

Agenda Item No. 4.3

**DERBYSHIRE COUNTY COUNCIL
REGULATORY - PLANNING COMMITTEE**

11 April 2016

Report of the Strategic Director – Economy, Transport and Environment

- 3 ENVIRONMENT ACT 1995: SCHEDULE 13 INITIAL REVIEW OF MINERAL PLANNING PERMISISON (ROMP), FOR BONEMILL QUARRY, RYDER POINT, HOPTON, WIRKSWORTH APPLICATION FOR DETERMINATION OF CONDITIONS FOR THE CONTINUATION OF EXTRACTION OF MINERALS AND SUBSEQUENT RESTORATION APPLICANT: LONGCLIFFE QUARRIES LIMITED CODE NO: R3/0198/20**

3.700.R

Introductory Summary This is an application to review the conditions of an “old mineral permission” under the requirements of the Environment Act 1995. It relates to the future workings of Bonemill Quarry, a large historic limestone quarry extending to about 33 hectares (ha), situated at Ryder Point, Hopton, Wirksworth. The Environment Act 1995 requires that applications for the determination of the updated conditions must be accompanied by the applicant’s proposed conditions. The Mineral Planning Authority in determining the updated conditions may make additions or amendments to those proposed conditions. The updated conditions must be ones which can normally be imposed upon the grant of a planning permission.

As this is a Review of an Old Mineral Permission (ROMP) application, the principle of the permission for the development is not under question. Valid planning permission exists and, therefore, the main planning issue is whether the proposed planning conditions are sufficient to ensure that the development can be controlled, such that it does not cause unacceptable impacts upon local residents or the wider environment.

I have considered the application in light of the above and I consider that a number of changes to the submitted conditions are necessary, and a list of new conditions has been finalised. Although the conditions listed are somewhat different from those originally proposed by the applicant company, it is not considered that as new conditions they would prejudice the mineral asset value or the economic viability of the site. In addition, as a result of the extensive consultations that have been undertaken, I consider that any minor (local) disturbances arising from the continuation of daily workings at the site

could be controlled effectively by the approved conditions. I am therefore recommending that the ROMP application is authorised to be determined accordingly.

(1) **Purpose of Report** To enable the Committee to approve the determination of a new scheme of conditions under the powers of the Environment Act 1995, to replace and update those attached to the relevant planning permission (dated 4 January 1957), for the continuation of the winning and working of minerals at Bonemill Quarry, Ryder Point, Hopton, Wirksworth.

(2) **Information and Analysis**

Site and Surroundings

Bonemill Quarry is owned and operated by Longcliffe Quarries Limited. It is a large, historic and active limestone quarry situated in a prominent, open countryside location on elevated ground at Ryder Point, Hopton, near Wirksworth. The settlements of Hopton and Carsington lie 1.5 kilometres (km) to the south, Brassington Village is 2.5km to the south-west, Grangemill 3km to the north-west and the town of Wirksworth is 3km to the east.

The quarry boundaries are formed, to the north and west, by open countryside and directly to the south on higher, rising ground, by the route of the former Cromford and High Peak Railway, which now forms the High Peak Trail. To the east, close to the quarry, is a large industrial building, originally built during the 1960s as a magnesium processing building associated with quarrying operations at the site. The building is currently occupied and is now used as a carbon processing works. Beyond the building, on lower ground to the north and west of the former mineral processing works, is a small industrial estate which includes a small County Council depot, as well as an established mineral processing and materials recycling facility and associated offices and car parks.

The Peak District National Park boundary is about 2km to the west. There are very few residential properties close to the site. Eniscloud Meadow Farm lies beyond the High Peak Trail 300 metres (m) to the south-west of the quarry, and Ryder Point Barn lying within 500m to the north-east. All vehicular access to the quarry is from Ryder Point Road to the east, via the access to the industrial estate, then by way of a single track road into the quarry. Hopton Bridleway (Public Footpath No 19 - High Peak Trail), forms part of the southern boundary; Hopton Public Footpath No 4 passes close to the west, and Hopton Public Footpath No 18 lies approximately 200m to the north. The geology of the area shows extensive dolomitic limestone deposits at depth formed by the Monsall Dale and Beelow Limestone groups.

There are no statutory cultural heritage or nature conservation designations within the site, although there are a number close by. Two Local Wildlife Sites (LWS), Hopton Slurry Pond and Ryder Point Slurry Pond, are located wholly within or partially within the planning permission area respectively. Both LWSs are of interest for their reptile/amphibian assemblages. Ryder Point Slurry Pond is also of interest for its secondary broad-leaved wet woodland. Great crested newts (GCN) are known to be present in both LWSs, as well as the nearby large pond located in the former mineral processing area at the eastern end of the site.

The site is not located in a Conservation Area. There are a small number of listed buildings and structures close to the site, the closest being the railway bridge associated with the former minerals railway, which is 730m to the south of the site entrance and which is Grade II listed. Griffé Walk Farmhouse, a Grade II listed building, is 1.24km to the north-west of the site. A former windmill, located 165m to the south-west, is also Grade II listed. There are also a number of schedule monuments in the area.

The quarry is currently being worked in a conventional manner by way of a series of elongated benches orientated in a rough north-west – south-east direction. The current working face is approximately 20m high with residual bench widths of approximately 100m. The quarry is worked from 0600 hours until 1900 hours weekdays and 0600 hours until 1300 hours Saturdays, with plant maintenance being carried out between 1600 hours and 1800 hours Saturdays and 0700 hours until 1600 hours on Sundays.

The Relevant Permissions and the Area of Review

The quarry has a single Ministerial planning permission (code no ASR/1255/3) which was granted following a Public Inquiry (Ministry of Housing and Local Government reference No: 1884/40621/5) on 3 October 1956. The decision letter, which is dated 4 January 1957, granted permission on an application to '*quarry dolomite and to erect a magnesium extraction plant*' subject to seven planning conditions set out in the letter.

The area to which the 1957 permission relates extends to a total 39.44ha, of which 32.54ha was proposed for mineral extraction and processing, with the remaining 6.90ha forming the magnesium processing area and land which is now occupied by the small industrial estate. The site was divided in 1983, with the quarrying operations separate from the industrial uses and the former magnesium processing area. Approximately half of the surface area of the mineral extraction area remains undisturbed and unworked, and is characterised by prominently situated land (two fields which extend to approximately 11.2ha) located to the west of the existing quarry face. This land is enclosed by drystone walls and is in agricultural use as a mixture of pasture and arable land. The most northern field is part of 'Griffé Grange

Ridge', the highest point of the site, at an elevation of 353m above (assumed) ordnance datum (AOD).

Remaining Reserves

The applicant company has indicated that there are two grades of stone at Bonemill Quarry; both dolomitic limestone but one has a high magnesium content which is worked and sold as a non-aggregate for specialised industrial markets. There is a lower grade dolomitic stone which is sold for aggregates for the construction industry and domestic markets. Exploratory boreholes (carried out in 2009 and 2015), have been drilled by the applicant company and these have confirmed the presence of dolomitic limestone at depth, with an estimated total quarry reserve of some 42 million tonnes.

The applicant company has indicated that output from the site is programmed to rise currently from 250,000 tonnes per annum to 750,000 tonnes per annum by 2018, continuing at this level thereafter. At these anticipated production rates; this would equate to a quarry reserve life of a further 55-60 years. The bulk of the remaining reserves lie in the unworked areas of the site.

Comment: Whilst it is noted that the applicant company considers that there are sufficient reserves at the quarry to allow for a further 55-60 years working, the winning and working of mineral by current permission which is under the review must be subject to the end date of 22 February 2042. This date is specified in Schedule 5 to the Town and Country Planning Act 1990 for those mineral sites subject to review where no end date was specified in the base planning permission. Proposed mineral extraction at the site beyond that date would have to be the subject of an application for another planning permission.

The Scope of Planning Permission 1884/40621/5 (ASR/1255/3)

As noted above, the description of Ministerial planning permission 1884/40621/5 is explicit in that it is for the extraction of 'dolomite' and to erect a 'magnesium extraction plant'. Dolomite is defined as a calcium magnesium carbonate mineral and the term 'dolomite', for geological or mining purposes, refers to the sedimentary carbonate rock composed predominantly of dolomite. Dolomite has distinct physical, crystallographic and chemical properties and uses that differ from other carbonate rocks (limestones). This issue has been the subject of detailed discussions with the applicant company and, as a result, a more detailed analysis and additional boreholes have been undertaken at the site. On receipt of the further information, this Authority is satisfied that, in this case, the minerals currently being extracted, and those proposed to be extracted and processed at Bonemill Quarry up to 2042, would be such that they would not be outside the scope of the original permission, since no non-dolomitic limestones would be removed from the site.

Two of the seven original conditions to which the planning permission is subject require disposal of waste within the quarry void, these are conditions 3 and 5. Condition 3 states: *'Reaction residues and all other waste materials not sold for commercial purposes shall be disposed of within the excavated area'*. Condition 5 states: *'the worked land shall be restored by the disposal of waste material and surface soil and other over-burden so as to reproduce as nearly as possible the contours of the land before working, in accordance with a scheme as may be agreed with the local planning authority...'*

As originally submitted by the applicant company, the current ROMP application included working and restoration plans which involved the importation of large volumes of inert waste into the site to enable restoration. An analysis of the original application documents, however, indicated that the permission did not provide for this. This issue was raised with the applicant company following the submission of the scheme of conditions. The applicant clarified by letter that it accepted that the permission does not allow for include the importation of waste materials from external sources for restoration purposes, and that the scheme of conditions was to be amended accordingly.

It is clear from the application documents that, at the time of the application and subsequent grant of planning permission, it was the intention of the applicant company (Magnesium Elektron) to extract the dolomite to obtain the valued magnesium from the site. The associated extraction process generated significant volumes of waste (14 tonnes of dolomite for every 1 tonne of magnesium produced) and it was anticipated that these wastes (referred to as 'reaction-residues' in the application documents and planning permission) would be deposited back into the quarry void. There is also evidence to suggest that that the applicant had little intended use for the less dolomitised limestone at the site and, as a result, there was an expectation that significant volumes of waste materials would be generated. It is this material that was intended to be backfilled within the quarry such to raise the levels of the quarried areas to adjoining contours.

The Environment Act Application

Longcliffe Quarries Limited has submitted a new scheme of conditions and supporting information relating to the working and ultimate restoration of Bonemill Quarry. The application is for the Initial Review of an 'active phase 1' site as required by Schedule 13 of the Environment Act 1995. This ROMP application was initially submitted in 1998, but became 'stalled' pending the submission of up-to-date environmental information to support the proposal as required by newer regulations, and latterly, consideration of the nature of the base permission, referred to above. The proposals relating to the submission can now generally be described as:

- an updated working scheme for removal of dolomitic limestone which is in 6 phases, showing working extending to the west and north (within

the extraction areas under the permission) and deepening of the existing quarry to a depth of 195m AOD (although the applicant also indicates a yearly extraction rate and approximate timescales for the each phase whereby at the end of the permission in 2042 the extraction would be at phase 4 and therefore to a depth of up 210m AOD);

- the retention of the existing mobile plant and associated offices and weighbridge;
- the installation of static drying, milling and classifying plant;
- the processing of dolomitic limestone; and
- a restoration for amenity use (nature conservation) without infilling of the quarry void.

The phased working scheme has been developed for the potential extraction of all mineral which the applicant envisages might be extracted from the site, not just that which is expected to be achieved up to 2042 under the existing permission (i.e. under the first four of the six 'indicative' operational phases). The scheme envisages the existing quarry void being deepened in a series of steep benches, before the quarry is extended first in a westerly direction and subsequently to the north. In order to extend the quarry north-eastwards, part of an existing quarry tip will have to be removed and relocated within the quarry excavation. On completion of the mineral extraction operations, the quarry would be restored at the final levels using this material and stored soils only.

The Submitted Schedule of Conditions

The principle of mineral extraction and development at Bonemill Quarry is established and the applicant company has submitted a new scheme of conditions and supporting information for the continuation of working and the restoration of the ROMP site. The issues which are addressed in the Planning Considerations section below concern whether the conditions submitted by the applicant company would be acceptable and sufficient. The conditions clearly need some amendment from the original submission by the applicant company; a significant amendment is needed so that they would conform with the acknowledgement on the part of the applicant that the permission does not allow for the importation of waste in order to infill the quarry to original ground levels on completion of the mineral extraction.

Environmental Statement and Supporting Information

The application is accompanied by a detailed Environmental Statement (ES) which comprises technical reports relating to the environmental impacts of the remaining development under the permission based on the applicant's proposals, compiled by specialist consultants in landscape and visual amenity, traffic and transport, ecology, archaeology, noise, dust, environmental effects of blasting, hydrology and hydrogeology, and soils and agricultural quality, and a non-technical summary.. The ES concludes that continued operations at Bonemill Quarry can be undertaken without any significant impacts on people,

and the local and wider environment, and that improved planning controls would be achieved through the ROMP process.

Consultations

Local Members

Councillor Radcliffe, as Ward Member, and Councillor Thomlinson, as adjoining Ward Member, have been notified.

Derbyshire Dales District Council

Planning and Environmental Health:

The District Council has been consulted twice on this proposal and no objections have been raised.

Peak District National Park Authority

Raise no objections but originally questioned the sustainability of infilling the quarry. The Authority considered that the infilling part of the proposal could not be dealt with as part of the ROMP application.

