

**9. (A) FULL APPLICATION FOR REVISION TO QUARRY DEVELOPMENT SCHEME WITHIN CURRENT PLANNING CONSENT BOUNDARY AND PROVISION OF ENHANCED RESTORATION SCHEME, BALLIDON QUARRY (NP/DDD/0715/0619, M3893, 31/07/2015, 420192/354944, APB)**

**(B) VARIATION OF CONDITIONS (2, 11, 38, 39) CONTAINED IN PLANNING CONSENT NP/DDD/0214/0210 RELATING TO PERMITTED SCHEME OF WORKING AND PROVIDE ENHANCED RESTORATION SCHEME, BALLIDON QUARRY (NP/DDD/0715/0618, M3893, 31/07/2015, 420192/354944, APB)**

**APPLICANT: LAFARGE-TARMAC (NOW KNOWN AS TARMAC (A CRH COMPANY))**

**Introduction**

This report deals with two applications which have been submitted in parallel by the applicant and which have been assessed jointly since they relate to one and the same development. Following procedural advice offered by case officers, the applicant was required to make two separate submissions in order to pursue their intended development, which is the subject of this one report, the first being a full minerals application covering an additional area and revision to the current quarry extraction boundary to accommodate extraction beneath an existing tip (known as Tip 3), and the second being a section 73 application to vary the existing phasing of working and the currently approved restoration scheme, to take account of the increase in on-site waste material generated as a result of removal of material from Tip 3.

The report therefore includes two separate recommendations which Members are asked to make a decision on. In practical terms, given the inter-dependent nature of the two applications, if differing resolutions were reached for each application it is highly unlikely that the granted permission would be implemented since the revised phasing and restoration development the subject of the section 73 application could not practically be undertaken in the absence of planning permission granted for the full development varying the extraction boundary. If the applications are approved, the development would be controlled and monitored with reference to two resultant planning permissions, the conditions of which are set out in summary draft form in this report. A resolution of refusal would mean that the quarry continues to operate under the terms of the existing permission.

**Background**

Ballidon Quarry is operated by Tarmac (a CRH company), formerly Lafarge-Tarmac at the time the application was submitted. 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. Mineral extraction at the quarry has been undertaken for over 50 years. The quarry predominantly works high purity limestone, which is processed into industrial powders used in products for animal feeds, plastics, glues and numerous other end uses where purity and whiteness are essential. This includes provision of product specifically for use within the glass industry, with material exported to various European destinations and operators including Saint Gobain Weber, Trucal and Pochet Gamache. The quality of the limestone worked from Ballidon Quarry is reflected in the section 106 legal agreement, which 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 principal planning permission for Ballidon Quarry covering recent operations was granted on 4 March 2003 under reference NP/DDD/0500/172. That permission consolidated all previous permissions at the site and provided a single development scheme to allow the removal of the remaining mineral reserves at Ballidon Quarry. Planning permission was subsequently granted on 24 August 2004 which allowed for an increase in the annual output from the site from 1.0 million tonnes (Mt) to 1.1 Mt. In 2014 permission was granted for an increase in the level of night

time powders movements from the site (NP/DDD/0210/0214) and that is now the primary permission governing operations at the quarry, which requires mineral extraction to cease no later than 31 December 2040.

Ballidon Quarry covers an area of approximately 75 hectares and the two main operational areas are Main Quarry (split into areas known as West Quarry and East Quarry) occupying the southern major portion of the site, and Woodbarn Quarry, which lies to the north and connected to Main Quarry via a short tunnel. Woodbarn Quarry is used exclusively for mineral extraction and no permanent plant is located within this area. The main processing area, comprising the powders plant, primary and secondary crushers, surge piles and wheel wash, covers the eastern central portion of the southern part of the site. The weighbridge, site offices, welfare facilities and associated car parking areas are located further south, close to the site access and link with the public highway.

Mineral extraction is undertaken using conventional drilling and blasting techniques. Blasted mineral is loaded by hydraulic excavators to dump trucks hauling to fixed primary, secondary and tertiary processing plants. The processing plant is utilised for crushing and screening of primary aggregate to produce a range of product sizes. Milling for the production of industrial and agricultural powders is also undertaken.

Quarrying has occurred over a number of benches (up to nine within the Main Quarry and six within Woodbarn), with a maximum face height between individual benches of some 15m. The base floor level in Main Quarry contains a sump for the collection of rainfall and groundwater ingress. This water is pumped eastwards via a series of interconnected pipework to lagoons situated on the central eastern edge of the site. On the southern boundary of the main area of mineral working at Ballidon, the landform is largely dominated by a quarry waste tip (Tip 3), comprising waste quarry stone and stripped soils. The screening mound holds mature woodland upon its outer southern slopes, being grassed upon its northern aspect facing into the quarry void. Tip 3 has historically provided an effective visual screen from views to the south for a considerable period of the quarry's duration to date. The north-eastern (East Tip) and south-western areas are under varied stages of restoration; quarry faces having been over-tipped and shaped with waste stone to create more naturalistic surface gradients. Progressive bench restoration and rollover slopes have also been constructed on the north and western upper fringes of both Main Quarry and Woodbarn Quarry.

### **Proposal**

A recent assessment by the applicant identified that an estimated 30% of permitted reserves are located beneath two substantial historic waste mounds in the base of the quarry and below the water table. Readily available reserves (i.e. not requiring movement of the historic waste mounds) were estimated to be around 6 years. To avoid the necessity of relocating the tips in the base of the quarry and to avoid any potential dewatering issues, the proposal is to amend the current phasing of working so as to encompass limestone currently inaccessible beneath a further historic tip, Tip 3, on the site's southern boundary. This additional extraction area, amounting to 3.97 hectares, lies within the existing planning permission boundary but outside the currently approved extraction boundary and would release approximately 5.3 Mt of limestone.

The proposal would in turn provide for an improved final restoration scheme, through the removal of approximately 1.0 million cubic metres of quarry waste material comprising part of Tip 3 (to expose the mineral beneath) and relocating that material to another part of Main Quarry, to create a final restoration landform which ties in better with restoration undertaken to date. The proposals do not increase the overall reserve figure for the quarry, since the limestone lying beneath the two historic waste mounds in the base of the quarry would be left in situ, thereby relinquishing an equivalent 5.3 Mt of existing permitted reserve in exchange for the new reserves beneath Tip 3.

Six distinct phases of working are proposed, to be implemented over a period of approximately 16 years. The revised phasing encompasses both already consented reserves (Phase 1 is entirely comprised of existing reserves in line with approved plans) and proposed resource beneath Tip 3. The phases are as follows (dates are approximate and ultimately determined by demand):

- Phase 1 (Sept 2013 - Jan 2016) - recover 2.5 Mt of existing consented reserve from Woodbarn Quarry and from central part of West Quarry; progressive restoration creating an extensive daleside landform within East Quarry and along the northern edge of West Quarry.
- Phase 2 (Jan 2016 - Dec 2019) - regrade southern landform to access 0.52 Mt of proposed resource and extract 1.71 Mt existing consented reserve (total 2.23 Mt); contraction of Woodbarn Quarry mineral extraction areas and removal of Tip 3 to accommodate a southern extension of mineral extraction. Tip 3 reprofiling will create a new final restoration area along southern margin of Ballidon Quarry. Extensive daleside landform restoration will be completed along the western edge of West Quarry.
- Phase 3 (Jan 2020 - May 2025) - progress southern extension to release 4.78 Mt of proposed resource; completion of Woodbarn Quarry extraction, with final restoration to limestone daleside landforms. West Quarry mineral extraction area will increase.
- Phase 4 (June 2025 - Dec 2027) - removal of ancillary equipment to access 1.57 Mt of underlying existing consented reserve; mineral extraction in West Quarry moves eastwards and the tunnel/underpass to Woodbarn will be filled and finally restored to complete extensive area of limestone dale landform along the northern edge of West Quarry and East Quarry combined.
- Phase 5 (Jan 2028 – 2030 approx) - remove remainder of static plant to recover 1.26 Mt of consented reserve; mineral extraction will cease in West Quarry and progressive restoration will complete limestone daleside landforms within West Quarry that will extend towards the former Tip 3. Final restoration will include establishment of an extensive area of open water. Existing powders plant and associated installations will be removed during this phase to allow completion of extraction operations and final restoration.
- Phase 6 (2030 onwards) - restoration blasting to form the final proposed landform.

A comprehensive new restoration concept for the site, that takes into account the re-phasing of the existing mineral operations and the availability of additional fill material, has been prepared. Principally the restoration scheme seeks to reinstate agricultural use where possible together with hedgerow and woodland planting, whilst also providing significant ecological improvements compared to the existing permitted scheme. The restoration will be achieved through the total reuse of the existing soil resource, with no importation of restoration material anticipated. The vast majority of restoration material on site will be reclaimed from mineral and processing waste, overburden materials and retained soils. Soil availability on site is extremely limited and therefore the provision of appropriate habitats to match the restoration materials available has been a key aim of the submission.

The proposed Restoration Masterplan has been drawn up based on the information within the Environmental Statement, including landscape character assessments, ecology and cultural heritage assessment work and landscape policies applicable to the site. The scheme draws on the previously approved plans, providing improvements in a number of areas, including re-designed final restoration profile in West Quarry through the creation of a huge roll-over slope in

the NW corner, in place of a 100m+ deep series of faces and benches as per the existing restoration scheme, to mitigate long-range views; the provision of a diverse landform structure which maximises wildlife potential of the wider site and provides integrated areas of calcareous and neutral grassland, peripheral scrub; an open water body with water level at approximately 177m AOD extending to approximately 4.1 ha in the base of Main Quarry; mixed deciduous woodland and wetland, including gentle sloping land with areas of tall herb meadow, grassland and tussocky wet grassland adjacent to the open water; retention of some benches to provide appropriate habitat for certain bird species.

The remainder of the development would not change from what is currently permitted. The existing operations are subject to a depth limitation of 160m AOD in Main Quarry and 185m AOD in Woodbarn Quarry. It is not proposed to change these depth limits. The operational areas are subject to a dewatering scheme that enables the recovery of mineral from the deeper part of the quarry. It is intended to continue with this scheme and extend it laterally, in line with the proposed re-phasing so as to enable full recovery of the available mineral resource. Similarly, all processing operations will be concentrated in the existing plant site and there will be no change to the means of mineral processing, access to the site or other currently permitted operations such as blasting, dust control or hours of working.

It is proposed that the additional mineral resource will be worked within the current permitted output limit of 1,100,000 tonnes per annum and within the existing permitted traffic movements of 800 per day (400 In, 400 Out). The applicant has indicated that the projected life of the quarry is approximately 16 years (based upon an annual average output of circa 750,000 tonnes). Following discussion with the applicant during the course of determination, they are agreeable to bringing forward the quarry end date by five years, to 31 December 2035. This revised end date takes account of the reserve figure included in the proposals and the estimated 16 year duration (which would equate to an extraction end date of around 2030 based on an average output of 750,000 tonnes per annum), but builds in some flexibility for fluctuations in market conditions over that period.

### **Environmental Impact Assessment**

The development is categorised as EIA development as defined under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The planning applications are accompanied by a single Environmental Statement, with the entire scheme considered and developed following a detailed and comprehensive Environmental Impact Assessment, which has involved technical input regarding a range of disciplines, including:

- landscape and cultural heritage;
- ecology;
- noise,
- air quality
- vibration;
- transport; and
- hydrology, hydrogeology and flood risk.

### **Site and Surroundings**

The application site is located approximately 9 km to northeast of Ashbourne and approximately 1.3 km north-east of the village of Parwich, just north of the hamlet of Ballidon. Ground elevations in and around the quarry rise from approximately 200m AOD to the south to around 305m AOD immediately adjacent to the northern boundary of the site. Tip 3, which would be removed as part of this development proposal, lies on the southern boundary of the site with a high point of 272m AOD towards its eastern extent. The periphery of the site is generally substantially higher than the internal areas as a result of both natural and built landforms, although Ballidon Dale, a shallow valley feature which runs approximately east-west separating Woodbarn Quarry from Main Quarry, lies at a relatively lower elevation of 270m AOD, joining up

at its eastern end with the track which links in with Roystone Lane further south.

The current site access is directly onto to the unclassified road known as Roystone Lane, which is predominantly rural in nature and varies in width between 5.5m-6.0m. Roystone Lane runs south from the main quarry entrance for a distance of approximately 1.5 km, through the hamlet of Ballidon, before reaching a priority T-junction with Highway Lane. Roystone Lane itself benefits from a number of regularly spaced passing places. HGV traffic turns east at the T-junction with Highway Lane, away from the village of Ballidon, for a short distance, which in turn provides access to the primary road network on the B5056, either south towards Ashbourne or north towards Grangemill, Longcliffe and Winster. The B5056 is a single lane carriageway and is subject to a 50 mph speed limit.

A number of public rights of way (PROWs) are present in the vicinity of the quarry, the nearest being FP6 which runs roughly east-west between the two main quarry areas, Woodbarn and Main quarry. FP5 runs east-west to the south of the site, and there is also a track, extending from the end of Roystone Lane, running north-south that immediately abuts the eastern boundary of the quarry. Additionally, two recreational public routes pass within 1km of the site's boundary, namely the Pennine Bridleway trail, shared in part by the High Peak Trail, which lies on higher ground approximately 550m to the northeast, running generally northwest-southeast, and the Limestone Way, which is located 585m to the south. The Tissington Trail is located approximately 2.65 km to the southwest. There are several areas of 'open access' within close proximity of the quarry, including a long narrow stretch of land on a west-facing valley side immediately east of the site; an area surrounding Roystone Rocks, 500m to the north and an area approximately 410m to the east at the point closest to the quarry.

The nearest residential properties include Holme Farm, Oldfield Cottage and Ballidon Moor Farm in Ballidon, located to the east and southeast, as well as Littlewood Farm (Parwich), Hilltop Farm (directly west), Low Moor Farm (to the northwest) and Roystone Grange (north).

Within the application area, land uses comprise: active mineral extraction areas; areas for storage of quarry waste materials; land undergoing final restoration; restored former mineral workings; land used for ancillary processing and administrative areas, including the site access routes. Local land uses in the vicinity of the application site are dominated by pastoral farmland interspersed with isolated blocks of woodland.

