the Bletch Brook and the Havenhill Dale Brook, downstream of the proposed outfall) have flood zones that are designated as high and medium risk of surface or fluvial flooding, as prescribed by the EA's data base.

114. Policy CC5 states that development which may have a harmful impact upon the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk will not be permitted.
115. Derbyshire County Council are the LLFA for this application, and they have provided a consultation response on both the originally submitted documents and have provided a secondary response to some of the concerns raised by the community with regard to the validity or accuracy of the flood risk assessment provided by the applicant's hydrological consultants. The LLFA's expert advice is that the proposed discharge of water into the brook will not cause an unacceptable increase in the risk of flooding downstream, subject to the inclusion of the proposed monitoring and mitigation strategy.
116. The mitigation and monitoring strategy will see the installation of an automated data logger that will record the water level in the Gorsehill Farm culvert, approx. 100m downstream of the proposed outfall, which will provide the operator with real-time accurate bank flow levels. This means that the volume of water being discharged can be reduced to green-field run-off rates or stopped completely at times when the brook is experiencing a flood event. This means that the operation of the pipeline can be adaptively controlled during high-rainfall weather events, and will therefore not enhance flood risk.
117. The proposals are for the discharge from the pipeline to be slowed to greenfield run-off rates during events of flood and shut off completely in the event of an extreme flood. The LLFA have advised that flood events for this watercourse should be categorised as when the brook is at full capacity and begins to over-top, and extreme flood events are when there is a risk of property flooding. The LLFA have advised that they are satisfied that there will be no additional or unacceptable increase in flood risk provided this reduction in discharge rates is adhered to.
118. Should the Committee be minded to approve the application, a condition will be attached to the consent to ensure that the proposed instruments to monitor water levels downstream of the Brook are installed prior to the commencement of the dewatering process and are maintained in good-working order or replaced as a priority in the event of failure or breakage during the course of the de-watering operations. A condition will also be applied to require strict compliance with the discharge reduction/flood risk strategy approved by the LLFA.
119. The proposals are therefore assessed as not posing any additional threat of flood risk to sensitive receptors, buildings or communities downstream of the outfall, and so therefore compliant with policy CC5.
120. Paragraph 173 of the NPPF states that a sequential test should be undertaken for individual applications in areas known to be at risk now or in the future from any form of flooding. The Planning Practice Guidance (PPG) identifies water transmission infrastructure as "water-compatible" development (Annex 3: Flood Risk Vulnerability Classification), and Table 2 (Paragraph: 079 Reference ID: 7-079-20220825). Furthermore, the PPG states that the application of a sequential test should be proportionate to the vulnerability of the proposed development and the likelihood of it being impacted by surface or ground water flooding. This paragraph goes on to state that "Where a site-specific flood risk assessment demonstrates clearly that the proposed layout,



design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied” (Paragraph: 027 Reference ID: 7-027-20220825). Given the minimal surface level-built development that will be located in Flood Zone 2 and 3 next to the river (i.e. the concrete outfall apron), the expert advice from the LLFA and the recommendations made in the PPG, it is considered that the development would have a negligible impact on any potential future flood events and so a sequential test is not necessary in this instance.

121. Paragraph 181 of the NPPF states that development should not increase flood risk elsewhere and that where appropriate a site-specific flood risk assessment should be submitted to support applications. It is also stated that development should only be permitted where in light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that, inter alia:

- i. The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- ii. It incorporates sustainable drainage systems;
- iii. Any residual risk can be safely managed;
- iv. Safe access and escape routes are included where appropriate.

122. Several of the representations received by the Authority have cited concerns on the impact the increased flow rates in the watercourse will have on the ford that crosses the Bradbourne Brook (which is the name of the watercourse after the confluence of the Bletch Brook and the Havenhill Dale Brook), approximately 650m downstream of the proposed outfall. The Hydrological Assessment submitted by the applicant identifies that the ford is regularly impassable to vehicles at times where the watercourse is not in flood elsewhere, which is a comment mirrored by many of the objectors that have submitted letters on the proposed development.

123. The Hydrological Assessment states that during normal summertime flow-rates, the additional water discharged from the proposed pipeline will raise the water-depth at the ford from its current average of 17cm to 21cm, an increase of 7cm. The recommended safe wading depths for vehicles are between 0.2m to 0.3m, meaning that the increased average water-depth in the ford will still be within an acceptable range.

