

Agenda Item No. 3.1

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

4 February 2019

Report of the Strategic Director – Economy, Transport and Environment

- 1 LATERAL EXTENSION OF MOUSELOW QUARRY TO EXTRACT HIGH QUALITY BRICK MAKING SHALES FOR USE IN THE NEARBY DENTON BRICKWORKS AND SANDSTONE FOR USE AS A BUILDING STONE, TOGETHER WITH AMENDING THE APPROVED RESTORATION SCHEME AND RELINQUISHING PLANNING PERMISSION TO EXTRACT DEEPER LOWER QUALITY SHALES
APPLICANT: WIENERBERGER LTD
CODE NO: CM1/0618/23**

1.759.13

Introductory Summary This proposal is to extend the area of mineral extraction at Mouselow Quarry in a westerly direction to extract a further 0.85 million tonnes (MT) of high quality brick making shale for use in the nearby Denton Brickworks and 0.20 MT of sandstone for use primarily as building stone. The extension area is shown edged green on drawing number M2_LAN_038A, dated September 2017, entitled Site Plan, and the whole planning application boundary edged red on the same drawing. The proposed lateral extension would affect an additional 1.5 hectares (ha) of land which consists of parts of pasture fields (1.1ha) and a small area of woodland (0.4ha). The proposal also includes amendments to the approved restoration scheme for the existing quarry and the relinquishment of planning permission to extract deeper lower quality shales. The application is accompanied by an Environmental Statement (ES).

It is considered that there is a justified economic need for the continued extraction of the shale resource (and associated sandstone) at Mouselow which would contribute to the local economy, both directly and indirectly as a result of the employment of local people and its use of local services and continued operation of Denton Brickworks. Products from Denton are exported nationally and support the national economy and house building. In this respect, the proposals are considered to contribute towards the socio-economic objectives of sustainable development, as set out in National Planning Policy Framework (NPPF).

The proposals have the potential to result in adverse socio-environmental impacts on the surrounding landscape but such impacts are not considered to be significant when viewed in the context of existing quarry. The relinquishment of permission to work the deeper low quality shale and the resultant revised restoration scheme to 'dry' uses would reduce potential groundwater impacts and lead to ecological, landscape and visual amenity and public access benefits. I am satisfied that the identified impacts are capable of being controlled by conditions and a legal agreement and, consequently, the proposals are considered to contribute towards the socio-environmental objectives of sustainable development, as set out in the NPPF.

Therefore, as detailed in the report with the recommendations below, the proposals are, considered to be in accordance with the relevant saved policies of the adopted Derby and Derbyshire Minerals Local Plan (DDMLP) and the adopted High Peak Local Plan (HPLP) and considered to represent sustainable development. The application, therefore, is recommended for approval, subject to conditions and a legal agreement.

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

(2) **Information and Analysis**

Site and Surroundings

Mouselow Quarry, currently operated by Wienerberger Ltd, is a site for the extraction of brick making shale and sandstone. The quarry is on the west facing slope of a hill at Higher Dinting, approximately 1.5 kilometers (km) to the north of Glossop town centre. The site is accessed via a dedicated vehicular access directly off Dinting Road. The quarry is bounded by an active railway line to the west and by open farmland to the north and east. The nearest residential properties are at Shaw, below the quarry, to the west of the railway, and Higher Dinting to the east and south-east. There are also individual farmsteads and properties close to the quarry boundary; Mouselow Farm to the north and Hilltop Farm and Cottage to the east.

There are no designated heritage assets within the quarry but Howard Park Conservation Area lies 850 metres (m) to the east, and Higher Dinting Farmhouse, a Grade II listed building, is 55m to the south.

Similarly, there are no designated ecological or geological assets within the quarry, the nearest designation, Dinting Junction Pond Local Wildlife Site, is located some 26m to the south. The Peak District Moors Special Protection Area (SPA), South Pennine Moors Special Area of Conservation (SAC) and the Dark Peak Site of Special Scientific Interest (SSSI) are all designations on the moorland areas 2.5km to the north and east of the site. Several local wildlife sites (LWSs) lie within 1km of the site boundary.

