

7. REVIEW OF MINERAL PERMISSION – FIRST PERIODIC REVIEW – FOR HOPE SHALE QUARRY, PINDALE ROAD, HOPE (NP/HPK/1223/1521, TE)
APPLICANT: MR JONATHON GARBUTT ON BEHALF OF BREEDON CEMENT LTD

Summary

1. Hope Cement Works Shale Quarry comprises a site of 69.3 Ha. It is located approximately 1.5km to the south of Hope and forms part of the wider Hope cement complex which also includes Hope Limestone Quarry and Hope Cement Works.
2. The ROMP process is designed to allow mineral planning permissions to be updated with modern conditions to ensure extraction operations take place in line with current environmental standards. The extant planning permission relating to the shale quarry (ref. NP/HPK/0403/038) was granted in 2006, subject to 36 planning conditions.
3. A ROMP is not a typical planning application, the premise of the development is not up for determination and the Authority cannot refuse the ROMP. The legislation governing the ROMP process is clear that the Authority cannot apply conditions that would restrict the economic viability or asset value of the site.
4. The Authority's Standing Orders require the committee to consider the principle of the ROMP. This is a streamlined report that covers the overarching themes and objectives of the submission and proposed changes to conditions. An assessment of the technical information presented in the Environmental Statement (ES) submitted with the application has taken place in the preparation of this report.
5. Appendix A contains the areas to be covered by the Scheme of Conditions, the full wording of which is proposed to be agreed with the applicant (subject to determination of the application in accordance with the recommendation), which are considered to offer a modern standard of environmental protection without impacting the economic viability or asset value of the site.

Review of Mineral Permissions (ROMPs)

6. The Environment Act 1995 introduced the Review of Mineral Permissions (ROMPs) as a mechanism to update older mineral permissions and the Periodic Review of all mineral permissions thereafter. The operation of sites can change significantly over time and so there is sometimes a need to review the conditions to ensure that modern environmental standards are applied.
7. It is important to note that when determining conditions different from those submitted by the applicant, the Mineral Planning Authority (MPA) should not restrict working rights and should not prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site as the applicant whose interests have been adversely affected by the restrictions imposed may be entitled to claim compensation. An exception to the working rights restriction are conditions relating to the restoration and aftercare.

8. The ROMP process is very similar to that for processing planning applications except that the Scheme of Conditions cannot be refused. The proposals must be checked and registered, and consultations sent out. The Scheme of Conditions must be considered in light of any representations received; the Planning Policy Guidance (PPG); the National Planning Policy Framework (NPPF) and the Development Plan. The process is also subject to Environmental Impact Assessment.

Proposal

9. The application for the first periodic review of the scheme of conditions relating to the Hope Shale Quarry was submitted in December 2023 accompanied by an Environmental Statement (ES). Mineral operations are currently carried out under planning permission NP/HPK/0403/038 dated 6th October 2006, which is subject to 36 planning conditions and allows mineral extraction to take place until 21 February 2042, with restoration to be completed five years later.
10. The applicant has provided operational details in relation to the quarry. Shale continues to be extracted from the eastern shale quarry and is being worked to a depth of up to approximately 50 metres. The shale is extracted from the quarry floor by a hydraulic excavator without the need for blasting. The material is then crushed and blended, and loaded onto a covered conveyor using a front loader and transported to Hope Cement Works (HCW).
11. The shale reserves have been worked continuously since the consent was granted and significant reserves remain; the applicant has submitted confidential remaining reserve estimates to the Authority. There is no planning condition limiting the volume of mineral to be extracted. However, it can only be used for the purpose of on-site cement manufacture and road movement in relation to cement are controlled under a separate consent. Previous investigations undertaken by the operator have shown that the chemistry of the shale varies both laterally and with depth; the sulphur content increases with depth and the shale is more pyritic meaning it cannot be used in cement making as this would lead to stack emissions which would breach the air quality standards in the Environmental Permit. Therefore, careful sampling and blending is undertaken to derive the correct mix of shale to use in the kiln feed, which also influences the amount of the high silica limestone that can be used in the cement making process. Site won shale is also mixed with various proportions of imported alternative raw materials (ARM), including pulverised fuel ash (PFA) which is imported by rail, to be used in the cement making process. Planning permission ref. NP/HPK/1020/0908 was granted in 2022 for the importation of ARM and associated infrastructure, and subsequently amended by planning permissions NP/HPK/0424/0365 and NP/HPK/0424/0376 in 2024 to allow for changes to the previously approved infrastructure associated with the importation of ARM.
12. Existing hours of operation are restricted by condition 10 to between 07:00 and 19:00 Monday to Friday. No change to the working hours is proposed.
13. The operational void of the eastern shale quarry is dewatered to allow the shale to be extracted.

14. A restoration scheme was approved in 2006 as part of planning permission NP/HPK/0403/038. The restoration of the western shale quarry to a mix of naturally regenerated woodland, open mosaic habitat and waterbodies is well advanced but not yet signed off as complete. The applicant contends that it is now difficult to achieve progressive restoration of the eastern shale quarry due to the fact that shale being extracted has to be mixed from different areas in order to source the appropriate sulphur alkali ratio for use in the kiln feed mix. A revised restoration plan and cross sections have been submitted which would replace the previously approved scheme. The proposed scheme follows the general principles of the approved scheme, with the main difference being a slight reduction in the size of the water body within the eastern shale quarry, and the introduction of undulations in the lake shallows particularly to the north of the water body. A review of Restoration and Management Schemes within the shale quarry has been submitted to accompany the ROMP in accordance with condition 33 of planning permission NP/HPK/0403/038, and the requirement to monitor progress with restoration and ongoing management of habitats created on the Site at five yearly intervals will continue. Condition 41 of the draft scheme of conditions sets out the requirement for the potential to submit a detailed revised final restoration scheme for approval no later than February 2035. This will allow for the agreement of a final restoration scheme when it is clearer how much shale remains on site towards the mid point of the quarry's life, as extraction rates are likely to vary on the basis of quality and availability of ARM. Condition 42 is also proposed to require the submission of a final restoration scheme by February 2040, by which time there will be an even greater understanding of the remaining mineral on site and a restoration scheme can be developed that takes into account the final landform and extent of the waterbody

Environmental Impact Assessment

15. An ES accompanies the planning application, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As the determining authority, PDNPA is required to assess the applicant's ES. The impacts examined within the accompanying Environmental Impact Assessment (EIA) are: Landscape and Visual Impact; Noise; Climate Change; Water Resources; Cultural Heritage and Archaeology; Air Quality; Soil Resources; and Biodiversity. The specialist reports have assessed potential impacts and have concluded that the impacts of the proposals can continue to be successfully mitigated to reduce impacts further.
16. As part of the application process further information was submitted under Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The further information was submitted to supplement the ES, and included further information on Biodiversity/Ecology, Restoration and Landscape, Water Resources and Cultural Heritage and Archaeology.

