

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY - PLANNING COMMITTEE**

**4 December 2017**

Report of the Strategic Director – Economy, Transport and Environment

- 1 APPLICATION TO NOT COMPLY WITH CONDITION 1 OF PLANNING PERMISSION REFERENCE CW1/1213/140 RELATING TO THE PREVIOUS PERMISSION TO NOT COMPLY WITH CONDITIONS 4 (CONSTRUCTION OF A SCREENING BUND) AND 22 (MOVEMENTS OF HEAVY GOODS VEHICLES) OF PLANNING PERMISSION CODE NO. CW1/0612/22 AT VICTORY QUARRY, FIELD FARM, BATHAM GATE ROAD, BUXTON  
APPLICANT: BARRY WOOD PLANT HIRE LTD  
CODE NO: CW1/0817/46**

**1.1308.10**

**Introductory Summary**

The application proposes permission for a further period of use of a site for the recycling of inert construction materials (clean soils, excavated materials and hardcore), imported from the local area at Victory Quarry for a further period of 10 years until 29 August 2027, and extended retention of a site screen mound, over the same period.

The previous permission for such use of the site included a condition requiring the use to cease by 29 August 2017. The previous permission has allowed the operator a temporary period in which to find an alternative location for the recycling operation and complete the restoration of the site.

The application has been assessed against the relevant development plan policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP), Derby and Derbyshire Minerals Local Plan (DDMLP) and the High Peak Local Plan 2016 (HPLP), as well as the national guidance contained in the National Planning Policy Framework 2012 (NPPF), National Planning Policy for Waste 2014 (NPPW) and the Planning Practice Guidance (PPG).

Further recycling at the site would involve the recycling of inert waste locally and avoid any need for transport for recycling further afield. The site, however, given its countryside location, is not considered an acceptable location in the longer term for this form of development. The development is not considered to be able to be made acceptable through the use of appropriately worded planning conditions or legal agreement regarding environmental impact compliance.

Although there would be economic, social and environmental benefits from the recycling, it is concluded that the benefits do not justify the further use of this site in open countryside for waste recycling.

The proposal does not comply with development plan policy relating to development in the countryside. The restoration benefit to be had from a further 10 year period of waste activities at the site would be very modest. The application is therefore recommended for refusal.

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

(2) **Information and Analysis**

### **The Site**

The application site has a site area of approximately 1.56 hectares (ha) and is located in an elevated, open location at Batham Gate, on the south-eastern outskirts of Dove Holes village, near Buxton. The site comprises a part infilled, steep sided, but relatively shallow limestone historic quarry void.

The site is located within an agricultural landscape 300 metres (m) to the east of the A6 and 2.7 kilometres (km) north of Buxton. There is a larger disused water filled former quarry void located 200m to the north (Local Wildlife Site HP068), to the south and east are isolated farms, small industrial/commercial buildings and residential properties.

The nearest residential properties are located off Longridge Lane, Dove Holes, 150m to the south-east and a farmhouse 200m to the south of the site. Access to the site is from Batham Gate Road to the south, via a long driveway to the farm and then via a hard surfaced track to the site.

### **Proposed Development**

This application was submitted under Section 73 of the Town and Country Planning Act 1990 (as amended) for permission for the development which would not be subject to the requirement of Condition 1 of planning permission CW1/1213/140 for the use to cease on 29 August 2017. The application proposes the extended use of the site for the recycling of inert construction materials (clean soils, excavated materials and hardcore), imported from the local area, and retention of a site screen mound for a further period up to 29 August 2027.

It is stated that up to 25,000 tonnes per annum of inert wastes, predominantly consisting of soils (70%) and hardcore (30%) are imported, then crushed and screened at the site. Crushing and screening operations take place when approximately 1,000 tonnes of inert waste have accumulated at the site in order to produce recycled aggregate, crushed hardcore and screened soils and subsoils which are sold to local businesses, the general public, local

authorities and utility companies. Recycling operations take place on the quarry floor and stockpile heights are limited to 3.5m in height.