The geology of the site comprises the Bee Low Limestone underlain by the Woo Dale Limestone. There are no watercourses within or adjacent to the site. The area to the northwest, north and northeast are underlain by limestone and do not support any watercourses. Surface watercourses generally drain southwards within the catchment of the Bradbourne Brook. The closest surface watercourse to the site is the southwards flowing Ballidon Brook, the headwaters of which coalesce from field drainage some 410m to the south.

The Derbyshire Sites and Monuments Record was inspected and sites within a 1 km radius were identified. A total of 32 entries are recorded within the search, although none of these features are identified within the application site area. The Romano-British settlement and field system, Scheduled Monument reference 29829 lies immediately north of Woodbarn Quarry – provisions are already in place within the existing permission to ensure workings do not impinge on feature. There is one listed building within the site itself, this being the operator's office building. This is a Grade II listed former farmhouse. A laboratory/outbuilding and 'The Cottage' (unoccupied), both lying within the bounds of the concrete batching plant immediately south of the main quarry entrance (operated separately from the quarry and outside of the application area) also have listed status. Five other listed buildings are situated on, or near to, the approach road to the site, in and around the settlement of Ballidon, the closest of which is Ballidon Hall Farm.

The site is located within the White Peak national character area and regional character area on the Limestone Plateau Pastures Landscape Character Type (LCT), immediately adjacent to the

Limestone Dales LCT. Characteristics of limestone plateau pastures are upland pastoral landscapes with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups of small shelter belts, allowing wide views to the surrounding higher ground. Limestone Dales LCT is characterised by steeply sloping dales with limestone outcrops and extensive tracts of woodland and scrub intermixed with limestone grassland. In some smaller dales this is an intimate, secluded landscape where views are tightly controlled by landform and tree cover, in others the dales are wild and open. The applicant considers that although the majority of the site lies within the Limestone Plateau Pastures LCT, there is strong reasoning for the Limestone Dales LCT being more appropriate to the site in consideration of the final restoration programme and integrating the site back into the landscape post-working.

The quarry is located at the southern extent of Carboniferous Limestone deposits within the National Park. The landscape surrounding the site is characterised by a varied assemblage of biodiversity interests, including meadows, oak woodlands and broad riparian corridors extending across lower lying areas to the south, with a distinctive mosaic of calcareous grassland, pasture and ashwoods extending across the White Peak region to the north. For a large-scale landscape element, the existing quarry is relatively well screened by a combination of natural and manmade landform elements and woodland plantations. Several parts of the quarry about the Ballidon Dale Site of Special Scientific Interest (SSSI).

Ballidon Dale SSSI forms part of the Peak District Dales Special Area of Conservation (SAC). The designation recognises the national nature conservation importance of the area, and designation as a SAC recognises the European/International nature conservation importance of the area. Ballidon Dale occupies an area of 51.15 hectares, and has been designated in recognition of the high quality unimproved dry limestone grassland that is present within the area. The grassland is species-rich vegetation that includes a substantial number of plant species that are confined to locations with relatively shallow, well-drained soils over limestone bedrock. Ballidon Dale comprises a series of sinuous dry-dale valleys where limestone hill pasture vegetation has developed on slopes with a variety of slope and aspect conditions. This has revealed local variation in the vegetation that makes a valuable contribution to the grassland nature conservation interest of the site. The land covered by the SSSI/SAC is coincident with an area designated as Section 3 Natural Zone (Limestone Dale). A further Natural Zone area lies to the immediate southeast of the quarry (Hill and Heath).

Notable faunal interest identified in baseline surveys includes peregrines and ravens using mature quarry faces for nesting, badgers and bats, the latter of which are known to forage and roost in the locality.

#### **RECOMMENDATION A:**

**That application NP/DDD/0715/0619, for revision to quarry development scheme within current planning consent boundary and provision of enhanced restoration scheme, is approved subject to:**

- (i) The signing of a revised section 106 (covering both planning permissions) to include the following obligations:**
  - a) to not win and work minerals in accordance with previous consents;**
  - b) relinquishment of former consents through formal revocation orders;**
  - c) not to seek compensation in respect of any formal revocation orders made in respect of previous consents;**
  - d) annual total sales of limestone products shall be limited to 1.1 million tonnes;**
  - e) not to sell for Industrial use less than 40% of the total annual sales of limestone products;**

- f) to enter into a “Footpath Agreement” for the maintenance of the previously constructed permissive footpath, plus fencing and gates, along the approach road leading to the quarry entrance to separate pedestrians and footpath users from road traffic.
- (ii) Conditions covering the following areas:
- (a) Duration – limit the duration of the consent to December 2035;
  - (b) Access and surfacing arrangements – to remain as current;
  - (c) Drainage – submission of scheme to confirm existing drainage arrangements as per condition existing condition 7 of NP/DDD/0214/0210;
  - (d) Lorry sheeting and routeing – lorries leaving the site to be sheeted and turn right on exiting the site onto Roystone Lane;
  - (e) Number of vehicles – limitations to remain the same, 800 maximum per day (400 In, 400 Out), with current additional control on dry aggregate vehicle movements (240 per day) and night time powders movements (24);
  - (f) Working scheme – as amended in line with the application Phases 1 – 6 inclusive and consistent with application NP/DDD/0715/0619, to allow the phasing programme and extraction boundary to be amended to accommodate mineral beneath Tip 3 (extraction in this pp limited to Tip 3 area only), and to undertake revised restoration as per proposal;
  - (g) Surveys – requirement to submit annual topographical surveys;
  - (h) Production - levels to remain as per current restriction at 1.1 million tonnes per year, with requirement to maintain records and supply MPA with figures on monthly output and production for the previous year;
  - (i) Depth of working – to remain as current, 160m AOD in Main Quarry (and 185m AOD in Woodbarn), to cover all operational phases 1 – 6;
  - (j) Restriction of permitted development rights, as current;
  - (k) Processing – no importation of material into the site for processing except for that for use in concrete and asphalt manufacture;
  - (l) Hours of working – to remain as currently conditioned; maintain routine hours of 0600–2000 hours Mon–Fri and 0600–1800 hours Sat for operations other than processing, servicing, environmental monitoring, maintenance and testing of plant; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried above original ground level at the site except between the 0800-1800 hours Mon – Fri and 0800-1200 hours Sat; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried below original ground level at the site except between the 0600-2000 hours Mon – Sat and 0800-1200 hours and 0600-1200 hours Sun; no movement of lorries carrying aggregate except between 0500-1900 Mon to Sat subject to restrictions specified in number of vehicles condition, and excluding powder tankers movements.
  - (m) Soil removal and storage - managed in accordance with good practice, as per current condition requirements;
  - (n) Fencing – erection and maintenance of stockproof fencing around whole site for duration of the development;
  - (o) Safeguarding of Scheduled Monument SM29829 as per existing – no mineral extraction or associated activity, including vehicular movements, within 2m;
  - (p) Dust control – update condition to require submission of the Dust Control Scheme which is in operation at present;
  - (q) Noise – standard conditions concerning maintenance of plant in accordance with manufacturers advice to continue; update noise level limits with

- reference to the noise survey forming part of ES, with specific limits for named properties and an overarching 55dB LA<sub>eq(1hr)</sub> for any other noise sensitive property not listed; application of lower night time limit of 42dB LA<sub>eq(1hr)</sub>; submission of noise attenuation scheme to include provision for routine monitoring;
- (r) **Blasting – re-state conditions to control blast limits, timing of blasting, need for audible warnings prior to any blasting, regular monitoring and retention of records to be supplied to MPA on request, submission of blast monitoring scheme identifying measures in place to control the effects of blasting at the site, including air overpressure;**
  - (s) **Water protection – continuation of controls concerning storage of oils, fuels and chemicals, no discharge of foul or contaminated water, use of oil interceptor for any surface water drainage from parking areas, hard-standings, etc.;**
  - (t) **Ecology – requirement to erect bat boxes and bird boxes prior to tree clearance works on southern tip (Tip 3); planting of hedgerow between Tip 3 and Tip 1; submission of schemes detailing bat and breeding bird mitigation measures to be employed for duration of the development; requirement to submit a Landscape and Ecological Management Plan (incorporating a Habitats Management Plan) to cover the duration of the development;**
  - (u) **Restoration and aftercare – requirement for phased submissions of restoration and aftercare schemes ahead of completion of each phase of the development, in line with overall Restoration Masterplan submitted with the application; requirement for annual restoration and aftercare meetings;**
  - (v) **Requirement for submission of a report detailing condition of any listed buildings utilised by operator and a statement/programme detailing how the applicant intends to ensure that they are left in an appropriate condition cognisant to their listed status for future re-use at the end of the development.**
- (iii) **To delegate authority to the Director of Conservation and Planning to agree detailed conditions and wording of the section 106 legal agreement following consultation with the Chair and Vice Chair of the Planning Committee.**

#### **RECOMMENDATION B:**

That application NP/DDD/0715/0618, which seeks to vary conditions 2, 11, 38 and 39 on the existing permission NP/DDD/0214/0210 to allow for a revised restoration scheme, is approved subject to:

- (i) **The signing of a revised section 106 (covering both planning permissions) to include the following obligations:**
  - a) **to not win and work minerals in accordance with previous consents;**
  - b) **relinquishment of former consents through formal revocation order;**
  - c) **not to seek compensation in respect of any formal revocation orders made in respect of previous consents;**
  - d) **annual total sales of limestone products shall be limited to 1.1 million tonnes;**
  - e) **not to sell for Industrial use less than 40% of the total annual sales of limestone products;**
  - f) **to enter into a “Footpath Agreement” for the maintenance of the previously constructed permissive footpath, plus fencing and gates, along the approach road leading to the quarry entrance to separate pedestrians/footpath users from road traffic.**



- (ii) **Conditions covering the following areas (including re-stated conditions on the existing permission where appropriate and necessary):**
- (a) **Duration – limit the duration of the consent to December 2035 (as opposed to 2040 as current);**
  - (b) **Access and surfacing arrangements – to remain as current;**
  - (c) **Drainage – submission of scheme to confirm existing drainage arrangements as per condition existing condition 7;**
  - (d) **Lorry sheeting and routeing – lorries leaving the site to be sheeted and turn right on exiting the site onto Roystone Lane;**
  - (e) **Number of vehicles – limitations to remain the same, 800 maximum per day (400 In, 400 Out), with current additional control on dry aggregate vehicle movements (240 per day) and night time powders movements (24);**
  - (f) **Working scheme – as amended in line with the application Phases 1 – 6 inclusive and consistent with application NP/DDD/0715/0619, to allow the phasing programme to be amended to encompass mineral beneath tip 3 (but extraction in this pp limited to within current extraction boundary), and to undertake revised restoration as per proposal;**
  - (g) **Surveys – requirement to submit annual topographical surveys;**
  - (h) **Production - levels to remain as per current restriction at 1.1 million tonnes per year, with requirement to maintain records and supply MPA with figures on monthly output and production for the previous year;**
  - (i) **Depth of working – to remain as current, 160m AOD in Main Quarry and 185m AOD in Woodbarn, to cover all operational phases 1 – 6;**
  - (j) **Restriction of permitted development rights, as current;**
  - (k) **Processing – no importation of material into the site for processing except for that for use in concrete and asphalt manufacture;**
  - (l) **Hours of working – to remain as currently conditioned; maintain routine hours of 0600–2000 hours Mon–Fri and 0600–1800 hours Sat for operations other than processing, servicing, environmental monitoring, maintenance and testing of plant; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried above original ground level at the site except between the 0800-1800 hours Mon – Fri and 0800-1200 hours Sat; no operations for formation and removal of material from any baffle mounds and soil/overburden storage areas formation and subsequent removal of material from any waste tips and waste storage areas to be carried below original ground level at the site except between the 0600-2000 hours Mon – Sat and 0800-1200 hours and 0600-1200 hours Sun; no movement of lorries carrying aggregate except between 0500-1900 Mon to Sat subject to restrictions specified in number of vehicles condition, and excluding powder tankers movements.**
  - (m) **Soil removal and storage - managed in accordance with good practice, as per current condition requirements;**
  - (n) **Fencing – erection and maintenance of stockproof fencing around whole site for duration of the development;**
  - (o) **Safeguarding of Scheduled Monument SM29829 as per existing – no mineral extraction or associated activity, including vehicular movements, within 2m;**
  - (p) **Dust control – update condition to require submission of the Dust Control Scheme which is in operation at present;**
  - (q) **Noise – standard conditions concerning maintenance of plant in accordance with manufacturers advice to continue; update noise level limits with reference to the noise survey forming part of ES, with specific limits for named properties and an overarching 55dB LA<sub>eq(1hr)</sub> for any other noise sensitive property not listed; application of lower night time limit of 42dB<sub>LAeq</sub>**

- (1hr); **submission of noise attenuation scheme to include provision for routine monitoring;**
- (r) **Blasting – re-state conditions to control blast limits, timing of blasting, need for audible warnings prior to any blasting, regular monitoring and retention of records to be supplied to MPA on request, submission of blast monitoring scheme identifying measures in place to control the effects of blasting at the site, including air overpressure;**
- (s) **Water protection – continuation of controls concerning storage of oils, fuels and chemicals, no discharge of foul or contaminated water, use of oil interceptor for any surface water drainage from parking areas, hard-standings, etc.;**
- (t) **Ecology – requirement to erect bat boxes and bird boxes prior to tree clearance works on southern tip (Tip 3); submission of schemes detailing bat and breeding bird mitigation measures to be employed for duration of the development; requirement to submit a Landscape and Ecological Management Plan (incorporating a Habitats Management Plan) to cover the duration of the development;**
- (u) **Restoration and aftercare – requirement for phased submissions of restoration and aftercare schemes ahead of completion of each phase of the development, in line with overall Restoration Masterplan submitted with the application; requirement for annual restoration and aftercare meetings;**
- (v) **Requirement for submission of a report detailing condition of any listed buildings utilised by operator and a statement/programme detailing how the applicant intends to ensure that they are left in an appropriate condition cognisant to their listed status for future re-use at the end of the development.**
- (iii) **To delegate authority to the Director of Conservation and Planning to agree detailed conditions and wording of the section 106 legal agreement following consultation with the Chair and Vice Chair of the Planning Committee.**

### **Key Issues**

- Whether the principle of accepting an extension to the extraction boundary beneath existing Tip 3 to release 5.3 Mt of mineral, in exchange for the relinquishment of the same quantity of currently approved reserves within the existing extraction boundary in West Quarry, is acceptable;
- Whether sufficient exceptional circumstances have been demonstrated to allow for major development to take place, specifically the proposal to vary the existing restoration scheme.
- The overall effect of the proposed development upon the character and amenity of the area and whether it would conserve and enhance the valued characteristics of the Peak District National Park.