Site and Surroundings

17. The Site comprises land adjacent to the applicant's Hope Cement Works and is located approximately 400 metres south of Hope, 600 metres north of Bradwell and 1.4 km east of Castleton. Access is via Pindale Road and the A6187, with rail access to the works sidings via a private branch line to the Earles sidings on the Hope Valley rail line to the east which crosses the PDNP connecting Sheffield and Manchester.

18. The permitted area for shale extraction which is the subject of this application (covering approximately 69.3 hectares) comprises two quarries: the western shale quarry and the eastern shale quarry. Most of the western shale quarry (which covers 30.7 hectares) is vegetated and approaching the end of the restoration process. The eastern shale quarry (which is 32.8 hectares) is currently active, with the permitted extraction area fully open. The application boundary also comprises 5.8 hectares of land to the south of the western shale quarry that includes two fishing ponds and a boating lake.

Relevant Planning History

19. HCW has been in existence at its current site in some form since 1929, and as such pre-dates both the modern planning system introduced by the Town and Country Planning Act 1947 and the formation of the Peak District National Park in 1951.
20. 1948 Permission (ref. 1986/9/3) – Formal consent for HCW was first granted under the Ministerial decision on 21 December 1948. The application area encompassed the cement works and the associated limestone and shale quarries from which the works drew its feedstock as one single planning unit.
21. 1969 consent (ref. NP/CHA/468/2) – subsequently the site was managed by the 1969 consent.
22. 2006 Permission (ref. NP/HPK/0403/038) – operations at the shale quarry are currently carried out under the consolidating planning permission dated 6th October 2006.
23. NP/NMA/0511/0395 – non-material amendment to permission ref. NP/HPK/0403/038 for installation of the belt conveyor.
24. NP/DIS/0715/0617 – approval of details to part discharge condition 9(i) (Restriction of Permitted Development Rights) of permission ref. NP/HPK/0403/038 for a proposed new alternative raw materials (ARM) store.

Consultation

25. The following is a summary of the responses received during consultation on this application and includes any modifications or changes to consultation responses as a result of further information submitted in response to the PDNPA's request for further information under Regulation 25 of the EIA Regulations. Full copies of consultation response are available on the Authority's planning webpage.
26. **Historic England** (HE) – no objections, subject to the MPA being satisfied that there is clear and convincing justification for the harm caused to the setting of designated heritage assets (including the amended restoration scheme) and that it is outweighed by the public benefits of the proposals.

HE notes the permitted shale quarry impacts upon the setting of a number of designated heritage assets, including several scheduled monuments the nearest of which are the Navio Roman fort and vicus scheduled monument and The Folly platform cairn. HE strongly recommends the MPA explores opportunities to reduce impact and

enhance and better reveal the significance of the heritage assets effected. This could be achieved through the agreement and implementation of a positive restoration scheme around and adjacent to the scheduled areas, and additional interpretation of the Navio Roman Fort and its landscape.

27. **Natural England (NE)** – no objections. NE considers the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
28. **Environment Agency (EA)** – no objections. The EA notes from the perspective of controlled waters protection, the supporting information indicates that the current control measures in place are appropriate to mitigate the impacts of quarrying. There is no proposed change to the current wording for the relevant water resources conditions, and the EA agree the conditions on the current permission related to water protection remain appropriate (conditions 8, 23, 24 and 25).
29. **DCC Flood Risk Management** – no objections, providing surface water is managed in accordance with the submitted details.
30. **DCC as Local Highway Authority** – no objections, given that there would not be an unacceptable impact on highway safety or a severe impact on congestion.
31. **High Peak Borough Council Environmental Health** – no objections subject to modifications to conditions relating to noise and dust.

Environmental Health sought further clarification regarding background sound levels within the Noise Impact Assessment, and recommended modification to condition 21 to allow demonstration of compliance without reliance on access to private residential properties which may not be feasible to obtain. In terms of dust, Environmental Health require submission of a Dust Management Plan, which should include clarification on the dust complaint and investigation procedure, and ensure no visible emissions of dust beyond the site boundary.

32. **Bamford with Thornhill Parish Council** – no response.
33. **Bradwell Parish Council** – support the application.
34. **Brough and Shatton Parish Meeting** – no response.
35. **Castleton Parish Council** – no response.
36. **Derwent and Hope Woodlands Parish Council** – no response.
37. **Edale Parish Council** – no response.
38. **Hathersage Parish Council** – no response.
39. **Hope with Aston Parish Council** – no response.

40. **Tideswell Parish Council** – unable to comment due to the content of the application being difficult to understand.
41. **CPRE Friends of the Peak District** – no response.
42. **Ramblers Association** – no response.
43. **Campaign for National Parks** – no response.
44. **Derbyshire Wildlife Trust** – no response.
45. **PDNPA Archaeology** – no objections, subject to changes to the wording of existing archaeological conditions 27 and 28, and recommended additional conditions to reflect the response from HE.

PDNPA Archaeology recommend the existing archaeology conditions are revised to reflect both up-to-date archaeological standards and the stage of the archaeological process the work has reached i.e. no further soil stripping to take place and all onsite investigation is complete, but the Authority is yet to agree the post-excavation assessment report or update project design. The existing conditions are recommended to be modified to require: the submission and approval of the final archive report; and the submission and approval of a Strategy of Publication, Dissemination and Archiving of the project, and full implementation/delivery once approved.