124. It is the case that the ford is impassable to cars during times where the rest of the watercourse isn't in flood, as identified by the hydrological assessment. The reduction in discharge rates from the pipeline will only be triggered in flood events being reached in the Bletch Brook. This means that there is a possibility of the ford being made impassable more regularly as a result of the proposals. The LLFA agreed with the applicant's hydrological assessment that during the average summertime flow, the impact of the additional water discharged into the brook will not impact the possibility of the ford. The number of times the ford is impassable will be primarily impact by climatic and weather events, with the discharge from the pipeline being a minor contribution factor that will only occur when water levels in the brook are high but not in flood, which the LLFA have deemed to be acceptable.

125. The expert advice provided by the LLFA is that, subject to strict adherence to the monitoring and mitigation strategy, the proposed installation and operation of the pipeline will not increase the risk of flooding downstream of the outfall, and therefore satisfies the requirements of Paragraph 181.

126. It is concluded, therefore, that the proposals will not increase the risk of flooding downstream of the proposed outfall, the development site itself is not vulnerable to the risk of flooding, and that the proposals are in accordance with the requirements of Policy CC5

and the relevant paragraphs of the NPPF. The proposals are considered to be acceptable with regard to their impact on flood risk.

#### Landscape Impact

127. The National Park is a protected landscape and so the visual impact of development is a critical factor for the Authority to consider when determining planning applications. The protection of the landscape in the National Park is a priority objective in legislation, national policy and the Authority's Development Plan.
128. Paragraph 189 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. The scale and extent of development within designated areas should be limited, while development within the National Parks setting should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.
129. Policy L1 of the Core Strategy states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics. Policy GSP2 of the Core Strategy states, inter alia, that all development must be consistent with the National Park's legal purposes and duty and that where National Park purposes can be secured, opportunities must be taken to contribute to the sustainable development of the area.
130. When read in combination, it is clear that the national and local policy context and the legislative framework mean that the National Park's landscape has an extremely low threshold of sensitivity for harmful impacts by development.
131. The proposals are for the development of a below ground pipeline with the ground above it to be restored immediately after installation. Where the route of the pipeline runs under roads, the carriageway will be reinstated using materials that meet the Highway Authority's requirements. Where the pipeline runs through fields and hedgerows, the trench will be back filled using the excavated soils and will be re-seeded with an appropriate mix of native grassland species, which will mean that once the restored land has revegetated there will be no visual legacy of the installation process. The small 1m wide portion of hedgerow and bankside vegetation that will be removed during the installation process will be replaced with appropriate native species, which will mean that any visual impact will be temporary. For these reasons it is considered that the vast majority of the development will have no harmful landscape impact subject to adherence to an appropriate restoration scheme, notwithstanding the temporary impacts of the installation operation and the time it will take the restored land to revegetate.
132. There are two elements of the development that will be above ground level, which are the settlement lagoons on the eastern portion of the quarry floor and the concrete outfall apron which will be located on the river bank. These elements of the pipeline infrastructure are subject to a proposed restoration scheme and will be removed once no longer required to facilitate mineral extraction.
133. The settlement lagoons will be a series of 4 ponds, each with a 30m x 15m surface area and will be 5m deep. The lagoons will be surrounded by a 1.5m high permitter bund built from waste mineral from within the quarry. This element of the development will be shielded from view from most public vantage points outside of the quarry due to the lagoons proposed position on the eastern side of the main quarry floor. The lagoons will only be seen within the visual context of the quarry. It is therefore considered that the lagoons will not have a detrimental impact on the wider landscape outside of the quarry during the operational life of the quarry and the pipeline. The lagoons will be dismantled



following the cessation of quarrying operations and will be restored in accordance with the final restoration plan approved under NP/DDD/0715/0618 and NP/DDD/0715/0619, which shows this portion of the quarry being restored to grassland with occasional scrub planting. The removal of the settlement lagoons following the cessation of quarrying operations can be conditioned to ensure they are removed as part of the restoration process.