### **Relevant History**

1951 – Ministerial consent granted for extraction of limestone and for tipping of quarry waste. Working had taken place before this date. There was no end date and no limit to depth of working, or restoration requirements.

Further extensions for extraction and tipping were granted in 1952, 1963, 1973, 1986, 1991 and 1992. In addition to the consents for extraction, there have been a number of additional permissions for ancillary plant and buildings between 1950 and 1997.

2000-2003 – Planning application submitted to consolidate all the existing planning permissions for mineral working and ancillary development at Ballidon Quarry, rather than undertake a review of the old permissions under the provisions of the Environment Act 1995. Planning permission NP/DDD/0500/172 granted subject to conditions in March 2003 following signing of a legal agreement.

2003-2004 – Planning application submitted seeking a variation of NP/DDD/0500/172 and associated legal agreement to facilitate an increase in production of animal feed powders by 100,000 tonnes per annum, increasing the total output of the operation to 1.1 million tonnes per annum. Planning permission NP/DDD/0803/419 granted on 24 August 2004 with accompanying section 106 legal agreement.

2005 – Planning application to replace existing three powders plants with a single new plant. Planning permission NP/DDD/0905/0907 granted February 2006.

2008 – Planning application seeking non-compliance with condition 5 of planning consent NP/DDD/0905/0907 to permit the retention of existing powders plants until 31/12/08 to enable the full commissioning of the new replacement powders plant.

May 2015 – planning permission NP/DDD/0214/0210 issued following a section 73 application seeking an increase in the number of night time lorry movements for the exportation of powders.

### **Consultations**

#### Highway Authority (Derbyshire County Council (DCC))

As neither application is seeking to alter the permitted traffic movements to and from the site, does not wish to raise any highway comments. Please include previously recommended highway conditions on any consent granted.

#### DCC Planning Control

Revised working and restoration scheme would be likely to bring about long-term landscape enhancements through the increased infilling of the quarry void. There will clearly be some short-term impacts associated with the proposal relating to the removal of the currently planted Tip 3, which has the potential to open up views into the site from the south, but benefits are likely to outweigh these impacts by enabling more of the quarry void to be restored to more sympathetic profiles that can then be restored. Major concern with the scheme, as currently proposed, is that it lacks landscape structure that would truly integrate the site with the surrounding landscape character type (LCT). The surrounding LCT is defined as Limestone Plateau Pastures in the PDNPA Landscape Strategy; being a pastoral landscape of small to medium sized fields enclosed by dry stone walls with the occasional plantation or tree belt. Strongly urge Authority to seek the provision of more walls to be included in the final restoration scheme, so that the site seamlessly integrates with this surrounding context and establishes field enclosures that can then be managed as part of an agricultural landscape. The presentation refers to management by sheep grazing, although it is unclear how this can take place without some form of enclosure to help contain the stock. The final restoration plan still appears to show arbitrarily located trees and these would be much better located as occasional trees adjacent to new field boundaries. Dew ponds might also be included as occasional features of this restored agricultural landscape. The water feature proposed to be formed at final restoration would continue to be an alien feature within this free-draining limestone landscape, so careful thought needs to be given to its final restoration, allowing for areas of marginal vegetation and well-designed planting to help reduce the scale of the feature.

#### Derbyshire Dales District Council EHO

Noise - satisfied with the recommendations within appendix 5, chapter 6.0 and would request these noise limits be implemented as part of the permission if granted.

Vibration - would concur with the recommendation in Appendix 6, chapter 11 to maintain current blasting limits and maintain a programme of blast monitoring.

Dust - would propose that the recommendations of Appendix 7 be required and in particular plan workings to minimise dust

#### Environment Agency

NP/DDD/0715/0618 - no objection to the proposed variation of conditions 2, 11, 38 and 39 of Planning Permission NP/DDD/0214/0210 as none of these conditions relate to 'Controlled Waters' matters.

NP/DDD/0715/0619 - no objections to the proposed development. The information presented indicates that there will be no deepening of the quarry below the currently permitted working level. Furthermore there will be no alteration to the water collection and disposal arrangements. Consequently we have no objection to the proposed revision to the quarry development scheme and the enhanced restoration scheme.

#### Historic England

With regard to any archaeological remains which may have survived below the old tip at the south western side of the main quarry we refer you to the advice of PDNPA Cultural Heritage Manager. As to the grade II Listed Buildings on site (the Offices, Laboratories, the Cottage), all we believe in the ownership of the applicant, we refer you to the advice of your Conservation Officer. In particular their advice should be sought as to what additional details and commitments would be appropriate from the applicant setting out how the Listed Buildings will be delivered to market in good and economically viable order at the end of the restoration scheme with their significance sustained. Any integration with the on-going sustainable future and use of Ballidon Chapel which might be achieved alongside a scheme for the buildings discussed above would be of additional public benefit.

#### Natural England (summarised)

##### **Internationally and nationally designated sites**

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Peak District Special Area of Conservation (SAC) which is European site. The site is also notified at a national level as the Ballidon Dale Site of Special Scientific Interest (SSSI). In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site;
- 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

When recording your HRA we recommend you refer to the following information to justify your 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.

Application is in close proximity to Ballidon Dale Site of Special Scientific Interest (SSSI). NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features. Therefore advise your authority that this SSSI does not represent a constraint in determining this application.

#### **Other advice**

We would expect LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above.

#### **Landscape**

No comment, advised consultation with the landscape specialists within the Peak District National Park Authority.

#### **Green Infrastructure and Priority Habitat**

Natural England supports realistic and properly funded proposals for the incorporation of new Priority Habitat and Green Infrastructure creation arising from this scheme. The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Welcome any proposal on site which seeks to maximise the creation of priority habitat on the proposed development site and in accordance with local priorities such as the Biodiversity Action Plan for Derbyshire. Recommend that you consult with Derbyshire Wildlife Trust on the revisions of the overall restoration proposals to ensure the most suitable habitat is created for the area and that fits in accordance with local priorities for Derbyshire.

#### **Protected Species**

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species.

#### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, in accordance with Paragraph 118 of the NPPF.

Severn Trent Water – no response received

Central Networks – no response received

Health and Safety Executive – no response received

Parwich PC – supports the application, based on a very thorough application and supporting evidence, as this application will result in extending the life of the quarry. The regeneration will be good and the landscaping will be an improvement, including the lake. The new proposals are an improvement as there will be no overall extension, re-excavation or changes to operating hours of the quarry.

*(N.B. Case officer has contacted the PC to advise that the application will not result in an extension of life to the quarry and has sought confirmation that their remaining comments stand –*

*no second response received)*

Ballidon and Bradbourne Parish Council – no response received.

Brassington Parish Council – no response received.

PDNPA Ecology (summary of key points) - A biodiversity action plan for the quarry has been produced, dated July 2010 and provides details on the proposed re-vegetation methodologies trialled within the site; it is unclear how this current restoration plan fits with the proposals and recommendations within the BAP document. Previous consultation with the PDNPA ecologist - response requested a number of changes to the proposed landscaping and mitigation works within the interim restoration plan.

Although no notable bird assemblages may occur within the site, habitats on site clearly have the potential to support a range of bird species. To reduce the impact upon nesting bird species it is recommended that vegetation clearance works are undertaken outside of the main bird nesting season unless supervised by an ecologist. Ongoing monitoring of peregrine at the site should be undertaken to ensure that no active nests are disturbed during quarrying works or restoration proposals. The addition of nest boxes within retained woodland habitats should be considered, to compensate for the loss of nesting habitats as a result of clearance works, the provision of these should be included within a management plan to be developed for the site.

To help reduce the negative impacts of a short term loss of foraging and commuting habitat for bats and nesting habitat for birds, it is recommended that a line of hedgerow and scattered trees is planted along the south of Tip 3 outside of the proposed working area; this hedgerow will also increase the opportunity for nesting bird habitat as it develops. The report does not consider the impact the loss of quarry face may have on potential bat roosting features, it is recommended that consideration is given to providing suitable mitigation within those faces that remain or are proposed, and for the addition of artificial sites. The submitted report mentions badger. As they are a mobile species with changing territorial boundaries it is recommended that a check of the proposed excavation area should be undertaken immediately prior to works commencing to ensure that there will no impacts by the proposed works.

### **Restoration Works**

Restoration should seek to achieve maximum wildlife gain and there should be a clear commitment to aftercare and monitoring. Details should be provided of a comprehensive restoration and aftercare plan for the quarry and associated land including details of short, medium and long-term restoration, monitoring and management (e.g. grazing management). It is important that progressive restoration during the life of the quarry is undertaken in such a way that replaces any important habitats that are to be lost and enhances the current resource.

Any proposals for habitat creation that does not include natural regeneration should include the use of local native species, preferably of local provenance in the planting schemes. Areas of existing high conservation value could be used as a seed source for proposed restoration areas, subject to any permissions required.

In addition to the requirement to provide appropriate mitigation/ compensation for any negative impacts, the development proposals should also consider the potential to provide additional conservation enhancements at the site or wider area. It is recommended that a condition be applied to develop a landscape and ecological management plan for the site. This document should include recommendations produced as part of the site BAP and be adapted over time to reflect needs/pressures within the management regimes on site.

### **Suggested mitigation/conditions/footnotes:**

1. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by the PDNPA. The content of the LEMP shall include the following:

- a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.
  - f. Preparation of a work schedule (including an annual plan capable of being rolled forward over a five year period).
  - g. Details of the persons/organisation responsible for the plan.
  - h. Ongoing monitoring and remedial measures.
2. A Method Statement detailing the range of mitigation and compensation measures to address the impact of the development on protected species (birds, bats, etc.) be submitted to the MPA for approval..
3. A Habitat Management Plan, covering the site, be developed in accordance with the broad objectives set out in the application details and covering a period of 20 years from commencement of the development.
4. No removal of vegetation that may be used by breeding birds shall take place between 1 March and 31 August inclusive, unless agreed by a competent ecologist.
5. Prior to commencement of the proposed activities, undertake a pre-works badger check. Should any active setts be found, it may be necessary to apply for a development licence from Natural England.

Subsequently commented that the landscaping scheme has taken on board the majority of comments, there is bench planting indicated on south facing slopes in the northern section again regeneration on these rocky areas would be the preferred option as opposed to planting them up.

PDNPA Landscape – Welcome the proposed revised workings and proposed restoration scheme as it provides a better overall resolution to the site in the long term. Specifically:

- Mention is made of scree slopes but none are shown on the restoration plan (*NB. Revised restoration masterplan submitted which addresses this point and will be subject to detailed restoration schemes ahead of completion of each phase*)
- Principles of restoration have not been shown, but I assume from the contours that all the benches, except those showing faces will be completely covered. Sections would help. Also with those faces that are being left will there be a need to have rock traps? (*N.B. Sections now provided indicating existing and proposed final contours*)
- As they are looking at more of a limestone dale landscape rather than a plateau pastures landscape, could be an additional opportunity to leave some additional short sections of natural looking rock outcrops on the higher slopes perhaps with some additional blasting. There are examples of this at other limestone quarries in an around the NP.
- As they are proposing for the site to be grazed in the long term they will need to consider fencing off areas. In some locations this may be appropriate and desirable to use drystone walls. Walls are not uncommon features in some limestone dales and they would help to link the plateau pastures landscape of regular field pattern and the new quarry landscape together (*N.B. Revised restoration masterplan shows indicative locations for boundary features, the detail of which can be firmed up through conditional requirement to submit sequential detailed restoration plans ahead of completion of each phase*).
- Would like to see a long term management plan for the overall site with a specific section on the woodlands. The woodlands plan is important to face the future of ash dieback and the management of unsuitable species within existing woodland such as Italian Alder.
- Prefer to see more natural regeneration thorough out the site not just grasslands but also trees.

- If walls are introduced into the landscape then it may be appropriate to relate individual tree planting to these walls, rather than arbitrarily planting trees.
- The LVIA quotes from the landscape strategy that “creating new native broadleaved woodland is generally inappropriate” therefore the block of woodland proposed for phase 1 screening on the recently restored tip in the north east corner of the main quarry should not be planted. It is not always necessary to screen quarries but to help them integrate in the wider landscape and this block is inappropriate. *(N.B. Revised restoration masterplan addresses point of woodland block on top of East tip, has now been removed from proposal).*
- Overall this proposal will be of long term positive benefit to the site.

Subsequently commented that sections make it a lot clearer for understanding the restoration process and are therefore welcomed. Sections also make their comments on scree slopes and exposed edges understandable, however still consider that there may be opportunity to create scree slopes on the lower sections where rock faces were original proposed to be retained in both quarries especially near to the water body. Would not be expecting new faces or scree slopes to be created on fill material. Pleased to see woodland management plan note and the removal of proposed screen planting. Indicative stone boundary walls are welcomed, their exact location, gates and number to be agreed at appropriate time during the restoration of an area.

PDNPA Rights of Way – no objections to proposal.

#### Statement of Community Involvement (SCI)

The applicant has indicated that prior to finalising the proposals for the re-phasing of working and enhanced restoration scheme at Ballidon Quarry, presentations were made in January and February 2015 to Ballidon and Parwich Parish Councils. The proposed changes to the working sequence and enhanced restoration scheme were explained in detail at presentations in order that representatives of the local community were made fully aware of the long term vision for Ballidon Quarry and its continued operation. Following these presentations, a public exhibition was held at Ballidon Quarry in April 2015, where more detailed drawings of the proposed development and amended restoration scheme were made available for public comment.

