

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

**10 March 2014**

Report of the Strategic Director – Economy, Transport and Environment

**3 AN ASSESSMENT OF THOSE MINING SITES WHICH SHOULD BE SUBJECT TO FIRST PERIODIC REVIEW UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995 DURING 2015**

(1) **Purpose of the Report** To seek the approval of the Committee to notify those mineral operators, landowners and other interested persons that applications for first periodic review relating to their sites would be due in 2015.

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

Previously, Schedule 14 of the Environment Act 1995 (the ‘1995 Act’) required that persons with an interest in the land make an application for the periodic review and update of conditions not later than 15 years after either the grant of planning permission or the approval of a previous Review of Old Mineral Permissions (ROMP). Under the 1995 Act, mineral planning authorities were under a duty to notify such persons of the forthcoming periodic review date no less than 12 months in advance of that review date.

Legislation intended to reduce the burden of periodic reviews on mineral operators and mineral planning authorities was introduced by the Government in 2013, as part of the Growth and Infrastructure Act 2013. Section 10 and Schedule 3 of that Act have removed the former duty on authorities in England to cause 15 yearly periodic reviews to be carried out. Instead, mineral planning authorities now have broad discretion as to whether to subject a site to a periodic review and as to its timing. Any first periodic review must still be no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years of the date of the initial review.

Subject to this constraint, the Mineral Planning Authority can therefore now choose to notify a review date whenever, according to circumstances, it

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considers it to be expedient, and is under no obligation to notify a review date whilst it does not consider this to be necessary.

In seeking to assist mineral planning authorities on this matter, the draft National 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'*.

There are a number of sites within the County that, under the pre-2013 legislative amendments, would have been subject to first periodic review in 2015. These are:

- Ashwood Dale Quarry
- Bolehill Quarry
- Stancliffe Quarry

### **Ashwood Dale Quarry**

Ashwood Dale Quarry is located off the A6, about 2 kilometres (km) from the centre of Buxton. The quarry has an overall site area of approximately 19 hectares (ha). Ashwood Dale is the dale through which the River Wye and A6 run south-east from Buxton towards Bakewell. The quarry sits on the northern side of the dale, adjacent to a disused railway, and is close to a number of statutory and non-statutory UK and European nature conservation designations. These include the Wye Valley Site of Special Scientific Interest (SSSI), which in turn forms part of the Peak District Dales Special Area of Conservation (SAC); part of it is also a Local Wildlife Site (LWS), the boundary of which is in the quarry's permitted area. On the south-western side of the quarry, there is also the Ashwood Dale Wildlife Site. Ashwood Dale Quarry itself is designated a Regionally Important Geological Site because of interest in a fault which runs through it east-west.

The quarry produces high purity calcium carbonate powders and granules which have a wide range of industrial uses. Some lower quality stone is also sold as construction aggregate. The quarry has two broad limestone types, a light colour, high purity limestone and a dark coloured, lower quality limestone, the lighter stone being of the higher quality. The operating company has indicated that the colour of the limestone product from Ashwood Dale is critical to its business. The light colour stone is concentrated in the west of the quarry and the central part of the quarry contains significant reserves of the darker stone.

Quarrying in the area commenced in the early 1900s. There are three planning permissions relating to mineral extraction and or the disposal of mineral waste at the site. These are:

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- 935/621/2 for the winning and working of minerals, and the disposal of mineral waste which was granted in 1948;
- BUX/659/7 for the winning and working of minerals, and the disposal of mineral waste which was granted in 1959; and
- HPK/575/351 for the disposal of mineral waste which was granted in 1975.

All three permissions were subject to an initial review (code number R1/0298/8) under Schedule 13 of the 1995 Act and the quarry now operates under a single schedule of conditions which was approved on 12 April 2000. The initial review provided for a new scheme of working, with any mineral working beyond the initial phase requiring the subsequent approval of the Mineral Planning Authority.

Additional working areas were subsequently approved by the Mineral Planning Authority in 2004, 2011 and 2013, the latter two approvals being required to provide sufficient stone to provide the specific blending requirements of the site until the first periodic review was completed. There are two main issues now affecting the continued operation of the site. The first relates to the relative quantities of light and dark stone being extracted and the need to get the balance of limestone right to ensure that the reserves of lighter stone are not exhausted. It is considered that this would only be achieved via a new working which covers the entire site.

The second issue relates to the lack of a detailed restoration plan for the site. The Mineral Planning Authority is also aware of some over tipping on one of the approved waste tips abutting the northern site boundary, close to the LWS and SSSI/SAC, as well as some small areas of tipped material within the quarry that need regularising.

With the above in mind, it is therefore considered that there is an urgent need to subject the site to a first periodic review in order to approve appropriate working and restoration schemes for the site.