Comment: The original intention to infill the quarry to original ground levels has now been withdrawn by the applicant and revised plans submitted.

Hopton and Carsington Parish Council

The Parish Council supports the proposal due to the part of the quarry plays in the local economy but recommends that appropriate controls are put in place to control dust, noise and vibration. Also considers that specific ecology of the area will need to be safeguarded and preserved.

Brassington Parish Council, Wirksworth Town Council and Middleton by Wirksworth Parish Council

No objections.

Severn Trent Water, National Grid and Central Networks

No objection.

Natural England (NE)

No objection and considers that the draft conditions should secure the necessary surveys and mitigation works should they be required.

Derbyshire Wildlife Trust

No objection raised. The Trust considers that the draft set of conditions included with the application appear to be generally reasonable. The Trust recommends that, prior to the commencement of soil stripping or extraction operations within Phase 1 at the quarry site, a Protected Species and Notable Biological Species mitigation strategy should be submitted for approval by the Mineral Planning Authority. It also considers it essential that the strategy is

informed by up-to-date surveys and should include botanical surveys that the survey process should be repeated for each subsequent phase of the operation. The Trust supports the production and implementation of the Quarry Biodiversity Action Plan, as required by submitted Condition 13 and also submitted Condition 14 regarding the presence of breeding birds.

Environment Agency

No objection subject to the inclusion of detailed conditions to prevent pollution of the water environment and to ensure protection of the underlying aquifer.

Publicity

The ROMP application and ES have been advertised in the Matlock Mercury and by notices at and around the site. Neighbour consultations have also been carried out. Provision of further information relating to the ES under Regulation 19 of the Town and Country Planning (Environment Impact Assessment) (EIA) Regulations was advertised in the same paper (and by site notices),. One representation has been received which supports the proposal.

Planning Considerations

It is for the company, in the first place, to submit a scheme of conditions for the Mineral Planning Authority to consider, and for the Mineral Planning Authority to determine whether the submitted conditions are acceptable, or that they should be modified or added to in light of the particular circumstances of the case, and Government guidance set out in the NPPG. The Mineral Planning Authority may not refuse a ROMP application for updated conditions but only approve a set of conditions as submitted by the company or as modified by the Mineral Planning Authority.

Planning Policy

I have assessed the ROMP application against the relevant development plan policies which in this instance, are in the Derby and Derbyshire Minerals Local Plan (DDMLP), the Derbyshire Dales Local Plan (adopted November 2005) and other material considerations. The National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) are also material considerations.

Members are reminded that the application under consideration is a ROMP, which comprises a review of the conditions under which existing mineral permissions should operate. The determination of a ROMP application does not call into consideration the existence of the planning permission. Since the prime purpose of the ROMP process is to put in place a scheme of modern up-to-date planning conditions, together with a modern scheme of working and restoration, the application is assessed against those planning policies relating to environmental considerations. In the context of this application, the policies considered to be most pertinent, contained in the

DDMLP, are MP1: The Environmental Impact of Mineral Development, MP3: Measures to Reduce Environmental Impact, MP4: Interests of Acknowledged Environmental Importance, MP6: Nature Conservation – Mitigation Measures, MP7: Archaeology – Mitigation Measures and MP10: Reclamation and After-Use.

DDMLP Policy MP1 states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to a number of aspects of the environment. Those of relevance in the context of this application are as follows:

- Effect on local communities and neighbouring land uses by reason of noise, dust, vibration or other pollution or disturbance.
- Quarrying operations, such as those undertaken at Bonemill Quarry, have the potential to cause adverse impacts as a result of noise, dust, blast vibration and inappropriate lighting.

Noise

A noise survey and assessment has been undertaken to predict noise levels at sensitive receptors close to the quarry. Noise predictions using the guidance given in BS 5228 Part 1: 2009, were undertaken at the two noise sensitive properties (Eniscloud Meadow Farm 200m to the south and Arm Lees Farm 500m to the north-west) closest to the site boundary with such predictions subsequently assessed against the criteria in the now cancelled Mineral Planning Policy Statement (MPS2): Controlling and Mitigating the Environmental Effects of Mineral Extraction in England. That was current at the time of the submission.

MPS2, which has now been replaced by the NPPG, recommended that, subject to a maximum of 55dB LAeq, 1h (free field), mineral planning authorities should aim to establish a noise limit at the noise sensitive property that does not exceed the background level by more than 10dB(A). The current guidance contained within the NPPG also suggests that mineral planning authorities should aim to establish daytime and evening noise limits at 10dB(A) above background noise levels but also recognises that, in some circumstances, it would be difficult not to exceed 10dB(A) above background. In such cases, the NPPG recommends that the limit should be set as near to that level as practicable and, in all cases, should not exceed the upper limit of 55dB LAeq, 1h. Suggested night time noise limits should be 10dB(A) above background, subject to a maximum of 42dB(A), whilst the upper noise limit for temporary operations was 70dBA for 8 weeks during any 12 month period.

The noise predictions took account of the use of the drill rig, the operation of mobile screens, a secondary impact crusher, loading shovels, dump trucks and Heavy Goods Vehicles (HGVs). All noise predictions were 'worst case' scenarios, when operations would be undertaken at their closest distances to

sensitive properties and would therefore be expected to have the greatest influence on the noise levels experienced by sensitive receptors.

The assessment predicted that the daytime (0700 hours to 1900 hours) and evening (1900 hours to 2200 hours) noise levels experienced at Eniscload Meadow Farm (Phase 4) would be 42dBLAeq, 1h, free field. Noise levels associated with night time (2200 hours to 0700 hours) operations as experienced at Eniscload Meadow Farm (Phase 4) were also predicted to be 42dB LAeq, 1h, free field. The daytime and evening predictions would meet both the Government's recommended limit of 10dB(A) above background, as well as falling below the maximum upper limit of 55 dB LAeq, 1h. The night time prediction would fall within the 42dBLAeq, 1h, upper limit but would significantly exceed the lowest recorded night time background noise level of 23 LA90.

With regard to Arm Lees Farm, predicted daytime, evening and night time noise levels were 36 dBLAeq, 1h (Phases 1 and 2). The daytime and evening predictions would meet both the Government's recommended limit of 10dB(A) above background, as well as falling below the maximum upper limit of 55 dB LAeq, 1h. The night time prediction would fall within the 42dBLAeq, 1h, upper limit but would exceed the lowest recorded night time background noise level of 21 LA90.

The predicted noise levels associated with short term temporary operations, as experienced at Eniscload Meadow Farm and Arm Lees Farm, would be 44dB LAeq, 1h and 38LAeq, 1h respectively. This would fall well below the upper limit of 70bBLAeq, 1h for temporary operations, as set out in the NPPG.

Mitigation measures identified by the applicant include the mitigation/attenuation already provided by the depth of the quarry workings and existing screen bunds. The ES states that this mitigation will be enhanced over time as quarry workings are deepened, and additional topsoil and overburden bunds are constructed.

The applicant's noise assessment indicates that during the daytime, noise levels would be capable of being kept within acceptable limits. In general, I am satisfied that the suggested noise limits would ensure that nearby local residents would not experience adverse impacts associated with the ongoing quarry development. Whilst it has not been possible for the applicant to meet the 10dB(A) above background criterion for the night time operations at either of the identified sensitive receptors, viewed in the context of the lack of current controls in respect of noise associated with mineral working at the site, I note that it would be able to achieve the upper limit of 42dBLAeq, 1h. I am also mindful that the purpose of the review process is not to re-examine the principle of the mineral development being undertaken, but rather to update the environmental controls associated with such development. The current

ROMP application relates to a site which has had planning permission since 1957, which has been worked continuously since that time and which gives rise to an established range of environmental impacts such as noise. In such circumstances, the applicant's suggested upper daytime and evening noise limits would represent a significant improvement on the current environmental controls at the site and are to be welcomed.

I note that the applicant has not suggested any mitigation over and above the attenuation provided by the existing screen bunds and the deepening of the quarry workings. Whilst I acknowledge that the above could potentially mitigate the noise impacts associated with the site, it is also noted that the current assessment is based on mobile plant. It is further noted that the applicant has stated that, depending on the quality of the dolomite, it may consider installing static plant at the site. The noise impacts associated with the installation and operation of static plant are likely to be different from those generated by mobile plant. With that in mind, I have also added a further condition which requires the submission of an updated noise assessment prior to the erection of such plant at the site. The submission of a further noise assessment(s) would enable the applicant to take advantage of any improvements to technology which may help reduce night time noise levels.

Overall, I am of the opinion that the proposed noise mitigation measures would represent a significant improvement on existing noise controls at the site and that the draft schedule of conditions would provide adequate controls, including an appropriate mechanism through which to seek further assessment in the event that the applicant wishes to proceed with the erection of fixed plant at the site. I am therefore satisfied that noise is unlikely to have any significant effects upon sensitive receptors and can be adequately controlled by conditions.

Dust

The ES provides an assessment of the potential sources of dust emissions at the site and sets out the current dust control and mitigation measures which are currently utilised at the site. The ES identifies the main sources of dust emissions at Bonemill Quarry as the construction of screen mounds, drilling of shot holes, the movement of heavy plant on haul roads, mineral processing (crushing and screening), stockpiling and haulage vehicles exporting mineral off site. The dust assessment submitted with the application confirms that activities at Bonemill Quarry have the potential, without mitigation, to create significant dust impacts, and that such impacts could increase, particularly during dry or windy weather conditions, or as a result of particular operations such as soil and overburden stripping.

The assessment proposes a number of mitigation measures for general quarry operations, such as the seeding of screen mounds in the first available season following their completion; the use of a drill rig with integrated dust

suppression; the imposition of speed limits on haul road to minimise the dust generated by heavy plant and machinery; the use of dust suppression measures including use of water bowsers and road sweepers; the siting of crushing and screening plant and stockpiled minerals at locations sheltered away from the prevailing wind; the minimisation of drop heights from mobile plant; the use of conveyor hoods to minimise windblown material; and the sheeting of HGVs when leaving the site. It concludes that with such measures in place, the proposed operations could be undertaken in accordance with Government guidance contained in the NPPG and I agree that dust can be adequately controlled through appropriate planning conditions.

I have no reason to doubt the findings of the ES and I am satisfied that the control of dust would accord with the guidance set out in the NPPG and would significantly improve the requirements in respect of dust control. With that in mind, I am satisfied that dust can be adequately controlled through appropriate planning conditions. I have made no amendments to the applicants suggested schedule of conditions in respect of dust control and management.

Blast Vibration

The ES provides an overview of a blast vibration study undertaken at the site and includes a description of the effects of blasting, such as ground vibration and airborne vibration (air overpressure), information relating to the various ground and airborne vibration levels necessary to cause damage to property, a general description of the methods used to predict and control ground and airborne vibration levels, details of survey work undertaken and the methodologies used, and an assessment of the findings of the survey. Mitigation measures to reduce the effects of blast vibration are also proposed.

The assessment looked at the predicted effects of blast vibration on two inhabited residential properties (Eniscloud Meadow Farm and Arm Lees Farm), one uninhabited residential property (The Old Station House which is currently in the ownership of the applicant Company) and two nearby businesses (Viaton Industries and Linston Works), and assessed the findings against the then current Government guidance at the time of submission. The assessment concludes that at the worst case, when blasting operations would be closest to each property, the magnitude of vibration experienced at Eniscloud Meadow Farm and Arm Lees Farm would be well within the proposed vibration criterion of 6mm per second -1 (mms -1) at 95% confidence. The predicted magnitude of vibration experienced at the Old Station House would be between 15mms -1 and 50mms -1 . With regard to the closest commercial properties, the maximum predicted magnitude of vibration that would be experienced at Viaton Industries (phase 4) would be 14mms -1 , whilst the maximum likely vibration levels at Linston Works during phases 2 to 6 would be in the range of 1.1 mms -1 to 6.2 mms -1 . Mitigation measures

proposed include reducing the instantaneous charge weight in those development areas where the worst case was predicted.

The ES concludes that, subject to the Company implementing the mitigation measures and recommendations set out, the ongoing development at the quarry should not give rise to cause for complaint due to induced vibration at any of the identified receptors in the vicinity.

In general, it is noted that the introduction of conditions relating to ground vibration and blast monitoring would provide significantly tighter control than is currently the case for the Bonemill Quarry site. In light of the findings of the ES with regard to ground vibration as experienced at commercial buildings, I have concerns relating to the ability of the applicant to meet the requirements of Condition 36 (SC30). As submitted, this condition requires that the ground vibration resulting from blasting at all buildings (both inhabited residential properties and nearby commercial buildings) should be no more than 6mms-1 in 95% of blasts over a period of six months, and that no individual blast shall exceed 12mms-1. This would not be in line with accepted industry best practice, as set out in the now cancelled Mineral Planning Guidance Note 14 (MPG14): Environment Act 1995: review of mineral planning permissions, and British Standard BS 6472-2:2008 – Guide to evaluation of human exposure to vibration in buildings. Part 2: Blast-induced vibration which sets higher limits for offices and workshops, etc. I have therefore amended the applicant's submitted condition so that it relates specifically to inhabited vibration sensitive buildings and have inserted a new condition with a higher limit (12.8mms-1 in 95% of all blasting events over a six month period with no single event exceeding 155mms-1) for those nearby commercial properties (Viaton Industries and Linston Works). With regard to the levels of ground vibration potentially experienced at the Old Station Masters house, it is noted that these would far exceed the limits for residential property set out in BS 6472:2:2008. The ES makes reference to British Standard BS7385-2:1993: Evaluation and measurement for vibration in buildings: Guide to damage levels from groundborne vibration stating that in line with this document, a limit of between 15mms-1 and 50mms-1 should be allowed. Under normal circumstances, I do not consider that such a limit would be acceptable, particularly where a property was known to be inhabited. In this instance, however, the property is not only currently unoccupied but is also owned, and therefore under the direct control of, the applicant company.