#### Pre-application advice

The applicant has sought pre-application advice both on the procedural route to follow in terms of the applications required for submission, and on the content of the Environmental Statement that needed to accompany the applications. The advice given has been taken into consideration in the preparation of the application and accompanying documentation.

#### Representations

One letter of representation has been received. The main issues raised are summarised below:

The owners of the quarry did not consult (and to date never have) with us. Positioning of the planning notices (hidden on a gateway on a footpath) meant we only heard of their plans on the 15 Sept.

*(Officer comment – a total of four site notices were posted at various points around the periphery of the quarry coincident with public rights of way and/or highways, and advertisements of the applications were placed in the local press, in line with the procedural requirements set out in the Development Management Procedure Order 2010).*



The quarry is effectively asking the locality to put up with 12+ years of additional noise, dust, disruption so that they can more easily extract 5M tonnes of minerals.

*(Officer comment – the applications are not seeking any additional time to carry out the development over and above that which they already have permission for. If approved, the new consents would reduce the conditional current end date of December 2040 to Dec 2035 and it is likely that extractive operations would be completed before that date.*

The document talks about the positive economic impact of the quarry. The economic contribution of this particular quarry will remain the same with or without the proposed amendments. The report does not estimate or even mention the negative impact to tourism (a higher contributor than the minerals business) that the proposed "opencast" nature of the proposal will have on the area over the next 12+ years.

Noise: Note that the quarry has submitted a report that purports to have taken noise samples from Roystone Grange. We are not aware, nor have been consulted on, any such monitoring activity. Having lived with the quarry for 13+ years, can assure you that the impact of noise pollution caused by quarry workings vary significantly depending on what's going on in the quarry.

Dust: Cannot drive past quarry without accumulating dust and mud. Road cleaning does take place but is a best sporadic and doesn't cover all the public highway. Furthermore, there is a constant run off mud (from wheel cleaning systems) onto the highway causing contamination to the locality.

State of the highway: the quarry uses heavy plant machinery to transport materials from the west to east side of the quarry across a public highway. In doing so gravel & dust are deposited on the highway representing a road hazard. In addition the quarry has attempted to make good the damage to the road that the machinery has caused. They have done this by laying another layer of tarmac on top of the road, however, the work was done in such a way as to cause damage to the suspension of cars that regularly traverse this section of road.

Safety: The road up to the quarry is not wide enough in a number of places to accommodate both a car & a lorry.

### **Main policies relevant to the proposal**

#### *National Planning Policy Framework 2012*

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. As a material consideration in planning decisions, the NPPF recognises the special status of National Parks and the responsibility of National Park Authorities, as set out in the National Parks and Access to the Countryside Act 1949 (as amended). In line with the requirements of primary legislation, paragraph 14 of the NPPF recognises that in applying the general presumption in favour of sustainable development, specific policies in the NPPF indicate that development should be restricted, for example, policies relating to National Parks.

Section 11 of the NPPF relates to conserving and enhancing the natural environment and paragraph 109 confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, recognising the wider benefits of eco-system services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline of biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures.

Along with the need to give great weight to considerations for the conservation of wildlife and cultural heritage, paragraph 115 of the NPPF confirms the highest status of protection to National

Parks in relation to landscape and scenic beauty, reflecting primary legislation. Further guidance and information, including an explanation of statutory purposes, is provided in the English National Parks and the Broads Vision and Circular 2010. The NPPF, at paragraph 116, continues to refer to designated areas and states that planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- 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;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;
- any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.

For minerals specifically, the NPPF (paragraph 144) states that when determining planning applications local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of land-banks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, Scheduled Monuments and Conservation Areas;
- ensure no unacceptable adverse impacts on the natural and historic environment, human health, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- 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;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.

In respect of restoration, paragraph 34 states that a site specific landscape strategy should accompany all applications for any new or significant extension to an existing site and this should include:

- defining the key landscape opportunities and constraints;
- considering potential directions of working, significant waste material locations, degrees of visual exposure etc;
- identifying the need for additional screening during operations; and
- identifying proposed afteruses and preferred character for the restored landscape.

#### *Development Plan policies*

Relevant Core Strategy (2011) policies: GSP1, GSP2, GSP3, GSP4, DS1, L1, L2, L3, MIN1, CC1, CC5, T1, T4, T6.

Relevant Local Plan (2001) 'Saved' policies: LM1, LM9, LC1, LC6, LC15, LC16, LC17, LC18, LC19, LC20, LC21, LC22, LT9, LT20

The Core Strategy (CS) general spatial policies provide overarching principles for spatial planning in the National Park. They relate closely to the delivery of National Park purposes to ensure that the valued characteristics and landscape character of the area are protected. The NPPF policy direction which states that planning permission for major development should be refused in designated areas, is reiterated at the CS level in policy GSP1. Section E of that policy states that in securing national park purposes major development should not take place within the National Park other than in exceptional circumstances. It goes on to state that major development will only be permitted following rigorous consideration of the criteria in national policy, and that where such a proposal can demonstrate a significant net benefit, every effort to mitigate potential localised harm and compensate for any residual harm would be expected to be secured.

Policy GSP2 states that the opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. The requirement to ensure that development respects, conserves and enhances all valued characteristics of the site and buildings that are the subject of a proposal is set out in policy GSP3 and the policy requires assessment of a range of factors, including impact on access and traffic levels. To aid the achievement of its spatial outcomes, policy GSP4 requires that the Authority considers the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

The overall development strategy (Policy DS1) for the Peak District National Park indicates what types of development are acceptable in principle in settlements and in the countryside. Minerals is identified as one of several acceptable 'in principle' forms of development in all settlements and in the countryside outside of the Natural Zone, subject to consideration against specific CS policies in the remainder of the plan. The DS1 policy direction is strongly influenced by the proximity of the National Park to large numbers of towns and cities, offering an extensive range of jobs and services. In respect of minerals, Paragraph 3.36 recognises that there are vast levels of minerals resources on the edge of the National Park and a long term objective is to seek a gradual reduction in the flow of minerals from the Park itself.

That theme is continued in CS policy MIN1, which states that proposals for new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals or local small-scale building and roofing stone proposals) will not be permitted other than in exceptional circumstances in accordance with the criteria set out in National Planning Policy MPS1 (now replaced by NPPF). The accompanying text to the policy provides the background to this direction, in that there are significant limestone reserves for aggregate in areas on the periphery of the National Park, predominantly in Derbyshire, and the process of a gradual rundown in output from the Park is supported by Derbyshire County Council. Policy MIN1 goes on to state that restoration schemes will be required for each new minerals proposal and, where practicable, restoration will be expected to contribute to the spatial outcomes of the Plan. The restoration outcomes should focus mainly, but not exclusively, on amenity (nature conservation) after-uses rather than agriculture or forestry and should include a combination of wildlife and landscape enhancement, recreation and recognition of cultural heritage and industrial archaeological features.

Saved Local Plan policy LM1 seeks to assess and minimise the environmental impact of mineral extraction and states that mineral development will not be permitted unless adverse impacts on the valued characteristics and amenity of the area can be reduced to the minimum practicable level or eliminated. Particular attention will be paid to various factors, including nuisance and general disturbance to the amenity of the area (including that caused by transport and the method and duration of working), risk and impact of pollution potential, harm to landscape, nature conservation, surface and groundwater, land stability, built environment/cultural heritage features, recreational interests and recreational interests. Policy LM9 is concerned with ancillary mineral development and states that it will be permitted provided there is a close link between the industrial and mineral development. Similarly, Core Strategy policy L1 seeks to conserve and enhance valued landscape character and other valued characteristics of the National Park. Other than in exceptional circumstances, development will not be permitted where it is likely to have an adverse impact on such sites. Policies L2 and L3 are concerned with biodiversity/geodiversity interests and cultural heritage assets respectively, with proposals needing to demonstrate conservation and enhancements. Other than in exceptional circumstances, development will not be permitted where it is likely to have adverse impacts on these characteristics. These policy requirements are also reflected in Local Plan policies LC6, LC15, LC16, LC17, LC18, LC19 and LC20.

Policy CC1, concerning key spatial issues relating to climate change and sustainability, states that development must make the most efficient and sustainable use of land, buildings and sustainable resources. In the same chapter, policy CC5 states that development proposals which may have a harmful impact on the functionality of floodwater storage, or surface water conveyance corridors, or which would otherwise unacceptably increase flood risk, will not be permitted unless benefits can be secured for increased floodwater storage and surface water management from compensatory measures. Local plan policies LC21 and LC22 also refer to the need to ensure the protection of surface and ground waters and the minimisation of surface water run-off.

Transport related CS policy T4 states that development requiring access by Large Goods Vehicles must be located on and/or be readily accessible to the Strategic or Secondary Road Network, a policy which is reinforced by Local Plan policy LT9. Policy T1 more generally requires that the impacts of traffic within environmentally sensitive areas will be minimised. CS policy T6 and LP policy LT20 are designed to ensure that the rights of way network is safeguarded from development and wherever appropriate enhanced to improve connectivity, accessibility and access to transport interchanges. Where a development proposal affects a right of way, every effort will be made to accommodate the definitive route or provide an equally good or better alternative.

It is considered that in this case there is no significant conflict between policies in the development plan and the more recently published National Planning Policy Framework because both sets of documents seek to promote sustainable economic development in rural areas which conserve and enhance the valued characteristics of the National Park.

### **Assessment**

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004). In the National Park the development plan comprises the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001, from which the key policies of relevance to this proposal have been set out above.

The proposal constitutes mineral development which, in terms of the definitions provided in the Development Management Procedure Order (2010), falls under the category of 'major development'. It therefore follows that the proposals must be assessed against the 'exceptional circumstances' test set out in the NPPF and CS policy GSP1, with the assessment taking into consideration (i) the need for the development; (ii) the cost of and scope for developing elsewhere outside the designated area (alternatives) and; (iii) any detrimental effects on the environment, the landscape and recreational opportunities and the extent to which those effects could be moderated.

#### **(i) Need for the development**

In terms of need, it is helpful to first understand why the applicant wants to undertake the remaining quarry operations in a different way from what is currently permitted. Under current operations, if the applicant was to continue to operate the site within the terms of the existing permission, it would mean that the easily available reserves would be exhausted within a relatively short timeframe, somewhere in the region of 6 years. Thereafter, in order to extract the remaining reserves, which are located primarily in the base of the quarry beneath two historic waste tips, and to work towards restoring the site in line with approved plans, there would have to be significant double- or triple-handling of those waste tips, representing a more inefficient and less sustainable extraction operation compared to that proposed. There would also potentially be more issues with groundwater ingress and an increased need for pumping. Under the present proposal, whilst there would necessarily be some movement of existing waste tip

material, from Tip 3 (to reveal the reserves beneath), this amounts to a lesser volume of material to be moved prior to extraction.

It is therefore clear that the proposal represents a more convenient way of undertaking mineral development at the quarry, but it is also a more sustainable operation that would involve less inefficient movement of waste materials within the site boundary. This is consistent with the policy requirement in CS policy CC1, which requires that all development must make the most efficient and sustainable use of land, buildings and natural resources in order to build resilience to, and mitigate, the causes of climate change. Furthermore, the revised extractive phases and movement of Tip 3 material into the main quarry void would also provide the opportunity to restore the site in accordance with an improved restoration scheme, which ties in more neatly with existing restored areas of the site and is more consistent with local biodiversity objectives.

The applicant has included a section on 'need' in their supporting planning statement. They emphasise that Ballidon Quarry is a long-established mineral working site that has produced a range of high quality, high-specification limestone products for over 50 years, serving well established markets for local, regional, national and international use. In particular the following product types are produced:

- aggregate minerals;
- high quality limestone;
- MOT Type 1 and 6F size fill material;
- single size construction stone;
- foundry stone;
- bulk powders;
- raw materials for precast and ready mixed concrete plant;
- industrial minerals;
- high specification limestone for the glass industry;

The quarry and its related operations provide direct employment for 28 employees and 20 hauliers, as well as indirectly providing employment for maintenance and specialist services and contractors who are involved in work related to the quarry.

The supporting policy text to CS policy MIN1 indicates that permitted reserves of limestone for aggregate and for industrial and chemical uses are already significant in the National Park and neighbouring Derbyshire County, therefore providing little justification for identifying new sites within the National Park. In this particular case, whilst the 5.3 Mt of reserves identified for extraction beneath Tip 3 could be classed as 'new' reserves, as they are not identified in the current extractive phases, there are several reasons why the application of this policy does not necessarily fit the present circumstances.

Firstly, the area identified for extraction, whilst falling outside of the current extractive phasing boundary, is within the overall red line boundary of the existing approved development, without requiring any lateral extensions to the site's current footprint. Secondly, and more importantly, the proposal does not seek an increase in the total reserve amount for the quarry, since the phasing redesign process includes two areas where cumulatively 5.3 Mt of already permitted reserves would be left in situ. Thus, the application is 'reserve-neutral'. Consequently, the application does not represent an increase in permitted reserves from the National Park. Finally, it is important to recognise the fact that the fall-back position for the applicant, which would prevail should these applications be refused, is that the development would simply continue under the terms of the current consent. That consent is limited in duration to 31 December 2040. However, negotiations with the applicant during the course of determination of these combined applications would bring that extraction end date forward by five years, to 31 December 2035, which is reflective of the current reserve position and revised phasing programme forming the basis of the applications. It is therefore not considered that the proposal raises conflict with the intent of policy MIN1 regarding new mineral extraction or extensions to existing mineral operations, although this does not negate the need to rigorously assess the proposal and for the

applicant to demonstrate exceptional circumstances to allow the development.

## **(ii) Alternatives**

The applicant does not provide a review of alternatives as part of the application. For the majority of major minerals applications made to this Authority there is an expectation that the submitted details would include some review of alternatives. However, adopting this approach takes no account of the fact that planning permission already exists for mineral extraction at Ballidon until 2040. In this particular case, because the proposal does not alter the level of permitted reserves overall, the applicant is effectively presenting this proposal as an alternative to the one other option, which is to continue to work the quarry in the manner presently permitted. In the circumstances, this is an acceptable position to take.