Recycling operations have been carried out on a campaign basis throughout the year and are not a continuous daily operation. Traffic movements have been controlled by condition to 20 in/20 out per day Mondays to Fridays and 5 in/5 out on Saturdays. Vehicle numbers have been recorded and, although increasing over the last few years, were well within this limit with an average of 3.53 vehicles in June and July 2016-2017.

### **Site Planning Application History**

Several short term temporary planning permissions have been granted successively by the County Council, in relation to the restoration of a former quarry known as Victory Quarry, which this application site is within by infilling with inert waste materials. These are summarised below:

- Planning permission CW1/299/132 to extend an existing landfill site to restore an additional 2.5ha of land on land at Field Farm, Batham Gate Road dated 30 June 1999.
- Planning permission CW1/1003/114 Section 73 application to continue infilling and reclamation of a former quarry dated 10 March 2004.
- Planning permission CW1/0309/239 for development of part of (the former) Victory Quarry without complying with Condition 7 of planning permission CW1/1003/114 to allow landfilling and restoration until March 2014 dated 6 August 2010. Planning permission (Code No. CW1/0612/22 for the continued use of the site for the recycling of inert construction materials (soils, excavated materials and hardcore) for a further period of five years, in order to facilitate restoration of a former quarry site, with the construction of an amenity screen bund, was granted 13 March 2013 following the completion of a legal agreement containing obligations for the completion of restoration of the site.
- Planning permission CW1/1213/140 containing varied conditions (4 (construction of screening bund) and 22 (movements of heavy goods vehicles)), and extending the time period for the construction of the screening bund and varying the permitted number of heavy goods vehicle movements into and out of the site per day, also subject to a legal agreement, granted on 21 August 2014.

### **Consultations**

#### **Local Member**

Councillor Linda Grooby (Buxton North and East) has provided comments referring to insufficient dust suppression during crushing operations and use of haul road, and emphasising the need to comply with conditions relating to dust suppression systems, dust monitoring and operating hours.

## **High Peak Borough Council Planning**

The response identifies the relevant High Peak Borough Council (HPBC) Planning policies being E1, S2 and EQ3. E1 represents new employment development, S2 sets the broad principle that development in the countryside will be restricted and EQ3 specifies when development in the countryside may be appropriate. The Policy comments also advise that the County Council may wish to determine if there are any more suitably located sites that could accommodate the scheme.

## **Environmental Health Officer**

The Environmental Health Officer (EHO) stated they had *“no adverse comments with regard to this application bearing in mind the dust report, control measures to minimise dust, its screened location and absence of any significant noise issues including limited operation on site and low numbers of vehicular movements.”*

## **Wormhill Parish Council**

Was consulted with a request for comments by 2 October 2017. No response has been received.

## **Environment Agency**

Raised no objections.

## **Derbyshire Wildlife Trust**

Was consulted with a request for comments by 2 October 2017. No response has been received.

## **Highway Authority**

No response.

## **Lead Local Flood Authority**

No comments to make.

## **Publicity**

The application was advertised by site notice, neighbour notification and press advert (Buxton Advertiser) with a request for comments by 5 October 2017. Representations on the application have been received from nearby residents and businesses using the facility.

Residents' concerns raised relate to:

- Need for immediate completion of restoration as required by approved scheme.
- Lack of justification for extending temporary waste use for a further period.
- Conflict with development plan policy.

- Non-compliance with planning conditions attached to previous permission.
- Dust nuisance.
- Undue disturbance and detriment to residential amenity (including reference to engaging residents' rights under European Convention on Human Rights to respect for private life (Article 8) and to peaceful enjoyment of possessions (Article 1 of first protocol)).
- Ineffective liaison meeting arrangements.

The applicant has supplied seven representations supporting the application. Five of them represent local business customers of the applicant which have been delivering waste for recycling at the site. One of them is by the management of a County Council household waste recycling centre and the other is under an email from a County Council Officer (also regarding county council waste disposal). These representations concentrate on the following considerations:

- The applicant provides a convenient and important facility for recycling in the local area – no equivalent local facility being available in the area.
- Closure of the facility would have an adverse impact on businesses which have been using it since it would require them to travel elsewhere to dispose of inert waste.

