

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

**1 September 2014**

Report of the Strategic Director – Economy, Transport and Environment

**1 PROPOSED DIVERSION OF BEELOW LANE TO ALLOW  
THE CONTINUED IMPLEMENTATION OF PLANNING  
PERMISSION R1/0697/2 AT DOVEHOLES QUARRY, DOVE  
HOLES, BUXTON  
APPLICANT: CEMEX UK MATERIALS LTD  
CODE NO: CM1/0212/164**

**1.306.34**

**Introductory Summary** This is an application seeking planning permission to construct a road to replace the section of the road known as Beelow Lane that crosses Doveholes Quarry. The continuation of permitted mineral extraction operations at the quarry will require the removal of the existing section of road. I consider that the proposal is acceptable in the context of the policies of the Derby and Derbyshire Minerals Local Plan and have recommended approval.

(1) **Purpose of the Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This application is for a replacement of an existing section of Beelow Lane, an unclassified road, to enable mineral extraction operations to continue northwards at Doveholes Quarry, Dove Holes, Buxton.

**The Site**

The site now referred to as Doveholes Quarry is a major limestone quarry complex situated to the east of the A6 and Dove Holes village, to the north of Buxton and west of the hamlet of Smalldale. It has a surface area of 213 hectares (ha). The quarry is surrounded to the north, east and west by a network of fields bounded by stone walls. There are isolated farm buildings within 200 metres (m) of the boundary. The quarry complex at Dove Holes is a combination of three quarries known as Bee Low, Peak (New Line) and Holderness. The Peak and Holderness quarries have been expanded to the extent that they are now linked into a single operational area.

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Beelow Lane carries a non-classified highway and runs approximately east to west for approximately 3.7 kilometres (km), linking the A6 north of Dove Holes village to an unclassified road south of Peak Forest. For much of its length, the land is un-surfaced apart from a short section which provides access to Freshfields Donkey Village from the unclassified lane to the east. Freshfields Donkey Village is the only property that is accessed directly from Beelow Lane.

The lane is in part positioned between two landscape bunds which were formed as part of works associated with a previous diversion (see below for further information).

### **Planning Background**

The Dove Holes area has been subject to mining and quarrying activities since the 19<sup>th</sup> century. There are a number of planning permissions relating to mineral extraction at the site, these are:

- planning permission 1986/9/16 dated August 1952 for the winning and working of minerals and the disposal of mineral waste;
- planning permission CHA/1259/18 dated March 1960 for the winning and working of minerals and the disposal of mineral waste;
- planning permission CHA/1271/23 dated October 1971 for the winning and working of minerals; and
- planning permission CM1/1293/108 for the disposal of mineral waste.

These permissions were all subject to an initial review of conditions (code number R1/0697/2) pursuant to Schedule 13 of the Environment Act 1995. All four permissions thus became subject to a single schedule of conditions which was issued on 19 March 1998. The Environment Act submission included details of the proposed future working of the quarry. The working scheme was provided in four phases. Phase 1 (which spanned the period 1997 to 2003) was concentrated in the Holderness Quarry area and envisaged the quarry face progressing in a northerly direction towards Bee Low Quarry. The Phase 1 working area included the original line of Beelow Lane.

Beelow Lane has been subject to one previous permanent diversion. Planning permission was granted in 2002 (CM1/1201/113) for the construction of a road to replace the existing Beelow Lane. The permission saw the then existing section of lane which crossed the permitted extraction area in a rough north-west to south-east direction, diverted onto a new alignment to the north of its original line. The realignment works were required to enable the mineral operator to work the site in accordance with the approved working scheme approved under R1/0697/2. At the time that the planning application was determined, the Mineral Planning Authority acknowledged that there would be a need to seek a further diversion of Beelow Lane.

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Doveholes Quarry is now subject to a first periodic review under Schedule 14 of the Environment Act 1995 which is also on the agenda for this Committee (see Agenda item 5). The documents submitted in support of the Review of Minerals Permissions (RoMP) application include an updated working scheme for the next 15 years and restoration proposals, as well as updated protocols relating to noise, dust blast and blast vibration. The revised working scheme indicates that working in the quarry will be concentrated in the northern area of the quarry during the forthcoming 15 year period and that the main quarry and Bee Low Quarry voids will be merged into a single entity during this period.

### **The Development Proposal**

This proposal is for moving part of Beelow Lane from its current route to a new alignment which would run along the northern boundary of that part of the mineral planning permission area which lies within the administrative boundary of Derbyshire County Council. The existing planning permission area for mineral extraction also extends northwards into the Peak Park, so that a further diversion would be required in order for mineral extraction to take place in that part. Working plans submitted by the applicant in respect of the current RoMP application, which is also before this Committee for determination today, indicate that any such extraction would not be taking place prior to 2027. The replacement section would have a total length of 2.1km of which 828m would represent a permanent replacement; 795m would be expected to itself be replaced eventually whilst the remaining 480m would see the resurfacing and narrowing of an existing stretch of the lane.

Commencing at its western end, the replacement route would run adjacent to the western boundary of the quarry travelling in a rough south to north direction for approximately 475m before turning to run north-east for 215m. From here, the route would then run eastwards for 125m adjacent to the north-western site boundary. This part of the replacement would represent a permanent replacement stretch of Beelow Lane, would have a width of 3m and would be constructed from a sub-base of 200mm crushed limestone with a final surface dressing of compacted screened highway arisings. The lane would have a 0.5m wide grass verge and would be bounded by a 1.2m high dry stone wall along its eastern edge. The wall would be constructed from a mix of new stone and materials salvaged from an existing but remnant stone wall which runs along part of the existing route.

The proposed northernmost part of the realigned route would run for approximately 555m in a rough west to east direction, to the north of the existing Bee Low Quarry, and could be expected to itself be replaced eventually, to allow for the eventual expansion of the quarry complex into the Peak District National Park (PDNP). This part of the replacement route would have a top surface of compacted screened highway arisings of between 150-190mm but would not have a sub-base. As with the western section of the lane, the northern section would measure 3m wide with 0.5m wide grass

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verges. This section would be bounded by 1.2m high post and wire fences on both sides. A separate 1.5m high bund, intended to provide protection from the quarry edge, would be provided between the quarry and the southern edge of the lane.