In summary, the applicant has demonstrated that there is an existing demand for the mineral products produced, although it is arguable that this does not necessarily have to be met from Ballidon Quarry itself, since there are other reserves from alternative sites outside of the National Park that could address those markets. However, in this particular case it is a matter of fact that mineral extraction would continue at the site in the event of a refusal of these proposals, so it is pertinent to look at the nature of the proposed development in more detail, in particular the revised restoration proposals, to assess its impacts overall and whether it represents a net benefit to the National Park environment.

## **(iii) Effects on the environment, landscape and recreational opportunities**

Having undertaken an assessment of need and alternatives, the third strand of the major development/exceptional circumstances test is the effect of the proposal on the environment, landscape and recreational opportunities. This section is sub-divided into several key impact areas, each providing a summary as to the effects of the proposal and discussing whether those effects can be appropriately mitigated.

### **Landscape character and visual impact**

The Environmental Statement includes a specific chapter on the impacts of the development on landscape character. The assessment evaluates and characterises the landscape in the context of the existing landscape character and visual amenity. The presentation of the assessment of visual effects has focused on representative viewpoints which encompass a range of sensitive locations with the potential to be affected to a significant level. Twelve viewpoints were selected to best represent the range of sensitive viewpoint locations and main effects within the ZTV. Viewpoints have been used to indicate the degree of visual impact during site operations and following restoration. The current views at each of these viewpoints are compared to predicted views at the end of the development using a series of photographs and photomontages.

The predicted potential visual and landscape impacts are expected to primarily relate to the tip and mineral extraction operations in the Tip 3 area, although changes to the restoration proposals and resultant changes to the visibility of existing quarry have the potential to create different visual and landscape impacts compared to those created by the currently approved scheme. The assessment predicts that the proposal will provide good opportunities to reduce a number of existing adverse visual and landscape effects and provide improvements over the existing approved situation, notably in relation to landform and habitats.

#### *Landscape Character*

The change to the Tip 3 landform during the operational period will be notable due to the reduction in levels, change in slope angle and the overall form that would be created by its partial removal. The reduction in height of the slope is coupled with a reduction in semi-mature (approximately 20 years old) planted woodland, which is to be partially replanted as part of the restoration. Whilst this is a significant change in the local landscape, it would alter what could be

considered to be an artificial landform to a lower lying profile that is more in keeping with adjacent areas, whilst maintaining a similar wooded style of skyline, offering a transition between the limestone upland plateau and limestone dales. The level of tranquillity afforded at the site and immediate areas to the south will reduce during the operational period when working in Tip 3, but at the completion of operations the revised landform is considered to be beneficial in landscape character terms, especially as the newly restored landscape elements establish and develop.

During the restoration and aftercare period, the landform will be permanently altered. The revised restoration proposals have been designed so as to better relate to landscape character, and generally producing slopes (particularly in Main Quarry) which are more in keeping with the locality and the interface between limestone uplands plateau and limestone dales. The reduction in the number, length and height of worked out quarry faces/benches, replaced with slopes generally of no steeper gradient than are found immediately adjacent to the site, better relates to the predominant landscape characters.

Tip 3 will be planted with broadleaved woodland using species more in keeping with those found naturally in the landscape, maintaining the wooded boundary between the lower valleys and the transition to limestone dales and uplands. Main Quarry will change to contain a higher proportion of calcareous grassland for sheep grazing, with a reduction in woodland, except for select areas of woodland and scrub retained for structure to help integrate quarry faces/benches into the landscape and to provide habitat 'stepping stones' and continuity to habitats outside the site. The revised restoration eliminates incongruous elements of the existing approved scheme (e.g. willow carr and general preponderance of woodland), which again fits better with the adjoining landscape characters.

#### *Visual impact*

Generally, the quarry is more visible from the south than from the north. Terrain to the south is the main influencing factor in determining visibility. To the north the visibility is limited by higher land immediately north of the site, although there are mid-range views on higher lying ground to the north east. This includes points along the Pennine Bridleway/High Peak Trail and certain areas of Open Access land where close- to mid-range views into the quarry are prominent. The four key viewpoints where visual impacts are identified as being most significant are as follows.

Viewpoint 2 is located 150m east of the site, on elevated Access Land. The close- to medium-range view represents those obtained by users of two areas of Access Land to the east of the site and potentially from a farm property/buildings/residence lying between the areas of Access Land. The existing view is dominated by the current quarry operations, including the bare mineral, processing plant and buildings, mounds of mineral and conveyors. Woodbarn Quarry is also partially visible (largely quarry faces) in the wider view. In the foreground, the land falls away steeply and comprises calcareous grassland scrub. Tip 3 is viewed 'side-on' from this location and it takes the form of an unnatural sharp-edged ridge, with steep slopes, which is partially wooded and partially grassed. The proposal would see the sharp ridge feature reduced in height, with a select amount of woodland also removed, with the retained slope being much less prominent and the newly established quarry faces moving back southwards. The retained landform immediately beyond the main processing building would screen much of the working on the western side of the Tip 3 area. The northwestern upper slopes would be restored early in the scheme, reducing the amount of open faces visible from this location and replacing them with calcareous grassland. Upon restoration, once established, the changes in the view would be provide permanent improvements over the consented situation, including:

- Substantially fewer visible restoration faces in both quarry areas;
- A less visually prominent landform at Tip 3;
- A visible landform more in keeping with those adjoining the site; and
- Land-use/habitats more in keeping with adjacent areas, including increased grassland and less apparent woodland.

Viewpoint 4 is located 700m east-northeast of the site, providing medium range views from the Pennine Bridleway/High Peak Trail. The existing view is panoramic, taking in a large area of countryside, with pasture fields forming the foreground, the active quarry areas forming a large proportion of the mid-ground, and dales, ridges and plateau areas in combination with trees and fields forming the backdrop. Woodbarn Quarry is virtually screened from view at this location. The proposed development would see Tip 3 reduced in height, exposing additional mineral in the view for a medium-term duration. The early restoration of the northwest corner of the Main Quarry will reduce some of the exposed mineral and steep slopes that would otherwise be present in the view as part of the consented development. The remaining mineral working would be largely as per the consented situation and the skyline would remain unchanged. Upon restoration, once established, the changes in the view would provide permanent improvements over the consented situation, including fewer visible restoration faces in both quarry areas and a more characteristic landform at Tip 3 and in the northwestern/northern part of Main Quarry.

Viewpoint 7 is located 630m south-southeast of the site on the Limestone Way long distance bridleway. The viewpoint is at a similar elevation to Tip 3, which lies very close to the skyline, with high sensitivity. However, the main quarry area is out of view. The proposed development would see Tip 3 reduced in height, removing woodland from the view, introducing bare mineral and earth moving operations into a small portion of the view for a short-term duration. The limited duration of the operations will help to mitigate the impacts from this viewpoint. Upon development completion, the replacement view in place of Tip 3 will be the restored slopes in the northwest corner of the Main Quarry and the previously restored and vegetated benches on the western edge of West Quarry. The retained eastern section of the Southern bund will provide some retained screening for the duration of the development. Upon restoration, once established, the changes over the consented situation would be of very small magnitude, lowering the landform slightly, but with new woodland gradually creating a very similar effect to that consented. The landform visible beyond however will take in a small section of quarry faces.

Finally, viewpoint 12 is located 2.3 km south of the site, near the village of Bradbourne. It is representative of long range views gained from users of two public rights of way leading north and northwestwards out of the village. Existing quarry benches are visible in the current view, as is Tip 3. The proposed development would see Tip 3 marginally reduced in height producing a marginally lower wooded area in that part of the view. The actual operations would not be readily visible due to the distance of the viewpoint from the works, but the exposed material may increase the contrast with adjacent vegetation, making the area slightly more evident in the view for a short-term duration. This part of the view would be replaced by restored grassland slopes on the northern and northwestern flanks of Main Quarry undertaken during Phase 2. No additional views into the operational parts of the quarry would be gained.

#### *Summary of landscape and visual impacts*

The proposed development has been designed to meet the requirements of the specific policies relating to effects on landscape and visual amenity. Adverse and beneficial effects will result from the proposal, creating a revised landform in the landscape over the approved situation, which would be appreciable from a small number of close and medium-range locations. It is considered that these changes will be largely beneficial due to the revised restoration proposals relating better to landscape guidelines for the character areas, responding to views afforded from key viewpoints (e.g. strategic woodland planting to mitigate residual quarry faces/benches) and generally producing slopes more in keeping with the locality, sat between limestone uplands plateau and limestone dales. There will be a reduction in the number, height and lengths of quarry faces/benches retained upon restoration, replaced with slopes generally of no steeper gradient than are naturally found immediately adjacent to the site, thus better reflecting landscape character.

The revised restoration scheme for the Site provides improvements in landform (providing visual and landscape improvements) and proportions of characteristic land-use/land-cover over the



approved scheme and will overall integrate more effectively into the landscape character of the locality. The short-term duration of adverse effects could be considered, in overall terms, to at least be balanced out, and probably outweighed, by the permanent landscape and visual improvements that would be brought about by the proposal to the site and the surrounding area, and the wider environment in this part of the National Park. Furthermore, the application site lies outside the Natural Zone identified in the Core Strategy and the proposed development is therefore in accordance with the requirements of CS policy L1 and LP policy LC1.

The Authority's landscape architect raises some matters of detail pertaining to restoration, but overall is very supportive of the proposal and the improved restoration plan. In the event of an approval for this development, there would be a conditional requirement to submit detailed restoration plans in advance of completion of the next phase, with the details based upon the principles set out in the Restoration Masterplan. This is how the current consent is constructed and it has worked well to date. It allows a degree of flexibility to adapt restoration details as the development progresses, to take into account any new advances in restoration techniques or to amend the scheme where necessary if observations indicate that a particular restoration method or technique might not be working as anticipated. No other consultee has raised any issues on this matter. It is therefore concluded that the development will not give rise to unacceptable landscape or visual impacts and is in accordance with policy L1 and the policy direction in the NPPF regarding the need to conserve and enhance the natural environment through early completion, and high standards, of mineral restoration.

### **Ecological impacts**

**Habitats Assessment:** Regulation 61 applies Article 6(3) of the Habitats Directive making it the responsibility of this Authority (as the 'competent authority') to carry out an Appropriate Assessment if significant impacts on a European Site are considered likely. The European Commission's guidance in relation to Habitats Assessment recommends a four stage approach to address the legislation. A full and separate Habitats Regulations Assessment (HRA) report has been prepared which concludes, on the advice from Natural England, that Appropriate Assessment is not required for this proposal.

Ballidon Quarry is within an area of considerable ecology and nature conservation value and importance. The limestone dale landscape that encloses the quarry on several sides contains unimproved limestone hill pasture grassland of international nature conservation importance. A number of ecological restoration and conservation management projects have been undertaken at Ballidon Quarry over a period in excess of 10 years, resulting in the development of substantial ecological interest within operational and non-operational areas at the quarry.

The Environmental Statement includes a chapter on the effects of the development on ecological interests. A desk study was undertaken in combination with a walkover survey over the whole application area and adjacent land in 2014, which included non-operational land that has either been designated for its nature conservation interest or has been enhanced through the implementation of the Ballidon Quarry Biodiversity Action Plan (BAP). The BAP for Ballidon has been in place for some years and provides a good baseline of information upon which the ecological impacts of the development can be assessed. The ES sets out the impact of the proposals on ecological interests including:

- An assessment of likely impacts on various habitats identified in the ecological surveys directly/indirectly disturbed and discussion of the significance of such impacts;
- Description of the mitigation measures introduced in the site design to reduce ecological impact;
- Details of ecological enhancement measures being introduced during the operation;
- Description of how the revised restoration phases will result in longer term ecological enhancement through the creation of appropriate new habitats and the introduction of a more species-diverse environment to maximise biodiversity interests.

The surveys undertaken included: Extended Phase I habitat survey undertaken during late summer 2014; reptile surveys undertaken in 2014 using artificial refugia sheets; Bat activity surveys undertaken at two woodland edge locations adjacent to the proposed southern extension area on three separate occasions at dusk during late summer 2014; badger activity surveys, undertaken in December 2014 and January 2015. Potential habitats that will be affected by the proposed development include several of localised interest to nesting birds and as terrestrial phase habitat for Great Crested Newts (GCN), both notable fauna groups. However, no viable GCN breeding pond habitat is located in proximity to the quarry development area and it is unlikely that habitat disturbed by extension of the mineral extraction would provide nesting habitat for a notable breeding bird assemblage. As a result the ES does not include site surveys for those species, a position which the Authority's ecologist has confirmed as acceptable.

The surveys identified the following principal wildlife habitats:

- Broadleaved woodland
- Plantation broadleaved woodland
- Scattered and dense scrub
- Scattered trees (individual and groups)
- Unimproved calcareous grassland
- Semi-improved calcareous grassland
- Semi-improved neutral grassland
- Poor semi-improved neutral grassland
- Improved grassland
- Marshy grassland
- Amenity grassland
- Boundaries (fence, walls, hedgerows)
- Buildings, hardstandings and operational quarry areas

Notable faunal interest includes a number of bat species recorded as foraging and commuting at both survey locations along woodland edges enclosing Tip 1, which lies due south of Tip 3. Peregrine and raven are known to use mature quarry faces at the quarry for nesting. Additionally, common passerine bird species are expected to nest within plantation woodland extending across Tip 3. No reptiles were recorded at any of the artificial refugia sheets.

#### *Impacts on designated nature conservation sites*

No adverse impacts are predicted to occur on either the Peak District Dale SAC or Ballidon Dale SSSI. No parts of these designated areas are directly affected by the proposed revised mineral extraction activities. In addition, no adverse indirect effects are expected to arise from the development.

#### *Impacts on habitats and vegetation and proposed mitigation measures*

The majority of habitat areas identified at the quarry will remain unaffected by the development. However, the one main habitat area which will be adversely affected is the recent plantation woodland, the central part of which will be removed to accommodate the proposed southern extension within West Quarry.