In addition, new conditions are recommended to secure: appropriate landscaping around Navio Roman Fort and Vicus, and Folly Platform cairn scheduled monument to reduce post-restoration impacts; and implementation of an interpretation strategy for both Navio Roman Fort and Vicus and Folly Platform cairn. There are likely non-designated heritage assets within the immediate environs of the eastern shale quarry and Navio Roman Fort scheduled monument (which were identified during the 2019/2020 programme of works), which although fall outside the scheduled area are considered to directly relate to the fort and therefore are of equivalent significance to the scheduled monument. Therefore, any additional landscaping proposals would need to take into account these features (and the potential for further features) to prevent direct/indirect harm to them. In order to secure this, a condition is recommended requiring the necessary archaeological work and assessment in relation to Navio

46. **PDNPA Ecology** – no objections. PDNPA Ecology note the additional information submitted in response to the Regulation 25 request is sufficient and addresses all matters raised previously. Edits have been made to update the Restoration and Management Schemes Ecology Review Document, which address initial detailed PDNPA Ecology comments. It is noted the proposed lake/wetland zone takes into account the desired 'damp peripheral habitat to the edges of the waterbody (to create a complex of aquatic habitats, marginal habitat and underwater berms and shoals) along with a series of smaller waterbodies and seasonal waterbodies' as formerly requested.

PDNPA Ecology confirm it is not considered necessary to amend existing condition 33 from an ecological perspective, as the Restoration and Management Schemes Review Document adequately references appropriate management (e.g. reference is made to

avoiding the application of fertiliser for habitats requiring low nutrient status for example on the species rich hay meadow restoration areas).

In terms of the existing lighting condition 17, PDNPA note a lighting strategy has been discussed between the applicant and PDNPA. Whilst the applicant does not currently require lighting within the shale quarry, there could be a potential need for lighting in an emergency situation (e.g. slope stability or drainage issues) and PDNPA Ecology are satisfied the proposed revised wording is suitable

47. PDNPA Landscape – no objections.

Initial Response

PDNPA Landscape note there is potential for all parties to agree the areas where restoration can begin to take place, and note in principle there is potential in the north-east to begin restoration sooner, to enable retention and use of materials to reduce depth of water at the lake margins. This should include the creation of gently sloping margins and 'damp peripheral habitat' to the edges of the waterbody along with a series of smaller waterbodies and seasonal waterbodies. The additional information provided deals with the matters raised under the Regulation 25 request from a landscape point of view. The revised figures 3.1, 3.2 and 3.3, and the additional figures 2.5 and 3.4 reflect the reduced need for extraction. Note the series of ponds in the western shale quarry are now shown on the revised plans. PDNPA Landscape consider the proposed lighting condition acceptable.

Representations

48. There have been no representations made by members of the public.

Main Development Plan Policies and other material considerations relevant to this decision

49. The development plan policies relevant to the determination of this application are listed below:

Local Development Framework Core Strategy (2011-2026) (adopted October 2011)

GSP1:	Securing National Park purposes and sustainable development
GSP2:	Enhancing the National Park
GSP4:	Planning conditions and legal agreements
L1:	Landscape character and valued characteristics
L2:	Sites of biodiversity or geodiversity importance
L3:	Cultural heritage assets of archaeological, architectural, artistic or historic significance
CC5:	Flood risk and water conservation
MIN1:	Minerals development

Development Management Policies Development Plan Document (adopted May 2019)

DM1:	The presumption of sustainable development in the context of National Park purposes
DMC1:	Conservation and enhancement of nationally significant landscapes
DMC5:	Assessing the impact of development on designated and non-designated heritage assets and their settings
DMC6:	Scheduled Monuments
DMC11:	Safeguarding, recording and enhancing nature conservation interests
DMMW2:	The impact of minerals and waste development on amenity
DMMW3:	The impact of minerals and waste development on the environment

50. The Local Plan for the Peak District National Park is currently being reviewed under the 'current' plan-making system. To date the Local Plan Review process has been subject to several non-statutory consultations, and two statutory consultations: Issues and Options; and Preferred Approach. Following Authority Committee approval of the Draft Plan in the summer 2026, the Draft Plan will be subject to a final Regulation 19 Consultation exercise, after which it will be submitted to the Secretary of State by the end of 2026.

51. Policies in emerging plans do not have the same statutory force as that afforded to policies in adopted development plans under Section 38(6) of the Planning and Compulsory Purchase Act 2004. However, they can be material considerations in decision making, and NPPF paragraph 49 provides guidance on determining the degree of weight that can be given depending upon the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF. The more advanced stage of preparation the more a plan can be afforded weight in decision-making. Given the emerging Local Plan has not yet been subject to examination, it is considered little weight can be attributed to it.

52. Other material planning considerations relevant to the determination of this application are listed below:

National Planning Policy Framework (NPPF) (updated December 2024)

Paragraph 11: Presumption in favour of sustainable development

Paragraph 189: Great weight to conserving and enhancing landscape and scenic beauty in National Parks

Paragraph 207: Proposals affecting heritage assets

Paragraph 213-215: Considering potential impacts on designated heritage assets

Paragraph 224: Great weight to benefits of mineral extraction

National Planning Practice Guidance

Minerals, Review of minerals planning conditions (October 2014)

53. The Ministry of Housing, Communities and Local Government has recently undertaken a consultation on a revised version of the NPPF. The consultation ended on 10th March 2026, the feedback is currently being analysed and the final version is expected to be published later in 2026. The proposed revised NPPF represents a fundamental change in format and is regarded as the most significant overhaul of national planning policy since the NPPF was introduced in 2012, however given it is currently in draft form and therefore subject to change, holds little weight in the decision-making process.

Assessment

54. Having given careful consideration to the proposed Scheme of Conditions, the environmental and other information, including the environmental information subsequently received, consultee comments, the relevant development plan policies and the other material considerations, referred to above, the key issues are considered to be:

- Purpose of the review process and
- The site-specific development plan policy considerations – impact on cultural heritage and archaeology, ecology and landscape, water resources and amenity impacts.

Purpose of the review process

55. The ROMP process is designed to ensure that historic mineral permissions are updated with a schedule of conditions that reflect modern standards of environmental protection, safety, mitigations and best practices. The principle of development in this case is already established since the application site already benefits from an extant consent granted in 2006.

56. The Core Strategy was adopted in 2011 and paragraph 14.15 references the guidance contained within MPS1 (now withdrawn) on restoration of minerals site, and states the importance of opportunities for enhancing the overall quality of the environment and the wider benefits that sites may offer, including nature and geological conservation and increased public accessibility. Paragraph 14.33 goes on to state that the restoration of mineral workings is a significant opportunity to achieve National Park Authority outcomes for achieving amenity (nature conservation) after-use for the sites, enhancing landscape and biodiversity and providing recreational opportunities. Part 2 of the Local Plan, the Development Management Policies (DMP) document, was adopted in 2019 and Policies DMMW2 and DMMW3 seek to ensure that mineral sites operate to the highest possible standards in terms of reducing adverse impacts on amenity and the environment are reduced to an acceptable level or eliminated. Policy DMMW5 requires the restoration and aftercare of minerals development to contribute to the enhancement of the National Park.