The Peak District National Park (PDNP) Boundary lies some 1.25km away to the north-east of the site and some 1.75km to the south. The quarry also lies within an area designated as Green Belt in the HPLP, adopted April 2016.

One public footpath (public right of way No.170 for Glossop on the definitive map) crosses the quarry site adjacent to its western boundary and another footpath (public right of way No.102) runs through the south of the site; neither cross the operational quarry area. Other footpaths run close by; public rights of way Nos.143 and 100 are to the north and No.133 to the east. There are no public rights of way within the proposed lateral extension area.

Planning Background

Mouselow Quarry has been subject to a number of individual planning permissions for the winning and working of shale and sandstone. An application, made in 1992, for a single planning permission to replace and extend these older permissions was 'called-in' for determination by the then Secretary of State for the Environment. The application for the winning and working of the brick making shale and the sandstone interleaved with it, was granted planning permission on 7 March 1994, by the Secretary of State (application code number CM1/192/1, Department of the Environment reference numbers EMP 1030/219/22 and EMP 1000/529/10). The quarry was the subject of a First Periodic Review of Old Mineral Planning Permissions (ROMP) in 2011 and a revised suite of conditions issued on 4 February 2011, under ROMP application reference R1/0301/24.

A further planning permission was granted on 18 December 2014 (application code number CM1/0214/162) to vary the conditions of the R1/0301/24 permission in order to allow an extension of time for the completion of winning and working of minerals from 2019 to 2042, and to allow changes to the programme of working and restoration scheme. The planning conditions attached to the 2014 permission replaced all of the conditions issued under the ROMP (R1/0301/24). They apply to the whole of the permitted site as shown on drawing number M/W258/08/17 entitled 'Glossop Site Extents', dated 7 April 2008, relating to planning permission CM1/192/1.

Current Quarry Operations

The existing quarry operates in compliance with planning permission (reference CM1/0214/62) which allows the extraction of shale and sandstone until 2042. Mouselow Quarry is worked primarily to extract shale for brick making purposes and the main source of this material are the uppermost shales. Below the upper shales, lie high sulphur and carbon lower shales, a minor amount of which have historically been blended with the upper shales for brick making purposes. Due to increasingly strict air quality requirements at the Denton brickworks, the lower shales can no longer be used for blending purposes. Wienerberger Ltd is therefore proposing a lateral extension to the permitted working area to generate additional reserves of good quality low

sulphur shales. If planning permission is granted for the additional reserves, Wienerberger Ltd intends to relinquish planning permission to extract the deeper lower shale material from the whole of the permitted area.

Denton brickworks is located some 12km (8 miles) away across the County border in east Manchester. It produces a range of high quality bricks which are distributed throughout the UK. Shale from Mouselow Quarry forms part of the raw material requirement for 35 out of 49 product groups produced at Denton and is included in 80% of all the bricks manufactured at the brickworks.

There are very few sources of brickmaking shale within 25km of the Denton factory. Wienerberger Ltd has searched extensively for alternative supplies over recent years and uses a blend of raw materials to produce its products. However, Mouselow is the main source of material and, without this supply, the applicant considers that the factory would not be able to remain open.

The application states that two years ago, £1.5 million was invested in improvements to Denton factory operations and every year, approximately £0.5 million is invested in further improvements. Denton factory and Mouselow Quarry contribute around £7.5 million to the local economy in the form of wages, purchases, business rates and associated costs. There are 53 full time employees at Denton and Mouselow with additional contractors and heavy goods vehicle (HGVs) drivers and indirect workers within Wienerberger Ltd and associated companies.

The quarry is worked as follows; soil and overburden removal is normally carried out during the drier summer months using a 25 tonne hydraulic excavator and two 25 tonne dump trucks.

Shale extraction is usually undertaken twice annually on a 'campaign' basis with each campaign lasting for approximately one month and stored on the quarry floor to 'weather'. It is removed from the stockpile and transported to Denton brickworks around three times a week. HGV movements associated with the shale removal equates to an average of nine loads (18 vehicle movements) per working day. Shale extraction is undertaken using a 50 tonne hydraulic excavator, 40 tonne bulldozer and two 25 tonne dump trucks. Shale is loaded into HGVs for transport to Denton brickworks by a single 25 tonne hydraulic excavator. No processing of shale and no blasting takes place at the quarry.