Lighting

The use of artificial lighting at the site does have the potential to impact on ecological interests as a result of light pollution. Whilst acknowledging that this Authority is satisfied that the current (limited) use of artificial lights at the site does not give rise to such impacts, the introduction of any additional lighting at a quarry of this size, and particularly when associated with static plant, could potentially do so. The applicant's submitted schedule of conditions includes a

condition which would, in my view, provide satisfactory controls over any future lighting at the site.

In conclusion, information submitted with the application, which is not disputed by the consultees, indicates that the proposed operations would be able to operate within the parameters relating to lighting, noise, dust and vibration which national planning guidance considers acceptable. I am therefore satisfied that appropriate planning conditions can be imposed to adequately control the development in these respects. I have strengthened the noise conditions proposed by the company by reference to specific noise limits, and a requirement for the submission of a noise monitoring scheme. Similarly, the proposed dust condition has also been strengthened with a requirement to submit a Dust Monitoring Scheme.

Policy MLP1 of the DDMLP is an 'umbrella' policy which affords a general level of protection across a range of environmental issues. In addition to noise, dust and vibration, it also refers generally to 'disturbance' to local communities and the environmental effects of traffic could be considered to fall within this category. This aspect is dealt with in more detail in MLP4 and MLP5 of the DDMLP and, therefore, I refer to this in my consideration of traffic issues below.

The Effect on Agricultural Interests including the Extent of Agricultural Land Loss and the Feasibility of Achieving a High Standard of Restoration

At present, only a relatively limited area of the quarry site has been affected by mineral extraction operations with the result that a substantial area of land (12ha) located in the west of the permission area remains undisturbed. The land comprises unimproved pastoral grassland for the most part, although I understand that since the submission of the ES, one of the fields has been sown with a cereal crop. The ES indicates that the soil resource in the remaining fields and the surrounding area is classified as Grade 4 by the Agricultural Land Classification map for the area, and that trial pitting of the undisturbed area has confirmed that the soil and overburden covering the limestone varies considerably in depth. The applicant estimates that topsoil resources have been estimated at about 30,000 cubic metres (m³) and overburden at about 150,000m³.

I am satisfied that the applicant's proposed conditions make adequate provision for the removal, storage and re-use of those soil resources that remain, and that there are no implications for 'best and most versatile' land.

The Visual Effects of the Proposals and the Effect on the Character and Quality of the Landscape

The ES provides an overview of the main quarry developments over the remaining life of the quarry, and considers the effects on features and

characteristics important to the landscape character of the site and its setting, and on the visual amenity of users of the site and surrounding landscape.

The assessment provides a description of the national and regional/sub-regional landscape character areas in which the site sits, stating that the quarry operation contains very few landscape elements and features key to maintaining the landscape characteristics of the surrounding area. The site is assessed as having a medium sensitivity to change whilst the magnitude of effect upon the proposed development area fields is assessed as high. The overall significance of effect upon the Site from the proposed development is therefore assessed as moderate/major. The magnitude of effect upon the local landscape character area from the proposed development is assessed as negligible. The significance of effect upon the White Peak landscape character area is therefore assessed as negligible and also negligible upon the 'Limestone Plateau Pastures' character type.

With regard to potential visual impacts associated with Bonemill Quarry, following liaison with this Authority, 13 representative viewpoints (vps) were chosen, including Middleton Top (vp1), Manystones Lane from B5035 to Brassington (vp2), Manystones Lane from B5035 to Brassington at Viaton access (vp3), Eniscloud Meadow Farm (vp4), Carsington Water Visitor Centre (vp5), Carsington Water South Car Park (vp6), The Knockerdown Pub on the B3035 (vp7), Wash Green beside the B3035 (vp8), Breamfield Lane (vp9), Harboro' Rocks summit (vp10), Hognaston (vp11) and Moor Farm (vp12). With the exception of vps 2,8,12 and 13, the sensitivity of all vps was rated as high. Vps 2, 8, 12 and 13 were rated as being of medium sensitivity.

Magnitude of change during extraction operations was assessed as 'medium' for vps 2 and 10, due to their proximity to the quarry which, when considered in the context of their medium and high sensitivity rating, indicates that visual impacts of 'moderate' and 'moderate/major' are predicted respectively when working would be taking place in the upper two benches. Both vps 2 and 10 would also experience moderate visual effects when the quarry workings deepen. For vps 3, 12 and 13, 'low' levels of change were predicted which, combined with their sensitivity ratings of high and medium, would result in impact significance of 'moderate' for vp 3 and 'minor/moderate' for vps 12 and 13 when working occurs in the upper town benches. When working had moved to the lower benches of the quarry, the significance of effect for vp3 was predicted to be negligible whilst the lower benches would not be visible from vps 12 and 13. Magnitude of visual effect was assessed as being negligible in respect of vps 6, 7, 8, 9 and 11 which, when combined with their baseline sensitivity resulted in 'negligible' significance for the upper tow benches and 'not visible' in the later stages of development. Whilst vps 1, 4 and 5 were assessed as being of high sensitivity, due to their proximity to the quarry site, due to the visual screen provided by the intervening landform, the assessment concluded that the quarry and its associated impacts would not

be visible from these locations and, consequently, no assessments were made in respect of the magnitude or significance of visual effect.

In conclusion, with regard to landscape and visual impacts, the ES states that, with mitigation measures in place, the proposed quarry development area would have limited significance of effect on the landscape or the visual amenity of the local landscape and would provide beneficial long term habitat and biodiversity gain. The main visual impacts were considered to be screen bund construction and operations at existing ground levels associated with the first soil strip in the undisturbed sections of the site.

Mitigation measures proposed include the positioning of soil storage bunds along the northern and western boundaries of the site to assist screening visual impacts from ground level, the management of the existing northern screen bund, the retention of existing vegetation along the site boundaries, the introduction of additional advance screen planting at the south-western corner of the site close to the Old Station/Viaton Industries site boundary and the creation of rollover slopes.

In considering the likely additional impacts associated with the ongoing mineral extraction operations at Bonemill Quarry, the conclusion of the ES that ongoing quarry development would result in landscape impacts of 'moderate' significance, i.e. that impacts to landscape character and quality would be noticeable at a local level are fair, although I would have expected an acknowledgement that the quarry already exerts a significant impact on the local area and the wider landscape. Likewise, whilst I would accept the judgement that visual impacts associated with continued mineral extraction would generally be of moderate significance, the existing quarry exerts a substantial adverse effect on some of the identified vps, as well as the landscape character of the area. I am also of the opinion that the visual impacts, when viewed from the north and north-east, associated with the removal of the northern tip during phases 5 and 6 have been underestimated.

I am satisfied, however, that the detailed mitigation and restoration proposals, when viewed in the context of the existing site constraints and the inclusion of appropriate landscape detailing representative of the landscape character of the area combined with early phased restoration, would provide significant mitigations to the footprint of this large, deep quarry over and above the current situation. The applicant's proposed conditions include mechanisms to ensure that the proposed progressive working and restoration is undertaken in accordance with the submitted documents, as well as provision for future aftercare. With that in mind, and subject to some minor amendments, I am satisfied that the potential landscape and visual impacts associated with the development are capable of being controlled by condition.

The Effect on Sites and Features of Wildlife or Geological/Geomorphological importance

The on-going operation of the quarry has the potential to impact on sites and features of wildlife importance. An ecological assessment of the site has been undertaken which includes a description of the baseline ecological context, a Phase 1 Habitat Survey, a badger survey, a GCN survey, and direct observation in the field of signs of any species protected under other regulatory regimes. Checks were made for birds, bats and reptiles (slow worm, adder and common lizard), an assessment of the effects of the development on identified ecological features, identification of the direct and indirect effects of the proposed working scheme, an assessment of the significance of those impacts and proposed mitigation measures.

The ES identified a number of statutory and non-statutory designated sites near or within the quarry. Of the statutory sites, these were subject to both European and UK designations, and included Bees Nest and Green Clay Pits Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), approximately 1.5km to the west, of interest for its semi-natural dry grasslands and scrubland on limestone habitats. Via Gellia Woodlands SSSI, approximately 1.1km to the north, which also forms part of the wider Peak District Dales SAC, is of interest for its semi-natural dry grassland and scrubland habitat on limestone substrates. Two LWSs, Ryder Point Slurry Pond and Hopton Slurry Pond, were also identified as being present within the planning permission area.

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, or very close to the quarry site were limited to GCN and badger. A small population of GCN were found to be present in pond 1 (located in the north-eastern corner of the former mineral processing area), whilst a medium population was identified in pond 3 (Hopton Slurry Pond LWS). Only one tree capable of having a high potential for bat roosts was identified, although the assessment also considered that the drystone walls offered good movement corridors to the wider area for bats. The quarry faces were also considered to have potential for supporting bat roosts.

Priority species identified at the site include mammals (such as brown hare), reptiles (such as slow worm), and birds (such as peregrine falcon). With regard to breeding birds, whilst none were identified on the day of the survey, the assessment identified areas of rough grassland in the site that would have the potential to be used by ground nesting birds. The assessment also noted that these areas may also provide suitable habitat for reptiles.

In general, the two large fields were found to be species poor, although sections of more species-rich habitat were identified. A small section of

species-rich calcareous grassland, a priority habitat, was identified centrally within the site which included glaucous sedge, eyebright, field woodrush, red fescue, common mouse-ear and daisy. Orchid species were also noted but, due to rabbit grazing, were not able to be identified. The assessment notes that whilst considered calcareous grassland, other, more swamp-like species were encroaching from the nearby swamp/fen.

Two ponds were identified within the site. Of the two, the larger pond (Hopton Slurry Pond LWS) is well-established with abundant aquatic and marginal vegetation, including broad-leaved pondweed, soft rush, hard rush, reedmace, large bittercress and horsetails. The assessment noted rocky outcrops surrounding the pond, which were considered to represent good basking habitat for reptiles, such as grass snake. The second pond, to the south of the southern field, was almost dry at the time of survey. Species identified were mainly rushes, mosses and large bittercress. A further wetland area (Ryder Point Slurry Pond LWS) was also identified. At the time of the survey, it was noted that the area was proceeding through succession and is now predominantly wet woodland, reed bed and fen/marsh. No open water was found to be present.

The ES considers that the primary impact would be on those habitats lost due to the lateral western expansion of the quarry workings. These were considered to include the semi-improved fields to the west of the site, the ponds on those fields, a plantation woodland belt to the south, a mature sycamore tree, dry stone walls and the cliffs to be lost by future quarrying works. The assessment did not consider that the loss of the grassland would represent a significant loss in terms of nature conservation, despite there being some sections of interest. No mitigation was therefore proposed for the loss of the grassland. The loss of Hopton Slurry Pond was considered to represent a significant impact on the nature conservation value of the site and its surrounding area and mitigation measures including wetland creation elsewhere in the site would be required.

Mitigation measures are proposed to ensure that no protected species or habitats would be significantly affected or lost as a result of ongoing working at the site. These include the creation of appropriate replacement ponds, habitat and amphibian fencing capable of accommodating the GCN population to be translocated prior to the removal of pond 3; Habitat creation to mitigate for loss of wetland areas, reptile habitat and invertebrate habitat; the undertaking of reptile and breeding bird surveys, a restriction of vegetation clearance operations taking place in the bird nesting season and undertaking a bat survey in the event that the mature sycamore tree is to be lost. The applicant has suggested a number of conditions relating to protected and notable species surveys, the creation of a quarry Biodiversity Action Plan (BAP) and vegetation clearance during the bird nesting season.

In addition to the requirements of DDMLP Policy MP1, Policy MP4: Interests of Acknowledged Environmental Importance does not permit mineral development where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, and in particular, where *'development would adversely affect nature conservation interests of international or national importance including...special areas of conservation, sites of special scientific interest...and the habitats of protected species'*.

Statutory Designated Sites

Mineral extraction operations, of the kind undertaken at Bonemill Quarry, can result in impacts to ecology resulting from dewatering operations (where the changed hydrology can reduce water levels in nearby surface water features), impacts associated with the deposition of dust on vegetation or direct loss of ecological features as a result of the expansion of sites. Based on the information provided within the ES, the relative proximity of the Bonemill Quarry site to the designated sites, and the nature of those designations, I am satisfied that, subject to the development proposals being undertaken in accordance with the submitted documents and the conditions proposed by the applicant as amended at the request of statutory consultees, the ongoing operation of the quarry would not result in adverse impacts to the SAC or SSSI.

Possible other impacts to nature conservation, associated with mineral working at the quarry, are limited to habitat losses associated with non-statutory designated sites, impacts on UK BAP priority species and impacts on certain protected species, such as badger and GCN.