The ES concluded that badgers and reptiles would remain unaffected by the development. In contrast, notable fauna species identified in the baseline surveys which would be affected by the proposals are bats and nesting birds.

Bats commuting and foraging along the edge of recent plantation woodland within Tip 3 will be adversely affected through habitat loss as trees are felled on Tip 3 to accommodate tip removal. It was recorded in the surveys that bat commuting and foraging takes place along the edge of mature plantation woodland that encloses Tip 1 to the south and that this will maintain a habitat corridor for use by foraging and commuting bats between possible roosting locations within the quarry office area and foraging habitats to the west of the quarry. The applicant also considers that the disruption to bat commuting and foraging along the southern edge of Tip 3 will be a

temporary effect as reinstatement of woodland habitat along the southern edge of Ballidon Quarry is proposed in the final restoration scheme.

The Authority's ecologist on these proposals considers that additional mitigation measures could be put in place, especially in the short term, to address the early adverse impacts on the bat population. Such measures could include the early erection of bat boxes in adjoining woodland ahead of the tree clearance works, and the planting of a new hedgerow between the affected area of Tip 3 and Tip 1 woodland, to act as a bat commuting and foraging corridor in the absence of vegetation removed from Tip 3. Medium and longer term mitigation measures in the form of a bat mitigation scheme should also be submitted. The applicant is agreeable to the inclusion of these measures and they could reasonably be imposed by planning condition.

Some local bird nesting opportunities will be reduced by the removal of recent plantation woodland on the south side of Tip 3. There is the potential for disturbance of nesting birds in the event that habitat removal takes place in the bird nesting season. The applicant proposes mitigation measures in the event that where tree and shrub removal does have to be undertaken in the main bird breeding season, then habitat clearance areas will be inspected and assessed by a qualified ecologist to identify whether bird nesting is under way. In adopting this approach, it will ensure that where nesting is observed, clearance activities are postponed until nesting has been completed. The Authority's ecologist is content with this approach provided an appropriately worded condition can be incorporated into a permission to secure this mitigation measure. Additionally, he has indicated that further short-term mitigation measures should be employed, similar to the bat mitigation measures, involving the placement of a number of suitable bird boxes in woodland adjacent to Tip 3, adjoining Tip 1 to the south. The applicant is agreeable to this and the requirement to install these boxes prior to tree clearance works being undertaken can be controlled by condition.

The proposal would also give rise to the loss of some relict quarry face sections as progressive restoration forms extensive limestone dale landforms around quarry margins. This change could affect Peregrine if using rock ledges for nesting when restoration landforms are being profiled. The applicant puts forward measures to address this, which include regular monitoring during preceding years to ensure that risk to nesting Peregrine is assessed. Specific quarry development activities with the potential to affect nesting Peregrine habitat will be postponed to avoid the bird nesting season when nests could be in use. This could be imposed by condition or encapsulated in the requirement for submission of a scheme which includes these nesting bird mitigation measures, with the scheme to be implemented as approved.

#### *Potential beneficial impacts*

Habitat creation opportunities will arise from the revised quarry restoration scheme, offering potentially beneficial impacts over the existing approved development. For example, the scheme is designed to provide valuable grassland diversity, which will provide suitable habitat for nesting of wading species of birds, including lapwing, snipe and curlew. The principal benefits to ecology and biodiversity include the following habitats, each one identified as either a key nature conservation target or key wildlife habitat in the Peak District National Park Biodiversity Action Plan. In creating these new habitats the revised restoration scheme will make significant contributions to the BAP objectives. The Authority's ecologist and landscape architect have stressed the importance of getting a long term management plan in place for the site, particularly in regard to woodlands. The applicant has agreed to a condition requiring submission of a long term management plan for the whole site to run alongside the operational part of the development and into the restoration and aftercare period.

*Calcareous grassland* – significant areas of semi-natural limestone grassland hill pasture vegetation will be formed. The proximity of the new vegetation to existing calcareous grassland areas of national and international conservation importance within Ballidon Dale is an important factor in helping to consolidate and broaden the extent of this valuable vegetation and habitat type within the White Peak area. The exact seed mix specification will need to be agreed in

advance, which can form part of the successive submissions for phased restoration – in certain areas the preference may be to allow natural regeneration, for example, in areas close to the SSSI, so as not to compromise the integrity of the SSSI interest. This broad approach could also be part of the Landscape and Ecological Management Plan incorporating a Habitat Management Plan, as well as forming part of the successive submissions of phased restoration details.

*Lowland Mixed Deciduous Woodland* – several areas of new broadleaved woodland areas will be created through tree and shrub planning programmes on restored land. Existing areas of mature recent secondary and plantation woodland will be consolidated through the creation of these woodlands on adjacent restored land. The design will help to provide a valuable network of woodland blocks and corridors that are present towards the south of the quarry and increasing the extent and variety of woodland habitats at the quarry.

*Wet woodland* – the creation of wet woodland patches in the vicinity of a new open water and wetland area that will be formed at the base of the main quarry will make a valuable contribution to the variety of habitats being developed as part of the revised restoration scheme. Wet woodland is a specialised type of woodland and is identified as such in the Peak District BAP. The intrinsic value of individual wet woodland patches will benefit significantly from its association with extensive new wetland area in the wider context of extensive semi-natural calcareous grassland, broadleaved woodland and other habitats.

*Open water and wetland* – the creation of an open waterbody at the base of the main quarry creates additional opportunities for the development of various wetland habitat types, including carr scrub, fringing reedbeds and wet grassland. These will complement the general nature conservation interest as open water areas are likely to provide valuable wetland bird habitat.

*Quarry benches* – although the revised restoration scheme sees the loss of some historic quarry faces in the NW corner of West Quarry (replaced by one significant roll-over slope which connects with the landform sweeping round from East Tip), there will still be opportunities to retain relict quarry faces in other parts of the quarry within sections of bench restoration. These will retain sections of quarry face with associated areas of graded limestone scalplings that will create talus slopes and scree conditions. Some tree and shrub planting is identified to take place on some bench restoration areas but others will have sections of open quarry face which will provide potential ecological interest features, in particular where calcareous grassland will develop slowly within limestone scree areas where ledges and fissures on relict faces will create potentially suitable conditions for bird nesting and potentially bat roosting.

#### *Summary of ecological and biodiversity impacts*

The ecological section of the ES has identified that the proposed scheme of working will give rise to some short-term adverse impacts through the removal of habitat on Tip 3, which will potentially impact on bats and nesting birds. There may also be impacts on Peregrine nesting opportunities through the placement of quarry waste material during restoration landform creation. However, the ecological impact assessment puts forward mitigation strategies to address those impacts, which can be controlled through the imposition of conditions. Those measures are considered acceptable by the Authority's ecologist, who has also suggested some additional short-term mitigation measures which need to be put in place to safeguard certain species.

Additionally, the overall restoration masterplan has been carefully designed to provide maximum opportunity for habitat creation, to tie in with and complement existing areas of ecological and biodiversity interest. Taking this forward, the applicant has also agreed that a Landscape and Ecological Management Plan (LEMP)/Habitat Management Plan (HMP) for the duration of the development at the quarry should be drawn up for submission to the Authority. The LEMP/HMP would set out how the various ecological mitigation measures will be incorporated into a longer term strategy for ensuring that landscape and ecological interests are fully incorporated into the development, whilst providing regular opportunities for review and alterations in line with observations and experiences gained through routine monitoring. Again, the requirement to

submit a LEMP/HMP could be reasonably imposed by planning condition.

Addressing CS policy L2, which relates to sites of biodiversity and geodiversity importance, it is considered that the proposed variation to the scheme of working at Ballidon Quarry takes full account of this policy, as the restoration scheme proposed as a result of the proposed change of working will provide significant enhancements to the general biodiversity of the area. This is also consistent with policy GSP2, which states that opportunities for enhancing the valued characteristics of the National Park will be identified and acted upon, with proposals needing to demonstrate that they offer significant overall benefit to the natural beauty, wildlife and cultural heritage of the area. Similarly, Paragraph 118 of NPPF confirms that local planning authorities should aim to conserve and enhance biodiversity by ensuring that significant harm resulting from development should be avoided or adequately mitigated or compensated for and that opportunities to incorporate biodiversity in and around developments should be encouraged.

### **Noise**

The supporting Technical Guidance to the NPPF (March 2012) is the current Government advice applicable to the control of noise from surface mineral workings in England and replaces Minerals Policy Statement 2 (MPS2): Controlling and Mitigating the Environmental effects of Minerals Extraction in England. The proposed extension of Ballidon Quarry has been assessed in accordance with this guidance.

Where issues of noise impact are concerned, the NPPF states that planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational.

Specifically for minerals, it requires that mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA<sub>90,1h</sub>) by more than 10dB(A) during normal working hours (0700-1900). Where it will be difficult not to exceed the background level by more than 10dB (A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB (A) LA<sub>eq,1h</sub> (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA<sub>90,1h</sub>) by more than 10dB(A) and should not exceed 55dB(A) LA<sub>eq,1h</sub> (free field). For any operations during the period 2200 – 0700 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. The guidance states that in any event the noise limit during these night time hours should not exceed 42dB(A) LA<sub>eq,1h</sub> (free field) at a noise sensitive property.

The guidance also refers to temporary periods where an increased upper noise limit of 70 dB(A) LA<sub>eq,1h</sub> (free field) for potentially noisier short-term operations, for periods of up to 8 weeks in a year, may be required to facilitate essential site preparation and restoration work. Such operations might include soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance.

For the purposes of these applications, existing background sound levels were measured at four locations, which were chosen to represent residential dwellings in the vicinity of the proposed extraction area. Sound levels were measured over two 24 hour periods in January and February 2015. Using this data, in combination with information about the proposed working scheme, predictions of noise emissions at seven separate noise sensitive properties located around the quarry were made, and the predicted noise levels compared with relevant guidance and criteria.

The survey predictions are based on information pertaining to site layout details, phasing plans, required items of plant and intended methods of working. All noise level predictions have been calculated with the combinations of plant working at the closest point to the assessment location and all prediction methods are estimates. In practice, measured levels are invariably lower due to the effects of interactions between such things as meteorological conditions and air absorption, therefore the predicted levels are a reasonable representation of worst case predictions assuming ideal meteorological conditions for sound propagation. By definition, the worst case situation may occur intermittently over the lifetime of the site, but longer term noise levels perceived outside of the site boundary would normally be significantly less. The seven properties chosen for noise predictions were as follows: Holme Farm, Ballidon; Oldfield Cottage, Ballidon; Littlewood Farm, Parwich; Hilltop Farm, Parwich; Low Moor Farm, Parwich; Roystone Grange; and Ballidon Moor Farm, Ballidon.

Based on the results of the assessment, the background noise levels obtained during the survey, and the proximity of noise sensitive premises to the proposed extraction area, the noise report concludes that a noise level criteria of  $LA_{90\ 1h} + 10\text{ dB(A)}$  would be considered appropriate for operations at Ballidon Quarry. This would provide for the following site specific noise limits, which could be incorporated into a planning condition:

Property name	Grid reference	Recommended Noise Limit(dB $LA_{eq,1h}$ )
Holme Farm, Ballidon	420271 354768	51
Oldfield Cottage, Ballidon	420513 354741	47
Littlewood Farm, Parwich	419039 354730	46
Hilltop Farm, Parwich	418972 355463	48
Low Moor Farm, Parwich	419019 356532	48
Roystone Grange,	420055 356803	48
Ballidon Moor Farm, Ballidon	421253 355618	47

None of these recommended noise levels for daytime activities (0700 – 1900 hours) exceed the maximum acceptable day time nominal limit of 55 dB  $LA_{eq1hr}$  (free field) expressed in the NPPF. A planning condition could make specific reference to these locations and noise limits, with an additional restriction that noise levels at any other unnamed noise sensitive property shall not exceed the NPPF upper daytime limit of 55dB  $LA_{eq1hr}$  (free field). The noise assessment does not make any reference to suitable evening or night time noise limits, therefore in line with the general advice on this matter in the Technical Guidance, it is proposed that the site-specific noise limits above be applied for evening periods (1900 – 2200) and an absolute limit of 42dB(A) $LA_{eq1hr}$  be applied for night time periods (2200 – 0700).

At present, the noise condition on the existing permission states the following:

*The corrected noise level from site operations, including vehicular movements within the site shall not exceed 45 dB LAeq 1hr as measured outside any living*

*room or bedroom window of any nearby inhabited dwelling existing at the date of the permission in accordance with British Standard method of measurement.*

Therefore, the above site-specific daytime noise limits may appear to be a relaxation of the existing, broadly applied limit of 45dB. However, it should be noted that the existing condition refers to 'corrected' noise levels. Having consulted further with the EHO on this matter, it is considered that the word 'corrected' could lead to some ambiguity over exactly how measured noise levels ought to be 'corrected' and that more certainty would be afforded by the deletion of this word and replacement simply with reference to absolute noise levels in line with those set out in the Noise Assessment.

In addition, the proposed development will give rise to temporary activities which may have the potential to give rise to elevated noise emissions. NPPF technical guidance suggests that for those limited operations it may be necessary to impose a restriction which ensures that noise levels during those temporary operations should not exceed 70 dB LA<sub>eq, 1h</sub> (free field) at noise-sensitive properties and be limited to a period not exceeding 8 weeks in any one year. However, the applicant's own noise report indicates that the predicted noise levels arising from the temporary operations involving removal of Tip 3 would not exceed the maximum site specific levels already set out. Therefore, on this basis, it is not considered necessary to have an elevated noise level for those temporary operations.

The issue of noise is raised in the one letter of representation. Firstly, there is concern that the monitoring was not undertaken at Roystone Grange as suggested. However, the ES noise report specifies that the four noise monitoring locations were chosen as representative of seven nearby noise sensitive properties, which included Roystone Grange, rather than the monitoring itself actually having been undertaken at all seven locations.