57. Paragraph 14.9 of the Core Strategy states that:

“The Authority considers the major limestone and shale quarrying and cement making at Hope in principle to be fundamentally incompatible with national park purposes. The current approach to cement making at Hope is to commit to assisting the owners to retain modern and efficient operations there until the current consents expire.”

58. The periodic review of the mineral permission being considered in this report does not constitute a planning application but rather a Scheme of Conditions which seek to update and replace the existing planning conditions covering the mineral working and restoration operations at Hope Shale Quarry. As such planning permission already exists for the quarrying activities and therefore any new conditions should not have an

adverse impact on the economic viability of the further working quarry as this may give rise to compensation claims. Paragraph 13 of Schedule 14 of the Environment Act 1995 explains that Mineral Planning Authorities cannot impose new or amended conditions that restrict working rights of the original permission which includes: size of the site; depth of the extraction; height of any mineral deposit; extraction rates; the final cessation date of the permission; and total quantity of mineral to be extracted.

59. Having regard to the Development Plan and the other material planning considerations referred to above, it is reasonable to conclude that the Scheme of Conditions is an important opportunity to update and replace the existing planning conditions covering the mineral working and restoration to ensure that the site can operate to high environmental standards and to bring the conditions into line with current policies and practices.
60. The submitted ES assesses the impacts of the likely effects of the development on the environment. The assessment is made by quantifying the sensitivity of any sensitive receptors of those impacts and the likely magnitude of the development's environmental effects. The draft scheme of conditions has been amended through discussion with the applicant, in light of the data and findings presented in the ES, to mitigate any potentially harmful impacts of the development, enhance its potential benefits and ensure the site is restored appropriately in accordance with development plan policies.

The site-specific development plan policy considerations

Impact on cultural heritage and archaeology

61. Paragraph 207 of the NPPF 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”.

62. Paragraph 189 of the NPPF provides advice within a National Park context, stating that:

“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”.

63. Core Strategy policy L3 requires development to conserve and where appropriate enhance or reveal the significance of archaeological assets and their settings. Development Management Policies DPD policies DMC5 and DMC5 add operational detail to Core Strategy policy L3. Furthermore, Development Management Policies DPD policy DMMW3 seeks to minimise impacts on cultural heritage assets and the setting of these assets.

64. The application site does not contain any designated heritage assets, however the permitted shale quarry impacts upon the setting of a number of designated heritage assets. This includes several scheduled monuments, the nearest of which are the Navio Roman fort and vicus scheduled monument to the east, The Grey Ditch scheduled monument to the south and The Folly platform cairn scheduled monument to the north of the western shale quarry.
65. Historic England (HE) and PDNPA Archaeology have raised concerns about impacts upon settings of the three nearest scheduled monuments mentioned above. Firstly, the consultees consider ongoing quarrying operations in the eastern shale quarry have and will continue to result in a significant change, loss of historic context and industrialisation of the landscape setting of the Navio Roman Fort scheduled monument. Permitted quarrying to date has damaged or destroyed a substantial section of the monument's archaeological setting, with removal of nearly all of the western vicus (civilian settlement) associated with the fort. Furthermore, Navio and its landscape form a prominent part of the views out from the eastern end of Grey Ditch, and the quarrying has also had a notable impact on the landscape setting of this monument. The submitted Cultural Heritage and Archaeology (Addendum) prepared by Archaeological Research Services (ARS) acknowledges that the operational phase of the quarry resulted in a *slight to very large adverse effect* on the significance of heritage assets within the extraction area due to their removal, however paragraph 10.6.8 states this was off-set by preservation by record as achieved through detailed excavation of all deposits impacted. Work is progressing towards reporting, publication and dissemination in accordance with the existing archaeology conditions (which are recommended to be modified – see paragraph 70 below).
66. The submitted Setting Study notes that once the operational phase of the eastern shale quarry has ceased and the restoration complete, the intrusive industrialising effect of the quarrying operations will cease and the impact upon the setting of the two scheduled monuments would be reduced. The statutory archaeological consultees agree with this conclusion; however, they consider that there will be some negative impacts from the restoration scheme itself. The current restoration proposals indicate the eastern shale quarry would be restored to a large body of water. A land-based scheme would more closely align with the form and character of the historic landscape setting of the two monuments, whereas the change to a large open body of water will permanently change the context and legibility of the Navio scheduled monument, thereby changing our ability to appreciate and understand the monument in its topographic and landscape setting.
67. The statutory archaeological consultees raise concern that the quarrying and current proposed restoration of the eastern shale quarry would cause harm to the significance of the designated heritage assets (Navio Roman Fort and Grey Ditch scheduled monuments). HE categorise this as less-than-substantial-harm, in accordance with paragraphs 213 and 215 of the NPPF, and go on to advise that for the Grey Ditch the harm would be in the lower half of that less-than-substantial category but in the middle or upper end for the Navio Roman Fort scheduled monument.
68. Current landscaping between the scheduled area of Navio roman fort and the operational quarry includes a band of trees, the width of which was reduced and part of the area of trees removed to facilitate extraction. Although this does provide some

good visual screening, seasonally, there is increased visibility during the winter months.

69. Secondly, HE has highlighted concerns relating to a large block of planting encroaching up to the western edge of the Folly platform cairn scheduled area, impacting the monument's setting and the ability to appreciate the site from the surrounding landscape. HE considers the restoration scheme in its current form is likely to be having a degree of harmful effect on the setting and significance of the scheduled monument.