After running in a rough west to east direction for 555m, the realigned route would turn southwards for 240m, before curving gently to the west to facilitate joining the current alignment of Beelow Lane on the eastern boundary of the quarry. As with the northern part of the proposed route, this eastern part would be constructed as a temporary diversion and would be constructed in the same manner. In addition to the creation of a new inner bund, the proposed new eastern section of lane would run close to an existing 3m high soil storage bund. Whilst it is proposed to re-grade the bund, the structure would be retained with the effect that the realigned route would pass between two bunds at this point.

The final, existing, eastern section of Beelow Lane would also be re-surfaced as part of the current proposals. Existing crushed limestone surfacing would be removed and replaced with a new surface of screened highway arisings. The existing dry stone wall would also be repaired where necessary. An existing safety bund, located to the west of the existing lane would also be retained as a safety feature.

Further information submitted by the applicant which responds to the comments of consultees (see 'Consultation' section below) have resulted in a number of revisions to the original scheme. Such revisions include:

- the reduction in height of the quarry edge bund;
- the removal of the existing 3m high bund to the east of the eastern stretch of Beelow Lane;
- the narrowing of the eastern stretch of Beelow Lane from 5m to 3m to better tie in with the newly created sections;
- the realignment of dry stone walls to better reflect the route of the lane;
- the incorporation of a number of vehicular passing places; and
- revisions to the proposed construction of the lane along its existing/permanently diverted alignments.

### **Environmental Statement**

The application is accompanied by an Environmental Statement (ES) which comprises technical reports prepared by specialist consultants relating to landscape and visual amenity, ecology, cultural heritage and other environmental effects such as noise, dust and surface water drainage. Set out below are the main points from the ES.

## **Landscape and Visual Impacts**

The ES provides a description of the landscape and visual baseline of the site as well as undertaking a Landscape and Visual Impact Assessment (LVIA) of the proposals.

The ES notes that the application site is located close to the boundary of the PDNP with direct views into the Park from most of the proposed realigned route but acknowledges that there are no regional, county or district level landscape designations within the application site itself. It is further noted that the site falls within national landscape character area JCA 52: 'White Peak' and the 'Limestone Plateau Pastures' landscape character type (as defined by the Peak District National Park Authority (PDNPA): 'Landscape Strategy 2009 – 2019') and the 'Plateau Pastures' character type as defined by the Derbyshire County Council: 'Landscape Character of Derbyshire' at the regional/county level.

The ES provides a description of the character of the landscape in the vicinity of the application site, recognising that the mineral workings at Doveholes Quarry (which consist of large, open worked areas including a number of the quarry faces and plant structures, other built infrastructure and quarry vehicle movements/activity) are generally uncharacteristic of this landscape. The assessment further notes, however, that mining activity has been undertaken in the area for many years and that such activity is thus itself somewhat characteristic of the locality. The character of the proposed application site is described as being fundamentally influenced by the presence of the quarry, particularly along its western and eastern stretches, where the quarry is always visible although some fragments of the landscape character of the area (remnant dry stone walls, grassland land use and long distance views over the limestone plateau) do remain. Due to its position further away from the quarry, the northern section of the proposed diversion route is considered to be less influenced by the quarry operation and more in keeping with the general landscape character of the area. This is largely because the quarry is less visible from this point. However, the ES anticipates that the landscape character of this area will change whenever mineral extraction operations move further northwards.

The ES notes that the landscape surrounding the application site and Doveholes Quarry is largely within the PDNP and by definition would generally be of 'high quality' and 'high value'. However, whilst the application site is indistinguishable from the adjacent land in terms of intactness and appearance, its proximity to the existing quarry is considered to reduce the landscape quality and value of the site to 'medium quality' and 'medium value'. Similarly, due to the presence of the quarry, the proposed replacement route is assessed as being of 'medium sensitivity'. During the construction phase the magnitude of landscape change is considered to be 'small-moderate' due to the temporary nature of the construction works themselves and because of

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the overriding influence of the quarry itself, although existing grassland would be permanently lost post construction. The magnitude of change is considered to be 'small' largely as a result of the intermittent use of the lane and its integration into its surroundings through the use of dry stone walls and the use of appropriate surfacing materials. Overall, the significance of impact to landscape during the construction phase is considered to be 'minor-moderate' reducing to 'minor' after construction.

With regard to potential visual impacts, the ES states that the visibility of the proposed realigned lane is restricted by the surrounding undulating landform, intervening vegetation and, to a lesser extent, by built structures. Following liaison with this Authority and the PDNPA, nine representative viewpoints (vp) were chosen including a public footpath to the west of the site which follows the proposed diverted route (vp1 and vp2); footpaths to the west of the site at Dove Holes village (vp4) and on higher land on the boundary of the Peak Park (vp3); a footpath immediately to the north of the application site (vp5); public footpaths near Sparrowpit to the north (vp6); public footpaths and a bridleway to the east (vp7, 8 and 9). The sensitivity of all viewpoints was considered to be 'high' as a result of their representing a residential property, being a public right of way or being within the PDNP. Some viewpoints were also considered to be representative of users of the highway.

Magnitude of change during construction operations were assessed as being 'large' for vps 1, 2 and 5, and 'moderate-large' for vp 4, due either to their proximity to the diversion route or the lack of other views into the quarry which, when considered alongside their sensitivity rating, indicates that visual impacts of 'major' for vps 1, 2 and 5 and 'moderate – major' for vp 4 are predicted. However, the ES further noted that such significant impacts were expected to last for a relatively short period. For all other vps, the magnitude of change was expected to vary from 'moderate', 'small-moderate' and 'small' during the construction phase which, when considered with the 'high' sensitivity rating, would result in visual impacts of *'Moderate'*, *'Minor-Moderate'* or *'Minor'* Impact Significance, which are not considered to be of material importance. During the post construction phase, magnitude of change was assessed as being 'moderate' for viewpoints 1 and 2 which would lead to visual impacts of 'moderate' significance. Magnitude of Change for all other vps was assessed to be between *'Moderate'* and *'Very Small'*, meaning that the significance of visual impacts would range from *'Minor - Moderate'* to *'Negligible'*.

