
6. ASSESSMENT UNDER THE HABITAT REGULATIONS: OLD MOOR QUARRY, WORMHILL (JEN)

APPLICANT: LAFARGE TARMAC

Proposal: Habitat Regulations Assessment in relation to ROMP application

Site and Surroundings

Old Moor Quarry is part of a wider site incorporating both Tunstead Quarry and Old Moor Quarry. Tunstead is located entirely outside the National Park and thus comes under the planning control of Derbyshire County Council. Old Moor is predominantly located in the National Park, (with a very small area in Derbyshire County Council). A plan of the site showing the National Park boundary is enclosed.

Both Tunstead and Old Moor are undergoing the necessary processes to enable the relevant planning authorities to determine modern working conditions. The Old Moor Review Of Old Mineral Permission scheme will be considered by a forthcoming planning committee and is registered as NP/HPK/1013/0898.

RECOMMENDATION:

That this report, including annex 1, be adopted as the Authority's Habitat Regulations Assessment in relation to the determination of modern working conditions under the Review of Old Mineral Permissions process at Old Moor Quarry.

It is determined that continued Mineral Working is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus continued quarrying is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

Key Issues

The UK is bound by the terms of the Habitats Directive (92/43/EEC). Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other projects in view of the European Site's conservation objectives. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

It has been identified that Peak District Dales Special Area for Conservation (SAC) (which therefore falls within the definition of a 'European Site') could be affected by continued quarrying at Tunstead/Old Moor Quarry so it is necessary to consider the significance of these effects.

Assessment

The Habitat Regulation Assessment Process

The Habitat Regulation Assessment (HRA) process involves several stages:

Stage 1 – Likely Significant Effect Test

Stage 2 – Appropriate Assessment

Stages 3 & 4 – Assessment of Alternative Solutions and Imperative Reasons of Overriding Public Interest Test.

Stage 1: This is essentially a risk assessment utilising existing data, records and specialist knowledge. This stage identifies the likely impacts of a project upon a European Site and considers whether the impacts are likely to be significant. The purpose of the test is to screen in or screen out whether a full Appropriate Assessment is required. Where likely significant effects cannot be excluded, assessing them in more detail through an appropriate assessment is required to reach a conclusion as to whether an adverse effect on the integrity of the site can be ruled out.

Stage 2: This is the appropriate assessment and this involves consideration of the impacts on the integrity of the European Site with regard to the conservation site's structure and function and its conservation objectives. Where there are adverse effects an assessment of mitigation options is carried out. If the mitigation cannot avoid any adverse effect or cannot mitigate it to the extent that it is no longer significant, then development consent can only be given if an assessment of alternative solutions is successfully carried out or the Imperative Reasons of Overriding Public Interest (IROPI) test is satisfied.

Stage 3&4: If a project will have a significant adverse effect and this cannot be either avoided or mitigated, the project cannot go ahead unless it passes the IROPI test. In order to pass the test, it must be objectively concluded that no alternative solutions exist. The project must be referred to the Secretary of State on the grounds that there are Imperative Reasons of Overriding Public Interest as to why the project must proceed. Potential compensatory measures needed to maintain the overall coherence of the site or integrity of the European Site network must also be considered.

Impact Pathways

The SAC covers approximately 2,326ha and comprises a number of constituent Sites of Scientific Interest (SSSIs). It lies to the south and east of Old Moor Quarry.

The special conservation objectives of the SAC are appended to this report. (Annex 2)

In the pre-application stage two potential pathways of impact on the SAC were identified, these being hydrology and dust.

Hydrology

Changes in groundwater and/or surface water supply to sensitive plant communities such as alkaline flushes through drying or changes to water supply to springs and seepages can lead to the loss of particularly sensitive species or wholesale changes in community type.

Changes in groundwater could also lead to reduced water supply to the rivers, which if significant could affect white clawed crayfish, bullhead or river lamprey.

A principal objective was agreed between Natural England, Environment Agency, Derbyshire County Council and the National Park Authority for the applicant to develop and test a conceptual model of groundwater movement to evaluate the magnitude and significance of risks to the hydrological environment in the locality and the design of mitigation measures.

Natural England confirmed a number of sensitive wetland features to consider in the assessment and the only relevant qualifying feature to be identified was Alkaline Fens, as none of the other qualifying habitats were identified as sensitive to hydrological impacts.

The detailed hydrological and hydrogeological investigations which have been carried out by the applicant (set out at annex 1) have shown that it is very unlikely that there will be any adverse effect on the groundwater or surface water resources of the area from the continuing quarrying and related operations at Tunstead and Old Moor, and thus it is unlikely that there will be adverse effect on the sensitive features identified by Natural England within the SAC.

Dust

Dust will be generated during soil stripping operations, blasting, excavating, and transporting mineral and during restoration following quarrying.

Effects from dust arise when it is deposited on surfaces and deposition of large amounts of dust can affect vegetation in two ways; physical smothering leading to a reduction in growth through restricting light on leaves and also restricting transpiration of water off the leaves and chemical induced changes on the above parts of plants or changes to the pH and/or nutrient status of the soil.

Potential dust impacts were raised as requiring consideration without reference to the SAC as a sensitive receptor. Dust is not considered to be a key environmental consideration for the features for which the SAC is designated and the Dust Risk Assessment in the EIA, which is reiterated in the applicant's assessment of likely significant effects (set out in annex 1) is adequate for these purposes.

The dust assessment in the EIA demonstrates that significant dust deposition impacts are unlikely from continued working at Tunstead and Old Moor, and that industry best practice measures will be followed to minimise dust creation and to suppress any dust that is generated. It concludes that no likely significant effect due to dust is expected on the features for which the SAC is designated.

Conclusion

It is concluded at Stage 1 of the HRA, that the investigation which has taken place are adequate and demonstrate that continued quarrying as proposed by the Review of Old Mineral Permissions scheme is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus continued quarrying is not considered to be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.

Human Rights

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

List of Background Papers (not previously published)

Nil