70. The Setting Study submitted in support of the application suggests that the issues relating to landscaping impacts upon Navio Roman Fort scheduled monument and the Folly platform cairn scheduled monument could be addressed with revised landscaping proposals to be secured by condition. HE and PDNPA Archaeology are supportive of this approach, and subject to the following modified and additional conditions have no objections:

- Modified condition requiring the submission of the final archive report relating to the post-excavation work within the eastern shale quarry;
- Modified condition requiring submission of a Strategy of Publication, Dissemination and Archiving of the archaeological work within the eastern shale quarry;
- Additional condition requiring submission of a suitable landscaping scheme for the area around The Folly Platform cairn scheduled monument including strict timescales and implementation in advance of final restoration of the site in order to minimise harm to the Folly platform cairn scheduled monument from existing tree planting;
- Additional conditions requiring submission of a suitable landscaping scheme for screening of the Navio Roman Fort and vicus scheduled monument including strict timescales for implementation in advance of final restoration of the site in order to minimise harm to Navio Roman Fort and vicus scheduled monument by providing additional screening;
- Additional condition requiring submission of supporting archaeological assessment/investigation to ensure the landscaping scheme designed to screen the Navio Roman Fort and vicus scheduled monument does not negatively impact upon other archaeological features of high significance which fall outside the extraction area and outside of the schedule monument but which are of high significance;
- Additional condition requiring submission of an Interpretation Strategy and implementation prior to 2042 in order to maximise public benefit by enhancing and better revealing the significance of these nationally important archaeological sites.

71. Notwithstanding the above, it is recognised that the extent and depth of the final water body within the eastern shale quarry will be dictated largely by the amount of mineral

that is extracted for use in the kiln feed mix. Given the consent for the importation of ARM as a kiln feed substitute it is anticipated that output rates may fall. As such, conditions are proposed which require the operator to submit, on a confidential basis, a revised reserve and likely remaining production output assessment to the MPA by February 2034, along with a revised final restoration plan informed by the assessment. Depending upon the outcome of the assessment, there may be an opportunity to secure a revised restoration scheme that includes a reduced water body.

72. A condition is also proposed to require the submission of a final restoration scheme by February 2040, by which time there will be an even greater understanding of the remaining mineral on site and a restoration scheme can be developed that takes into account the final landform and extent of the waterbody.
73. Having regard to the development plan policies referred to above, it is reasonable to conclude that the review of the Scheme of Conditions has provided an opportunity to update the conditions to raise environmental standards and to bring them into line with current policies and best practice.

Impact on ecology

74. Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment by:
- 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);
 - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
 - minimising 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 such as swifts, bats and hedgehogs.
75. Paragraph 189 of the NPPF, referred to earlier in this report, is also relevant in terms of impact on ecology within the national park context.
76. Core Strategy policy L2 establishes that development must conserve and enhance any sites or features of geodiversity importance, and any sites, features or species of biodiversity importance and where appropriate their settings. Development Management Policies DPD policy DM11 adds operational detail to Core Strategy policy L2, and requires proposals to achieve net gains to biodiversity or geodiversity as a result of development.
77. Planning Practice Guidance states that planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to

avoid or mitigate any impacts when considering planning applications (Natural Environment, dated June 2025). Mandatory Biodiversity Net Gain (BNG) in England, which requires a minimum 10% increase in biodiversity value, applies to most new mineral planning applications. ROMPs are specifically excluded from these statutory requirements since they do not require planning permission under the Town and Country Planning Act.

78. Chapter 14 of the submitted ES relates to Biodiversity, and considers whether any additional ecological measures are necessary in order to avoid and mitigate the effects of the ongoing work during the remaining operational and restoration phases. The assessment also considers whether the existing planning conditions are sufficient and whether any new or amended ecology-related planning conditions are required. Following an assessment of baseline ecological conditions in terms of habitats and protected and notable species found at the application site, and an evaluation of their respective importance, the ES concludes that further consideration and additional mitigation measures are necessary in relation to species rich grassland habitats and great crested newt.
79. In relation to habitats, the ES notes that existing planning condition 29 includes measures to assess and protect grassland turves and soils from previously unquarried areas only. In the absence of further mitigation, there is a risk that habitats of ecological value (including Habitats of Principal Importance) that have temporarily established in previously worked and disturbed areas, could be impacted during ongoing works or the restoration. This could lead to the loss of these habitats, including the respective seed banks and soils/materials, which could otherwise have sensibly been used within the restoration scheme. Therefore, to enable valuable habitats and vegetation within the site to be considered for protection, reinstatement or translocation where necessary during ongoing operations and the delivery of the restoration scheme to provide a seed source and suitable materials, condition 29 is proposed to be modified (now condition 34).
80. Great crested newt presence has been confirmed within two of the ponds on site: one within the area managed as a golf course and one within the restored area of the western shale quarry. These ponds are located 130 metres from each other with good terrestrial habitat connectivity between them. The ES considers it likely the great crested newts within these ponds form a metapopulation, and that they use (or will use) the other ponds which form a cluster of ponds within the western shale quarry. Whilst on-site ponds with confirmed great crested newt presence will be unaffected by consented mineral extraction operations, and the distance from ongoing works are unlikely to affect great crested newts or their habitats, the ES concludes that existing condition 30 (which requires the consented operations to adhere to protected species legislation) is not sufficient mitigation given great crested newt has not previously been identified as an ecological feature at the site. In the absence of further mitigation there is a minor risk of killing or injury of great crested newt during consented operations which cannot be ruled out, such as management works within 250 metres of on-site ponds, and this is concluded to be adverse at the site level. Therefore, on a precautionary basis, the ES recommends approval of a non-licenced method statement to address the potential risk of killing and/or injury to great crested newt during consented operations, restoration and habitat management works, secured either via an amendment to condition 30 or a new additional planning condition. The

latter is considered most appropriate to secure the additional mitigation for great crested newt in line with the legal protection.

81. PDNPA Ecology initially raised several detailed issues relating to the restoration design of the eastern shale quarry, and sought amendments to improve the design. PDNPA Ecology are supportive of the amendments made as part of the additional information submitted by the applicant (most notably a greater emphasis on maximising the wetland areas by lowering the water level to the edges of the water body to enhance the aquatic and marginal habitats), and subject to the following comments in relation to planning conditions have no objections:

- Not considered necessary to modify condition 39. The Restoration and Management Schemes Review Document adequately references appropriate management (e.g. avoiding the application of fertiliser for habitats requiring low nutrient status such as species rich hay meadow restoration areas).
- Agree to the proposed modified wording of condition 17 relating to lighting, which allows for a potential need for lighting (in an emergency situation) or more frequent use of lighting, with the prior approval of the MPA.
- Agree to modified conditions 34 and 35, and new condition 36 relating to great crested newt, as proposed by BSG Ecology as explained above.

82. NE were consulted and, based on the submitted information, consider the proposals will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes, and have no objections.