In conclusion, in respect of landscape and visual impacts, the ES states that the presence of the existing quarry adjacent to the application site provides the baseline context for this assessment. The ES acknowledges that sections of the proposed realigned route would be visible from many locations around the quarry but considers that its appearance (i.e. the use of dry stone walls, the use of surfacing materials of muted colour and the grass verges) is

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designed to help integrate it into its surroundings. The temporary nature of the construction works was also considered to mitigate against any adverse visual and landscape impacts.

### Ecology

An Ecological Assessment of the site has been undertaken which includes a description of the baseline ecological context; a Phase 1 Habitat Survey, a Phase 2 National Vegetation Classification (NVC) Vegetation Survey, a Bat Survey, a Badger Survey, Breeding Bird/Raptor Surveys, a Reptile Survey and an Amphibian Survey, an assessment of the effects of the development on identified ecological features, identification of the direct and indirect effects of the proposed working scheme, and an assessment of the significance of those impacts and proposed mitigation measures.

The survey work undertaken identified the presence of a number of priority species and habitats, as well as protected species at the site. Protected species identified as being active within the application site were limited to badger. Peregrine falcon is known to nest within the quarry but not within the application site itself. Very little bat activity was recorded, although low level foraging activity was noted to the west of the site. The landscape was considered to be of poor quality for foraging with an exposed aspect at quite a high altitude, no streams or significant waterbodies, no hedgerows, and a low degree of connectivity of features such as shelterbelts. No bat roosts were identified and no structures within the site were assessed as being capable of supporting roosts.

Priority species identified at the site include bird species such as twite, skylark, curlew, lapwing, grey partridge and linnet; invertebrates such as small heath butterfly; amphibians such as common toad; and mammals such as brown hare. With the exception of twite, which was considered to be of regional level importance due to the scarcity of this species in the area, the application site and its wider study area was considered to be of negligible interest for the species common toad, grey partridge, curlew, lapwing and linnet, and of local level interest for small heath butterfly, skylark, brown hare and other breeding birds.

Three priority habitats were identified: calcareous grassland, lowland dry acid grassland and limestone pavement. A number of areas of calcareous grassland were identified in the vicinity of the proposed application site, although these varied in their conservation value. The largest and best example was identified to the east of the proposed diversion route (although outside its footprint) close to some limestone outcrops to the north-east of Bee Low Quarry. Further, smaller areas were also identified at the eastern end of the route, to the north of Bee Low Quarry, although this was relatively species poor. Small areas of calcareous grassland were also identified in association with old spoil mounds to the west of Bee Low Quarry. None of the calcareous

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grassland was considered to be of more than local interest. Survey work identified lowland dry acid grassland habitat in two semi-improved grassland fields close, to a limestone outcrop, north of Bee Low Quarry. This area was also found to support two uncommon and declining fern species, moonwort and adder's-tongue fern. The acid grassland field to the north of Bee Low Quarry was assessed as being of no more than local interest, but was considered to increase in interest closer to the limestone outcrop. With regard to the limestone pavement, despite its protected and priority habitat status nationally, the ES does not consider the small areas identified (of no more than a few square metres) to be of more than local interest because they are lacking in characteristic species.

In addition to protected and priority species discussed above, a number of other species were identified during the survey work, including mammals such as short tailed field voles and breeding birds such as meadow pipit and goldfinch. No reptiles were identified in the vicinity of the application site. With regard to amphibians, no great crested newts were identified in the area, although a small breeding population of smooth newt and common frog were recorded nearby.

The ES acknowledges that the development would have direct impacts on a number of the habitats, protected species and priority species identified either within or in the vicinity of the site, including the loss of just over 0.2ha of lowland calcareous grassland and 0.1ha of lowland dry acid grassland. Two trees, a small sycamore and a hawthorn, would also be lost as a result of the development. With regard to protected species, direct impacts were predicted in respect of badger. The ES did not consider that the revised working scheme would result in direct impacts to bat roosts or habitats important to foraging bats. Based on their location within the nearby quarry, potential impacts to peregrine falcon were also considered unlikely. Priority species likely to be affected by the development, primarily as a result of the loss or fragmentation of their favoured habitats, would include small heath butterfly, common toad, grey partridge, skylark and brown hare. No impacts were predicted with regard to twite, linnet, lapwing or curlew as a result of the development. Other breeding birds likely to be affected by habitat loss include ground nesting species, such as meadow pipit and goldfinch.

With the exception of twite, the ES assesses the significance of these impacts to be of a local (or negligible in the case of linnet) level only. Impacts to twite were assessed to be of regional level significance.

The assessment identified the key areas where mitigation measures should be focussed as construction impacts on nests, eggs and young of breeding birds and loss of lowland calcareous grassland priority habitat. With regard to impacts on breeding birds, the ES recommends that construction works be undertaken outside the bird nesting season (i.e. March to August). Mitigation



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measures proposed for the loss of calcareous grassland include establishing an appropriate seed mix on the proposed grass verges where these result in the exposure of new calcareous substrates and the separate stripping and storage of such soils during construction works. Mitigation measures proposed in respect of badger include timing the construction works within a certain distance of the sett to take place at a time of year to create minimum disturbance, the creation of buffer zones to inform the workforce of the presence of the sett and to prevent working within a certain distance, the use of light plant in the vicinity of the sett and, where construction works need to move inside 20m, the use of hand tools only.

In conclusion, with regard to ecology, the ES states that the proposed diversion of Beelow Lane would not result in any additional impacts over and above those created by on-going mineral extraction at the adjacent Doveholes Quarry. The proposed diversion would result in the loss of small areas of three UK Biodiversity, Action Plan (BAP) Priority Habitats: calcareous grassland, lowland dry acid grassland and limestone pavement, but would avoid the best and most diverse areas of the calcareous and acid grassland which are situated outside the application site and outside the footprint of the mineral extraction area.

### **Cultural Heritage**

A desk based assessment of heritage assets along the proposed diverted route and within a wider 2km study area was undertaken.

