

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**7 January 2019**

Report of the Strategic Director – Economy, Transport and Environment

**4 ASSESSMENT OF A MINING SITE FOR A FIRST PERIODIC REVIEW OF CONDITIONS UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995**

(1) **Purpose of Report** To seek the approval of the Committee to notify mineral operators, landowners and other interested persons of a date for a first periodic review relating to a mining site.

(2) **Information and Analysis** All mining sites, including extensions to sites granted after the initial minerals planning permission, may be subject to periodic reviews of conditions to which their planning permissions are subject. This is to ensure that quarries are subject to up-to-date environmental controls.

Schedule 14 of the Environment Act 1995 (the ‘1995 Act’), as amended by provisions in the Growth and Infrastructure Act 2013, empowers mineral planning authorities to exercise a broad discretion as to when to subject mining sites in their areas to periodic review.

Any date for periodic review must be no earlier than 15 years after planning permission is granted, or the previous review of conditions (whether by an initial review under Schedule 13 of the Act, or previous periodic review under Schedule 14). Subject to this constraint, the Mineral Planning Authority has discretion to notify a review date whenever, according to circumstances, it considers it to be expedient.

In seeking to assist mineral planning authorities on this matter, Planning Practice Guidance suggests that:

*‘Minerals planning authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address’.*

It is considered that in view of prevailing circumstances, the mining site known as Dene Quarry at Cromford should be required to become subject to first

periodic review. Dene Quarry is south-west of the village of Cromford on Cromford Hill. The site is bordered by agricultural land to the north, south and west and by Cromford Hill (B5036) to the east. Slinter Quarry, a smaller limestone/vein mineral quarry is located 190m to the north, sharing the same vehicular access off Cromford Hill. The nearest residential properties are approximately 50m to the north-east on Cromford Hill. It is almost entirely located in the buffer zone Derwent Valley Mills World Heritage Site (DVMWS), and is close to the Cromford Conservation Area and to a significant number of listed buildings located on Cromford Hill which form the core of the Conservation Area and DVMWHS in this location. There are also a number of European, national and local nature conservation designations in close proximity to the site as well as in the surrounding area.

The extraction of limestone and other vein minerals has taken place at the site at least since the mid-20<sup>th</sup> century, pre-dating the current planning system. The site had four planning permissions for the winning and working of minerals and the disposal of mineral waste, granted variously in 1950, 1966, 1974 and 1990 which were subject to an Initial ROMP application in 2000 which resulted in an updated schedule of conditions being issued. Planning permission CM3/1202/108 for northern and southern extensions to Dene Quarry was granted on 18 March 2005 by this Authority. This planning permission had the effect of consolidating all previous working areas at the site, as well as the proposed extension areas into a single site boundary. Following the revocation of the previous planning permissions in 2005, it is now the sole planning permission for mineral working relating to the site. The planning permission is time limited, in that under the conditions to which the planning permission is subject, all mineral operations shall have ceased by 31 December 2026. A First Periodic Review application could be required to be submitted by 18 March 2020.

Since the time that planning permission CM3/1202/108 was granted, a number of operational inconsistencies have arisen, which might be addressed through a comprehensive review of conditions to which it is subject. These relate primarily to the way in which the site has been worked (including periods of temporary shutdown and the removal of permanent plant from the site) which has affected the operator's ability to work in accordance with the timescales embedded within the approved phased working plans. At the current time, it is estimated that there are approximately 8 million tonnes of permitted reserves remaining to be worked. Based on current rates of working, it is questionable whether this can be achieved before the end of 2026. Recent site inspections have highlighted that parts of the site are not being worked in accordance with those approved plans in terms of the directionality of the working. Taking into account the sensitive location of the quarry, it is important for these issues to be addressed through a conditions review. Further topics requiring updated conditions relate to the noise, dust and blast monitoring schemes at the site.

Since the surface area of the quarry (68.7ha), it is clear that any such application for updated conditions under the review process would automatically be regarded as involving development which is Environmental Impact Assessment development by virtue of Schedule 1 to the Environmental Impact Assessment Regulations 2017, and therefore the application would need to be accompanied by an Environmental Statement.

In light of all of the above, I am of the opinion that the notification of the operator and other interested parties of a first periodic review is now necessary to ensure that the remaining permitted mineral development at the site is made subject to rigorous and up-to-date environmental controls.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** There is no longer a single fixed period when periodic reviews under Schedule 14 have to take place. The first review under Schedule 14 cannot be earlier than 15 years after planning permission is granted or, in the case of an older permission, 15 years following the date of the initial review under Schedule 13. Any further reviews should be at least 15 years after the date of the last review (Section 10 of, and Schedule 3 to, the Growth and Infrastructure Act 2013).

However, a mineral planning authority can activate the power to require a review of longstanding planning conditions under Schedule 14 whenever it has reason to be concerned that the existing planning conditions are not sufficiently effective.

### **Other Considerations**

In considering this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, and environmental, health, property, social value and transport considerations.

(5) **Background Papers**  
Dene Quarry file number 3.23.0.

(6) **OFFICER'S RECOMMENDATIONS** That the Committee resolves to **approve** notification under Schedule 14 in respect of Dene Quarry for the submission of an application for the first periodic review of planning permissions.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**