83. Having regard to the relevant development plan policies referred to above, it is reasonable to conclude that the review of the Scheme of Conditions has provided an opportunity to update the conditions to raise environmental standards and bring them into line with current policies and practices. The combination of the existing planning conditions which remain fit for purpose, and the modifications and addition of a new planning condition, it is not anticipated that there will be any further significant effects on ecological features that require additional compensation. Furthermore, the amendments to the proposed restoration scheme and the associated Restoration and Habitat Management Plan provide certainty in relation to the delivery of the biodiversity mitigation measures and ongoing monitoring.

Landscape and visual impact

84. Paragraph 187 of the NPPF states that decisions should contribute to and enhance the natural and local environment by:

- 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)

85. Paragraph 189 of the NPPF goes on to clarify:

“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”.

86. Core Strategy policy L1 incorporates a landscape character led approach which requires all development to conserve and enhance the valued characteristics and landscape character of the National Park, as identified within the Landscape Strategy and Action Plan. Development Management Policies DPD policy DMC1 requires development proposals beyond the edge of settlements to provide a landscape assessment using the Landscape Strategy and Action Plan to assess whether the character and quality of the landscape will be conserved and enhanced by the development. Alternative approaches should be considered if development would not conserve the character and quality of the landscape.
87. The submitted Landscape and Visual Impact Assessment (LVIA) identifies and assesses the effects of the continuing operation of the shale quarry on the landscape character and landscape resource, and on the visual amenity of the site and surrounding area, in accordance with good practice guidance. In terms of direct physical impacts on landscape fabric, the LVIA concludes continued extraction within the existing quarry would have a negligible magnitude of change giving rise to non-significant effects, and at final restoration the effects would be beneficial overall with the creation of new features and elements characteristic of the surrounding landscape character. No significant adverse effects on landscape character are identified as a result of the continued operations. Therefore, in terms of landscape effects, the LVIA concludes that the existing quarry would not give rise to impacts that would significantly affect the special qualities of the National Park, in fact the final restoration would give rise to minor beneficial effects on views from the designated area.
88. The LVIA assesses visual effects with reference to the various viewpoints chosen for the assessment. The continued extraction operations would lie wholly within the visual envelope of the existing quarry and be perceived within that context. The LVIA concludes no significant effects are predicted for occupiers of residential properties within the 5km study area as a result of the continued extraction.
89. The focus of comments from the PDNPA Landscape Architect relate to the need to prioritise progressive restoration within the eastern shale quarry, and therefore revised quarry development/restoration plans (with indicative dates and specific habitat creation types) to reflect the reduced need for extraction and expedited restoration implementation were requested along with a revised plan showing the final quarry void.
90. Plans showing Phase 0, Phase 1 and Phase 2 (Maximum Void) have been revised/produced to provide indicative dates, and additional annotations (including the final expected water level of 164.5m AOD and habitat creation types) and to show the reduced extraction (as a result of the now consented importation of ARM, to supplement the shale) and expedited restoration implementation. Phase 1 is an additional plan and provides indicative dates from 2025 to 2035/2042. The submitted information explains that subject to the quality of the ARM imported PFA it may be necessary to enter Phase 2 earlier to achieve the required shale blends. The indicative dates for Phase 2 are from 2035/2038 to 2042: extraction will commence no later than 2038 in Phase 2 to ensure the shale is extracted to achieve the grassland and shallow areas around the lake. The Cross Sections and Restoration Plan have been revised to

include annotations with respect to habitat creation types and lake water levels. PDNPA Landscape have confirmed their support for the revised and additional plans which reflect the reduced need for extraction. No changes to existing conditions are considered necessary.

91. However, given it is unclear how much on-site shale is going to be required for use in the kiln feed mix given the ARM importation approval, it is considered necessary to review the proposed working strategy for the eastern shale quarry prior to the permission end date, as it may be possible to reduce the operational working area, expedite progressive restoration and work towards a final landform that reduces the extent of the final water body. Either element alone, or in combination would have a benefit to the National Park in terms of landscape and environmental amenity. As such a condition is proposed which requires a confidential reserve and projected production output assessment to be provided to the MPA prior to the 21 February 2034 so that anticipated final land levels within the site can be better understood. Should the assessment warrant it, a further condition will require the submission of a revised working strategy and final restoration scheme, which aims to reduce the extent of the final waterbody and/or expedite progressive restoration.
92. Having regard to the relevant development plan policies referred to above, it is reasonable to conclude that the review of the Scheme of Conditions has provided an opportunity to request revised quarry development plans to reflect the reduced need for extraction and implementation of progressive restoration in line with current policies and practices.

Water resources

93. Paragraph 182 of the NPPF requires applications which could affect drainage on or around the site to incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposal and provide multifunctional benefits wherever possible through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
94. Development Management Policies DPD policy DMMW3 requires the impacts of minerals development on the environment of the National Park to be reduced to an acceptable level, or eliminated, in relation to a list of eleven criterion including “any potential effects on groundwater, rivers or other aspect of the water environment”.
95. The original ROMP submission was accompanied by a Flood Risk Assessment (FRA). Subsequently, an Outline Surface Water Drainage Strategy (SWDS) was submitted in response to PDNPA’s request for further information. In terms of existing surface water drainage, active management is required to control water levels within the eastern quarry void to provide safe working conditions. Water ingress to the void is predominantly rainfall-derived, and a pump installed in the northwest of the void pumps water from the sump and discharges it to a drain running westwards and eventually into the tributary of the Bradwell Brook known as the Kronstadt Stream. In the event of poor quality water, the discharge can be stopped at a variety of points to allow remedial action to be taken. Water from the site discharges in this way in accordance with the EA’s discharge consent.

96. Water management will operate in the same way as the current scheme described above for the remaining operational life of the eastern quarry. Following restoration, no active water management will be required. Excess water entering any of the waterbodies on site (by way of direct rainfall and surface water) will continue to discharge into Kronstadt Stream, however, anticipated run-off volumes for the restored site have been calculated in the SWDS. The calculations indicate that a volume of approximately 37,300m³ could be generated during a storm event. Across a total waterbody area of approximately 22.4ha (once the site is fully restored), this equates to an increase in water level of approximately 0.17m. Amended Drawing No. NT15771/300/Figure 3.2 Rev B Restoration Plan shows the restoration waterbody in the eastern quarry will have a water level of approximately 164.5m AOD, with an emergency overflow level of 165.4m AOD. Therefore, the increase in water level which could be generated during a storm event can be accommodated without the risk of overtopping. Should an extreme storm event occur during the remaining mineral extraction, water would be retained on-site, with discharge not exceeding the discharge rate specified by the EA. Should any potential revision to the working strategy and final restoration profile be proposed, condition 41 will require the submission of an updated SWDS.
97. The EA have no objections and agree the existing planning conditions relating to water resources remain appropriate without amendment. DCC Flood Risk Management have no objections, subject to surface water being managed in accordance with the submitted details.
98. Having regard to the relevant development plan policies referred to above, the review of the Scheme of Conditions has provided an opportunity to consider whether the existing planning conditions relating to water resources remain sufficient in light of the submitted details. No changes to existing planning conditions are proposed, save for the potential requirement to submit an updated SWDS should revisions to the working strategy and final restoration profile of the site be proposed.