Non-Statutory Designated Sites

The working scheme as proposed would directly result in the loss of the Hopton Slurry Pond, a LWS. In addition to the identified aquatic and marginal vegetation, the pond is also known to support a medium population of GCNs. Mitigation measures proposed by the applicant include the translocation of the GCN from this pond to the other LWS on site, Ryder Point Slurry Pond and the improvement of the condition of that pond.

In response to the consultation exercise, Derbyshire Wildlife Trust expressed concern over this proposal. It concluded that the restoration of Ryder Point Slurry Pond LWS could not be considered adequate mitigation for the loss of Hopton, particularly given the differences in the substrates around the ponds, and the existing value of Ryder Point Slurry Pond. I am minded to agree with this conclusion. I further note, however, that the loss of the Hopton Slurry Pond would not, take place until Phase 2 under the working scheme, which would be some 10 years hence. With that in mind, and whilst I accept that there would be significant impacts associated with the loss of the pond and the population of GCN, given the nature of the site, the timescales involved before those impacts are likely to occur and the land under the control of the

applicant, I am satisfied that such impacts can be satisfactorily mitigated via condition. Furthermore, in considering the timescale before operations are likely to move into Phase 2, there would be abundant time in which to schedule and undertake surveys, develop mitigation and compensation proposals, secure any necessary licences, and provide compensatory habitats. I have therefore added a new condition to the applicant's schedule of conditions requiring the submission of a scheme to deal with the above.

UK BAP Priority Species

Peregrine

Peregrine falcons are known to breed within the site and have done so for a number of years. The species appears to be able to be successfully accommodated within working quarry sites without significant disturbance. Whilst I am aware that (in line with other quarries that supply the 'industrial' markets) the nature of mineral working at the site requires that a number of quarry faces are kept open for simultaneous working, and that as a result few of the existing faces are likely to have remained undisturbed for any substantial periods of time, I also note that future mineral working at the site will laterally extend to the west and deepen the quarry void. This may result in working faces and upper benches remaining undisturbed for greater periods of time with the potential for greater levels of disturbance than has previously been the case. I have therefore suggested an additional condition requiring the submission of a Peregrine Management Strategy that provides for both checks for nests at the start of every nesting season and the submission of mitigation/management measures in the event that they are found to be present.

Breeding Birds

In addition to the species discussed above, the ecological assessment identified areas that would provide suitable habitat for other bird species. Mitigation measures suggested by the applicant to protect breeding birds primarily include a condition restricting vegetation, tree and shrub clearance to those periods which fall outside the bird nesting season or, if this is not possible, not prior to appropriate checks, and any subsequent actions for breeding birds and nests prior to the work being undertaken, as well as commitments to ensure the retention and/or enhancement of existing agricultural land. Given the scale of site operations and the nature of the works, in which future phases of working and site aspirations are known well in advance, I can see no reason why vegetation removal cannot be foreseen and programmed to occur outside the bird nesting season. I have therefore amended the applicant's suggested condition to prohibit removal of trees, scrub, hedgerows or grassland during the bird nesting season, except in exceptional circumstances with written prior approval of the planning authority and subject to rigorous checks.

Protected Species

Badger

From the information provided in the ES, it is clear that badgers are known to be on site and are likely to be affected within the next 15 years. The impacts arising to badgers are not likely to be any greater than previously envisaged in considering the population is of local interest only, and that measures to avoid impacts to badgers would adversely affect the working rights of the operating company, I am satisfied that the conclusions in the badger report are acceptable. Further mitigations are imposed by conditions 14 and 15.

Other Ecological Receptors and Associated Impacts

Other ecological receptors present on site which have either been affected by works to date or which will be affected over the next 15 years, include the ongoing loss of grasslands, loss of habitats for certain bird species and reptiles. As mitigation for this, the application has proposed a condition requiring the creation of a Quarry Biodiversity Action Plan (QBAP) which seeks to improve and create habitats at the site. I note the Wildlife Trust's concerns regarding the lack of current surveys in respect of the above, but consider that the majority of impacts would not occur for another 10 years and that any surveys produced now would be significantly out of date at that time. It is my opinion that the production and implementation of a QBAP would undoubtedly improve biodiversity at the site. Subject to the inclusion of new condition to require a suitable programme of QBAP implementation which secures habitat creation works and additional surveys prior to mineral working moving into any new phase, I do not consider there will be a need for any further survey work prior to determination of the ROMP conditions.

The Effects on Sites of Archaeological Importance and their Settings and the Effect on the Built Environment and, Especially, Features of Architectural, Historical or Heritage Importance, and their Settings

The ES provides an assessment of the cultural heritage of the site, including a description of the site and surrounding area, a description of the methodology used, a summary of the baseline data and known heritage assets within the application areas, an overview of the type and age of the identified heritage assets, as well as suggested mitigation measures. A walkover survey of the site was also undertaken.

The assessment states that the area of undisturbed land lies within an area rich in prehistoric and Romano-British archaeology, that it is adjacent to the find spots for a number of prehistoric artefacts and close to the remains of Romano-British field systems and artefacts. The site is also close to the Bronze Age round barrows of Round Low and Ivet Low, the latter also being a Scheduled Monument. There is little evidence of medieval activity, although evidence of post-medieval mine working is evident both within the site and in the immediate surrounding area. The ES also identifies two listed buildings, an

18th century windmill 500m to the south of the site and a railway bridge 900m to the south-east.

The assessment concludes that the continuation of mineral extraction operations at Bonemill Quarry would be significantly detrimental to any underlying archaeological remains that exist within the undisturbed section of the site. Detailed mitigation measures proposed include a programme of recording and archaeological monitoring to be undertaken in the defined study area in accordance with a Written Scheme of Investigation (WSI). The WSI was also submitted in support of the application and forms the basis of one of the applicant's suggested conditions.

As outlined above, whilst there is evidence of both prehistoric and Romano-British activity in the vicinity of the site, there are no recorded archaeological heritage assets within the confines of the application area. Whilst there is a relatively large area of previously undisturbed ground that will be affected by ongoing mineral extraction at the site development proposals, I accept that the applicant's suggested approach i.e. that a scheme of working based on the submitted WSI be submitted prior to any soil stripping taking place is an appropriate one. I am also satisfied with the content and scope of the submitted WSI. Whilst it is noted that there are two Listed Buildings in the vicinity of the site, I do not consider that any impacts, on their setting associated with ongoing working at the Bonemill Quarry site, would result in any additional impacts over and above those already experienced as a result of mineral extraction operations at the quarry.

The Transport Implications and, in Particular, the Scale and Nature of Traffic likely to be Generated and its Implications for Site Access, Highway Capacity, Road Safety and the Environment Generally

The ES provides a description of the highway network surrounding the site, as well as an assessment of current road traffic generation generated from the site. Overall, the current annual output from the site is 240,000 tonnes with all mineral being exported via the road network. The assessment indicates that, it is the applicant's intention to increase annual output to 750,000 tonnes per annum within the next few years.

The ES estimates that, on average, the quarry generates approximately 58 HGV movements (29 in/29 out) per day and that of these, 60% use the B5035 to the east of the site and then travel north-east through Cromford to access the A6, 20% use the B5035 to the east of the site and then travel south towards Hopton and Ashbourne, whilst the remaining 20% use the Via Gellia road to access the A5012 to the north. No information is provided regarding the geographical distribution of the markets served by road transport. Vehicle movements are anticipated to gradually increase to approximately 180 trips per day (90 in/90 out) once output increases to 750,000 tonnes per annum. It

is not anticipated that the routes highlighted above would change as a result of this.

The assessment concludes that in light of the acceptable functioning of the existing access and public highways in the vicinity of the site, the applicant did not anticipate that there would be significant transport issues associated with ongoing mineral working at the site. Conditions were, however, proposed which related to the environmental impacts of HGV movements, including measures to prevent dust, mud and spillages on the public highway, the surfacing of quarry access roads, the sheeting of loaded lorries, the prevention of dust and other debris being carried on to the public highway, and other relevant highway and access related matters.

Although, in general, any issues relating to amenity from vehicle movements associated with a ROMP permission might be relevant in the context of a ROMP review application, it must also be appreciated that the principle of such development is already established by the ROMP permission itself. In this case, use of the local highway network for transport of quarry output is also clearly established. The predictions under the ES for the extent of increases in HGV movements in this case appear to be reliable, since the longer term production rate of 750,000 tonnes per year which is proposed by the applicant indicates that the overall volume of mineral to be exported over any year will equate to no more than about that tonnage. I do not consider it necessary to introduce conditions to control the flow or number of HGVs travelling to or from the site by road in any fixed period. The applicant's proposed conditions relating to the site access and the highway would ensure that environmental impacts associated with the movement of HGVs, to and from the site (such as dust and the drag out of debris onto the highway), could be controlled and are considered acceptable.

Effects on Public Rights of Way and Areas of Importance for Formal and Informal Recreation

Although there are numerous public rights of way, including the adjacent High Peak Trail, in the vicinity of Bonemill Quarry, I do not consider that the ROMP conditions proposed would cause them to be any more directly affected by development under the permission.. The additional controls proposed by the applicant in respect of dust, noise, landscape and visual impacts, as well as the proposed improvements to the site through additional planting and screen bunds, would also ensure that the experience of the users of the rights of way would be significantly improved as a result of the new schedule of conditions. The applicant has appreciated that in advance of any relevant extraction preventing the use of Definitive Footpath 14 which runs through the site, it would be necessary to effect a legal diversion of the public right of way. Since this is a requirement under the general law relating to highways, there is no need for a planning condition in this respect.

Effects on the Quality and Quantity of Water Resources, including the Ecology of Water Courses and Wetlands, and on Water Supply and Flood Protection Interests

The assessment includes an assessment of the potential hydrological and hydrogeological impacts associated with ongoing mineral extraction at the site. It extends over the full projected range of working phases referred to by the applicant. However, the final two projected working phases (5 and 6) are not projected to be undertaken under the existing permission, since it is limited by the remaining period for winning and working ending on 22 February 2042. The assessment provides a description of the hydrological and hydrogeological baseline conditions, including the geology of the quarry and the surrounding area, annual rainfall measurements, surface water features, potential sources of pollution (hazardous materials and on-site contamination), nearby surface water abstraction and discharge licences, details of the nearby nature conservation designations with a hydrological interest, ground water levels and flows, information relating to water management at the quarry and the proposed method of working during the extraction and restoration phases, an assessment of the potential impacts of the ongoing quarry development on the hydrogeology of the area, proposals for future monitoring regimes and mitigation measures, and a discussion of the suggested updated planning conditions. A flood risk assessment has also been undertaken.

The ES confirms that the area in and around Bonemill Quarry is situated within the outcrop of the Carboniferous Limestone that forms the Derbyshire Dome and further notes that the bedrock consists of the Bee Low and Monsal Dale Limestone Formations of the Dinantian period of Carboniferous age, the combined thickness of which are believed to be in excess of 250m (ie at least to a level of 100m AOD). The assessment states that the limestones have been dolomitised over an extensive lateral area extending well beyond the site. All of the current workings within Bonemill Quarry (currently at about 300m AOD) show dolomite. The ES, as well as the further information submitted by the applicant, indicates that exploratory drilling has confirmed that such dolomitisation decreases with depth. The ES also indicates that there is extensive mineralisation (the most common being galena (lead sulphide), sphalerite (zinc sulphide) with barytes, fluorspar, calcite)) within the limestones, although it is not thought that there are any major workings within the Bonemill Quarry site.

Groundwater in the area is found in the limestone strata. In the context of the Bonemill Quarry site, the ES concludes that, as a result of the site's relatively high elevation and its immediate surrounds, natural groundwater is derived solely from direct precipitation and infiltration and that, due to the absence of surface water flows in the area, most, if not all, precipitation infiltrates into the ground with minimal run-off. The assessment states that as a result of historic lead mining in the area, it is not possible to determine the natural (undisturbed) groundwater levels with any confidence. Further information

provided, relating to nearby mineral workings, indicates groundwater levels at about 210m AOD (Golconda Mine approximately 250m to the west), 203m AOD (Two Dale Barn approximately 5km to the west) and 103m AOD in Hallam Shaft in Wirksworth. In the context of these figures, a desk based assessment indicates that the best estimate for Bonemill would be approximately 165m to 170m AOD. With an expected seasonal variation of ± 10 metres, the assessment indicates that the highest groundwater level within the site is likely to be about 180m AOD. The assessment states that as the proposed workings will not reach beyond the depth of the anticipated water table, there would be no requirement to dewater the workings. A number of mitigation measures, including groundwater monitoring, are, however, proposed prior to working reaching that level.

The Environment Agency (EA) expressed concern with regard to the proposed use of deep soakaways, stating that they would only be allowed where the developer can demonstrate that there would be no alternative, the system would be no deeper than required, pollution control measures are place, a risk assessment demonstrates no unacceptable discharge to groundwater would take place and that there would be sufficient mitigating factors to compensate for the risk arising from using deep structures. The concerns are noted on this point and the EA's suggested alternative conditions have been added as replacements for the applicant's initial suggested conditions with regard to groundwater. I am mindful, however, that the information provided in the ES also projects forwards beyond 2042 based on the anticipation of continuing to quarry according to a proposed working scheme which would take about 60 years, for all phases. Considering that permission to extract under the existing permission will cease in 2042, when working is not projected to be beyond Phase 4 (so that the floor of the quarry by that time would not be lower than 210m AOD), it does not seem to be likely that the groundwater table would be breached within the remaining permitted working life of the quarry. With that in mind, I am satisfied that potential impacts to groundwater would be controlled on an appropriate precautionary basis via revised conditions as recommended below.