The letter also makes reference to the variability in noise emissions dependent on factors outside of the control of the applicant, such as wind direction. This is a valid point, and has been taken into consideration by the consultants who compiled the noise report, since the predicted noise emissions are based on worst-case scenario. However, the final point made in the letter of representation is that the noise emissions to the south of the quarry may be significantly affected once Tip 3 is removed. Although the predicted noise levels fall below the maxima of 55dB, the change in landform at the southern end of the quarry is significant. To consolidate the requirement to comply with the conditions stipulating noise levels, and as an additional safeguard to ensure that the predicted noise levels arising from the development are in line with the actual emissions once development is underway, it is proposed that an additional planning condition could be imposed to require routine noise monitoring to be undertaken at specified periods. The actual detail of that monitoring could be reserved by a condition whereby the submission of a noise monitoring scheme is required for approval, which could then be implemented as approved. This would provide certainty that the levels imposed are not being exceeded.

The ES noise report also makes reference to general operating measures which could be adhered to in order to provide further mitigation over and above the imposition of noise limits. These include the use of audible reversing warning systems on mobile plant and vehicles which should be of a type which has a minimum noise impact on persons outside sites (whilst ensuring that they give proper warning); ensuring machinery is regularly well maintained and where appropriate fitted with exhaust silencers and keeping internal haul routes well maintained. Conditions controlling these matters are already present on the existing permission and should be re-imposed on any new consents in the interests of controlling the impact of noise emissions from the site.

The NPPF makes clear mineral planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source and that mineral planning authorities should also establish appropriate noise limits for extraction in proximity to noise sensitive properties. Consistent with this advice, the Noise Impact Assessment undertaken as part of the

ES confirms that the site can operate within the criteria identified in the NPPF Technical Document. Additionally, no adverse comments from the Environmental Health Officer have been received, who has recommended that the conditions recommended in the ES are inserted into a new permission if granted. In consideration of the policies of the development plan (LP policies LM1, LC21) it is concluded that the development will not give rise to unacceptable noise impacts and there are sufficient measures and safeguards which can be put in place to ensure that noise emissions are kept within defined limits in the interests of amenity.

### **Dust and air quality**

There are several elements of quarrying operations that have the potential to generate dust if not properly controlled. This includes activities such as the initial drilling of blast shot holes, loading and unloading of minerals, processing of minerals, and haulage of minerals both within and off site. The nearest residential receptor lies approximately 500m due south in Ballidon hamlet.

The area which would be subject to additional extraction beneath tip 3 is currently an area of grassland and woodland, which would be cleared prior to extraction. Soil removal and storage should be undertaken when the soil is relatively dry, in line with good practice. The applicant indicates that consideration will be given to the prevailing wind direction when undertaking any soil stripping operations so as to minimise airborne dust emissions.

Drilling of blast holes has the potential to generate significant amounts of dust, but the drill rig in use at Ballidon filters the waste air vented to atmosphere, which provides very efficient dust control at source. This particular equipment would continue to be used for blast hole purposes if the applications are approved. Blasted rock is subsequently loaded into dumptrucks and transported to the primary crusher on site. From there the part processed rock is conveyed by covered conveyors to further crushers and screens as the rock is reduced in size and separated into different products, some destined for the powders plant located on site. The processed material is then either stockpiled or loaded into road vehicles for dispatch.

Potential for dust emissions during these on site operations is reduced by employing measures such as minimising drop heights when unloading material, using covered conveyors, and housing the main parts of the processing plant. Stockpiles of material are also carefully positioned so as to avoid exposure to winds and taking advantage of any screening effects from adjacent landforms and profiling the shape of stocks to make them less susceptible to wind.

Internal movements of quarry vehicles have the potential to generate significant dust problems if uncontrolled. At present, the operator employs various measures to address this, such as spraying water on to haul roads when required via a site tractor and bowser, ensuring vehicle speeds are limited to 20 mph, and grading haul roads to minimise dust generation. Such measures will continue to be employed, offering an effective dust management strategy.

The powders processing plant contains two automated lorry load-out facilities. These facilities are clad so as to minimise the potential for dust generation. Additionally, vehicles leaving the site carrying aggregate are required to be sheeted before entering the public highway to avoid unnecessary dust emissions from the load as vehicles leave the site.

Areas of the quarry processing plant which are used by road vehicles are regularly cleaned via contract road sweepers in order to minimise dust raising potential. Also, in addition to the siting of the wheel wash at the exit from the processing area down towards the weighbridge and on to the public highway, fixed water sprays are located along the site entrance and can be operated independently.

As part of the current consent, the operators are required to undertake operations in line with details which were submitted for the suppression of dust arising at the site, as amended by various consultee letters at the time in 2000. It is understood that the company routinely carry



out their own dust emissions monitoring programme. It is recommended that if these applications are approved that a condition be imposed requiring the submission of a comprehensive dust management scheme covering the whole site, which can incorporate and update measures which are already in place, and identify any new measures which may need to be included as the extraction boundary extends southwards under tip 3.

To date, with the exception of the concerns raised in the objection letter to these applications, the Authority has not received any complaints in relation to dust emissions from Ballidon Quarry. Additionally, the EHO has commented that the details relating to dust are justified and the recommendations itemised in Appendix 7 should be implemented in full. On the basis that the measures employed to date have been effective, and considering that those measures can be reinforced and consolidated into one scheme, it is not considered that the development will give rise to excessive dust emissions. It is therefore concluded that the development is in line with saved Local Plan policies LM1, LM9 and LC21.

### **Blasting and vibration**

The Environmental Statement provides a chapter on the likely impacts arising from blasting undertaken at the quarry. Current planning policy guidance on this issue contained in the NPPF technical document states that the environmental impact of blasting operations should be assessed, but does not provide an assessment framework or guidance on relevant planning conditions. However, British Standards and other documents do provide relevant guidance which is regularly referred to by mineral planning authorities, which is in line with the vibration criteria detailed within the former Mineral Planning Guidance notes MPG 9 and 14.

The former guidance notes stated that planning conditions should provide for limits on the timing of blasts, on ground vibrations received at sensitive properties, a requirement for monitoring to ensure that the limits are not exceeded, and for methods to be employed minimising air overpressure. Acceptable ground vibration criteria in the former MPG 9 and 14 suggested a range of between 6 to 10 mm s<sup>-1</sup> at a 95% confidence level measured at sensitive property, with no individual blast to exceed 12 mms<sup>-1</sup>. Guidance contained in MPG 9 and 14 did not recommend an air overpressure limit, but rather that the operator submits methods to minimise air overpressure to the Mineral Planning Authority for approval.

Levels of vibration from a production blast were measured from a blast initiated at 1100 hours on 19 March 2015. The instrumentation was located at varying distances from the blast. The data obtained was used to generate a regression curve plot for predicting the effects of future blasting at seven residential locations, which are the same seven locations chosen in the noise monitoring exercise, namely: Holme Farm; Oldfield Cottage; Littlewood Farm; Hilltop Farm; Lowmoor Farm; Roystone Grange; and Ballidon Moor Farm. The closest residential property, Holme Farm, is located approximately 500 metres to the south of the quarry development at closest approach in the hamlet of Ballidon. The predicted maximum vibration levels at each of these sites, for each phase of development, are given in the table below.

<b>Location</b>	<b>Phase 1</b>	<b>Phase 2</b>	<b>Phase 3</b>	<b>Phase 4</b>	<b>Phase 5</b>
Holme Farm	2.5	2.7	3.5	2.7	3.2
Oldfield Cottage	2.0	2.2	3.0	2.2	2.7
Littlewood Farm	1.1	1.6	1.9	1.0	0.9
Hilltop Farm	1.7	1.7	2.0	1.5	1.1
Lowmoor Farm	1.4	1.2	0.8	0.9	0.8
Roystone Grange	2.2	2.2	0.9	1.1	1.1
Ballidon Moor Farm	1.6	1.5	1.3	1.3	1.7

All predicted blast vibration levels fall well within the 8.5 mm sec<sup>-1</sup> peak particle velocity (ppv) limit specified in the current planning permission. With such low predicted ground vibration levels, accompanying air overpressure is also predicted to be very low and hence at a safe level,

although possibly perceptible on occasions at the closest of properties. The applicant states that all blasts at Ballidon Quarry shall continue to be designed to comply with a vibration criterion of  $8.5 \text{ mms}^{-1}$  peak particle velocity at a 95% confidence level, as is currently conditioned.

The ES recommends that the applicant continue with a programme of blast monitoring, the results of which will indicate whether or not there are any compliance issues to address. The additional data gained from the monitoring can also be used to continually update the regression analysis and thus provide valuable input to the design of future blasts. The report also advises that the operator submit methods detailing how they intend to minimise air overpressure resulting from each blast. The EHO has reviewed the information pertaining to blast monitoring and has agreed with all the conclusions reached and the recommendations made.

The existing consent contains conditions which restrict the times at which blasting can be undertaken (0945–1600 hours Monday to Saturdays, none on Sundays, public or Bank holidays), a requirement for audible warnings, limitation on the resultant ppv of  $8.5 \text{ mm/second}$  in 95% of all blasts, no blast to exceed  $10 \text{ mm sec}^{-1}$ , monitoring to be undertaken and records maintained for 36 months, and no secondary blasting. Taking into account the details presented in the ES, and acknowledging the comments from the EHO, it is considered that these conditions could reasonably be re-imposed on the grant of any new permission for the proposed development. It is therefore concluded that the development is unlikely to give rise to unacceptable blasting impacts and does not conflict with Local Plan policy LM1 and the general guidance in the NPPF in ensuring that the effects of blasting on the local environment and amenity are adequately controlled.

### **Traffic**

The ES comprises a Transport Assessment in which the impacts of traffic generated from the proposed development are discussed. The proposal does not seek to alter the current conditions controlling either the level of traffic movements or the timing of those movements. Therefore, the development does not seek to intensify the use in terms of highway safety, capacity or amenity, as the applicant wishes to maintain production levels and operations in line with existing approved levels. No changes are sought to the internal access routes linking the main quarry area with the highway, or the route that HGVs take to reach the B5056.

Currently, the planning permission allows a total of 800 (400 in, 400 out) dry aggregate industrial and coated roadstone lorry movements per day. Within that total, there are further restrictions, notably, no more than 240 (120 in, 120 out) movements shall be for dry aggregate, of which no more than 40 (20 in, 20 out) shall occur between the hours of 0500 and 0600 hours. For night time industrial powders tankers, the restriction is that no more than 24 (12 in, 12 out) occur between 1900 and 0600 hours Monday to Sunday (which was the subject of a relatively recent planning committee item). The operator is additionally required to maintain records of all lorry movements, which should be made available to the MPA at any time upon request.

The Transport Assessment includes an assessment of existing traffic flows from a survey undertaken in November 2014, as well as collation of highway safety data from the last five years. At present the site is operating at an output level of approximately 800,000 tonnes. The quarry generates approximately 300 movements during the weekday, which is significantly less than the permission allows for. On this basis, the site is operating at about 37% of its permitted traffic levels. The permission allows for an annual total output of 1.1 Mt; with 300 movements per day equating to around 800,000 tonnes output, it is clear that the annual maximum output would be the overall limiting factor in determining the level of traffic movements, rather than the condition controlling traffic numbers. Notwithstanding the fact that the applicant's estimated timeframe for the development equates to an output level of around 750,000 tonnes per year, the relatively high level of permitted traffic movements in the current consent does provide the operator a good degree of flexibility in being able to meet any peaks in demand that may arise from time to time.

The review of safety data from between 2009 and 2014 indicates that there are no recorded highway issues as a result of the development proposals. Existing operations to date have not led to any identifiable highway safety impact. Since the projected levels of traffic are expected to be comparable with existing and ongoing levels, it is not anticipated that there will be any detrimental impact to highway safety or capacity. The existing routeing strategy, linking the quarry with the B5056, will remain in place. Worst case scenario on traffic generation is around 29 inbound and 29 outbound movements per hour along this route, but the survey undertaken as part of the assessment indicates that the majority of these movements are outside traditional peak hours. No issues have been raised by the Highway Authority in connection with highway safety or capacity.

The letter of representation raises a highways related issue of road cleanliness, which is a material planning consideration. The current permission does include a condition requiring the site access to be maintained in a good state of repair and kept clean and free of mud and other debris at all times. Compliance with this condition ensures that the transfer of extraneous material from the site onto the highway is kept to a minimum. There is also a condition requiring that provision be made for the installation and maintenance of a drainage system to ensure that no slurry or water from the permitted area flows onto the public highway. Monitoring reports have identified that there is a drainage system in place, so in the event of an approval it would be necessary to re-impose this condition and request an update and confirmation of the details of that scheme. As an additional measure, the operator does contract out a regular road-sweeping to clean the section of highway outside the quarry and for a distance towards Ballidon hamlet.

With the exception of the concerns raised in the letter of objection, to date the Authority has not received any complaints regarding the condition of the highway in the vicinity of the quarry. Also, pursuant to section 151 of the Highways Act, the operator is required to take all reasonable steps to ensure that mud or other extraneous material is not carried from the site and deposited on the highway. This is usually added as a footnote to permissions of this nature, as currently occurs.

In conclusion, taking into account the Transport Assessment and the above discussion, and in view of the fact that no issues have been raised by Derbyshire County Council in their capacity as Highway Authority, it is considered that the development is in accordance with LP policies LM1 and LT9 and with CS policies GSP3, T1 and T4.

### **Hydrology and hydrogeology**

Quarrying operations such as those in operation at Ballidon Quarry do have the potential to alter surface water and groundwater regimes, so the ES accompanying the applications comprises a comprehensive assessment of the impact of the proposal on hydrology and hydrogeology. Typical quarrying operations have the potential to alter the water environment in several ways, including impacts upon groundwater and surface water levels, flow rates and quality, altering flow patterns or exacerbating flood risk.

The site is situated entirely within the topographic catchment of the River Dove. There are no watercourses within or adjacent to the site. The area to the northwest, north and northeast are underlain by limestone and do not support any watercourses. Nearby surface water courses generally drain southwards within the catchment of the Bradbourne Brook. The closest surface watercourse is Ballidon Brook, approximately 400m south of the site. Environment Agency mapping data show the Bradbourne/Bentley Brook system to be of 'moderate' ecological quality and the chemical quality to 'not require assessment'.