134. The concrete outfall will be located on the bank of the Bletch Brook, which will require the removal of a small section of the scrub vegetation. The concrete outfall will be cut into the bank and the apron will be mostly submerged under the water course. A metal handrail will be installed around the lip of the outfall for safety reasons. The brook bank is a more visually sensitive location due to the undeveloped nature of the brook and its surroundings, and due to the fact that Bradbourne Public Footpath no.2 runs in close proximity through the field immediately north of the outfall.
135. Once the installation process has been completed, the surrounding bankside vegetation will start to reestablish in a matter of months, which will serve to lessen the visual impact. The metal handrail and the top of the concrete outfall will remain visible through the operational life of the quarry, up until the point that it is removed as part of the restoration process. Whilst the structure will be an alien structure in the otherwise undeveloped bank of the watercourse, it will be a very small-scale intrusion that will only be visible from the closest parts of the footpath, with only a small portion of the concrete apron and handrail visible. The concrete apron and handrail will be removed following the cessation of quarrying activities, which will be required by condition.
136. The overall installation process will have a minor, temporary and localised visual impact. The temporary nature of the impact will be mitigated by the immediate restoration of the pipeline route which will be required by condition. This aspect of development is considered to be operationally unavoidable in the delivery of a more effective de-watering strategy.
137. The small scale, localised and temporary harm of the proposed development is considered to be outweighed by the benefits provided by the application to allow the effective winning and working of the previously consented high purity limestone from within the quarry, which is given great weight by the NPPF.

#### Ecology and Biodiversity Net Gain

138. Policy L2 of the Core Strategy states that development must conserve and enhance any sites, features or species of biodiversity importance and where appropriate their setting. Development will not be permitted where it is likely to have an adverse impact on any sites, features or species of biodiversity importance or their setting that have statutory designation, other than in exceptional circumstances.
139. Policy DMC11 of the Development Management Policies states that development should aim to achieve gains to biodiversity. In considering whether proposals conserve and enhance sites, features or species of wildlife importance, all reasonable measures must be taken to avoid net loss by demonstrating that in the below order of priority, the following measures have been taken into consideration:
  - i. Enhancement proportionate to the development;
  - ii. Adverse impacts have been avoided;
  - iii. The “do nothing” option and alternative sites cause less harm;
  - iv. Appropriate mitigation; and,
  - v. In rare cases, as a last resort, compensation measures to offset loss.

140. The policy also goes on to say that details of appropriate safeguards and enhancements for sites, features or species of nature conservation importance must be provided. Development will not be permitted if applicants fail to provide adequate or accurate detailed information to show the impact of development on these receptors.
141. Finally, the policy requires for all sites, features and species, development proposals must consider the cumulative impacts of other developments or proposals, and the setting of development in relation to other features of importance.
142. Policy DMMW3 of the Development Management Policies relates to the impact of minerals development on the environment. Whilst the proposals aren't for the primary winning and working of mineral, the dewatering of the quarry is inextricably linked to the continuation of quarrying operations and so this policy is considered to be relevant. The policy states that minerals development will only be permitted where the impacts on the environment are reduced to an acceptable level or eliminated, particularly in relation to, inter alia:
- i. The risk and impact on environmental receptors, including from any pollution;
  - ii. Any potential effects on groundwater, rivers or other aspects of the water environment.
143. When read in conjunction with the relevant paragraphs of the NPPF, it is clear that the policies of the Development Plan require this development to demonstrate that ecological receptors will not be adversely affected by the installation or operation of the pipeline, and that proportionate biodiversity enhancements are required in order for the proposal to be acceptable.
144. The impact of the installation phase of the development will only affect a very limited area of habitat along the route of the proposed pipeline. There will be no impact on ecology as a result of the works on and under the highway leading south from the quarry, subject to the careful storage and timely removal of waste materials which will be required by way of a condition. The fields the pipeline passes through are semi-improved agricultural grassland with limited ecological value, and there will be no meaningful long term ecological impacts on this portion of the route following the re-seeding process once the trench is back-filled. There will be a 5m stand off from the hedgerow and trees on the western side of the pipeline as it travels the northern portion of the field system, to prevent impact of plant and machinery during the installation process.
145. There are two sensitive habitat receptors that will be impacted by the installation, which include a the 1m wide portion of hedgerow at the southern end of the field system and the vegetation on the bank of the water course that will need to be cleared to make way for the concrete outfall.
146. An area of 10m x 10m of the bankside non-native scrub planting will need to be removed prior to the installation of the outfall. The ecological survey of the site identified this area as being non-native ornamental species which have a more limited ecological value than native species. The stripped vegetation here will be replaced by native riparian shrub planting in the first planting season following completion of the installation process. The rip-rap that will be installed downstream of the outfall will provide a section of rugged stream bed that will provide a selection of sheltered regeneration niches that will benefit a variety of aquatic species. These measures will ensure that an ecological benefit for the site is provided quickly after the installation process is completed. A detailed final plan and methodology relating to the removal of the concrete outfall following the cessation of quarrying activities will be required by way of a condition to ensure the bankside is restored in line with the objectives of nature recovery and ecological gains.