Other mitigation measures proposed via the submitted conditions include the appropriate storage of fuels and chemicals at the site in bunded tanks. In view of the above, I am satisfied that, with the addition of further provisions where appropriate, the requirements of this section of the Policy can thereby be met.

DDMLP Policy MP10 states that Proposals for Mineral Development will be Permitted Only where Satisfactory Provision has been made for the Reclamation and After-Use of the Site as soon as Practicable

I am satisfied that the revised restoration concept and phasing scheme, with its emphasis on reducing existing landscape and visual impacts, and nature conservation, provides a much more robust, sequential, progressive approach than was previously proposed, which can be adequately secured under the

scope of the existing permission by conditions for restoration and aftercare as recommended below. I therefore conclude that the requirements of this Policy are now able to be satisfied.

Submitted Schedule of Conditions

The current permission has only 7 conditions, however, the applicant company has under this submission proposed a total of 51 planning conditions to enable working and restoration of Bonemill Quarry to proceed under the existing planning permission. The proposed conditions cover the duration of the works, working hours at the site, the future method/s of extracting the mineral, noise, dust, blasting and vibration mitigation, together with phased restoration of the site, soil stripping and preservation of ecological and archaeological interests, landscaping, tree planting, and aftercare.

Recommended Schedule of Conditions

I have undertaken, as appropriate, a detailed review and redraft of the submitted conditions including those in relation to the restoration of the site, having regard to the assessment of environmental effects from continuation of operations under the existing permission which is provided by the submitted ES. I have taken care to take into consideration, as far as appropriate and practicable, a possible scenario of the site's operation as a mineral site being extended beyond 2042, in which case full and final restoration of the site would necessarily be postponed accordingly. This prospect suggested by the anticipated progression of working, including for the indicative working scheme phases 5 and 6, which is indicated in the ES documentation. However, any such extension in time would be dependent on at least one new planning permission for the site being sought, and granted. It is self-evident that the authority is not in any position to foretell what planning decisions might be made on the acceptability or otherwise of any application that might be made in the future for such a permission. .

During the process of redrafting the conditions, I have discussed the proposed additions and variations with the applicant company. A total of 59 draft planning conditions are now proposed and these are set out in an appendix at the end of this report. The proposed redrafted conditions are not fundamentally different from those submitted (and amended), by the applicant company in terms of their scope. However, for the purposes of clarity, I have sought to combine all issues relating to the quarry complex into a single schedule of conditions and added a number of new conditions following detailed consultations with external consultees and the conclusions of the ES. Furthermore, in a number of instances, minor amendments to the wording for the conditions have been made to bring them in line with current environmental standards. I have made reference to all the relevant draft conditions below, as they would all be new to the original permission.

The Site and Scope of Conditions: (Condition 1): (submitted Condition 1 [SC1]): This condition has been amended to remove reference to minor amendments to the overall scheme.

Approved Details: (Condition 3) (SC3): This condition has been expanded to make specific reference to the plans and documents submitted in support of the ROMP application, and remove reference to certain others such as phasing plans which have been substituted by revised versions, and plans showing indicative working phases 5 and 6 (to which comments under SC7 below relate) .

Buildings, Fixed Plant and Machinery: (Condition 6) (New Condition 1 [NC1]): This condition has been added to ensure that all new fixed plant and machinery would be of the same colour, or an approved colour

Quarry Extraction Limits: (Condition 8 (SC7)): The submission provides detailed predictive information relating to the progression of working of the quarry based on the projected long term extraction rate, This indicates that the anticipated extent of winning and working at the end date of the existing permission (set at 2042 by Schedule 5 to the Town and Country Planning Act 1990) does not exceed phase 4 under the indicative working scheme. The ES assessments in respect of particular impacts (such as traffic impacts) are also provided on this basis. The condition has been mended for clarity and to ensure consistency of the limits to extraction achievable by winning and working under the existing permission with winning and working at the projected long term extraction rate from 2018 up to 2042 (when winning and working under the existing permission must end).

Advance Planting: (Condition 9 (SC8)): The condition has been amended to make better provision for the survey, review and management of existing screen planting, as well as the identification of those areas where additional advance planting needs to be undertaken.

Protection of Site Boundaries: (Condition 11 (NC2)): This condition has been added to ensure that all stone capable of being used in the repair, maintenance and construction of drystone walls as part of the restoration of the site, is retained on site.

Quarry Biodiversity Action Plan: (Condition 13 (SC11)): The condition has been amended to include peregrine and reptiles, both of which have been identified as being present at the site.

Protected Species: (Conditions 14 (NC3) and 15 (SC13)): A new condition (Condition 14) has been inserted to deal with those ecological impacts and, subsequent required mitigation measures, would be required as a result of mineral extraction operations moving into Phase 2. Condition 15 (SC13) has

been amended accordingly to relate to future phases of working beyond Phase 2.

Peregrine: (Condition 16 (NC4)): This condition has been inserted to require the submission of a Peregrine Management Strategy for the site.

Breeding Birds: (Condition 17 (SC14)): This condition has been amended slightly to better reflect the timing of the bird nesting season, e.g March to August inclusive rather than March to July, as previously suggested.

Importation of Materials: (Condition 24 (NC5)): This condition has been added in replacement for the applicant's suggested condition to reflect the scope of the planning permission in respect of the importation of inert materials for restoration purposes, and to set out clearly those materials that could be imported to site to aid restoration and mineral processing at the site.

Noise Assessment: Building, Fixed Plant and Machinery: (Condition 31 (NC6)): This condition has been imposed to ensure that an assessment of potential noise impacts is undertaken prior to the installation of any fixed plant or machinery at the site.

Surface Water Drainage and Pollution Control: (Conditions 40 (SC35), 42 (NC8), 43 (NC9) and 44 (NC10)): These conditions have been inserted at the request of the EA to replace the applicant's submitted conditions 39, 41, 42 and 43. The conditions are imposed in order to better protect the underlying Principal Aquifer and to ensure that sufficient groundwater monitoring is in place.

Landscaping and Tree Planting: (Condition 48 (SC42)): The condition has been amended to reflect the later submissions made by the applicant with regard to the proposed rollover and to tie in with the requirements of the other recommended conditions.

Landscaping Management and Maintenance: (Condition 49 (NC10)): This condition has been added to ensure that any new planting is subject to a five year programme of management and maintenance and to ensure that there is 100 per cent replacement of failed planting within that timescale.

Aftercare: (Condition 58 (SC50)): I have made minor amendments to the condition to reflect the requirements of other conditions and the proposed restoration scheme.

Footpaths: (Condition 59 (NC12)): This condition has been imposed to ensure that appropriate measures are undertaken to ensure that suitable arrangements for the diversion of the public footpath are put in place.

Conclusion

ROMPs take place every 15 years from the date of either a previous review, or, if no review has taken place, from the date of the latest, substantive, mineral permission relating to the site. In this case, the base permission for the mineral working was granted on 4 January 1957 (planning permission code no ASR/1255/3 (ministerial code no 1884/40621/5).

The ROMP ensures that the conditions of the original permission are reviewed in line with modern environmental standards. The new and updated conditions will ensure continuation of the recovery of the remaining mineral reserves and complete a scheme of restoration, the principle of which was established in 1957. It is my opinion that the extensive and detailed discussions with the numerous consultees and the applicant company have resulted in the submission of a set of proposals that now address the requirements and environmental parameters of the above mentioned policies.

The schedule of conditions set out below has been agreed in principle between the relevant parties and, I believe, would bring appropriate updates and much improved control to mitigate against any significant environment impact as the proposed works progress at the quarry. In addition, the general methods of quarry working, landscaping, restoration and aftercare of this large mineral site would be brought in line with modern planning permissions and the requirements of the consultees.

In considering proposed changes to the scheme of conditions as submitted by the applicant, I have given appropriate consideration in each case to the potential effect on working rights, the economic viability of the operations concerned and the asset value of the site. I have taken into account the information provided by the applicant's submission, including the ES. In my opinion, taking the changes under the proposal for the new conditions now in the recommendation below as a whole, neither the working rights of the land or mineral owner, nor economic viability or asset value, would be significantly affected. As a result, I recommend that the committee authorises a determination of conditions for this ROMP permission on the basis of the draft conditions set out in Appendix, and also recommend that a notice, as is referred to in the 'Financial Considerations' section below (and as set out at Appendix B) can be issued.

(3) **Financial Considerations** Review submissions do not attract a fee.

There are potential compensation consequences from an Initial Review of an active site. The Council may be liable to compensation for loss or damage attributable to the scheme if:

- (i) it determines conditions which differ in any respect from those submitted by the applicant; and (ii) the effect of the alteration, compared with the conditions

which applied previously, is to restrict working rights at the site (other than through restoration and aftercare conditions); and (iii) the restriction is such as to prejudice adversely and to an unreasonable degree, the economic viability of operating the site or the asset value of the site. Where provisos (i) and (ii) are satisfied the Authority must issue a notice to say so, to identify the rights restricted and to say whether in its opinion the third proviso is satisfied or not.

In this case, the existing permission, so far as controlled by the existing conditions (to become the conditions which applied previously) lacks any fixed formal parameters for depth of working. Therefore in principle (ignoring what is proposed in respect of draft Condition 8) an operator is entitled to work indefinitely beyond the depth of working which draft Condition 8 would limit working under the permission to. It is evident from this that an alteration through the proposed new set of conditions will restrict the working rights. However, bearing in mind that the content of the applicant's submission and ES refers to predicted rates of extraction which such conditions would be consistent with, there does not appear to be any prospect of prejudice being caused to either the economic viability of operating the site or its asset value such as to being into play this third proviso.

(4) Legal Considerations This ROMP application falls under the provisions of Section 96 and Schedule 13 of the Environment Act 1995. The conditions recommended would enable a rationalisation of all the approved quarrying operations to a modern standard of environmental control and protection.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of approval being given subject to the conditions referred to in the Officer's Recommendations.

(5) Environmental and Health Considerations The review of mineral permissions is intended to update the conditions under which sites for winning and working minerals operate and are reclaimed for general environmental benefit.

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 No. 3.700R
Application documents received from GVA Grimley dated 28 January 1999, as superseded by the application documents dated January 2012 and accompanying Environmental Statement, supporting information and all related plans (various dates from January 2012 to 2015), Flood Risk Assessment dated December 2011, Noise Impact Assessment dated

December 2011, report ref R11.6743/3/AG, Ecological Scoping Report dated April 2010, Dust Impact Assessment dated December 2011 ref R11.6745/2/DW, Blasting and Vibration Report ref R11.6744/2/DW dated December 2011, Landscape Assessment dated November 2011, Transport Assessment dated July 2011, and Archaeological Assessment ref ULAS dated 2011: File 3.700R, Planning permission code no ASR/1255/3 dated January 1957: Report of the Public Inquiry dated 3 October 1956; letters/e-mails from the Environment Agency dated 30 May 2012 and 13 January 2016, from Natural England dated 4 August 2009, May 2012 and 24 March 2014, from Derbyshire Wildlife Trust dated 20 May 2012, from Hopton and Carsington Parish Council dated February 2014, from Peak District National Park dated 18 March 2014, letters/emails to Geoplan Limited dated 15 July 2014 and 24 July 2014, emails/letter from Geoplan dated July and October 2014.

(7) **OFFICER'S RECOMMENDATIONS** To authorise the Strategic Director to issue (A) the purposes of Paragraph 9 of Schedule 13 of the Environment Act 1995, a set of planning conditions to apply to the relevant permission ASR/1255/3 (1884/402621/5) for Bonemill Quarry that shall replicate or be substantially similar to the draft conditions set out in Appendix A to this report, and (B) a notice as required by Paragraph 10 (2) of Schedule 13 of the Environment Act 1995 in accordance with the wording in Appendix B to this report.

Mike Ashworth
Strategic Director - Economy, Transport and Environment

APPENDIX A

Bonemill Quarry ROMP: Recommended (Revised Schedule of) Conditions

Conditions

Site and Scope of Conditions

- 1) These conditions shall apply to the whole of the area shown as on drawing numbers B26/40 to B26/45a to which the Ministerial planning permission code no 1884/40621/5 (the 'relevant permission') relates, and shall supersede all the conditions in that permission with effect from the date that they take effect i.e. from **[specific date]**. From that date, the development shall be undertaken only in accordance with these conditions.

Reason: To establish control over and the extent of the development and hence, to protect local amenity.

Availability of Plans

- 2) From the date that these conditions take effect and until the completion of development, a copy of these conditions, including all documents, plans, drawings hereby approved, and any other plans, drawings or documents subsequently approved in accordance with these conditions, shall always be kept available at the Bonemill Quarry site office during working hours for inspection during the prescribed working hours.

Reason: To clarify the details of the application that have been approved and the scope and extent of the planning conditions.