With regard to the application site, no known designated heritage assets were identified along the proposed route. One non-designated heritage asset, post-medieval/modern lead mining remains, was previously identified although these remains are no longer extant.

Within the study area, three Scheduled Ancient Monuments (SAMs) and four listed buildings were identified. The SAMs consist of two late Neolithic-early Bronze Age barrows and the Bull Ring 'henge' monument east of Dove Holes village and are located to the west and south-west of the application site respectively. The Bull Ring, a monument of national significance, is located 1.2km from the application site but is not visible from it. With regard to the listed buildings, three are in the village of Peak Forest to the east whilst Nether Barn is 1.9km to the north-east. The assessment confirms that there are no sight lines between the listed buildings and the application site. A further 139 non-designated heritage assets were also identified in the wider study area. Of these, whilst a significant number were found to relate to prehistoric sites with a few relating to Roman activity, the majority are post-medieval and relate to mineral extraction.

Due to previous disturbance associated with post-medieval quarrying, the ES assessed the land to the north and east of Bee Low Quarry as having

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negligible potential for unknown heritage assets. Land to the west of Bee Low Quarry, where the land has suffered much less disturbance, is assessed as having the greatest potential for previously unidentified heritage assets.

Whilst noting that the wider study area contains archaeological sites and remains of national significance, the ES considers that the proposed application site is unlikely to support any unknown heritage assets due to previous disturbance associated with quarrying and, as a result, the potential significance of the land to the north and east of the route is negligible. Land to the west of the proposed route, where the development would cross previously undeveloped pasture, is assessed as having low-medium significance for previously unknown heritage assets. Overall, and despite the high significance of known assets in the area, the contribution which setting makes to that significance is also considered to be low.

In conclusion, with regard to cultural heritage, the ES considers that whilst the development does have the potential to impact on previously unknown archaeological remains to the west of the site, overall, such impacts would be low. Mitigation measures proposed are for archaeological monitoring in the form of a watching brief to be undertaken during those elements of the development which would affect previously undisturbed land to the west of Bee Low Quarry.

### **Other Environmental Effects**

The ES also briefly assesses the potential environmental impacts of the development including noise, dust and surface water.

#### **Noise**

The ES notes that the existing lane is subject to limited vehicular use, primarily associated with occasional movements of 4x4 vehicles and, as such, does not generate significant levels of noise. The assessment states that whilst the proposed diversion route would not take vehicles any closer to the residential property at Lodesbarn Farm than is currently the case, the north-western section of the route would be closer to Barnmoor Farm which is 375m to the north-west. However, in considering the relative distance of the latter property from the route, the limited traffic flows associated with it and its relationship with existing quarry operations, the ES does not consider that significant noise effects would be likely.

The ES notes that the planning permission for the previous diversion imposed a number of conditions intended to restrict noise during the construction phase. These included restrictions to working hours and the use of low tone/ambient reversing alarms on construction vehicles. The assessment states that similar conditions would be sufficient to mitigate against noise impacts associated with the construction of the realigned route.

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### **Dust**

The ES states that no dust impacts have arisen as a result of the previous diversion of Beelow Lane. The assessment considers that as the current proposals provide for the lane to be surfaced in screened highway arisings (a material which has good compaction properties and would be much less likely to generate dust than the crushed limestone previously used), there is no reason to assume that the development would result in unacceptable dust emissions. With regard to dust emissions resulting from the construction of the realigned route, the ES makes reference to the conditions imposed on the previous permission which are considered sufficient to control any dust impacts generated.

### **Surface Water Drainage**

The ES does not consider that impacts associated with surface water would arise as a result of the development. The proposed realigned route would be constructed using permeable materials and would have a gentle camber to encourage surface water to fall to the grass verges. No specific surface water drainage measures are proposed.

## **Consultations**

### **Local Member**

Councillor Critchlow was notified. Following the County Council elections in 2013, Councillor Street has also been notified.

### **High Peak Borough Council**

Was requested to respond by 20 April 2012. No responses have been received to date.

### **Peak District National Park Authority (PDNPA)**

The PDNPA initially commented that the landscape and visual impact assessment undertaken appeared to be appropriate but raised concerns regarding the need for the double bund feature associated with the diverted lane and also the slope design.

Following the submission of the further information, the PDNPA reiterated its comments regarding the landscaper bunds but stated that it had no further comments to make.

### **Environment Agency (EA)**

The Agency raised no objections to the proposed development but requested that the mitigation measures proposed in the Environment Impact Assessment (EIA), submitted with the application, should be followed. The Environment Agency also referred back to a previous response it made in respect of planning application CM1/0202/153 where it requested that provision for the creation of replacement dew ponds in the vicinity of Bee Low Quarry be made.

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### **Natural England (NE)**

#### *In respect of statutory designated sites*

NE noted the proximity of the site to Monks Dale Site of Special Scientific Interest (SSSI) which forms part of the Peak District Dale Special Area of Conservation (SAC) and Duchy Quarry SSSI but commented that it did not anticipate that the diversion and realignment of Beelow Lane would have any significant negative effects on any nearby designated sites.

#### *In respect of protected species*

NE acknowledged that a number of protected species surveys had been undertaken noting that the survey results indicate that the proposals would be constrained by badgers and breeding birds. NE supported the recommendations that the construction phase is undertaken outside the breeding bird season and the sensitive working methods that would need to be employed within the vicinity of the badger sett.

#### *In respect of landscape*

NE welcomed the inclusion of a detailed LVIA, noting that the diversion of Beelow Lane would result in some adverse impacts on the wider landscape, particularly during the construction phase. The provision of new stone walls and the repair of existing stone walls was welcomed as was the proposed use of screened highway arisings for the track surface.

#### *In respect of biodiversity and enhancement*

NE noted that the realignment of Beelow Lane would result in the loss of grassland of varying quality, including some calcareous grassland that is of value within the local area, commenting that whilst it was broadly supportive of the proposals, it also recommended that topsoil removed during construction be reused on site where possible.

### **Derbyshire Wildlife Trust, Peak Forest Parish Council**

Were consulted with a request to respond by 20 April 2012. No responses have been received to date.