147. The portion of hedgerow that will be removed during the installation process is approximately 1m in width. The removed hedgerow will be replaced by native species planting following completion of the installation process. Should the committee be minded to approve the application, a condition will be applied to the consent preventing any works affecting the hedgerow taking place during breeding bird season.
148. The Authority's Tree Officer has recommended a condition be added to the consent which requires submission of an arboriculturally survey and method statement. There are several trees of value in close proximity to the route of the pipeline. The impact on these trees adjacent to the highway can be minimised by routing the pipeline on the other side of the road to the tree in question. The consultation response from the Tree Officer stated the 5m standoff from the vegetation on the western boundary of the southern fields should be sufficient to avoid any significant harm to the medium sized trees located close by. There is one specific tree in the southern fields that is larger and possibly is of higher arboricultural value. The protection of this tree may require a more specialist, low impact installation method to ensure its root network is protected. The requisite tree survey and method statement will be attached to the consent as a pre-commencement condition, if the Committee are minded to approve the application.
149. The proposed route of the pipeline is considered to minimise the amount of vulnerable or valued habitats that will be impacted as a result of the installation process, with any affected habitats being replanted with appropriate native species during the next available planting season. The replacement of the non-native species and creation of varied river-bed habitats is considered to be an ecological enhancement that is proportionate to the impact of this aspect of the development and so is considered to meet the relevant criteria of Policies L2, DMC11 and DMMW3.
150. The proposed development triggers the need to provide a statutory biodiversity net gain, as per the requirements of the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), and is not covered by the exemptions set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Therefore, a minimum of a 10% increase in biodiversity value above the site's pre-development state is required.
151. The applicant has offered a scheme of off-site gains, which is considered to be suitable given the limited floorspace the development covers and the need for the fields to be reinstated as agricultural grassland. The off-site gains will be provided on land that the operator controls, on the western boundary of the main quarry.
152. The gains will be provided by creating and managing a 2m wide strip of species rich tall herb conservation grassland on the western edge of an agricultural field, west of the main quarry, within the applicant's ownership. The submitted BNG metric calculations suggest an overall up-lift of 185.95% of habitat units through off-site provision, and an up-lift of 69.52% of watercourse habitat units.
153. For the reasons set out above, including the biodiversity net gains off-site provision, the proposals are considered to minimise ecological impacts on the most sensitive elements of the project and offers proportionate enhancements that will benefit the habitats on and around the site, in broad accordance with the requirements of Policies L2, DMC11 and DMMW3. The biodiversity gains will be secured through a Biodiversity Gain Plan (BGP) required by condition and a Section 106 legal agreement given the need for 'off-site' provision.

#### Water Quality

154. Policy DMMW3 relates to the impact of minerals development on the environment. The policy states that development will only be permitted where the impacts of the

development on the environment are reduced to an acceptable level or eliminated altogether, particularly in relation to, inter alia: The risk of and impact on environmental receptors including from any pollution; and, any potential effects on groundwater, rivers or other aspects of the water environment.