Approved Details

- 3) The development to which the relevant permission relates shall only be undertaken in accordance with the following documents unless otherwise required by the conditions below:
 - Application documents received from GVA Grimley, on behalf of Longcliffe Quarries Ltd dated 28 January 1999, as updated and/or supplemented by the Environmental Statement and supplements prepared by Geoplan dated December 2011, as amended by including the following:
 - Drawing No. B26/33 – Location Plan
 - Drawing No B26/38 dated April 2012
 - Drawing No B26/40 - Development Phase 1
 - Drawing No B26/41 - Development Phase 2
 - Drawing No B26/42 - Development Phase 3

- Drawing No B26/43 - Development Phase 4
- Drawing No B26/35v2 – Existing Vegetation and Topographic Survey
- Drawing No. B26/40a – Development Phase 1 Current Quarry Area with Plant Area at 290mAOD
- Drawing No B26/46 – Concept Restoration Scheme
- Archaeological Impact Assessment (ULAS report No 2011-017) dated February 2011
- Transport Impact Assessment dated July 2011
- Landscape Assessment Plan prepared by Geoplan dated November 2011
- Information relating to landscape rollover principles
- Visual Impact (345 level) Plan dated July 2011
- Visual Assessment Plan dated July 2011
- Ecological Report prepared by Peak Ecology dated April 2010
- Great Crested Newt Survey dated June 2010
- Flood Risk Assessment dated December 2011
- Vibrock dust assessment ref R11.6745/2/DW
- Vibrock Noise Report ref R11.6743/3/AG
- Vibrock Blasting Impact Report ref R11.6744/2/DW
- Borehole information following dates: 1986, 2004, 2011 and 2014
- 2 no letters from Geoplan, both dated 5 May 2015, confirming no import of waste and providing detailed information relating to the chemical composition of the stone at Bonemill Quarry respectively

Reason: To ensure the accordance of the details of the working and to take place under the relevant permission with the details for the working indicated under the submitted documents.

Duration of Works

- 4) The winning and working of minerals and the depositing of mineral waste must cease not later than 22 February 2042.

Reason: For the avoidance of doubt and in conformity with paragraph 1(5) of Part 1 of Schedule 5 of the Town and Country Planning Act 1990 which has the effect of imposing such a condition (since the date of the expiration of the period of 60 years beginning with the date of February 22 1982 is 22 February 2042).

Buildings, Fixed Plant and Machinery

- 5) Notwithstanding the provisions of Article 3 and Part 17A of Schedule 2 of the Town and Country Planning (General Permitted Development) (Order) 2015, as amended, except as authorised or required by this permission or with the written approval of the Mineral Planning Authority, no fixed plant or machinery, buildings, structures or erections, shall be erected, extended, installed, replaced, repaired or altered, other than in the area

shown hatched blue on development drawings B26/40a and 45a attached to this permission.

Reason: To enable the Mineral Planning Authority to consider any proposed further development in those parts of the site, other than the area on the drawing referred to, where any such development might have an unacceptable impact upon amenity and the environment, to enable site restoration and in the interests of local amenity.

- 6) All new fixed plant shall be painted and/or clad using the colour BS18B25 (Merlin Grey), or such alternative specific standard type of colour which has received the prior written approval of the Mineral Planning Authority.

Reason: To protect local amenity.

- 7) All plant, buildings, structures and foundations associated with mineral extraction shall be removed from the site within three months of the completion of extraction, or as may otherwise be agreed with the Mineral Planning Authority.

Reason: To enable site restructure and in the interest of local amenity.

Quarry Extraction Rate and Limits

- 8) The winning and working of minerals under the relevant permission shall (1) not in any 12 month period exceed in overall volumes those which would be reasonably required to produce up to 750,000 tonnes of mineral for export and (2) only take place up to the dimensional limits of extraction shown on drawing number B26/43 (including those depths shown measured by metres Above Ordnance Datum).

Reason: to enable the Mineral Planning Authority to properly monitor the progress and ensure consistency with the indicated timing of key stages of the approved operations having regard to the restrictions on the timescale of the development, and in the interests of visual amenity.

Advance Planting

- 9) Advance planting shall be undertaken in accordance with a scheme that has received the written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than six months from the issue these conditions, and which shall be implemented as approved by the Mineral Planning Authority, shall include details of the following:
- i) existing advance planting carried out to date with a statement of its condition, including identification of visual gaps;
 - ii) details of advance planting to include species mix, condition and height of vegetation;

- iii) necessary remedial/management works for existing advance planting;
- iv) proposed additional advanced planting and a schedule of planting dates;
- v) details of advance planting to include location, species mix, size of stock and planting spacings;
- vi) maintenance to include beating up of dead, dying or missing stock (in accordance with the requirements of Condition 49 below), fertilizing and weed control for a period of not less than five years;
- vii) regular monitoring arrangements; and
- viii) measures for review and remediation if, in the opinion of the Mineral Planning Authority, potential visual mitigation provided by advanced planting is not achieving the desired effects as set out in approved documents.

The scheme, as approved, shall be implemented accordingly.

Reason: In the interests of protection of visual amenity.

Protection of site Boundaries

- 10) All existing drystone walls and fences, and any new fencing around the site boundaries shall be maintained throughout the period of operations until the aftercare of the site has been completed. All existing drystone walls and fences, and any temporary fences within the site, shall be maintained until they are removed in accordance with the phases of working, as shown on drawing nos B26/40 to B26/43. There shall be no soil stripping or storage, excavation or site traffic within the buffer zone(s) identified in the scheme approved for the purposes of the Quarry Biodiversity Action Plan as referred to in further in Condition 13 below.

Reason: To provide protection to existing planting.

- 11) Any dry stone wall material resulting from boundary removal, as part of the site works, shall be stored and reused on site for the maintenance of existing drystone walls, or towards the erection of new walls which form part of the landscape restoration scheme, as set out on drawing number B26/4.

Reason: To ensure the satisfactory restoration and management of the site for the duration of the development.

Woodland, Tree and Shrub Protection Scheme

- 12) No operations in any phase of working shall be begun before a scheme or schemes, for the protection and conservation of the existing woodland, trees and shrubs to be retained on the site, has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall

be implemented as approved by the Mineral Planning Authority, and shall include the following details:

- i) a detailed tree survey and drawing showing the location of trees and shrubs to be retained, including a buffer zone of land to remain undisturbed by mineral extraction of not less than 6m for shrubs, extended to a minimum of 10m radius from the bole of the isolated mature Sycamore tree on the western boundary of the site (or larger where identified by the Root Protection Areas in accordance with BS 5837) where no soil stripping or storage, or excavation or trafficking of vehicles and plant shall take place;
- ii) a scheme and drawings detailing Root Protection Areas identified in accordance with BS5837 for each area, tree and shrubs to be retained, including details of fencing to be provided to delineate each Root Protection Area and a programme for provision and maintenance of the fencing for the duration of the development;
- iii) provision for regular inspection of the trees by representatives from the company and the Mineral Planning Authority;
- iv) proposals for the five year management and maintenance of trees and shrubs; and
- v) a programme of implementation.

Reason: To ensure the protection of existing and proposed trees and vegetation at the site, and in the interests of reducing landscape and visual impacts.

Quarry Biodiversity Action Plan

13) Biodiversity within the site and on adjacent land in the applicant's control (in agreement with the Mineral Planning Authority), shall be maintained, managed and developed in accordance with a Quarry Biodiversity Action Plan that has received the written approval of the Mineral Planning Authority. The Plan, which shall be written no later than 12 months from the date of these conditions, shall be implemented as approved by the Mineral Planning Authority, and shall include the following details:

- i) reference to the appropriate national and local Biodiversity Action Plan framework;
- ii) baseline description of location, abundance, and condition of priority habitats and species on site – woodland, species rich grassland, rock exposure, bare ground, bat, badger, breeding birds, great crested newt, peregrine and reptiles;
- iii) identification of existing and proposed Quarry Biodiversity Action Plan management compartments;
- iv) management objectives for habitats and species;
- v) targets – description and quantification of priority habitats to be maintained, restored or created as part of the approved restoration

- scheme and, for priority species, the quantity and description of specific habitat maintenance, enhancement or creation;
- vi) a programme of implementation, related to the phases of the quarry development;
 - vii) provision for regular reporting, monitoring and review of the action plan, and progress towards targets, with a full review of the plan every five years, including participation in the national Biodiversity Action Reporting System (BARS).

Reason: To ensure that all Biodiversity interests are protected.

Protected Species

- 14) Within 12 months of the date these conditions come into effect, an ecological mitigation strategy for Phase 2 shall be submitted to, and approved in writing by the Mineral Planning Authority. The strategy shall include detailed proposals for mitigation in relation to:
- the loss of Hopton Slurry Pond Local Wildlife Site;
 - the likely impacts on the population of great crested newts known to occur in the Hopton Slurry Pond Local Wildlife Site;
 - other protected and notable species which might be associated with the Hopton Slurry Pond Local Wildlife Site (including, but not necessarily limited to, botanical interests, breeding birds, reptiles, as well as an assessment of the open water using the Predictive System for Multimetrics (PSYM) or equivalent methodology;
 - protected and notable habitats and species which might occur outside of the Local Wildlife Site but be affected by working within Phase 2;
 - areas of habitat of identified interest to be retained or translocated;
 - advance habitat creation works to incorporate the mitigation measures identified; and
 - a programme of implementation.

The strategy shall be informed by surveys of Habitat and protected species, and notable botanical species, whilst allowing for any species licences which might be required in order for work in the new phase to commence. The surveys shall also include an assessment of any invasive species constraints. Habitat creation proposals which seek to mitigate for the loss of Hopton Slurry Ponds Local Wildlife Site, shall not result in the net loss of habitats of existing ecological value within the site, particularly the Ryder Point Slurry Pond Local Wildlife Site. The programme and any approved mitigation measures shall be implemented in accordance with the details as approved by the Mineral Planning Authority.

Reason: To ensure that adequate protection is provided to all protected species on or close to the site and that advance habitat creation works are undertaken prior to the commencement of operations in Phase 2.

- 15) Prior to the commencement of any soil stripping or extraction operations within any future phase(s) of working beyond Phase 2, in so far as they relate to the time period identified in Condition 4 above, a Protected Species and Notable Biological Species mitigation strategy for that phase shall be submitted to, and approved in writing by the Mineral Planning Authority in consultation with Natural England. The strategy shall include detailed proposals for mitigation in relation to:

- both protected and notable biological species;
- areas of habitat of identified interest to be retained or translocated; and
- a programme of implementation.

The strategy shall be informed by surveys of Protected Species and Notable Botanical Species carried out in the appropriate season immediately preceding the proposed commencement. These surveys shall include an assessment of any invasive species constraints. The programme and any approved mitigation measures shall be implemented in accordance with the details as approved by the Mineral Planning Authority.

Reason: To ensure that adequate protection is provided to all protected species on or close to the site.

Peregrine Falcon

- 16) Within six months of the date that these conditions come into effect, a Peregrine Management Strategy for the Bonemill Quarry site shall be submitted to the Mineral Planning Authority for its written approval. The Strategy, which shall be implemented as approved, shall make provision for the following:
- i) checks to identify the location of peregrine nests at the start of every nesting season in each operational phase; and
 - ii) the submission of mitigation/management measures in the event that peregrine are found to be present.

Reason: In the interests of ensuring that peregrine are not affected by ongoing mineral extraction at the site.

Breeding Birds

- 17) No site clearance, soil stripping, vegetation clearance or tree removal shall be undertaken during the bird nesting season (March-August

inclusive) unless the operator can demonstrate that this is not possible, the written approval of the Mineral Planning Authority has first been obtained and a bird's nest check has been undertaken immediately prior to the works by a suitably qualified and experienced ecologist. Any nests found during such a check shall be protected from disturbance until all young birds have fledged.

Reason: To provide protection to breeding birds on or close to the site.

Archaeology

18) No development shall take place within any previously undisturbed areas until a phased programme of archaeological work has first been secured and is being implemented in accordance with a written scheme of investigation that has been approved in writing by the Mineral Planning Authority. The scheme of work shall be implemented as approved by the Mineral Planning Authority, and shall provide for, where appropriate:

- i) the implementation of and methodology for any recording works deemed necessary prior to any groundworks being carried out on site;
- ii) the implementation of and methodology for an archaeological scheme of work during the removal of topsoil and overburden in all phases;
- iii) the procedure for the excavation and recording of features or remains that are identified during the scheme of work;
- iv) the publication of the results in hard copy, and in digital form;
- v) transfer of relevant data to the County Historic Environment Record in digital form;
- vi) the deposit of the resulting project archive in an appropriate local museum or other suitable repository of the resulting archives; and
- vii) a programme of implementation.

Reason: To ensure that all archaeological interests are preserved and protected.

Hours of Operation

19) a) Except in the circumstances set out at b) below, no operations authorised or required by this permission, including vehicle movements to and from the site, or within the site, shall be carried out on the site except between the following times:

0600 hours to 1900 hours Monday to Friday;
0600 hours to 1300 hours Saturday.

No mineral working shall take place on Saturday afternoons, Sundays, Bank Holidays or other National Holidays without the prior approval of the Mineral Planning Authority.

b) The circumstances referred to at a) above are as follows:

- cases of emergencies affecting public safety, when the hours set out at a) above shall not apply;
- routine maintenance of plant and machinery, which, in addition to the hours set out at a) above, may be carried out between 1300 and 1700 hours on Saturdays; and
- emergency repairs to plant and machinery which may be carried out outside the hours set out at a) above, provided no machinery or plant is run or operated.

These hours of working shall not apply:

- to the operation of fixed static processing plant which shall be allowed to operate 24 hours a day/7 days a week.
- To the loading of minerals for despatch and movement of vehicles to and from the public highway.