Extraction is currently taking place in part of the quarry known as 'the knoll', labelled active quarry on drawing number (M2_LAN_038) entitled Site Plan. Output of shales from Mouselow is currently 45,000 tonnes (25,000 cubic metres m³) per year using a conversion factor of 1.8 tonnes/m³. The existing permitted reserves at 1 January 2018 are less than 180,000 tonnes (100,000 m³) of upper shale which are anticipated to last for a further four years, i.e. to

2022. The lower shale reserve, which is no longer suitable for brick making is estimated at 1,080,000 tonnes (600,000m³). Material is stockpiled in the area labelled shale stocks on drawing number M2_LAN_038, dated September 2017, entitled Site Plan.

In addition to the shale, a 4m to 6m bed of sandstone lies between the upper and lower shales. The sandstone is extracted primarily for use as a high quality building stone with a minor amount, which is not suitable for this purpose, crushed and used as construction aggregate.

Sandstone is excavated using a 50 tonne hydraulic excavator. A single hydraulic excavator is used to remove stone blocks and load HGVs. Material not suitable for building stone use is crushed and screened for use as a construction aggregate.

Sandstone is worked intermittently at a lower rate with 3 to 4 periods of working being carried out during the year, each period lasting for approximately one month. Sandstone is worked at a rate of approximately 10,000 tonnes a year although this rate is variable depending on the level of demand for the building stone. The existing permitted reserves at 1 January 2018 total approximately 100,000 tonnes equivalent to 10 years' worth at current extraction rates. Sandstone is stocked on the floor of the quarry immediately adjacent to the sandstone face. Material unsuitable for use as building stone is crushed and used for aggregate using a mobile crusher which is located close to the sandstone face on the quarry floor. Building stone and aggregate material is removed off site periodically throughout the year to meet customer requirements. HGV vehicle movements associated with sandstone removal equate to two to three loads (four to six vehicle movements) per working day.

There are additional light vehicle/car movements associated with the site, workforce and occasional visiting staff. This varies between four vehicles (eight movements) per day during shale export and sandstone working and up to 10 vehicles (20 movements) per day when shale extraction is also being undertaken.

Current operating hours at the quarry are 0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays. No operations are permitted at any time on Sundays, Bank or other Public Holidays except in case of an emergency.

The sole vehicular access is by the way of the access of Dinting Road, as shown on drawing number M/W258/08/17 entitled 'Glossop Site Extents', dated 7 April 2008 and, except in an emergency, the access onto Shaw Lane is required to remain closed to all vehicular traffic. All HGV traffic associated with the quarry is subject to a traffic routing agreement implemented through

the use of signage which directs HGVs to turn right when exiting the site in the direction of the A57 and M67 onwards to Denton.

There is a small, secure compound and yard adjacent to the entrance road which contains an office, welfare facilities, storage and wheel cleaning equipment.

The Proposals

The application is for a western extension to the working area of the quarry; the extension area would tie in to the crest at the top faces at around 203m Above Ordnance Datum (AOD) to the south and remove the hillside down to a gently curved outer limit reaching 185m AOD to the north. The extension measures 1.52ha and contains approximately 850,000 tonnes (470,000 m³) of high quality upper shale material. If worked at an annual rate of 45,000 tonnes (25,000m³) the material would last for approximately 19 years. The combination of the existing permitted reserves and the extension reserves would last for approximately 23 years (4 plus 19 years). The upper shale is estimated to be worked out by 2040, slightly earlier than the end date permitted under the current planning permission which is 2042, with restoration completed by 2042.

There is no anticipated increase in output of shale in the immediate future, however it is hoped that output may increase in the medium to long term if the economy improves. The medium to long term output is anticipated to be in the region of 54,000 tonnes (30,000m³) per year. This figure is still significantly below the anticipated output assessed in the 2011(ROMP) permission which was 90,000 tonnes per year (50,000m³) which formed the basis of an environmental impact assessment undertaken at that time.