155. Paragraph 187 states that planning decisions should ensure that new development doesn't contribute to or cause unacceptable risk of water pollution.
156. The impact of pollution and contaminants on rivers and watercourses has been highlighted recently as a pressing national issue, and has been adopted as a priority issue for the Authority. The baseline of sensitivity for the watercourse is heightened by the fact the Bradbourne Mill Meadows SSSI is located approximately 100m downstream at its closest point to the proposed outfall. The Meadows are designated as a SSSI due to the collection of grassland species they support on the seasonally inundated floodplain, meaning the well-being of the SSSI is inextricably linked to the quality of the water in the Bleth Brook.
157. The threats posed by the discharge of water from an active quarry are two-fold: dust and suspended solids that are mobilised in the water collected from the quarry; and, any fuels, lubricants or any other chemical contaminants that are leaked on site entering the water to be discharged. Either of these outcomes could have a significantly harmful impact on the water quality in the Brook and subsequently on the habitats and species it supports.
158. The proposals are for the ground and surface water that collects in the working void in the western portion of the main quarry to be pumped up into the proposed settlement lagoons. The water will then slowly pass through the lagoons which will allow any suspended solids to settle to the bottom of the lagoon prior to the water being discharged through the pipeline. This forms the primary element of the mitigation strategy to ensure the discharged water is compliant with the suspended solids/contaminant levels set out in the EA's discharge permit. The EA discharge permit requires the lagoons to be de-silted periodically, meaning that the materials that build up in the bottom of the lagoons cannot over-time rise to a level where they would pose a contamination risk to the discharged water, the brook and subsequent watercourses.
159. Tarmac already operates the site in strict accordance with its own water management and contamination protocol which require spill kits to be installed around the site and next to any chemical storage facilities. The applicant has provided water discharge monitoring data since 2022 that water discharged through the existing sump, to have contained contaminants below detectable levels, a neutral pH balance and suspended solids within the acceptable range as per the EA's discharge permit. The operator is currently in the final stages of replacing the diesel pumps used to drain the working void with an electric system which will further reduce the risk of contaminants entering the water prior to discharge.
160. A detailed monitoring strategy has been proposed by the applicant which includes the following: Twice daily visual inspection of the settlement lagoons (with the purposes of identifying any oils/grease that would indicate contamination); the installation of a real time data logger in the lagoons to measure suspended solids and pH levels (the exact model to be agreed by way of a pre-operation condition); weekly visual inspections and annual full inspections of tanks, bunds and pipework.
161. The EA's discharge consent is, in and of itself, a binding document which the Agency have powers to monitor and take enforcement action against the operator in the event of a breach of the limits or requirements set out within it. The EA offered no objection to the proposed development through the consultation process. No objection was received from

Natural England following discussions on the practicality of including additional treatment methods for the water to be discharged from the pipeline.

162. In the Fish Legal representation, it is requested that two conditions are attached to a consent should the committee be minded to approve the development, which are that: i) compressive metering of discharge levels; and, ii) a condition requiring any changes in quarrying practice to be subject to a further planning decision. The installation and use of a flow measuring gauge is already included in the EA's discharge permit, and so a duplicate requirement attached to the planning consent would not meet the tests of planning conditions set out in Paragraph 55 of the NPPF. A condition relating to changes in quarrying practice requiring planning permission would also fail to meet the tests for conditions, as the site has had its permitted development rights removed and so any change in working practice will require express consent. A condition that affects working practice of quarrying operations would also fail to meet the test insofar as it would not be directly relevant to this development. The limits on pH and suspended solids imposed by the EA's discharge consent have been agreed by the Authority's ecologist as being acceptable in terms of its impact on the hydrological environment, and this will need to be maintained and adhered to even in the event that there is significant change to the operation of the quarry. It is therefore concluded that the recommendations made in the Fish Legal representation are not implementable or necessary given the existing controls relevant to the operation of the site and the discharge permit.
163. The Authority's ecologist has considered the comments made by Fish Legal and the representation received from Leak and District Fly Fishing Association, and has concluded that the proposed mitigation strategy and the limits imposed by the EA's discharge consent are sufficient to protect the sensitive species highlighted in these comments. The Authority's ecologist did recommend a condition requiring the submission of a strategy to prevent silts escaping into the Brook during the construction phase, which does meet the tests for planning conditions and is implementable should the committee be minded to approve the application.
164. The proposals are considered to include monitoring and mitigation strategies that are proportionate to the level of risk posed by the development to the water quality. In the event that unacceptable levels of suspended solids or contaminants are identified by the real-time data logger, the discharge pipeline will be shut off until remediation procedures are undertaken and the water quality is back within acceptable limits. This requirement will be stipulated through a planning condition appended to any approval the committee may be minded to grant. The EA will also be undertaking its own monitoring of the discharge process and will have the capacity to take enforcement action in the event of a breach of the limits set out in applicants permit. It is concluded that the proposals will not cause unacceptable pollution risk to the Bletch Brook or any subsequent watercourse and therefore meet the criteria and objectives of Policy DMMW3 and NPPF paragraph 187.