Reason: In the interests of protection of amenity.

Access and Traffic

- 20) The sole vehicular access to the Site for all heavy goods vehicles (HGVs) shall be by way of the existing quarry site entrance off the unnamed road which connects the A5012 and B5035, as identified on Figure 1.2 in the Transport Assessment submitted as Appendix 8 to the Environmental Statement. Access to the site for cars and HGVs shall be via the archway on Marystones Lane.

Reason: To control access into the site in the interests of local amenity, highway safety and the environment.

- 21) The surfaced internal access road from its junction with the public highway (A5012) to the quarry shall be maintained in a good state of repair at all times throughout the duration of this permission and shall be kept clean of mud, other dirt, slurry and stones.

Reason: On the grounds of highway safety.

- 22) No goods vehicle loaded with extracted or processed stone less than 75mm in size shall leave the site un-sheeted.

Reason: On the grounds of highway safety.

- 23) No mud, debris or other dirt shall be carried from the site on to the public highway.

Reason: On the grounds of highway safety.

Importation of Materials

- 24) No materials shall be brought onto site, except:
- a) Such soils, soil forming materials and soils ameliorants as may be required for the purposes of the restoration scheme set out on drawing number B26/46 – Concept Restoration Scheme; and
 - b) Materials used in the extraction or processing of minerals from or the manufacture of products from the site including the operation of the existing bagging plant and ready mix concrete plant.

Reason: To ensure that the quarry workings are not impeded and all available soils on site are conserved and reused on completion of the phased mineral working.

Noise

- 25) Except as provided by Condition 26 below, all noise generated by operations on the site and received at each of the noise sensitive locations specified in the table below, expressed as a L_{Aeq} , 1 hour, shall not exceed the following:

Noise Receptor	Daytime (dB)	Night time (dB)
Eniscloud Meadow Farm	55	42
Arm Lees Farm	52	42

Where daytime means the hours between 0600 and 1900 on any day and night time means the hours between 1900 and 0600 on any day.

Reason: In the interest of protection of amenity.

- 26) The noise limits referred to in Condition 25 above and received at the noise sensitive properties specified in that condition, may be exceeded for a total period not exceeding eight weeks in any calendar year for noise emitted from operations at the site, provided that:
- a) the noise is emitted from operations relating to the stripping of soils and overburden, and formation of soil storage bunds and their subsequent re-use for restoration; and
 - b) at no time shall noise received at these properties exceed 70 dB(A) L_{Aeq} , 1 hour, free field.

Reason: In the interests of protection of amenity.

- 27) Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions, on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: In the interests of protection of amenity.

- 28) The reversing alarms on all vehicles on the site and visiting the site shall not emit a noise that would have an adverse impact on local amenity. Reversing warning devices shall be either non-audible, ambient-related or low-tone devices.

Reason: In the interests of protection of amenity.

- 29) No piling, dynamic compaction, or use of vibrating rollers, shall occur on the site before a scheme has been submitted to, and approved in writing by the Mineral Planning Authority, detailing the provisions to be made for the control of associated noise and vibration. All such activities must take place only in accordance with the approved scheme.

Reason: In the interests of protection of amenity.

Noise Monitoring Scheme

- 30) Noise levels from the site shall be monitored in accordance with a scheme that has been submitted to, and approved in writing by, the Mineral Planning Authority. The scheme shall be submitted no later than three months from the date of issue of these conditions, shall be implemented as approved by the Mineral Planning Authority and shall include details of the following:

- i) noise monitoring locations which, for the avoidance of doubt, should include those in the vicinity of the plant site;
- ii) details of monitoring equipment to be used;
- iii) monitoring periods;
- iv) frequency of monitoring;
- v) the recording of the monitoring results, including provision for the results to be made available to the Mineral Planning Authority, on request; and
- vi) a programme of implementation.

Reason: In the interests of protection of amenity.

Noise Assessment: Building, Fixed Plant and machinery

- 31) Prior to the erection of any fixed plant or machinery at the site, an updated noise assessment shall be submitted to the Mineral Planning Authority for its written approval. The assessment shall include the following details:
- i) details of the plant to be installed;
 - ii) updated predicted noise levels associated with the operation of that plant;
 - iii) an assessment of the predicted noise levels in the context of the requirements of Condition 25 above;
 - iv) details of any mitigation measures required to ensure that the requirements of Condition 25 are met; and
 - v) a programme of implementation.

Reason: To ensure that noise impacts associated with the installation of fixed plant at the site would be minimised in the interests of local amenity.

Dust

- 32) At all times during the carrying out of the operations authorised or required by these conditions, water bowsters, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emission of dust from the site. No vehicles used for the movement of materials shall be equipped with downward pointing exhaust pipes. At such times as the prevention of dust nuisance by these means is not possible, movements of soils and overburden shall temporarily cease until such times as weather conditions improve.

Reason: To control dust emissions in the interests of protection of amenity.

Dust Monitoring

- 33) Dust emitted from operations shall be monitored in accordance with a scheme that has been submitted to and approved in writing by, the Mineral Planning Authority. The scheme, which shall be submitted no later than three months from the date of issue of these conditions shall be implemented as approved by the Mineral Planning Authority, shall take account of the 'Dust Assessment' report by Vibrock that was submitted in the Environmental Statement, and shall include details of the following:
- i) Monitoring objectives.
 - ii) Location and number of monitoring locations.
 - iii) Duration and frequency of monitoring.
 - iv) Proposed analysis of deposits.
 - v) Provision for results to be made available to the Mineral Planning Authority.

- vi) Trigger levels and action plan if trigger levels exceeded.
- vii) Mitigation measures if required.
- viii) Proposals for reviewing and updating the above.
- ix) A programme of implementation.

Reason: In the interests of protection of amenity.

Blasting and Vibration

34) No blasting shall be carried out except between the following times:

0900 to 1700 hours Mondays to Fridays
1000 to 1200 hours Saturdays.

There shall be no blasting on Sundays, Public Holidays or National Holidays.

This condition shall not apply in cases of emergency when it is necessary to carry out operations in the interests of safety. The Mineral Planning Authority shall be notified immediately by telephone of the nature and circumstances of any such event, and this shall be confirmed in writing within three working days.

Reason: In the interests of protection of amenity.

35) Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts measured over any period of six months and no individual blast shall exceed a peak particle velocity of 12mm/sec as measured at any occupied vibration sensitive building in accordance with the scheme approved under Condition 40. The measurement of ground vibration shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

Reason: In the interests of protection of amenity.

36) Ground vibration as a result of blasting operations measure at or in close proximity to any offices or any commercial premises not in the ownership or control of the applicant shall not exceed a peak particle velocity of 12.8mm/second in 95% of all blasting events over a six month period, and no individual blast event shall generate a peak particle velocity in excess of 15mm/second. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.

Reason: To limit ground vibration to protect nearby commercial property.

- 37) The operator shall take steps to minimise the effects of air overpressure arising from blasting operations in accordance with a scheme that has received the written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than three months from the date these conditions take effect and which shall be implemented as approved by the Mineral Planning Authority, shall have regard to blast design, methods of initiation and the weather conditions prevailing at the time.

Reason: In the interests of protection of amenity.

Secondary Blasting

- 38) No secondary blasting shall be carried out without the written approval of the Mineral Planning Authority apart from blasts employing the 'Boulder Blasting' technique*.

* For the avoidance of doubt, for the purposes of these conditions, boulder blasting can be described as the following procedure: A metal cap containing a shotgun cartridge is locked into a drilled hole and a protective mat placed round the boulder. The cartridge is fired from a safe distance by pulling a drawstring attached to a trigger device.

Reason: In the interests of protection of amenity.

Blast Monitoring Scheme

- 39) Blasting operations and the resultant vibration and air overpressure at the site shall be monitored in accordance with a scheme that has received the written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than three months from the date these conditions take effect and which shall be implemented as approved by the Mineral planning Authority, shall include the following details:

- i) Blast monitoring locations and frequency of monitoring.
- ii) The monitoring equipment to be used and the parameters to be measured.
- iii) Measures to be taken in the event of a complaint.
- iv) Presentation of results to the Mineral Planning Authority.
- v) A programme of implementation.

Reason: In the interests of protection of amenity.

Surface Water Drainage and Pollution Control

- 40) No operations in any future phase of working, as illustrated in the application details, shall be begun before a scheme or schemes illustrating the proposed disposal of foul drainage has been submitted to

and approved in writing by the Mineral Planning Authority. The scheme shall then be implemented as approved.

Reason: The site is located in Source Protection Zone 1 and on a Principal Aquifer. The condition is imposed in order to prevent pollution of the water environment and to ensure the protection of the underlying Principal Aquifer.

- 41) Any facilities for the storage of oils and fuels shall be provided with secondary containment that is impermeable to the oil, fuel and water, for example a bund, details of which shall be submitted to the Mineral Planning Authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment, the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All filling points, vents, gauges and sight gauges must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and ensure the protection of the underlying Principal Aquifer.

- 42) The surface water drainage system of the surrounding land shall not be interrupted. Provision shall be made to ensure that all existing drainage systems continue to operate effectively.

Reason: To ensure that no surface water systems are prejudiced by the proposed works.

Groundwater

- 43) Deep Borehole Soakaways should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water disposal, to include measures for the control, storage and discharge of floodwaters, shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure the protection of controlled waters, including the Principal Aquifer underlying the site. Deep borehole soakaways will not

be considered appropriate once the quarry floor is deepened closer to the water table.

- 44) Notwithstanding the details submitted for the proposed development of the site, there shall be no quarry development below the highest natural groundwater table without the written consent of the Mineral Planning Authority.

Reason: To ensure the protection of the underlying Principal Aquifer. Any quarrying below the highest natural groundwater table will require de-watering. De-watering could impact on groundwater dependent receptors in the area. As such, this condition is to ensure no derogation of water features in the area.

- 45) The development hereby permitted shall not be commenced until such time as a groundwater monitoring scheme has been submitted to, and approved in writing by the Mineral Planning Authority. The scheme shall be implemented as approved.

Reason: To establish the highest natural groundwater level(s) for the site of the relevant permission. Currently, no de-watering is undertaken at the site. Although the highest groundwater level has been estimated to be at 180m AOD, this is not based on any data specific to the site.

External Lighting

- 46) The extent of existing lighting at the site shall be established in a survey to be carried out and the results submitted to the Mineral Planning Authority, within six months from the date of issue of these conditions. From the date of these conditions, no additional external lighting shall be installed at the processing plant site without the prior written approval of the Mineral Planning Authority.

Reason: To ensure that site lighting does not cause loss of amenity to the residents of the area.

Rubbish, Scrap and Other wastes

- 47) All rubbish, scrap and waste material generated on the site, other than that derived from extraction, treatment and processing of minerals, shall be stored in clearly marked areas or containers until such time as they can be properly disposed of at an appropriately licensed facility.

Reason: To ensure that the site remains clear of unwanted debris.

Landscaping and Tree planting

- 48) The site shall be restored and landscaped in accordance with a detailed scheme or scheme(s) (Restoration Methodology and Landscaping

schemes) that have been submitted to and approved in writing by the Mineral Planning Authority, and implemented as approved by the Mineral Planning Authority. The schemes, which shall be submitted to the Mineral Planning Authority no later than six months prior to the commencement of extraction in any Phase approved by Drawings B26/40 to B26/45, shall relate to the general principles of conserving and enhancing the White Peak Plateau Pastures and Limestone Dales Landscape Character, visual mitigation and nature conservation, as generally set out in the Environmental Statement dated December 2011, and all supplementary information. The submitted scheme(s) shall include the following:

- i) details of the phased restoration areas, including estimated timescales;
- ii) a detailed soil and subsoil movement schedule, including soil replacement (types of soil, locations, depths, sequence and handling arrangements);
- iii) the phased planting of trees, shrubs and hedgerows in the first planting season following the replacement of topsoil;
- iv) the location, species, size and spacing of trees, shrubs and hedgerows which shall include a percentage of plants of local provenance and be in accordance with the species mix as appropriate for the relevant Derbyshire Landscape Character type;
- v) details of habitat translocation, substrate translocation and natural regeneration proposals;
- vi) protection of newly planted stock and provision for removal of tree guards when no longer required;
- vii) the objectives of the rollover, including sections and detailed gradients;
- viii) objectives of the grassed areas, the proposed seed mixes;
- ix) fertilisers and weed-killers to be used, if applicable, and their rates of application;
- x) repair and maintenance of existing drystone walls and the location of any proposed drystone walls;
- xi) fencing (if appropriate) and gates;
- xii) restoration blasting; and
- xiii) a programme of implementation of the above.

The scheme/s shall then be implemented accordingly.

Reason: To ensure that the site is restored appropriately.

Landscaping Management and Maintenance

- 49) For the first five years following implementation of each phase or phases of planting, planting shall be maintained in accordance with the principles of good forestry and husbandry, and any hedgerow plants, trees and shrubs which die or become seriously damaged, diseased or are missing,

shall be replaced with plants of the same species or such alternative species as have received the approval in writing of the Mineral Planning Authority.

Reason: To ensure that landscaping implemented by virtue of this permission is managed, monitored, maintained and successfully established in accordance with a detailed scheme approved by the Mineral planning Authority, in the interests of visual amenity and local landscape character.

Protection of Soils

- 50) The Mineral Planning Authority shall be given at least seven days' notice in writing of the commencement of any phase of soil stripping operations or other movement of soils.