Amenity impacts

99. Paragraph 224 of the NPPF states that when determining proposals for mineral extraction, mineral planning authorities should:
- “ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties”
100. Paragraph 013 of National Planning Practice Guidance on Minerals sets out the principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, and the guidance goes on to explain how minerals development proposals should seek to control or mitigate environmental issues such as noise and dust emissions.
101. Development Management Policies DPD policy DMMW2 seeks to reduce adverse impacts of minerals and waste development on amenity to an acceptable level or eliminated in relation to local amenity including noise (including noise of a level, type, frequency and duration, likely to have negative impacts on areas of tranquillity) and dust.

102. The applicant has explained in the submission that there are no proposals to alter the existing hours of working which are controlled by planning condition number 10. All Heavy Goods Vehicle (HGV) movements associated with the shale quarry will continue to be contained within the site travelling between the eastern quarry and the mobile crusher/screen, from which the material is transported by covered conveyor to HCW.
103. Chapter 7 of the ES provides an assessment considering the likely significant effects of the continued operation of the shale quarry in terms of noise in the context of the site and surrounding area upon existing sensitive receptors. The principal noise emission sources considered in the assessment are noise associated with normal on-going site operations, traffic noise and the screening of material. National Planning Practice Guidance on Minerals recommends noise limits are established through planning conditions, and provides guidance on acceptable noise standards for normal operations to not exceed the background noise level by more than 10dB(A) (and no more than 55dB $L_{Aeq, 1\text{ Hour}}$ (free field)) at existing sensitive receptors. For short-term activities such as soil stripping, removal of soil storage mounds and construction of new permanent landforms a higher daytime noise limit of up to 70dB $L_{Aeq, 1\text{ Hour}}$ (free field) for periods up to 8 weeks in a year can be considered. These limits are already reflected in planning conditions 21 and 22, and the assessment concludes that existing noise limits can continue to be achieved without any modifications to these conditions. The assessment concludes the overall impact on existing sensitive receptors will be negligible during the consented hours of working.
104. A dust assessment has been undertaken to consider the potential impact of dust generation from the continued working of the shale quarry (Chapter 11 of the ES). The assessment considers the dust sources at the site are related to site preparation/restoration, mineral extraction and material handling (including loading and emptying of material and transport via HGV between the quarry void and mobile crusher/screen. Institute of Air Quality Management (IAQM) Minerals Guidance outlines the typical distance dust may travel from hard rock quarries (such as the shale quarry) as 400m from the dust source, and the assessment has identified 17 sensitive receptors within 400m of a dust generating operation. Potential fine particulate matter impacts have been screened out of the assessment because background PM_{10} concentrations at the identified sensitive receptors (and within a wider radius of 1km) are below the threshold stipulated in the IAQM Minerals Guidance, and therefore impact on human health is considered to be negligible and not significant. The assessment notes there is currently no standalone Dust Management Plan in place for the shale quarry, however there are dust control measures set out and agreed with the Environment Agency as part of the permitting process. Overall, the assessment concludes that the continuation of working at the shale quarry will not lead to an unacceptable risk from disamenity dust/air pollution, subject to site specific mitigation measures continuing to be in place, and planning condition 19 relating to air quality/dust is considered sufficient to meet dust compliance going forward. However, following comments from Environmental Health it is proposed to require a Dust Management Plan (DMP) to be submitted via condition to ensure adequate control of dust through the planning regime.
105. Subject to the following modifications to planning conditions, there are no outstanding matters relating to amenity:

- Modification to condition 19 to require submission of a Dust Management Plan to include measures to be taken to ensure no visible airborne emissions of dust emanate beyond the site boundary and the investigation procedure when complaints about dust are notified in writing to the MPA; and
- Modification to condition 21 to allow demonstration of compliance with the noise limit for normal activities without reliance on access to residential properties, which may not always be feasible to obtain.

106. Having regard to the relevant development plan policies referred to above, it is reasonable to conclude that the review of the Scheme of Conditions has provided an opportunity to update the conditions to raise environmental standards particularly in terms of noise and dust emissions and to bring them up-to-date with current policies and practices.

Consideration of alternatives

107. This is a review application and therefore no alternative sites were investigated by the applicant.

Cumulative impact

108. Schedule 4 of the EIA Regulations 2017 requires an ES to offer an assessment of the cumulative effects of the proposals alongside existing uses within an appropriate distance. The submission addresses the cumulative impact of the proposed development to examine if continued operation of the eastern shale quarry, when combined with other developments and activities in the area, could collectively impose a significant impact on the environment. It concludes that there are no cumulative impacts that will arise in combination either within itself or with other existing/proposed developments that would render the proposal unacceptable.

Conclusion

109. The ROMP process is designed to ensure MPAs are able to agree a Scheme of Conditions with operators to ensure historic permissions are carried out in accordance with modern environmental standards. An ES has been submitted to the MPA, and the conclusions of each technical chapter of the ES informed the proposed Scheme of Conditions which accompanied the submission. Through the consultation process some wording of the conditions was modified, and some new conditions have been added to the schedule following responses from consultees, with the agreement of the applicant.

110. Taking the relevant up-to-date development plan policies as a whole and having given consideration to the Scheme of Conditions, the supporting and environmental information, including the information subsequently received, the consultee comments and the other material considerations, all referred to above, it is reasonable to conclude that the Scheme of Conditions, as modified would:

- ensure that the site can operate and be restored to higher environmental standards;
- bring the conditions into line with current policies and best practice; and
- not prejudice to an unreasonable degree the economic viability of the operation or the asset value of the site.