## **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In respect of this proposal, the relevant policies of the development plan are contained in the saved policies of the DDWLP, DDMLP and the HPLP. Other material considerations include such statements of Government policy, as are set out in the NPPF, the National Waste Management Plan for England 2013, the NPPW 2014 and the PPG.

The DDWLP and DDMLP predates the NPPF and therefore the weight attributed to the relevant saved policies may need to be moderated, in line with their degree of consistency with the NPPF and NPPW. The HPLP was adopted in April 2016 and its policies are therefore up to date.

## **National Planning Policy Framework**

The NPPF states that local authorities taking decisions on waste applications should have regard to policies in the NPPF, so far as relevant. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Planning applications must still be determined in accordance with the development plan unless material considerations indicate otherwise. It states that the purpose of the planning system is to

contribute to the achievement of sustainable development. Relevant NPPF policies are contained in:

Achieving Sustainable development.

Chapter 1: Building a strong, competitive economy.

Chapter 2: Supporting a prosperous rural economy.

Chapter 4: Promoting sustainable transport.

Chapter 7: Requiring good design.

Chapter 11: Conserving and enhancing the natural environment.

### **National Waste Management Plan for England**

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal is contained within the NPPW document.

### **National Planning Policy for Waste**

The NPPF replaced many of the Planning Policy Statements, and the Waste Planning Policy Statement (PPS10) has been replaced by the NPPW. This document sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. It states that positive planning plays a pivotal role in delivering this country's waste ambitions through the delivery of sustainable development and resource efficiency, including provision of modern infrastructure, local employment opportunities and wider climate change benefits, by driving waste management up the waste hierarchy. Annex B: Locational Criteria is relevant. Key objectives of this Policy include helping to secure the re-use, recovery and disposal of waste without endangering human health and without harming the environment. It states that the concerns and interests of communities and business should also be reflected.

I consider that the most relevant development plan policies against which to assess the proposal are:

### **National Planning Policy for Waste**

Annex B: Locational Criteria.

### **Derby and Derbyshire Waste Local Plan Policies**

W1b: Need for the Development.

W2: Transport Principles.

W5: Identified Interests of Environmental Importance.

W6: Pollution and Related Nuisances.

W7: Landscape and Other Visual Impacts.

W8: Impact of the Transport of Waste.

W9: Protection of Other Interests.

W10: Cumulative Impacts.

W13: Sorting of Waste Before Disposal.

## **Derby and Derbyshire Minerals Local Plan**

Policy MP24: Secondary and Recycled Materials.

### **High Peak Local Plan Policies**

S1: Sustainable Development Principles.  
S1a: Presumption in Favour of Sustainable Development.  
S2: Settlement Hierarchy.  
S4: Maintaining and Enhancing an Economic Base.  
S6: Central Sub-area Strategy.  
EQ1: Climate Change.  
EQ2: Landscape Character.  
EQ3: Rural Development.  
EQ5: Biodiversity.  
EQ10: Pollution Control and Unstable Land.  
E1: New Employment Development.  
E2: Employment Land Allocations.  
E3: Primary Employment Zones.  
E5: Regenerating an Industrial Legacy.  
CF6: Accessibility and Transport.  
CF7: Planning Obligations.

The key planning considerations for this application are whether extending the period of use of the site for waste recycling for a further 10 years:

- would be contrary to the development plan, in respect of its countryside location;
- would be justified on an exceptional basis despite non conformity with the development plan.

### **Countryside Location**

The application relates to the proposed continuation of the importation and recycling of up to 25,000 tonnes per annum of inert waste over a 10 year period at the former Victory Quarry. The waste activities at Victory Quarry have their origin in an on-site crushing and screening of inert waste which provided infill material for agricultural restoration of the quarry land. Planning permissions have since been granted in relation to the quarry for further temporary periods between 2 and 5 years. When each of these permissions was granted, a time limit was regarded by the Authority as necessary because the site was considered to be an inappropriate location in the countryside for a permanent waste operation. The waste activities contributed significantly to the quarry restoration. The principle of indefinite waste use on the land has therefore not been established previously.