Reason: To enable the Mineral Planning Authority to monitor soil stripping works.

- 51) No plant or vehicles shall cross any area of unstripped topsoil or subsoil except where such trafficking is essential and unavoidable for undertaking permitted operations. Essential trafficking routes shall be clearly marked on the ground by stakes or other means. No part of the site shall be excavated, traversed, used for a road, for the stationing of plant or buildings, storage of subsoil or overburden, waste or mineral deposit, until all available topsoil and subsoil have been stripped from that part.

Reason: To ensure that any soils remain in an acceptable condition.

- 52) No topsoil and no subsoil shall be stripped unless they are in a dry and friable condition. No soils shall be moved:
- i) during the months of November to March inclusive, unless otherwise approved in writing by the Mineral Planning Authority (this shall only be considered on the basis of a soil assessment carried out by a qualified person);
 - ii) when the soil to be moved or trafficked upon has a moisture content that is equal to, or greater than that at which the soils become plastic, (tested in accordance with the 'worm test' as set out in BS 1377:1975 'British Standards Methods Test for Soils Civil Engineering Purposes'; and
 - iii) when there are pools of water on the soil surface.

Reason: To ensure that any soils remain in an acceptable condition.

Soil Storage

- 53) There shall be no excavations, stocking or storage of soils, overburden or other materials, or any other operations connected with the wining and working of minerals, outside the areas shown on drawing nos: B26/40 to B26/45a inclusive.

Reason: In the interests of protection of visual amenity.

- 54) All topsoil and subsoil shall be stored in separate mounds. Topsoil storage mounds shall not exceed 3m in height. Subsoil mounds shall not exceed 5m in height. The mounds shall be constructed with the minimum amount of compaction. They shall not be traversed by heavy plant or machinery except where essential for purposes of mound construction or maintenance. They shall not subsequently be moved until required for restoration. If continuous mounds are used, dissimilar soils shall be separated by a third material which has been approved in writing by the Mineral Planning Authority.

Reason: To ensure that any soils remain in an acceptable condition.

- 55) All storage mounds to remain in situ for more than three months shall be grass seeded and managed in accordance with a scheme that has received the prior written approval of the Mineral Planning Authority. The scheme shall include a schedule to maintain the mounds free of weeds such as docks, thistles and ragwort. 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 soil stripping, as notified to the Mineral Planning Authority under the terms of Condition 50.

Reason: On the grounds of visual amenity.

- 56) All topsoil and subsoil shall be retained on site. No later than three months from the stripping and formation of storage mounds in each calendar year, the quantities shall be measured and recorded on a plan showing the area of stripped topsoil and subsoil, the location of each storage mound and the quantity and nature of the stored materials.

Reason: To ensure that any soils remain in an acceptable condition.

- 57) No plant or vehicles shall cross any area of replaced and loosened ground, replaced subsoil, or topsoil except where essential and unavoidable for the purposes of carrying out ripping and stone-picking, or otherwise treating such areas. Only low ground pressure machines shall work on prepared ground. Soils shall be lifted into position and levelled by equipment that is not standing on re-laid topsoil or subsoil.

Reason: To ensure that any soils remain in an acceptable condition.

Aftercare

58) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted and approved in writing by the Mineral Planning Authority. The scheme for the whole site or any part of the site shall be submitted no later than six months prior to the programmed completion of restoration of any part of the site in accordance with the other conditions of this permission. The submitted scheme(s) shall provide for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland and nature conservation during a five year aftercare period, and shall include details of:

In the case of land restored for use for agriculture:

- i) the removal of any stone exceeding 100mm in any dimension, any wire or other object which would impede the cultivation of the land;
- ii) fertiliser applications based on soil analysis;
- iii) cultivations, seeding and crop management;
- iv) pruning regimes of hedgerows;
- v) weed control;
- vi) field drainage;
- vii) field water supplies
- viii) grazing management;
- ix) protection from poaching by grazing animals; and
- x) maintenance of drystone walls and fencing.

In the case of land restored for use for woodland, tree and shrub planting:

- i) beat-up replanting each season following planting of any dead, dying or missing stock to achieve a 100% stocking rate as required by Condition 49 above;
- ii) fertiliser applications based on soil analysis;
- iii) drainage;
- iv) weed control;
- v) removal of tree guards; and
- vi) maintenance of fencing.

In the case of land restored for use for nature conservation:

- i) habitat development;
- ii) grassland establishment and maintenance;
- iii) fertiliser applications based on soil analysis;
- iv) cultivation practices;
- v) watering and draining;

- vi) pond margins establishment
- vii) wetland maintenance; and
- viii) maintenance of fencing.

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

- b) The five year agricultural, woodland or nature conservation and amenity aftercare period for the site or each part thereof, shall commence on the date of the written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored or otherwise as agreed with the Mineral Planning Authority.
- c) Records of the agricultural, woodland and nature conservation and amenity aftercare 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, shall be submitted to the Mineral Planning Authority between 31 March and 31 May each year; and provision shall be made by the operators for annual meetings with the Mineral Planning Authority between June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Meetings as appropriate shall be arranged at regular intervals to inspect and evaluate progress in relation to the aftercare of the agricultural, woodland and nature conservation respectively.

Reason: To ensure that the site is restored to a satisfactory standard.

Footpaths

- 59) No operations in any phase of working shall be begun before a scheme or schemes illustrating the mitigation proposed to ensure that the public rights of way remain unaffected during the mineral workings and restoration works.

Reason: To ensure that adequate steps are in place to protect the existing public rights of way.

Notes to Applicant

1) Environment Agency

Water Abstractions

The Quarry is situated in very close proximity to the boundary of Midlands East & Central Area of the Environment Agency. The majority of the quarry lies within the Derbyshire Derwent catchment. The policy for this area is that

no new consumptive licences will be issued from the Carboniferous Limestone. For licences looking to abstract from surface water, licences are currently available but are subject to a very strict hands off flow restriction which only allows abstraction on average 17% of the time. This policy is under review, but it is thought it will not alter significantly. Any rainwater harvesting facility would not need an abstraction licence.

Dewatering

Appendix 4 of the Environmental Statement states that there will be no need to de-water the quarry.

The exemption for de-watering for quarrying and engineering operations was removed under the Water Act 2003. This has yet to go live, however, it is due for implementation in October 2012. From this date, all new abstractions for previously exempt activities (de-watering) will be licensable. Should any de-watering be proposed in future, this will require an abstraction licence. Please note that a Hydrogeological Impact Assessment will also be required to assess the level of impact on groundwater dependent receptors within the area from any de-watering proposed.

Mining Waste Directive

The applicant company should give due consideration to the requirements of the Mining Waste Directive. If the quarry operator/s believe(s) any works fall outside the scope of the directive, the Environment Agency will require a statement to register this decision.

Waste

The quarry operator should also ensure that any relevant permission/s are in place prior to re-locating the wastes from the north bund into the quarry void at 240m AOD during Phase 4. The operator should also ensure that sufficient sampling, analysis and risk assessment has been undertaken to ensure that there will be no risk to controlled waters from placing these materials into the quarry void.

If any waste is to be deposited at the site/quarry, the operator must contact the Environment Agency with regard to the requirement for an environmental permit.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer, as waste producer, therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

During the period of any construction works, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind, in any kind of

container which is being used and stored above ground, including drums and mobile bowzers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5,000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

2) Footpaths

The site is adjacent to, or crossed by, a number of public rights of way (High Peak Trail and Hopton Bridleway 19). The applicant should ensure that the rights and safety of all users of the rights of way are protected at all times. Further information regarding the diversion or stopping up (temporary or permanent) of the paths is available from Derbyshire County Council; ask for the Rights of Way section. A note to this effect should be appended to any consent granted.

3) Ecology

This planning permission does not absolve Longcliffe Quarries Limited or its operators at the site, from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005 to the Wildlife and Countryside Act.

APPENDIX B. Wording for notice required by Paragraph 10 (2) to Schedule 13 of the Environment Act 1995:-

(a) The County Council in the accompanying notice on your application (submitted on 28 January 1999, as amended by the Environmental Statement, and revised conditions submitted on 6 January 2012) for determination of the conditions which shall apply to land at Bonemill Quarry has determined conditions which differ in some respect from the proposed conditions set out in the application.

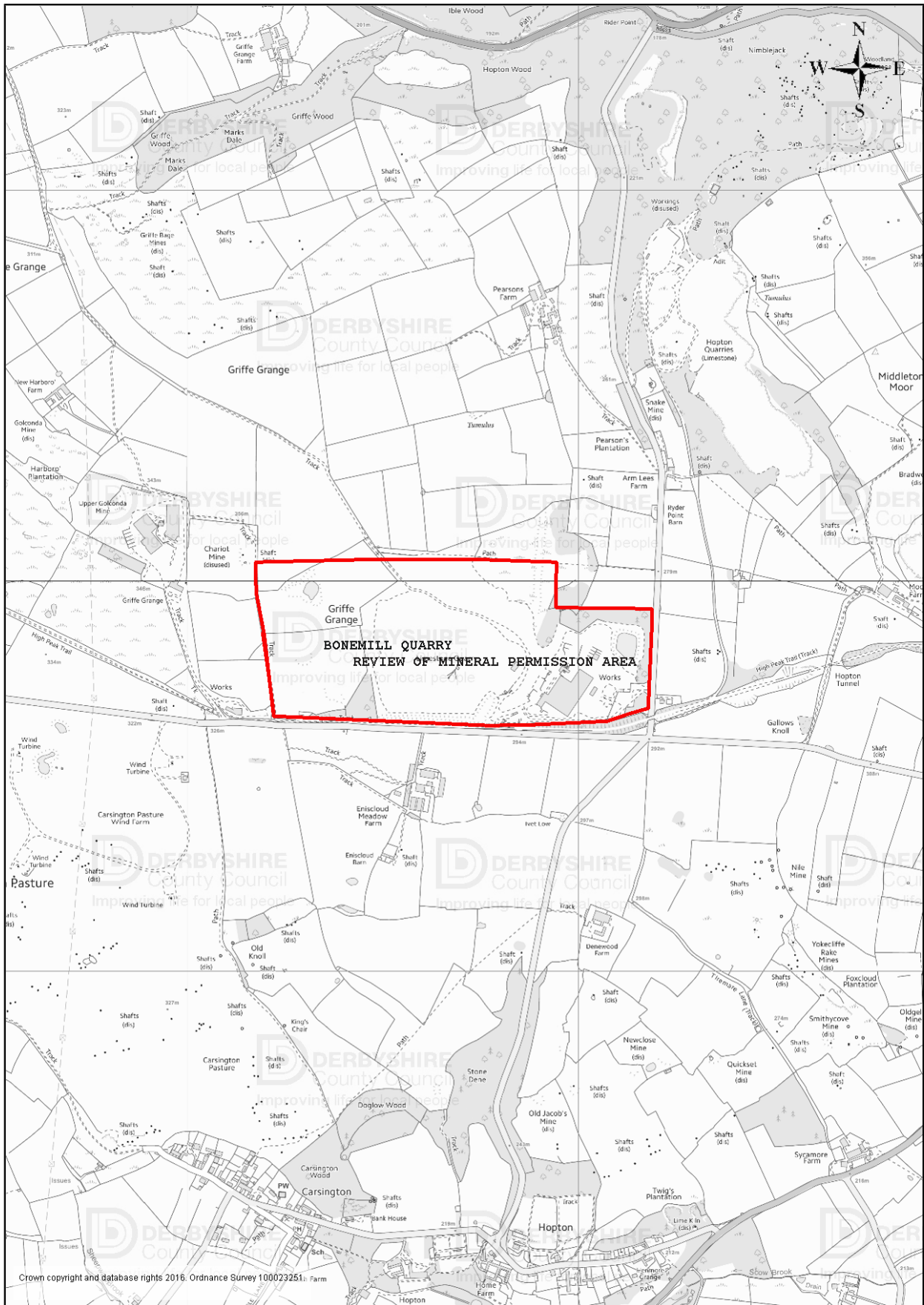
(b) The effect of the conditions determined by the Authority, as compared with the effect of the conditions (other than any restoration or aftercare conditions) to which the relevant planning permissions were subject immediately prior to the making of the determination, is to restrict the working rights (as specified in Schedule 13(5) of the Environment Act 1995) in respect of the site.

(c) The working rights so restricted are: the area used for the winning and working of minerals and the depositing of mineral wastes, and the rates and periods of mineral extraction. The restrictions are indirectly introduced by the imposition of conditions relating to improved controls over working times, working method (extraction of minerals), noise, dust, blasting and other environmental effects, drainage, quarry water discharges and pollution (including the protection of watercourses), mineral stockpiling, permitted development rights and appearance of plant, and requirements for archaeological work, the protection of wildlife, vegetation, and soil conservation.

(d) In the opinion of the Council the effect of the restrictions identified would not prejudice adversely to an unreasonable degree either the economic viability of the operating the site or the asset value of the site. In reaching that opinion the Council has had regard to the guidance issued by the Secretary of State in the National Planning Practice Guidance (NPPG).

(e) You have the right to appeal to the Secretary of State against the Council's opinion. If you wish to appeal, you must give notice to the Secretary of State within six months of the date of this notice.

BONEMILL QUARRY ROMP R3/0198/20



0 m 300 m 600 m

30 March 2016

Scale 1: 14321