#### Cultural Heritage and Archaeology

165. The proposed route of the pipeline runs in close proximity of Listed Buildings and is truncated in part by a Schedule Ancient Monument, which are designated heritage assets. There are also Listed Buildings downstream of the outfall, namely Bradbourne Mill (located outside of the National Park boundary), which is located approximately 80m's south-east of the Bletch Brook at its closest point. The field system closest to the Brook has well preserved examples of ridge and furrow earthworks, which are a non-designated archaeological asset.

166. Policy L3 states that development must conserve and where appropriate enhance the significance of archaeological assets and their setting. Other than in exceptional circumstances development will not be permitted where it is likely to cause harm to the significance of any cultural heritage assets.

167. Policy DMC5 states that planning applications for development affecting a heritage asset must clearly demonstrate:

- i) its significance including how any identified features of value will be conserved and where possible enhanced; and,
- ii) why the proposed development and related works are desirable or necessary.

168. The policy goes on to state that proposals likely to affect archaeological assets should be supported by appropriate information that identifies the impact of the development, or by a programme of archaeological works containing a methodology to be approved by the Authority.

169. Development affecting a designated or non-designated heritage asset will not be permitted if it would result in any harm to, or loss of, the significance, character and appearance of the heritage asset unless, in the case of non-designated assets, the development is considered by the Authority to be acceptable following a balanced judgement that takes into account the significance of the heritage asset.

170. Paragraph 202 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.

171. Paragraph 207 of the NPPF states that in determining applications, local authorities should require an applicant to describe the significance of any heritage asset affected by the proposals. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact on the asset's significance. Where a development site contains assets of archaeological interest, a desk-based assessment must be submitted by the developer.

172. Paragraph 210 of the NPPF states that in the determination of planning applications, local planning authorities should take account of, inter alia:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the desirability of new development making a positive contribution to local character and distinctiveness.

173. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

174. Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining a planning application. A balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

175. The Desk Based Assessment (DBA) provided in-line with the requirements of the NPPF, by the applicant has been reviewed by the Authority's archaeologist who accepted the amended version was sufficiently rigorous to be acceptable. The DBA identifies 28 designated heritage assets within the wider study area comprising 5 Schedule Monuments and 23 Listed Buildings. The DBA also identifies the ridge and furrow earthwork as likely to be medieval.