Waste recycling has become more efficient over the past 20 years, thereby enabling more waste to be recycled for re-use. This has had the effect of reducing the proportion of residual waste available for restoration purposes. The applicant has previously confirmed to the Waste Planning Authority that

these residual wastes tend to be soils with a high clay content. In essence, the efficiency of the recent recycling has diminished the residual waste remaining for infill for restoration. It was recognised, in reporting the 2012 application cited above to this Committee that the recycling was only contributing slowly to that restoration.

It that report and in the grant of that “temporary permission” it was recognised that the use of the land for waste recycling, being in its countryside location, was contrary to local planning policy and unacceptable except as a temporary basis for the further period up to August 2017.

This situation has not changed since the determination of that application; indeed the applicant has previously articulated to officers that restoration works could be undertaken in two days. A further working period of use for 10 years would be significant

The recently adopted HPLP sets out the spatial vision and strategy for High Peak up to 2031. The strategic objectives of the HPLP are grouped under three key themes:

- protecting Peak District character;
- enhancing prosperity; and
- promoting healthy and sustainable communities.

HPLP Policy S1: Sustainable Development Principles reflects these strategic objectives and aims to balance the need to make adequate provision for homes, jobs and services with the need to protect and enhance High Peak’s natural resource and heritage assets in the most sustainable way. The Spatial Strategy is key to delivering the overall vision for High Peak and seeks to achieve this through the three overarching themes outlined above.

HPLP Policy S2: Settlement Hierarchy forms a basis for taking forward the principles of the HPLP Spatial Strategy. It provides a framework to manage development in a sustainable way and to promote development in areas where services and facilities are available. The Policy defines the settlement hierarchy for the plan area and the broad approach to development within each tier of the hierarchy. Development is to be focused in market towns, with a moderate scale of development in larger villages. Outside these settlements development in smaller villages will be limited. In other rural areas, areas outside defined settlement boundaries “*development will be strictly limited to that which has an essential need to be located in the countryside*”.

The HPLP, therefore allows for some necessary development in the countryside, which requires countryside location, but requires business and industrial development to be focussed in settlements. A restrictive approach to countryside development is therefore embedded in the HPLP.



HPLP Policies S4: Maintaining an Economic Base and E1: New Employment Development support economic development. Policy S4 supports expansions of existing businesses but requires that, in the countryside, development should be in accordance with Policy EQ3. Policy E1 focuses employment development on sustainable locations, supports the development of the employment land allocations (Policy E2) and Primary Employment Zones (Policy E3) and development in accordance with Policy EQ3: Rural Development.

HPLP Policy EQ3: Rural Development reflects Policy S2 in maintaining a restrictive approach to development in the countryside. It states in the countryside the Council will strictly control development to protect landscape character whilst facilitating sustainable rural development. This will be achieved by *“supporting rural employment development in the form of home working, commercial enterprises and live-work units where a rural location can be justified”* and *“ensuring all development is of a high quality design and protects and enhances landscape character and the setting of the Peak District National Park”*.

The current application seeks a 10 year temporary permission for inert waste recycling (including quarry restoration) in a countryside location. In line with HPLP, specific regard and appropriate weight should be afforded to policies S2: Settlement Hierarchy and EQ3: Rural Development and, in doing so, consideration should be given to the question as to whether there is an essential need for a countryside location for such recycling.

As referred to above, HPLP Policy S2: Settlement Hierarchy directs development towards the most sustainable locations, according to a settlement hierarchy. Market towns are the largest settlements in High Peak comprising Buxton including Harpur Hill, Glossop including Gamesley, Chapel-en-le-Frith, New Mills and Whaley Bridge. These accommodate the majority of the Borough's population, services and facilities. The HPLP seeks to focus future growth in these settlements and to strengthen their role as service centres. These settlements are defined by a Settlement Boundary within which development of an appropriate scale and nature will be allowed.

The other rural areas comprise open countryside outside the market towns, larger villages and smaller villages, where further development is generally inappropriate other than to meet essential local needs and for rural activities. The rural areas also contain major developed areas which may be suitable for appropriate development or redevelopment.