### **Publicity**

The application has been advertised by press notice (Buxton Advertiser) and by site notice with a request for observations by 11 May 2012. One representation, from the Royal Society for the Protection of Birds (RSPB) was received in response to the publicity. The letter from the RSPB made no objections to the proposals but wished to draw the Authority's attention to the importance of the Doveholes Quarry site for twite. The letter requested that a condition be imposed on any permission aimed at protecting twite during the construction period.

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the saved policies of the Derby and Derbyshire Minerals Local Plan (DDMLP) and the High Peak Local Plan (HPLP). The National Planning Policy Framework (NPPF) is also material consideration in the determination of this proposal.

### **National Planning Policy Framework**

The NPPF reiterates the established legal requirement for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides guidance on material considerations. It states that the purpose of the planning system is to help achieve sustainable development and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening the lives of future generations. It states that sustainability has economic, social and environmental aspects.

The economic aspect for the planning system is stated as contributing to the economy by providing sufficient land of the right type, in the right place and at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

When determining applications for mineral development, the NPPF states that mineral planning authorities should give considerable weight to the benefits of mineral extraction but that they should also ensure that the development does not give rise to unacceptable adverse impacts.

### **Local Development Plan**

The application under consideration here is solely for the movement of a minor road to enable on-going mineral extraction to take place in accordance with an approved working scheme. There are no directly relevant policies within the DDMLP against which to assess the proposal, although policies MP1: The Environmental Impact of Mineral Development and MP3: Measures to Reduce Environmental Impact would cover the issue if the road formed part of a new quarrying proposal. In my view, those policies are relevant to the consideration of this application because it relates to the effect of mineral extraction on an existing unclassified road. In considering the proximity of the PDNP to the proposal, Policy MP4: Interests of Acknowledged Environmental Importance would also be of relevance.

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Policy MP1: The Environmental Impact of Mineral Development of the DDMLP permits mineral development provided that its impact on the environment is acceptable and, amongst other things, has regard to the effects on public rights of way and the effect on the character and quality of the landscape.

Policy MP3: Measures to Reduce Environmental Impact permits development provided that any adverse impact on the environment can be eliminated or reduced to an acceptable level.

Policy MP4: Interests of Acknowledged Environmental Importance permits mineral development where it would not lead to irreparable or unacceptable damage to interests of acknowledged environmental importance, such as the PDNP; nature conservation interests of international or national importance such as the habitats of protected species, SACs or SSSIs.

Saved policies GD4: Character, Form and Design, GD5: Amenity, OC1: Countryside Development, OC4: Landscape Character and Design, OC5: Development Conspicuous from the Peak District National Park, OC8: Sites of Importance for Nature Conservation, BC10: Archaeological and Other Heritage Features, TR5: Access, Parking and Design, and TR11: Footpaths, Bridleways and Byways of the HPLP are also considered relevant.

### **Detailed Considerations**

The planning application is accompanied by an ES. The following assessment of the proposed development follows the order in which topics are addressed in that Statement.

### **Landscape and Visual Impacts**

The development would be located in close proximity to the boundary of the PDNP and would have the potential to adversely affect the nationally significant landscape and scenic qualities of the designation. In general, however, I am satisfied that the LVIA has adequately described the landscape context of the proposals and the appropriate sensitive visual receptors of the site, and would also generally concur with the conclusions of the assessment in respect of the potential landscape and visual impacts.

I note that the proposals, as originally submitted, were designed to incorporate a variety of measures intended to reduce the landscape and visual impact of the diverted route, including the use of recycled road planings, to provide a subdued and visually recessive finish to the lane, the construction of new and existing dry stone walls to enable the development to better visually integrate into its surroundings, the reduction in width and resurfacing of the short section of the current Beelow Lane to reduce its visual impact, and the sympathetic profiling of new and existing screen bunds between the diverted route and the quarry to improve their visual appearance and allow for future management. Further revisions to the scheme, made following discussions

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with this Authority and the consultation exercises, now also include the removal of the existing outer screen bund along the eastern stretch of Beelow Lane, the realignment of the proposed new dry stone walls along the diverted route to better reflect the appearance of traditional lanes in this landscape. All these measures are welcomed as they represent a considerable improvement on the appearance of the existing lane and, whilst it is acknowledged that the development proposals would result in some modest additional adverse visual and landscape impacts over and above those created by the existing quarry operations, I consider that the proposed design of the scheme would ensure that the proposed diverted route would tie in visually with the surrounding landscape, including that of the PDNP. I do retain concerns regarding the future management of the proposed screen bunds which would be located adjacent to the quarry void, but consider that this issue could be satisfactorily controlled by condition.

The ES does provide some discussion of alternatives to the current proposals. Purely from a landscape/visual point of view, clearly not moving the lane from its current alignment would have the least impact. However, this Authority has always been aware of the need for a further diversion of the route as a result of mineral extraction moving northwards into Bee Low Quarry and this, combined with the detailed working schemes submitted as part of the First Periodic Review application (see agenda item 5), indicate that the diversion works would need to be undertaken within the next five year period. Although the ES submitted in support of this application does not appear to take into account the potential cumulative landscape and visual impacts of the diversion works in the context of the future break through from the main quarry void into Bee Low Quarry, the ES submitted in support of the RoMP application does. Nevertheless, in the context of the design of the current proposals and the proposed revised working scheme over the next 15 year period, I am satisfied that the proposed development would represent the most suitable alternative at this time.

In light of the above, and subject to the imposition of the recommended conditions, I am satisfied that the development would accord with the requirements of policies MP1, MP3 and MP4 of the DDMLP and policies OC1, OC4 and OC5 of the HPLP.

### **Ecology**

The on-going operation of the quarry has the potential to impact on sites and features of wildlife importance, including protected species and priority species and habitats.

From the information provided in the ES and the accompanying confidential badger report, it is clear that badgers are known to be present within the vicinity of the application site and that they are likely to be affected by the current proposals. Despite their protected status, the ES considers that the identified population is of local interest only and suggests a range of mitigation

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measures to help minimise any disturbance to the species during the construction period and once the new lane is operational. NE has commented that the mitigation measures proposed in support of this application would be sufficient to protect the species and I have no reason to contradict this view. In order to ensure that the proposed mitigation measures are implemented and to ensure the protection of badgers, I have recommended a condition which requires the submission of a badger method statement prior to the commencement of development. In light of the above, subject to the recommended condition and considering that the likely impacts to badger would not be any greater as a result of the current proposals than those likely as a result of the ongoing working of the quarry, I am satisfied that the current proposals would be acceptable from a protected species point of view.