Recommendation

- 111. That the Scheme of Conditions set out in Appendix A are agreed in principle, and that delegated authority is granted to the Head of Planning and Conservation to determine the final wording of the Scheme of Conditions following discussions with the Applicant.**

APPENDIX A: SCHEME OF CONDITIONS

Commencement

1. Commencement upon date of issue.

Duration

2. End date for the winning and working of minerals shall continue to be 21 February 2042 with phased restoration completed 5 years after, or by 21 February 2047, whichever is sooner.

Working Scheme and Operating Programme

3. Carry out in accordance with specified amended documents, plans and details.
4. Submit annual survey plan of the site and statement summarising progress with working, tipping, restoration and aftercare.
5. Copy of the planning permission shall be kept at the quarry manager's office.

Type of Mineral

6. Extraction of mineral to continue to be restricted to supplying Hope cement works with shale for use in the manufacture of cement.

Production

7. Monthly production records shall continue to be maintained by the operator, and made available to the MPA on a confidential basis upon request.

Depth of Working

8. Depth of working shall continue to be 139 metres AOD.

Restriction of Permitted Development Rights

9. Updated to reflect amendments to GPDO.

Hours of Working

10. Hours of working to continue to be 0700 – 1900 Monday to Friday, with no normal operations taking place on Saturdays, Sundays, Bank or Public Holidays, unless in emergencies.

Soil Removal, Handling and Storage

11. Soil removal/handling/storage condition modified to refer to updated guidance, reflect that soil stripping activities have finished and plans submitted with the ROMP.
12. Retained soil removal/handling/storage condition relating to good practice.

13. Soil removal/handling/storage condition modified to refer to updated guidance and 'dry and friable condition'.
14. Soil removal/handling/storage condition modified to refer to updated guidance.

Waste

15. Condition requiring any overburden and other mineral waste excavated from the site to be used for progressive restoration/stored in identified locations has been modified to reflect that soil stripping activities have finished, and plans submitted with the ROMP.
16. Removal of all waste materials generated on site by 21 February 2047.

Floodlighting

17. Floodlighting condition modified to clarify prior written approval shall be required should there be a need for permanent lighting or more frequent use of lighting.

Fencing

18. Maintain stockproof fencing to exclude livestock from the site for the duration of the period of working and restoration/aftercare.

Dust

19. Dust control condition modified to require submission of a Dust Management Plan, at the request of Environmental Health.

Noise

20. Vehicles, plant and machinery used within the site shall be maintained and fitted with silencers.
21. Condition specifying noise standards for normal operations modified to allow demonstration of compliance with the noise limit without relying on access to private property, at the request of Environmental Health.
22. Noise standards for short-term activities remain applicable for continued working and restoration operations.

Water Protection and Pollution Control

23. No discharge of foul or contaminated drainage into either groundwater or surface waters.
24. Facilities for the storage of oils, fuels or chemicals to be sited on impervious bases and surrounded by impervious bund walls.

25. Vehicle maintenance to be carried out on impermeable areas where drainage can be intercepted prior to discharge.

Visual Impact

26. Condition requiring the concealment of mobile plant, machinery and ancillary equipment where possible to minimise visibility from outside the site in the event of operations temporarily ceasing for more than a month.

Archaeology

27. Submit for written agreement a Publication, Dissemination and Archiving Strategy for the archaeological investigations in the eastern shale quarry, based on the previously approved WSI, at the request of PDNPA Archaeology.
28. Submit for written agreement the final archive report for the archaeological investigations in the eastern shale quarry, at the request of PDNPA Archaeology.
29. Submit for written agreement a landscaping scheme for the area around The Folly Platform cairn scheduled monument including strict timescales for implementation in advance of the cessation date of extraction, and implementation of the approved scheme, at the request of HE and PDNPA Archaeology.
30. Submit for written agreement a landscaping scheme for the area within the vicinity of the Navio Roman Fort scheduled monument including strict timescales for implementation in advance of the cessation date of extraction, at the request of HE and PDNPA Archaeology.
31. Submit for written agreement a supporting archaeological assessment/investigation relating to the landscaping scheme referred to in planning condition 30, at the request of HE and PDNPA Archaeology.
32. Implementation of the landscaping scheme referred to in planning condition 30, taking into account the archaeological assessment/investigation referred to in planning condition 31, at the request of HE and PDNPA Archaeology.
33. Submit for written agreement a strategy for interpretation of the Navio Roman Fort and vicus and Folly platform cairn scheduled monuments, to be implemented prior to the cessation date of extraction, at the request of HE and PDNPA Archaeology.

Ecology and Wildlife

34. Submit for written agreement a scheme for the retention or translocation of species rich grassland habitat(s) that have temporarily colonised the site, and implementation of the approved scheme.
35. Protection for ecology and wildlife afforded by relevant regulations has been modified to refer to updated regulations, at the request of PDNPA Ecology.

36. Submit for written agreement a great crested newt method statement addressing potential risks during the remaining consented operations, and implementation of the approved statement.

Landscaping

37. No change to existing landscaping condition requiring existing trees, shrubs, hedgerows and walls within the site to be retained.
38. No change to existing landscaping condition requiring landscaping of the site to be carried out in accordance with approved details, and any trees/shrubs/hedges that die, are removed or become seriously damaged/diseased within 5 years of planting shall be replaced in the next planting season.

Restoration, Aftercare and Afteruse

39. Progressive restoration of the site to continue in accordance with approved plans, and submit for written agreement a progress report at 5-yearly intervals.
40. Submit to the MPA on a confidential basis by 21 February 2034 an updated reserve assessment for the shale quarry, which considers, in the context of imported ARM, the likely on-site production requirements necessary for use as kiln feed until 21st of February 2042.
41. Should there be scope to reduce the working area as a result of the assessment submitted under condition 40 above, submit for written agreement by 21 February 2035 a revised final restoration scheme based upon the updated reserve assessment and likely required production output data, and if necessary, revised phasing plans and surface water drainage strategy for the remaining proposed working of the site. The relevant revised working, drainage and restoration schemes shall be implemented immediately upon the approval of the MPA.
42. Submit for written agreement by 21 February 2040 a fully detailed scheme and programme for the final restoration of the remaining areas not already restored.
43. Removal of all plant, machinery, structures, hard standings, buildings and foundation to be removed from the site upon restoration or by 21 February 2047, whichever is sooner.
44. Submit for written agreement by 21 February 2046 a 5-year programme of aftercare.