Policy S2 states under the heading of Other Rural Areas *“...outside settlement boundaries of settlements.....development will be strictly limited to that which has an essential need to be located in the countryside....”*

Policy EQ3: Rural Development goes further stating “...*outside settlement boundaries and sites allocated for development ....the Council will seek to ensure that new development is strictly controlled in order to protect the landscape’s intrinsic character and distinctiveness, .....whilst also facilitating sustainable rural community needs, tourism and economic development.*”

Policy EQ3 firmly controls development outside settlement boundaries whilst allowing for certain exceptions. The first of these exceptions is cited by the applicant in support of the application. It is encouraging to development which would be “...*supporting the redevelopment of a previously developed site and/or the conversion of existing buildings for employment use provided it does not have an adverse impact on the character and appearance of the rural area*”.

This requires consideration of the scope of a “previously developed site” for the purpose of the Policy. It is not considered that it extends to cover a site which has been subject to a temporary waste use but which has never been subject to significant built development. Therefore, the site is not regarded as a previously developed site in this context.

In considering the undeveloped character of the site, it is also instructive to examine the NPPF. The NPPF defines previously developed land as: “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*”

In this case, the site is a former mineral extraction site which has benefited from restoration using infill taken from waste and, as such, is not considered to satisfy the NPPF definition of previously developed land set out above. The supporting statement submitted with the application nevertheless suggests that the site would come within this definition.

The applicant indicates that the company started as a plant hire business, that over the years it has diversified and now offers a range of contracting, excavation and recycling services from its single operating site at Batham Gate. The company employs 70 staff and it is claimed that the operating base is crucial to the company’s survival and an integral part of the operations is the continued ability to recycle. It is apparent that the company is a victim of its own success and clearly its operational requirements cannot be considered a

farm diversification enterprise as may originally have been the case when the company started almost 20 years ago as a plant hire business.

The 2013 and 2014 permissions were granted on the basis that, in the time up to August 2017, the quarry would have been restored. It was understood that over the period up to this, the company would take all steps available to it to relocate the recycling element of the business away from its countryside location. A relocation has not occurred but the applicant does not provide any evidence of any alternative sites it might have considered or any reasons why such sites have been discounted. The site is located to serve the area since there are no other nearby facilities of its kind locally. The applicant claims that the nearest such facilities are located in Alfreton and at Ryder Point. Although there is a waste site at Harpur Hill at Buxton, there are certainly few alternative recycling facilities currently open in the High Peak area. However, having regard to the HPLP, there are clearly a range of potential locations within settlement boundaries in the area, which might provide a suitable permanent site for this kind of facility. There is no apparent reason why the applicant should not seek to secure control over such a site and planning permission for it as a permanent location for such a facility.

Officers, whilst having regard to the limited evidence provided by the representations from businesses in support of the retention of the facility, are of the opinion that there is no essential need for a continuing countryside location for an inert waste facility in the vicinity of this site. This is fundamental in the consideration of the planning merits of the development.

Officers have therefore considered the business case and history of the use of the site. In its favour, the recycling activities are well screened, partly because of a landscape bund erected to screen the site from public views. The character of the working at Victory Quarry has evolved from what was originally a waste handling and former quarry restoration exercise to a temporary waste use which has ceased to contribute significantly to any restoration. This is largely due to the changed nature of inert waste processing, which is now predominately recycling of waste into useable material which is reused in the construction industry. Given the change in character, as well as the fact that the restoration work remaining to be carried out at the land has been ascertained by approval of a restoration scheme and does not require any further material to be imported, this proposal now represents a waste management activity that would only be suitable to be carried out further in another location, which would be likely to be in a more industrial setting.

There has been a significant change in emphasis from restoration to recycling and it is considered that any need to have such activities in the countryside has fallen away. A waste facility which is no longer needed for former quarry restoration in this location is not considered acceptable in policy terms.

To allow a significant waste business to continue in this countryside location without any exceptional necessity justification would be contrary to policies aimed at protecting the countryside from inappropriate development. The applicant emphasises that this is an application for a temporary consent. The Planning Practice Guidance (PPG) refers to temporary planning permissions and states *“It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently.”* In this case, permission has previously been granted on a temporary basis only, to avoid any permission for a permanent use in the countryside location. The guidance above suggests that it will be rarely justifiable to grant a second temporary permission. In this case, neither a further temporary permission, nor a permanent position is justified. A satisfactory completion to the restoration of the quarry in this case is achievable without importing any further materials. An existing Section 106 obligation already requires such a restoration completion, which is to be carried out in accordance with a scheme which the owners have submitted and the County Council has approved. It is no longer necessary for any crushing and screening to be undertaken on the site to provide material for restoration infill.