In addition to potential impacts to protected species, the development proposals would also result in the loss of priority habitats, such as calcareous grassland, which is known to support priority species, such as small heath butterfly and twite, as well as other ground nesting birds. The application proposes a number of mitigation measures which would compensate for the loss of such habitats, including the use of an appropriate calcareous grass seed mix on the proposed new highway verges and these proposals are welcomed. I note the request of RSPB to maintain suitable habitat, in particular dewponds, for twite following the construction of the diverted lane and would agree that such measures are important. I am aware, however, that the application site is also covered by the wider RoMP area and that the amended schedule of conditions which is under consideration today also includes provision not only for the creation of dewponds, a grassland management plan for the whole site, the creation of calcareous grassland habitats using seed sources of local provenance and the reinstatement of dry stone walls in the vicinity of the site but a management plan which deals specifically with Twite. With that in mind, whilst I am recommending a condition requiring the submission of a habitat management plan for this application site itself (so that its remit will be restricted to the specific details relating to the current application proposals rather than wider ecology of the quarry site as whole).

NE has confirmed that it does not consider that the development would result in adverse impacts to the statutory designated sites. Having regard to distances of the application site from the SAC and SSSI, and the nature of those designations, I agree with this.

I am therefore satisfied that the development would not conflict with the requirements of policies MP1, MP3 and MP4 of the DDMLP or Policy OC8 of the HPLP in respect of ecology.



### **Cultural Heritage**

I have no reason to doubt the conclusions drawn by the ES on its findings with regard to the potential impacts to unknown heritage assets within the application site. With that in mind, and subject to the imposition of a condition requiring an archaeological watching brief during site clearance operations, I am satisfied that the proposed development would accord with the requirements of policies MP1 and MP3 of the DDMLP and Policy BC10 of the HPLP.

### **Other Impacts**

The construction of the diverted road could lead to potential impacts on nearby residents and the users of the nearby public rights of way, such as from noise and dust, largely as a result of the construction works and also the use of the road by vehicles following its construction.

The ES makes reference to a number of measures intended to reduce the likelihood of impacts relating to noise and dust, including restricting the hours of operation, the use of efficient silencers and low-tone/ambient reversing alarms on construction plant and machinery, and good practice measures to ensure dust emissions are kept to a minimum. In considering the short term nature of the construction works, and the fact that the majority of the application site falls within the boundary of the existing mineral planning permission and would therefore be subject to the quarry's wider environmental controls in respect of noise and dust, I am satisfied that the development could be undertaken without adverse impacts to the users of the nearby rights of way or local residents.

In light of the above, and subject to the imposition of conditions relating to hours of operation, dust management, and plant noise, I am satisfied that the development would accord with the requirements of policies MP1 and MP3 of the DDMLP and policies GD5 and TR11 of the HPLP.

### **Highways and Public Rights of Way**

Following the consultation exercise, the design and construction details of the proposed diverted lane have been amended to incorporate passing spaces and the incorporation of a geo-textile below the sub-base and an increase in the depth of the sub-base from 200mm to 350mm to prevent uneven settlement occurring. Subject to these, and considering the occasional use of the lane, I would have no objections from a highway safety point of view.

The proposed diversion route would be located close to Peak Forest footpaths 30 and 39 and would have the potential to adversely impact on these public rights of way. I understand, however, that a Stopping-Up and Diversion Order is now in place for Beelow Lane. The Order, as approved, ensures that Footpath 39 would be accommodated alongside the proposed new route whilst Footpath 30 would join the new highway at its eastern end. In light of

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the above, I have no objections to the proposals in respect of public rights of way.

The development would therefore accord with the requirements of policies MP1 of the DDMLP and policies TR5 and TR11 of the HPLP.

### Conclusions

In conclusion, whilst the development would have the potential to result in adverse impacts associated with the construction of the new road, in considering the short term nature of those works, and the design and scale of the proposals, I am satisfied that the development would not impact adversely on the setting of the PDNP, the biodiversity of the area or the amenity of nearby local residents or the users of the rights of way network.

The development is required as a consequence of the ongoing quarrying operations at Doveholes Quarry and would enable mineral working to move northwards into Bee Low Quarry.

I have no objections to the proposal from a highway safety point of view and am satisfied that it would accord with the requirements of the development plan. The application is therefore recommended for approval subject to conditions.

(3) **Financial Considerations** The correct fee of £3,190 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990 which falls to this Authority to determine as the Mineral Planning Authority.

I do not consider that there would be any disproportionate impact on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

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

(6) **Background Papers** File 1.306.34 and 1.306.R1  
Application documents and accompanying Environmental Statement received from Cemex UK Materials Ltd dated 15 February 2012, and the revised drawings received from Cemex UK Materials Ltd under cover of letter dated 1

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November 2013 as amended by the revised drawings received from Cemex UK materials Ltd under cover of letter dated 28 March 2014.

Letter from the Environment Agency dated 12 April 2012.

Letter from Natural England dated 12 April 2012.

Email correspondence from Councillor Critchlow dated 18 April 2012.

Memorandum from the Highways Area Management Section dated 25 April 2012.

Letter and email correspondence from the Peak District National Park Authority dated 29 May 2012 and 7 May 2014.

Memoranda from the Footpaths Officer dated 27 March 2012 and 16 May 2013.

Memoranda from the Conservation and Design (Landscape) dated 16 April 2012 and 24 January 2014.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **authorise** the grant of planning permission in respect of the application under code no. CM1/0212/164, subject to the following conditions:

### Commencement and Duration

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990.

- 2) Written notification of the date of the commencement of the development shall be sent to the Mineral Planning Authority no later than seven days before such commencement.

**Reason:** To enable the Mineral Planning Authority to monitor the development.

### Duration

- 3) The development shall be completed no later than two years from the date of commencement of the development as notified to the Mineral Planning Authority under Condition 2 above.