### **Bolehill Quarry**

Bolehill Quarry is located on the hillside to the east of Bolehill Lane, to the south-west of Wingerworth. The site covers 3.71ha of land of which includes a quarry area, stone waste tips, stone processing buildings/offices and a storage area for imported stone waiting processing/sale.

Quarrying operations have taken place at Bolehill since 1940. Planning permission to regularise the winning and working of gritstone and the disposal of associated waste at the site was granted in 1966 (CHE/1265/24). This permission was included in the '1995 Act' First List of Sites and should have been subject to initial review in the late 1990s. The operator failed to submit

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the application for determination of new conditions, however, and as a result, planning permission CHE/1265/24 ceased to have effect at that time. A subsequent planning permission (CM4/598/10) for continued quarrying and the deposit of stone waste into the tip areas was subsequently approved by this Authority in 2000.

Whilst the Mineral Planning Authority considers that planning permission CM4/598/10 has been implemented, in reality, little mineral extraction has taken place within the intervening period. The main activities undertaken in relation to the planning permission are the on-going deposit of waste from the stone processing operations into the tip areas. Whilst there are a number of outstanding issues relating to the site, these are minor and are easily dealt with via the existing conditions. In light of the above, it is not considered that it would be necessary or appropriate to notify the interested persons of the need for periodic review at this time. The Mineral Planning Authority will, however, review this situation on annual basis.

### **Stancliffe Quarry**

Stancliffe Quarry is a long standing source of building stone. High quality gritstone has been extracted from this since the 14<sup>th</sup> century. The present quarry, opened in the 19<sup>th</sup> century, has produced stone for a wide range of monumental, building and industrial purposes. In more recent years, mineral extraction has been intermittent and smaller in scale. There is now only a small amount of workable reserve remaining. The quarry floor is littered with former mineral working deposits and stockpiles from which mineral may be won.

The site is located on the eastern slopes of the upper Derwent Valley and is close to a number of residential areas. Stancliffe Hall, a Grade II Listed Building, is situated in grounds which adjoin the north-eastern boundary of the quarry.

The quarry benefits from a single ministerial permission which was granted in 1952. That permission was subject to an Initial Review in 1999 and is now subject to a comprehensive schedule of 55 conditions which include provision for the submission of a restoration scheme in accordance with a strategy.

In 2008, Derbyshire Dales District Council granted planning permission for the redevelopment of the site to include the remodelling of the quarry, the formation of an access road to the A6, the erection of a self-catering hotel and 38 holiday lodges (code: 08/00311/FUL). This permission has not been implemented.

The most recent quarrying operations known to have taken place at the quarry took place in 2010. Since that time the quarrying activity at Stancliffe Quarry has been substantially in abeyance. It is currently unclear whether any

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substantial return of the quarry to active mineral extraction will occur, and if so, when this might happen. It may be that the next significant event in its history will be redevelopment in accordance with whatever planning permission might possibly be applied for and granted by the District Council, whether for holiday accommodation on the lines similar to the unimplemented permission which has now expired, or some other form of development. The site has been provisionally suggested for allocation as a housing site in the forthcoming new local development plan, through a District Council Issues and Options paper.

The current conditions also include a condition (number 43) which was imposed for protection of adjacent land and property [which relates to Stancliffe Hall, a listed building] having regard to the steepness and elevation of the northeast quarry face. In this condition it is stated that in the event of accidental damage, spillage of rocks or landslip the operator is to make good the damage in accordance with the scheme to be submitted by a date specified by, and having the written approval of, the Mineral Planning Authority. The most recent quarrying operations in 2010 were associated with a landslip which occurred at this quarry face, and consequently the Council specified a date by which such a scheme under the condition was to be submitted. Due to a continuing absence of a scheme approvable under the condition, the Council in late 2013 served a breach of condition notice on the company which owns the quarry, to require submission of such a scheme within a set period which has now expired, though a director of the company has indicated that a scheme is to be produced shortly. It is not considered that the notification of a review period would help to resolve this issue, since the breach relates to the current schedule of conditions.

In light of the above considerations, it is not considered that it is necessary or appropriate for the time being to notify the interested persons of a review date for periodic review of the conditions relating to Stancliffe Quarry. The mineral planning authority will, however review this situation on an annual basis.

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

(3) **Background Papers** Held on filed 4.618.11, 1.227.R and 3.696.R.

(4) **OFFICER'S RECOMMENDATIONS** That:

7.1 Notifications of forthcoming first periodic review be sent to all interested persons in respect of the mining permissions at Ashwood Dale Quarry.

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- 7.2 In respect of Bolehill Quarry and Stancliffe Quarry, the interested persons be informed that no notification will be sent requiring the submission of a first periodic review in 2015 but that the Mineral Planning Authority will annually review operations at the sites to assess whether a first periodic review has become necessary.

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