It is therefore concluded that, whilst there may be some sustainable merits to the longer term development of 10 years, particularly with regard to access to the highway network, the locational need has not been satisfactorily presented so as to consider sufficient justification for allowing the continued operation of the inert waste recycling facility in such a countryside location. The application is therefore considered not to comply with Policy S2 and Policy EQ3 of the adopted HPLP and the NPPW.

### **Impacts on the Environment or on Local Amenity**

The nearest residential properties are located off Longridge Lane, Dove Holes, 150m to the south-east and a farmhouse 200m to the south of the site. The development is considered to produce impacts relating to noise, dust and visual. These are considered further below.

### **Noise**

The 2014 planning permission (CW1/1213/140) is subject to four conditions 18, 19, 20 and 21 relating to noise control. Condition 18 restricts the noise arising from the approved operations to 48 dB (LaEq 1 hour) at the nearest noise sensitive property during operating hours.

The Supporting Statement refers to the noise report submitted with the 2012 planning application. Specialist noise consultants undertook a noise assessment of the site operations with particular reference to a similar noise condition which also provided a noise limit of 48dB (LaEq 1 hour) when measured at the boundary of the nearest noise sensitive property. The

assessment concluded that the noise level at the closest noise sensitive receptors, due to the operations was below the limit of 48 dBA, even with a wind speed of 5m/s. Condition 19 of planning permission CW1/1213/140 allows the waste Planning Authority to require the site operators to carry out further noise monitoring, if considered necessary.

To date, this has not been required. Neither the Environment Agency nor High Peak EHO have raised any concerns or objections to the application. Noise from the operations is of an intermittent nature and whilst this may seem intrusive to the nearest residents, it is not considered so intrusive so as to provide a freestanding justification for refusal of this application. Officers are satisfied that the levels of noise generated by the operation of the site are within manageable control by the operators. It is therefore concluded that noise impacts are capable of being controlled acceptably by similar conditions being attached to any new permission. As such, it is not considered that impacts relating to noise conflict with Policy W6 in the DDWLP and Policy EQ10 in the HPLP both relating to pollution and other nuisances.

### **Dust**

Independent dust consultants were commissioned to undertake a dust assessment of operations and the report accompanied the 2012 application. A further dust assessment has been undertaken by different dust consultants with the report being submitted as part of the current application documents. Further to this an addendum to the report, showing up to date (October 2017) dust monitoring results, has also been submitted to the Waste Planning Authority.

The assessment concluded that the dust monitoring has demonstrated low impacts on the closest receptors to the site in the summer months when crushing and screening was being undertaken. The highest readings occurred at both dust monitoring locations in the week of 18 – 25 July 2017 and 10 – 18 October 2017. The report concludes that *“monitoring at both locations had higher impact risks from the same direction (i.e. from the south and south east in July and from the south east to south west in October). This indicates that when dust levels coming from the site were increased, background dust levels were also elevated, and therefore Victory Quarry was not the principal source of dust.”*

The report concludes *“The period this dust monitoring was undertaken included the summer months of the year, whilst crushing and screening processes were ongoing on site, and during sustained periods of westerly winds. Conditions were therefore favourable for dust propagation towards receptors to the east, but dust monitoring demonstrated low impacts from the site on the closest receptors. The current management of dust is working well to limit dust propagation towards nearby receptors.”*

*If mitigation and dust management measures continue to be applied at Victory Quarry, based on the current dust, adverse impacts from disamenity dust towards the nearest receptors are anticipated to be negligible”.*

Whilst it has been reported that on 27 October 2017 a JCB vehicle was working in the site, it is noticeable that the recent higher recorded readings were during a time when the Victory Quarry waste recycling site was not operational. This supports the conclusion that the dust emanates from a differing source to that of the Victory Quarry waste recycling site.