**Reason:** In the interests of protecting the amenity of local residents and the users of the network of public rights of way.

### Approved Details

- 4) The development shall be undertaken in accordance with the details submitted in the written application documents and the accompanying Environmental Statement received 15 February 2012, as amended by the revisions to the scheme received from Cemex UK Materials Ltd under cover of letter dated 1 November 2013, as amended by the

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revised drawings received from Cemex UK Materials Ltd under cover of letter dated 28 March 2014 and the following drawings:

- drawing number SK0877\_CAW\_D\_050112\_A entitled 'Application Plan';
- drawing number SK0877\_CAW\_D\_270711\_A\_3 entitled 'Location Plan';
- drawing number DOV\_PLA\_SLH/CAW\_050112\_A\_1 entitled 'General Arrangements 1 of 4';
- revised drawing number DOV\_PLA\_SLH/CAW\_050112\_B\_1 entitled 'General Arrangements 2 of 4' dated 29 November 2011;
- drawing number DOV\_PLA\_SLH/CAW\_D\_050112\_C\_1 entitled 'General Arrangements drawing 3 of 4';
- drawing number DOV\_PLA\_SLH/CAW\_D\_050112\_D\_1 entitled 'General Arrangement drawings 4 of 4';
- drawing number DH003 Rev B entitled 'Specification for Permanent and temporary Beelow Lane diversion route – Cross Sections A-A and B-B' dated January 2013;
- drawing number DH004b Rev B entitled 'Specification for Permanent and temporary Beelow Lane diversion route – Cross Sections C-C and D-D dated January 2014'; and
- drawing number DH024 entitled 'Beelow Lane Diversion Route – Proposed Planting Blocks'.

**Reason:** To ensure that development is carried out in accordance with this permission and the approved documents/drawings.

### Availability of Approved Documents

- 5) From the date any operations under this permission are commenced, a copy of the permission, including all documents referred to in it, and any further submissions to, and approvals by the Mineral Planning Authority under the conditions of the permission, shall be available for inspection at the Dove Holes Quarry site office during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibility for the management and control of operations.

**Reason:** To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

### Highway Safety

- 6) Upon completion of the new diverted road, with the exception of that stretch which is to be retained as illustrated on drawing number DOV\_PLA\_SLH/CAW\_D\_050112\_D\_1 entitled 'General Arrangement drawings 4 of 4', the existing line of Beelow Lane shall be permanently

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closed using a permanent physical barrier of at least 1m in height and the highway margin shall be restored with soil and grass seeded, in accordance with the details set out on drawing number DH0036 entitled 'Specification for Permanent and Temporary Beelow Lane Diversion Route'.

**Reason:** In the interests of highway safety and to ensure the satisfactory restoration of the land.

- 7) The new road shall be laid out and constructed all in accordance with revised drawing numbers DH003 Rev B entitled 'Specification for Permanent and temporary Beelow Lane diversion route – Cross Sections A-A and B-B' dated January 2013 and DH004b Rev B entitled 'Specification for Permanent and temporary Beelow Lane diversion route – Cross Sections C-C and D-D dated January 2014' submitted by Cemex UK Materials Ltd under cover of letter dated 28 March 2014.

**Reason:** For the avoidance of doubt and in the interests of highway safety.

- 8) No development shall take place until signs have been erected at those points where Public Footpaths 30 and 39 meet or run adjacent to the route of the proposed diverted Beelow Lane, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING' and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the construction of the development hereby permitted.

**Reason:** In the interest of the safety of all users of both the rights of way and the haul road.

### Soil Handling, Placement and Storage

- 9) No topsoil, subsoil and/or soil making material shall be stripped or handled unless it is in a dry and friable condition, and no movement of soils shall take place:
  - (a) during the months November and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority;
  - (b) when the soil has a moisture content which is equal to or greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
  - (c) there are pools of water on the soil surface.

**Reason:** To minimise the structural damage and compaction of the soil and to aid the final restoration of the site.

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- 10) All topsoil and subsoil located within the application site shall be stripped prior to the construction of the road and stored separately to form the proposed quarry safety bunds as shown on drawing number DOV\_PLA\_SLH/CAW\_050112\_A\_1 entitled 'General Arrangements 1 of 4'; revised drawing number DOV\_PLA\_SLH/CAW\_050112\_B\_1 entitled 'General Arrangements 2 of 4' dated 29 November 2011; drawing number DOV\_PLA\_SLH/CAW\_D\_050112\_C\_1 entitled 'General Arrangements drawing 3 of 4'; and drawing number DOV\_PLA\_SLH/CAW\_D\_050112\_D\_1 entitled 'General Arrangement drawings 4 of 4'.

**Reason:** To ensure the appropriate handling and treatment of soils.

- 11) Plant and vehicles shall not cross any area of un-stripped soils or replaced and loosened ground, replaced topsoil or subsoil except where essential and unavoidable for the purposes of spreading soils or the beneficial treatment of such areas.

**Reason:** To ensure the appropriate handling and treatment of soils.

- 12) All soil storage bunds that will remain in situ for more than three months shall be grass seeded and managed to control noxious weeds such as docks, thistles and ragwort in accordance with a scheme that has received the prior written approval of the Mineral Planning Authority. The scheme, which shall be implemented as approved by the Mineral Planning Authority, shall be submitted no later than two months after the commencement of the development as notified to the Mineral Planning Authority under the terms of Condition 2.

**Reason:** In the interests of protecting the soil resource and to ensure that appropriate grass seed mixes have been used.

### Environmental Protection

- 13) There shall be no storage of oils, fuels or chemicals on the site.

**Reason:** In the interests of preventing the pollution of the environment.

### Hours of Operation

- 14) No operations authorised or required by this permission, including the maintenance of vehicles, plant or equipment within the site shall be carried out except between the following hours:

Mondays to Fridays: 0800 hours to 1800 hours.

Saturdays: 0800 hours to 1300 hours.

There shall be no working on Sundays, Bank or other Public Holidays.

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**Reason:** To clarify the hours of operation in the interests of local amenity.