176. The local policy context and relevant paragraphs of the NPPF clearly set the baseline sensitivity for designated assets to be very high, and requires exceptional circumstances to justify development that would result in the loss of significance of these assets. The installation process will see a temporary and limited impact on the setting of the Listed Buildings and Schedule Monuments that are closest to the proposed route of the pipeline. The limited timeframe of the installation process will mean that impact is limited to a short-term visual impact on the setting of the closest designated assets and, with the lack of any visual legacy impacts following the on-site restoration, will mean that there is no meaningful long-term impact or loss of significance on the designated assets.
177. One of the representations received by the Authority on this application raised an objection based on the impact of the proposed increase in flow-rates in the Brook on ground stability and its impact on the foundations of Listed Buildings downstream. The LLFA have commented as a direct response to these concerns and have stated that because the proposed discharge will not impact on the velocity of the watercourse and that the brook can accommodate the proposed flow rates, there will not be an enhanced risk of erosion. The risk of harm to the stability of the Listed Building is also negated by fact that the Brook is approximately 85m north-east of the property at its nearest point, meaning that even if there was an enhanced level of erosion as a result of the proposals, it is not a realistic possibility that it wash away that distance of land, which would include the highway, which would need to happen before there was a material impact on the foundations of the property.
178. Objection was also received based on the perceived increase in flood risk, which in turn could have a harmful impact on the historic fabric of the heritage assets downstream of the proposed outfall. As explained in the previous sections of this report, the proposals will not have an effect of increasing or enhancing the risk of flood downstream of the outfall and so there will be increased risk to the historic fabric of Listed Buildings as a result of the proposals.
179. The Authority's Conservation Officer provided a consultation response which was of no objection to the proposals. It is therefore considered that the proposed development will not have any long-term impact on the designated heritage assets and is therefore compliant with the requirements of Policy L3 and Policy DMC5 to conserve the significance of these assets.
180. There will be a more acute effect on non-designated heritage assets, namely the ridge and furrow earthworks in the fields at the southern end of the proposed route. Whilst non-designated, medieval ridge and furrow is reasonably rare asset on a national scale although there is a relative abundance locally. The significance of these assets is derived from the way they show how agricultural paddocks were managed. In this specific case, the ridge and furrow earthworks are well preserved and show that a historic field boundary was once located in the field immediately west of the proposed outfall. This significance means there is a high baseline of sensitivity related to the impact of development, and particularly in relation to the groundworks and excavations that are inherent in this application.
181. There are a series of factors that lessen the impact of the proposals that should be balanced against the impacts of the development. First and foremost is that the proposed pipeline will require the excavation of a trench 1m in width, which will run in relatively straight lines through the field system. This narrow strip will mean that the vast majority of the ridge and furrow will be unaffected, minimising the effect on the way the earthworks are read in the field and therefore also minimising the impact on significance. The second factor is that the applicant has agreed to the implementation of strict conditions relating to the recording of the earthworks prior to the development taking place, which in turn will inform the restoration strategy. Should the committee be minded to approve the

application, the Authority will impose a condition that requires 3D modelling of the earthworks prior to installation process to ensure the ridge and furrow is restored accurately. Ultimately, the narrow trench will be restored to reinstate the portion of earth works the pipeline runs through, which will allow the whole field system to be read in its original condition. A condition will also be added to the consent to ensure the operator meets with a representative of the Authority annually for the remaining operational life of the quarry to assess the restoration works. In the event that any slippage or deterioration of the restored earthworks are recorded during that time, then the operator will undertake any remediation required.

182. The proposed route is not the least impactful option in regards to the amount of ridge and furrow it travels across. An alternative route which would have lessened the amount of ridge and furrow earthworks affected would be for the pipeline to continue to travel southward in the field south-west of White Meadows farm, before turning east after the southern end of the ridge and furrow earthworks. The pipeline takes the sharp diagonal turn from the western edge of the field system, running south-east toward the outfall, cutting across many rows of ridge and furrow earthworks. The applicant has submitted a statement to justify the more impactful route. The proposed route provides a 6m drop in topographical levels allowing a more consistent flow of water to the outfall. The proposed route also allows for the pipeline to meet the outfall at an obtuse angle, again providing consistent flow and reduces wear on the pipeline itself. Reducing the amount of wear on the pipeline is an important consideration because any repairs would require re-excavation of a section of the trench, which would have additional impact on the heritage asset. The drop in levels and obtuse angle will also help prevent sediment building up in the pipeline, which risks causing a blockage that again would require re-excavation to address and could potentially have harmful ecological impacts due to elevated levels of sediment levels being discharged into the Brook. This justification has been accepted by the Authority's archaeologist as being sufficient to consider a mitigation strategy to remediate any heritage impact rather than to insist on a less impactful alternative route.
183. Officers conclude that there is a planning balance to consider with regard to the proposed developments impact on non-designated heritage assets. Ultimately it is concluded that the impacts are acceptable due to the narrow nature of the excavations required, the justification statement provided, and the careful process of recording and restoration that will be required by way of condition, the long-term monitoring of the restored earthworks, and the overarching benefit of allowing full extraction of the mineral reserves in the quarry, which are given great weight by the NPPF. The proposals are therefore considered to meet the requirements of conservation set out in Policy L3 and Policy DMC5, in as far as it is reasonably practicable to do so, and therefore meet the test of a balance judgement set out in Paragraph 216 of the NPPF.