Dust associated with traffic using the access track, the subject of several complaints, is controlled by dampening down the haul road in dry conditions. It is noted that both the Environment Agency and High Peak EHO have not raised any concerns or objections to the application. To date, officers are satisfied that the levels of dust generated by the operation of the site are within manageable control by the operators so as not to cause a breach of planning control because of dust nuisance. It is therefore concluded that dust impacts are capable of management by the applicant company, monitored by the Waste Planning Authority and any breach of planning control, if considered expedient to do so, capable of formal planning enforcement. As such, it is not considered that impacts relating to dust conflict with Policy W6 in the DDWLP and Policy EQ10 in the HPLP both relating to pollution and other nuisances.

### **Visual Impact**

The site is located in open countryside and close to, although outside, the Peak District National Park.

A temporary landscape bund has been erected to the south-east of the site. This acts both as a noise barrier and a visual barrier to the public looking into the site from the public highways nearby and to the occupiers of the nearest residential properties to the south-east. This screening bund limits views into the site. The waste recycling screening and crushing operates within the quarry site and is at a lower level than the surrounding landform. Views of the plant are therefore restricted.

### **Conclusion**

The site is located in a countryside setting. The character of the operation at Victory Quarry has changed from what was originally intended of quarry restoration to one which involves recycling of waste in its own right. The quarry has failed to be restored at any significant rate. As stated in previous applications, the processing of inert waste material to produce recycled aggregate materials is a waste management activity that is considered to be suitable in other locations and, in particular, in a more industrial/commercial setting.

Given the change in emphasis of the operation from restoration to recycling, it is considered that the need to have the operation in a countryside location is

no longer a consideration to which material weight should be attached in the determination of this application. The temporary period of 10 years applied for supports the recycling activity rather than the quarry restoration, and there is no evidence that there will not be another application for a further temporary consent in the future. As set out above, the PPG indicates that temporary consents are not meant to be recurring events. It is noted that the last temporary approval of five years was, apart from the quarry restoration, intended to allow the applicant company sufficient time to seek to relocate its operations to an alternative site. No compelling evidence has been provided to suggest either that there are no other suitable sites in the area for the waste recycling operation or that the applicant company has given this issue any serious consideration.

Environmental impacts relating to noise and dust are capable of being controlled by planning condition and are not considered to represent sustainable reasons for refusal.

Representations received in support of the proposal regarding location and the lack of alternatives in the area is acknowledged but do not provide sufficient significant material weight in allowing the use of the land for waste activities acceptable in the countryside. The need to use the site in the countryside has not been supported by robust evidence justifying this as the only location available or that it is an appropriate rural development.

It is considered that insufficient information and demonstrable evidence relating to location(s) available and rural use for such a waste operation in the area have been provided so as to be considered a material matter that can justify approving the waste development contrary to Policy EQ3 of the HPLP and the NPPW referred to above. The application is therefore recommended for refusal on the grounds that it would not be sustainable development in this countryside location.

(3) **Financial Considerations** The correct fee of £195 has been submitted for this planning application.

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

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 this permission being granted subject to the conditions referred to in the Officer's Recommendation.

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

## Other Considerations

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

**(6) Background Papers** File No. 1.1308.10

The application documents submitted under application reference CW1/0817/46, including Dust addendum received 6 November 2017, consultation responses, representations, planning file correspondence

**(7) OFFICER'S RECOMMENDATION** That planning permission be **refused** for the following reason.

1. Such a permission would allow a waste use to continue unnecessarily in a countryside location that would be contrary to Policy S2 of the High Peak Local Plan (HPLP) which restricts development outside defined settlement boundaries to that which has an essential need to be located in the countryside. There is no evidence for there being any material considerations which would provide a reason for granting permission in spite of this policy conflict.

**Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

Notwithstanding this refusal, the Waste Planning Authority has worked with the applicant in a positive and proactive manner through providing the opportunity to provide further policy comments. However, despite such efforts, the planning objections relate to matters of principle that cannot be overcome. As such, it is considered that the Waste Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

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





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100 m  
Scale = 1 : 3462.480

23-November-2017