### **Noise**

- 15) All vehicles, plant and machinery operated at the site shall be maintained in accordance with the manufacturers' specifications at all times and shall be fitted with effective silencers. No such plant shall be operated with its covers open or removed.

**Reason:** To minimise and prevent unnecessary disturbance from machine noise.

- 16) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. Machinery shall not normally be operated with the covers open or removed.

**Reason:** To control the impact of noise generated by the development in the interests of local and visual amenity.

### **Dust**

- 17) All operations approved by this permission shall be carried out in such a manner as to minimise the generation of dust, and suitable dust prevention and control measures shall be implemented and maintained at all times during the carrying out of the approved development. At such times as any operation gives rise to levels of dust leaving the site which, in the opinion of the Mineral Planning Authority, are unacceptable, that operation shall be temporarily suspended until such time as conditions improve or the operation can be effectively controlled.

**Reason:** In the interests of local amenity and to mitigate a potential source of fugitive dust.

### **Protection of Trees**

- 18) Except for those two trees identified for removal, no tree(s) shall be cut down, uprooted, damaged, destroyed or removed during the works unless the written approval of the Mineral Planning Authority has been obtained beforehand. Retained trees and shrubs shall be protected from disturbance, damage or destruction from the approved development by the provision of 3m stand-offs which shall be marked out by physical barriers on site. There shall be careful site supervision at all times to ensure that no damage occurs to the protected vegetation.

**Reason:** In the interests of the protection of trees and shrubs.

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### Ecology

- 19) There shall be no clearance of trees, scrub, hedgerows or grassland during the bird nesting season (i.e. March to August inclusive).

**Reason:** To ensure that breeding birds are not disturbed by the removal of habitat or development.

- 20) The development shall not be begun before a habitat management plan for the site has been submitted to and received the prior written approval of the Mineral Planning Authority. The plan, which shall be based on the compensation measures set out in Section 6 of the Environmental Statement, shall include precise details of the location, species or specification of the following:
- a) provision for the creation of calcareous grassland habitats (including the grassed highway verges) during restoration using appropriate soil resources, seed sources of local provenance, with details of the target community, species, annual management regime and method of monitoring successful establishment;
  - b) stone wall reinstatement, taking account of nesting opportunities for wheatear and the free movement of badger;
  - c) management of the site to benefit protected species such as twite and small heath butterfly; and
  - d) a programme of implementation.

The scheme shall then be implemented as approved.

**Reason:** In the interests of the protection of the environment and to enable the Mineral Planning Authority to monitor the development.

- 21) Prior to the commencement of the development, a badger method statement, based on the recommendations set out in Section 4.3 of the Badger Survey: Diversion of Beelow Lane produced by Argus Ecology dated November 2011, shall be submitted to the Mineral Planning Authority for its written approval. The approved measures shall then be implemented as approved.

**Reason:** To ensure that the development takes place without detriment to species protected by law.

### Archaeology

- 22) No soil stripping shall take place until a programme of archaeological observation and recording has been submitted to and approved in writing by the Mineral Planning Authority. Details of the programme shall be submitted to the Mineral Planning Authority at least one month prior to the commencement of work on site. Thereafter, the



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development shall be undertaken in accordance with the approved programme.

**Reason:** To allow any items of archaeological interest that may be present at the site to be documented prior to the stripping of soils.

### Post Construction Management

23) The restored site shall be subject to a programme of management and maintenance in accordance with a scheme which has been submitted to and approved in writing by the Mineral Planning Authority. The scheme, which shall be implemented as approved, shall be submitted no later than two months after the commencement of the development, as notified to the Mineral Planning Authority under the terms of Condition 2. The submitted scheme shall provide for such steps as may be necessary to bring the land to the required standard for use for nature conservation and amenity during a five year period and shall include details of:

- a Nature Conservation Establishment and Management Plan;
- grassland establishment and maintenance (including the management of the quarry safety bunds);
- fertiliser applications, if necessary, based on soil analysis; and
- weed control.

The scheme shall be implemented as approved by the Mineral Planning Authority.

The five year period for the site shall commence on the date of the written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

Records of the maintenance operations shall be kept by the operators throughout the period of aftercare. The records, together with an annual review of performance and proposed operations for the coming year including meetings, shall be submitted to the Mineral Planning Authority between June and August each year.

**Reason:** To ensure that those parts of the site that have been restored are subject to a programme of management and maintenance that has been approved by the Mineral Planning Authority in the interests of land quality.

### Policies

The principal planning policies relevant to this grant of planning permission are:

## **National Planning Practice Framework**

### **Derby and Derbyshire Minerals Local plan**

Policy MP1: The Environmental Impact of Mineral Development

Policy MP3: Measures to Reduce Environmental Impact

Policy MP4: Interests of Acknowledged Environmental Importance

### **High Peak Local Plan**

Policy GD4: Character, Form and Design.

Policy GD5: Amenity.

Policy OC1: Countryside Development.

Policy OC4: Landscape Character and Design.

Policy OC5: Development Conspicuous from the Peak District National Park.

Policy OC8: Sites of Importance for Nature Conservation.

Policy BC10: Archaeological and Other Heritage Features.

Policy TR5: Access, Parking and Design.

Policy TR11: Footpaths, Bridleways and Byways.

### **Statement of Compliance with Article 31 of the Town and Country Development Management Procedure order 2012**

The Authority worked with the Applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

The Authority has kept the applicant up-to-date with the progress of the application and has forwarded to the applicant consultation responses and, where necessary, requested additional information in order to clarify the form of the development.

### **Footnotes**

- 1) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works.

Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email – [es.devconprocess@derbyshire.gov.uk](mailto:es.devconprocess@derbyshire.gov.uk). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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2) Attention is drawn to the alignments of Footpath numbers 30 and 39 Dove Holes on the Derbyshire Definitive Map).

- Please note that the granting of planning permission is not consent to divert or obstruct a public right of way.
- If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.
- If a right of way is required to be permanently diverted then the Council that determines the planning application (the Planning Authority) has the necessary powers to make a Diversion Order.
- Any development insofar as it will permanently affect a public right of way must not commence until a Diversion Order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.

Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer.

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

