

8. ASSESSMENT UNDER THE HABITATS REGULATIONS: BALLIDON QUARRY (APB)

HABITAT REGULATIONS ASSESSMENT IN RELATION TO TWO PARALLEL PLANNING APPLICATIONS WHICH SEEK TO AMEND THE CURRENT EXTRACTION BOUNDARY AND PROVIDE FOR AN ENHANCED RESTORATION SCHEME (APPLICATION REFERENCES NP/DDD/0715/0618 & NP/DDD/0715/0619)

APPLICANT: LAFARGE-TARMAC (NOW TARMAC (CRH))

Site and Surroundings

Ballidon Quarry is operated by Tarmac (a CRH company), formerly Lafarge-Tarmac. The quarry is located in the south-east of the National Park, approximately 1.5 km to the northeast of the village of Parwich and less than 0.5 km from the hamlet of Ballidon. It covers an area of approximately 75 ha with the main processing area, including the powders plant, covering the eastern central portion of the site.

The quarry predominantly works high purity limestone, which is processed into industrial powders used in products for animal feeds, use in plastics, glues and numerous other products where purity and whiteness are essential. The quality of the limestone worked from Ballidon Quarry for powders sales is reflected in the section 106 legal agreement. This stipulates that a minimum of 40% of sales from the quarry are to be sold into the industrial sector, with the remainder permitted to be sold to the aggregates sector. The main planning permission NP/DDD/0214/0210 covering mineral working at Ballidon Quarry requires mineral extraction to cease by 31 December 2040.

Two parallel planning applications have been submitted to the Authority, whereby the operator is seeking to amend the existing extraction boundary so as to encompass an area of high quality limestone currently lying beneath the site's southern tip (Tip 3). By using the waste material which would be generated from that development, the applicant is also seeking to amend and enhance the approved restoration scheme to provide significant landscape and biodiversity benefits.

RECOMMENDATIONS:

- 1. That this report, and its appendices, be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed development at Ballidon Quarry, as defined in the two parallel applications NP/DDD/0715/0618 and NP/DDD/0715/0619.**
- 2. It is determined that continued mineral working at the site in accordance with the proposed scheme of working is unlikely to have a significant effect on the integrity of the Peak District Dales SAC. Thus, approval of applications NP/DDD/0715/0618 and NP/DDD/0715/0619, the subject of a separate report to Planning Committee, would not 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 the site for the above applications at Ballidon Quarry is within close proximity to the Peak District Dales Special Area for Conservation (SAC) (which is a European Site), and therefore the proposed development has the potential to affect its interest features. The location of the Peak District Dales SAC in relation to the quarry is shown in Appendix 1. The special conservation objectives of the SAC are appended to this report at Appendix 2.

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 and 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.

Stages 3 and 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.

Assessment

The SAC covers approximately 2,326ha and comprises a number of constituent Sites of Scientific Interest (SSSIs). The section of the SAC of relevance to this HRA falls mainly to the east and northeast of Ballidon Quarry, with a section running westwards along Ballidon Dale, the area of land between the main quarry and processing area (Main Quarry) and Woodbarn Quarry, to the north. The area covered by the SAC is coincident with Ballidon Dale SSSI, notified on the basis of its calcareous grassland interest.

In the applications, Lafarge-Tarmac/Tarmac (CRH) has not included a formal HRA report for assessment. However, the Environmental Statement accompanying the applications does include a detailed section on Ecology, which makes specific reference to the SAC. In their summary of potential adverse ecological impacts, the ES states that no part of the Peak District Dales SAC will be directly affected by encroachment of proposed mineral extraction activities at Ballidon Quarry and that no adverse indirect effects of the proposed quarry development scheme are expected to arise within the SAC designated area.

In their consultation response, Natural England, whilst noting the absence of a HRA as part of the application, conclude by advising that, when screening for the likelihood of significant effects and based on the information provided, the Authority should include the following advice:

- The proposal is not necessary for the management of the European site;
- That the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

They add that when recording the HRA, the Authority should make reference to the following text in order to justify the conclusions regarding the likelihood of significant effects:

As the footprint of the quarry has not changed, and this project relates to variations in working within the existing area, there should be no impact over and above that already considered in previous applications. Due to the location of Tip 3 in relation to the SAC/SSSI boundary there would not be any likely significant effects on the designated site.

Conclusion

It is concluded at Stage 1 of the HRA, that the information presented with the applications is sufficient to demonstrate that continued quarrying at Ballidon Quarry, as set out in the proposed phasing plans, is unlikely to have a significant effect on the integrity of the Peak District Dales SAC or Ballidon Dales SSSI. Thus, the development 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

Appendices

Appendix 1: Location of Peak District Dales SAC in relation to Ballidon Quarry

Appendix 2: Peak District Dales SAC Site Conservation Objectives