A baseline appraisal of the way in which groundwater and surface water behaves in and around the quarry confines has been undertaken and this has informed the design of the proposed development with a view to minimising the impact of the operations on the water environment. The maximum depth of working in Main quarry is 160m AOD, in Woodbarn it is 185m AOD.

The proposals do not involve extraction beneath these levels. The existing system of pumped discharge of incident rainfall and groundwater ingress to a soakaway located on the eastern edge of the site will continue, and this ensures that water resources are maintained within the original source. This is considered by the applicant to be a major mitigation design factor.

The assessment considers the hydrological and hydrogeological impacts during both the operational and restoration phases. During the main operative phase, there are four ways in which groundwater levels may be affected, namely through extraction of limestone from the unsaturated zone, extraction from the saturated zone, evaporative losses from groundwater ponds and interception of preferential groundwater flow paths. Each of these has been considered as part of the assessment.

The majority of extraction will occur within the unsaturated zone and the report concludes that the removal of a relatively small section of unsaturated zone (when compared to the overall outcrop area of the Carboniferous limestone aquifer) will have no significant effects on groundwater behaviour, including levels or flows. Any predicted effects are expected to be very localised and are not expected to alter the wider pattern of groundwater levels or flows to any discernible extent outside the immediate site area.

The proposed extraction lying within the saturated zone, at the maximum depth of 160m AOD, will be approximately 35m below the piezometric level indicated by the baseline groundwater monitoring data. Groundwater ingress into existing workings has been calculated at a very low rate (4 l/s) therefore, in view of the fact that the proposals do not involve any further deepening, this rate of groundwater ingress is not anticipated to significantly increase. On this basis, it is concluded that there will be no discernible direct impact upon existing groundwater flows.

Similarly, the potential for groundwater levels and flows to be significantly impacted by increased evaporative losses is also considered to be negligible. Incident rainfall and groundwater ingress collected at the site's low point in West Quarry is pumped to a soakaway within the curtilage of the site, thus allowing continued quarrying operations below the water table. This limits the area of standing water also. The restoration phase, where a 5.25 ha lake, 25m deep, is formed by accumulating incident rainfall and groundwater ingress, will increase evaporative losses slightly but only to a relatively low level. Ultimately, the presence of the lake will impose a revised, relatively flat, hydraulic gradient across the area, but the assessment demonstrates that the scale of influence upon the surrounding aquifer will be small with any minor effects contained within the boundary of the site. This view is corroborated by both groundwater monitoring within the site and assessment of observation of a further nearby borehole since where records go back to 1977, which reveals no discernible influence from quarrying operations.

The hydrological report includes a Flood Risk Assessment, which has been undertaken in accordance with the guidance in the NPPF. The FRA demonstrates that the proposal will not be vulnerable to flooding and represents appropriate development in the context of existing flood zonations. It also concludes that will increase flood risk elsewhere and the measures proposed to deal with any effects and risks that may arise are appropriate and proportionate.

In conclusion, the proposed development is expected to have negligible impact on the hydrological and hydrogeological regimes. There are anticipated to be no long-term impacts upon groundwater levels, other than at a relatively insignificant local scale, or on any features reliant upon the level of groundwater following completion of site restoration. The FRA concludes that there are no over-riding flood-based reasons why the development cannot proceed in the manner set out in the applications. It is considered therefore that the proposal is in accordance with policy LM1 and CC5.

### **Archaeological and cultural heritage**

Of the 32 entries listed in the Derbyshire Sites and Monuments Record (DSMR) lying within a

1km radius of the site, the nearest to the application area is the Scheduled Monument SM29829 (Romano-British settlement and field boundaries). At present, the permission contains a condition whereby this feature is safeguarded to protect its integrity. It is considered that this condition would be re-stated in any renewed permission to ensure the continued protection to this archaeological feature. However, both this archaeological feature and all the remaining 31 entries from the DSMR lie outside the application site area, therefore the potential for any detrimental impact on these areas of interest arising from quarry operations is negligible.

There is one listed building within the site itself, this being the operator's office building. This is a Grade II listed former farmhouse. Two other listed buildings (The Cottage and the laboratory/outbuilding) are located within the confines of the concrete batching plant (outside of the application area, and operated separately from the quarry). A further five listed buildings are situated on, or in close proximity to, the approach road to the site, in and around the settlement of Ballidon. Whilst it is acknowledged that Listed Buildings exist in the vicinity of the established site at Ballidon Quarry, the applicant contends that there will be no harm to any such features themselves or any adverse impact on their setting. Nevertheless, in their response, Historic England do raise the point as to whether it would be appropriate to seek additional details and commitments from the applicant setting out how the Listed Buildings within the site will be delivered to market in good and economically viable order at the end of the restoration scheme with their significance sustained. They add that any integration with the on-going sustainable future and use of Ballidon Chapel, which could possibly be achieved alongside a scheme for the buildings within the site, would be of additional public benefit.

On the basis of the consultation response, it is recommended that safeguards be put in place via condition to ensure that any buildings with listed status are left in a condition which is consistent with their listed status. To achieve this aim, it is proposed that a condition be attached to a grant of permission whereby the applicant is required to submit a report detailing the physical and structural condition of the listed buildings falling within the site boundary and identifying any measures to be put in place to safeguard the qualities of those buildings such that they are left in a condition commensurate with their listed status at the end of the development.

In conclusion, in respect of cultural heritage, concerning assets of archaeological, architectural, artistic or historic significance, CS policy L3 is of relevance. However, the proposed variation to existing permitted workings at Ballidon Quarry and provision of an enhanced restoration scheme all relate to development within the footprint of the established mineral working and land with the benefit of planning permission therefore impacts are negligible. Section 12 of the NPPF is concerned with conserving and enhancing the historic environment and states that local planning authorities should set out a positive strategy for the conservation and the enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting, whilst the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The proposed additional condition requiring a report on the structural status of the listed buildings on site meets with this policy direction and would also be in conformity with LP policy LC15 and CS policies GSP3 and L3. In conclusion, with the abovementioned safeguards put in place, it is considered that the proposal does not raise any significant archaeological or cultural heritage impacts and is in line with the development plan policies concerning cultural heritage and archaeological assets.

### **Footpaths/ rights of way**

A number of rights of way are present in the vicinity of the site, the nearest two being footpath FP6 that runs east-west between the two quarry areas and running above the operational tunnel which links them; and footpath FP5 that also runs east-west but to the south of the site. There is also a track which runs in a largely north-south direction immediately east of the site. The two

main recreational routes (Pennine Bridleway and the Limestone Way) are both within 1km of the site boundary. Several other footpaths lie in close vicinity to the site, and there are several areas of Open Access land to the north and east of the quarry.

The assessment indicates that there will not be any adverse consequences on any of these amenity assets as a result of this development. The landscape and visual impacts arising from the development have already been addressed with the conclusion that the long term effects of the revised restoration will be beneficial. The comment from the Rights of Way officer in the consultation response regarding the upgrade of the footpath FP6 to a bridleway has already received favourable response from the applicant, although this process would happen entirely independent of the determination of these two applications. In summary, it is considered that the proposal will not have any adverse impacts on recreational amenity and it is therefore in line with CS policy T1 and T6 and LP policy LT20.

### **Cumulative and interaction effects**

The accompanying text to the ES states that the baseline position for the environmental assessment undertaken is the continuation of quarrying operations under the existing consent. There are no other quarries in the vicinity of Ballidon or any other major development either in progress or being planned which would require an analysis of cumulative impacts. The block plant situated to the immediate south of the main quarry entrance, whilst being run separately from the quarry and not part of the application site area, forms a contiguous link with the main quarry office/canteen area, and in the overall context of the site as a whole is a relatively small component of the industrial landscape in that area.

There will be interaction effects, owing to the size and scale of the development proposals, mainly positive through the restoration concepts, whereby the creation of new habitats will impact on landscape, visual impact, ecology and hydrology/hydrogeology. However, it is considered that the impacts will not be significantly different over and above those already described in this report and therefore need no further assessment.

### **Section 106 Obligations**

If the applications are approved, the resultant planning permissions would need to be accompanied by a section 106 legal agreement, since there is additional material planning considerations which, if deemed necessary, could not be secured by planning condition.

Government guidance is a material consideration in determining planning applications. Previously, Circular 05/2005 provided the government's guidance regarding s.106 planning obligations and included a series of five policy tests which should all be met before matters are included in planning obligations. The Circular stated that it is ultimately a matter for the courts to decide whether an obligation is valid and material in any particular case. The Courts have previously found that obligations that go beyond the policy tests but nevertheless meet the statutory requirements of the 1990 Act are still valid and material. The NPPF (paragraph 204) states that planning obligations should only be sought where they meet all of the following tests:

- (i) necessary to make the proposed development acceptable in planning terms;
- (ii) directly related to the development; and
- (iii) fairly and reasonably related in scale and kind to the development.

The legal agreement currently in place covers the following:

- (i) to not win and work minerals in accordance with previous consents;
- (ii) not to seek compensation in respect of any formal revocation orders made in respect of previous consents;
- (iii) annual total sales of limestone products shall be limited to 1.1 million tonnes;
- (iv) not to sell for Industrial use less than 40% of the total annual sales of limestone products;

- (v) to enter into a “Footpath Agreement” for the provision and maintenance of a permissive footpath, plus fencing and gates, along the approach road leading to the quarry entrance to separate pedestrians/footpath users from road traffic.

It is proposed that if the applications are approved, the terms of the existing section 106 are carried forward with any necessary revisions to reflect changes in company names, ownerships etc., and to reflect the fact that the access road clause and the footpath reference now require only the maintenance provision to be included. Other benefits secured through the determination process, such as the provision of a long term landscape and ecological management plan (LEMP) and the provision of a report/survey in relation to the condition of the listed buildings, can be satisfactorily dealt with by way of condition. All proposed section 106 requirements meet the statutory tests, since they are all necessary to make the development acceptable, both in amenity terms and in respect of policy compliance, and they are all directly related to, and fairly and reasonably related in scale and kind to, the proposed development.

In summary, the conclusion of a planning agreement would accord with Local Plan policy LM1 (which states that, where necessary, planning obligations will be sought to address matters which cannot be dealt with by means of planning conditions) and CS policy GSP4, which recommends the use of conditions and legal agreements to ensure that benefits and enhancement to the National Park are achieved.

### **Conclusions**

This proposal is concerned with the recovery of a proven reserve of high quality limestone within the confines of an existing, well established quarry but outside the existing permitted extraction boundary. The proposal would release approximately 5.3 million tonnes of limestone presently beneath the southern tip (Tip 3), which would be worked in the same conventional manner as occurs currently. However, the proposal represents no increase in the site’s net-reserve position, since the applicant has identified two areas within the existing extraction boundary where already permitted reserves would be relinquished in exchange for the mineral beneath Tip 3. The proposed extraction would take place over six distinct phases, the last phase ending around 2030.

The development has been designed so as to provide a number of significant landscape and ecological enhancements over and above the existing approved scheme, most notably in the form of a revised restoration scheme. The resultant landform and creation of a number of valued and important habitats across the site during the progressive restoration programme provides long term conservation benefits and improved landscape and visual impacts overall. In Main Quarry, the revised restoration landform would involve the creation of a large roll-over slope to replace the very high series of benches and faces which would otherwise remain under the existing restoration scheme. The proposed large roll-over slope links in much better with the existing restored landforms further east. Under the existing consent, this large roll-over slope could not be replicated since the remaining development phases would not release the required volumes of quarry waste material necessary to create the landform feature.

The two parallel applications are accompanied by an Environmental Statement, acknowledging that the development will give rise to significant environmental impacts. In summary, the Landscape and Visual Impact Assessment concludes that the short-term duration of adverse effects, through the removal of Tip 3, are outweighed by the long-term, permanent landscape and visual improvements that would arise across the whole site with the proposed development. This is a view which is shared by the Authority’s Landscape Architect. Similarly, the revised landform resulting from the site’s restoration offers significant benefits in terms of the broad range of new habitats that would be created as part of the site’s progressive restoration. The long term landscape and ecological management of the site for the duration of the development would be consolidated through the submission of a Landscape and Ecological Management Plan (LEMP), encompassing a Habitat Management Plan (HMP). The Authority’s ecologist has

indicated broad support for the proposals subject to the imposition of conditions controlling the short-term impacts on bats and birds, and conditions requiring detailed schemes for longer-term ecological mitigation measures across the site.

The applicant proposes a revised set of site-specific noise limits based on an updated noise survey undertaken as part of the ES. Having reviewed the data and liaised with the EHO on the proposed levels, it is considered that, with appropriately worded conditions, the development will not give rise to unacceptable noise impacts. The proposed limits are within maximum levels stipulated in national policy and guidance. Similarly, the impacts arising from dust emissions and the effects from blasting can be adequately contained through the use of relevant planning conditions, as appear on the existing consent.

In respect of hydrology and hydrogeology, the independent assessment concludes there will be no adverse impacts on ground or surface water regimes or any increased flood risk with the revised scheme of working. Since the development involves no change to the permitted traffic levels, the Transport Assessment recognises that the proposed development will not form any intensification of use in terms of highways safety or capacity or amenity.

In summary, it is considered that the proposed revision to the extraction boundary to allow the removal of mineral beneath Tip 3, and the related enhancement to the restoration scheme, will positively contribute to achieving the objectives of policies MIN1, GSP2 and GSP3, since it will lead to significant landscape and biodiversity improvements, providing opportunities for enhancing the valued characteristics of the National Park. Whilst the development will release 5.3 Mt of limestone, the relinquishment of an equal quantity of already permitted reserves in the base of the quarry means that the proposal does not conflict with the policy direction in MIN1. The proposal offers significant overall benefit to the natural beauty, wildlife and cultural heritage of the area through the revised restoration scheme. It is considered that these landscape and biodiversity benefits demonstrate exceptional circumstances to allow this major development, in accordance with the NPPF and GSP1, and therefore it would be in the public interest to allow the proposal to proceed.

Therefore, having rigorously assessed the proposal and concluded that it is in conformity with the development plan, the applications are recommended for approval subject to the imposition of appropriately worded conditions and an accompanying section 106 legal agreement.

### **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