#### Impact on Highways

184. There are no policies in the Development Plan that relate directly the temporary impacts of works on the operation of the highway, and so is considered to be silent on the matter. Paragraph 116 of the NPPF states that development should only be refused on highways grounds where there would be unacceptable impact on safety, or where the residual cumulative impacts on the road network would be serve.
185. The impact of the development on the highway will be limited to the duration of the installation process. The unnamed road that leads south of the quarry is not a main or arterial road, which is lightly trafficked. Providing the works are undertaken in accordance with best practice guidance for operations along a highway, the only meaningful impact of the development will be the potential for some moderate congestion while traffic is



controlled. Once the installation process is completed, the highway will return to normal operation without any legacy impact.

186. The Highway Authority offered no objection when consulted on the proposals, but did make a series of informative statements, which the operator should take account of in the event that development is commenced.

187. If the committee are minded to approve the development, the Authority will impose a condition that requires the pre-commencement submission of a construction management plan that will, amongst other things, set out in detail how the works will be undertaken in manner such as to reduce the impact of the installation on the operation of the highway.

188. The proposals are considered to be low impact with regard to the safe operation of the unnamed road the pipeline will be laid under, and are therefore acceptable from a highway safety and management perspective.

#### Impact on Amenity

189. Policy DMMW2 states that minerals related development will only be permitted where the adverse impacts on amenity can be reduced to an acceptable level or eliminated altogether.

190. The primary impact on amenity will be generated through the installation process, where machinery will be operating causing mild noise pollution and causing a temporary visual impact. The primary receptors of these impacts will be the residential properties in the hamlet of Ballidon, the residents of White Meadows Farm, and any walkers using the footpaths in the area.

191. These impacts will be limited due to the size and scale of the development, and will be geographically contained to a close proximity around each section of the pipeline route as the installation process progresses along the proposed route. Conditions will be attached to the consent to limit working hours and to ensure best working practices are implemented to minimise the impact on amenity.

192. These temporary and minor impacts on amenity are considered to be an unavoidable necessity of the installation process, will be minimised by way of condition and are not considered sufficiently harmful to be contrary to the requirements of Policy DMMW2. The proposals are therefore considered to be acceptable from an amenity perspective.

#### Restoration and Aftercare

193. The restoration of the development inside of the quarry itself will be covered by the approved restoration plan set out in the extant mineral's consents. The restoration of the area's outside of the quarry will be the subject of a restoration plan that will be required by way of condition. The restoration requirements for these areas will be minimal given the very small amount of surface level development (i.e. removal of the headwall, concrete apron and handrail from the brook bank).

194. Officers conclude that, subject to the approval of a restoration plan, there will be no visual legacy of the proposed development beyond the operational life of the quarry.

195. Annual site visits and monitoring along the route of the pipeline will be conducted with the site operator to identify any issues or deterioration of the restored ridge and furrow land forms.

196. A condition shall be attached to the consent to ensure the settlement lagoons are removed and restored in line with the wider restoration plan approved under the extant consents for the quarry. A condition will also be attached to ensure that the restored lagoon site is then subject to the same aftercare requirements as those of the approved aftercare management plan approved under the extant consents.
197. Subject to the operator's adherence with the proposed conditions and monitoring requirements, it is considered that the site can be restored in such a way as to ensure there are no long-term impacts on the valued characteristics of the National Park beyond the operational life of the quarry.

### **Conclusion**

198. The overarching consideration for the Authority is that the NPPF gives great weight to the benefits of mineral extraction and states that mineral planning authorities should plan for a steady and adequate supply of industrial minerals. This is not an application for new mineral extraction but rather for ancillary development that will ensure that considerable volumes of already permitted reserves of high purity limestone can be won and worked within the existing footprint of the quarry. Consideration should also be given to the national and regional picture of the supply of industrial grade limestone, where it is clear that Derbyshire is a critical geographic region contributing to the overall supply of this important mineral to the UK market.
199. The proposed installation and subsequent operation of a dewatering pipeline is considered to be acceptable in principle. The proposals will not have an unacceptable impact on the landscape, environment, flood risk, amenity, ecology or cultural heritage, subject to the imposition of the appropriate conditions relating to mitigation and monitoring schemes.
200. It is officers' recommendation to Committee, following a rigorous assessment of the planning balance, that the application be **approved**, subject to officers' final agreement of conditions and a section 106 agreement to secure off-site biodiversity net gain.

### **Human Rights**

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