The extension area would also generate approximately 200,000 tonnes of sandstone which would be worked at a rate of an estimated 10,000 tonnes a year over a 20 year period.

The proposed development would be undertaken over seven phases with working progressing in a westerly and anti-clockwise direction. The phase boundaries are shown on the drawing entitled 'Existing ground with phase boundaries' with details of the extraction shown on the phasing plans 1-7. Phases 2 and 3 form part of the existing permitted area. Soils have already been removed from this area and placed in the existing bunds C and D shown on drawing number M2_LAN_042, dated October 2018, entitled Restoration and Resources Storage Plan.

The soil and overburden would be removed from the extension area in two campaigns. The first campaign would remove materials in advance of Phase 1 as far as the existing woodland block which would be retained as a visual screen. The second campaign (prior to Phase 4) would remove the remaining

soil and overburden from the extension area, including the woodland area. The soil and overburden would be placed in the topsoil, subsoil and overburden bunds shown on drawing number M2_LAN_042, dated October 2018, entitled Restoration and Resources Storage Plan.

Extraction is planned to commence in 2019. The table below sets out the anticipated tonnage of shale that would be worked in each phase (incorporating existing permitted reserves) and the estimated lifespan of each phase (based on an average yearly production of 45,000 tonnes). All shale material would be stockpiled on the area labelled 'Existing stockpile' on drawing number GLOSSEXT1704/1/B, dated 9 November 2018, entitled 'Existing ground with phase boundaries'.

The phased working scheme would maintain the effective screening benefit afforded by the existing landform. Operations within the quarry would remain up to 30m below ground levels. Additionally, within 12 months of planning permission being granted, advance planting would be undertaken to the west of the extension area to link the retained habitats and soften the visual impact of the proposals. The recently constructed dry stone wall following the current extraction boundary would be rebuilt as a boundary between the woodland and the existing public footpath.

Phase	Tonnage of shale per phase	No of Years @ 45,000 tpa
I	87,000	1.9
II	190,000	4.2
III	108,000	2.4
IV	100,000	2.2
X	108,000	2.4
XI	99,000	2.2
XII	338,000	7.5
Total	1,030,000	22.8

Wienerberger Ltd proposes to relinquish planning permission to extract the lower shales (if planning permission is secured for the additional higher shale reserves which are the subject of this planning application). By not extracting the lower shales which lie below the water table, there would be no requirement for large scale dewatering and any potential impacts on the ground water regime, as a result, would be avoided.

A minor amount of the lower shales would need to be extracted from the existing quarry floor in order to achieve a smooth gradient across the existing floor and to create a batter slope in the south-eastern corner to stabilise the existing south-east quarry face where a minor fault exists, which has exhibited some instability in the past. The creation of this slope was approved as part of the current planning permission granted in 2014.

There are no proposed alterations to the method of working at the site or to the working hours of operation at the quarry.

There are no proposed alterations to the level or movement of traffic associated with the site. The sole vehicular access to the site shall be by way of the access of Dinting Road. HGVs would continue to be directed to turn right when exiting the site, through the use of signage, to gain access to the A57 and onwards to Manchester.

The current approved restoration scheme contains a large, deep water body as a consequence of extracting the lower shales below the water table. The proposed restoration concept shown on drawing number M2_LAN_039 C, dated December 2017, shows a revised scheme for the site which includes agricultural grassland on the quarry floor with woodland, hedgerows, nature conservation grassland, small field ponds and seasonal wetland area characteristic with local Landscape Character Type which is the Settled Valley Pastures. It includes a number of permissive footpaths which have the potential to become PRow.

Environmental Statement

The application is accompanied by an ES prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales Regulations 2011). The Regulations require that for certain development proposals, particularly those that are large scale or in sensitive locations, an Environmental Impact Assessment (EIA) is to be undertaken to identify the environmental effects of a proposed activity and how those impacts can be mitigated. The results of the EIA should be taken into account in determining planning applications.

The ES reports on the potential environmental effects of the proposals in the following way:

- A description of the baseline conditions against which changes can be assessed.
- A description of the details of the proposed development.
- The identification of potential environmental effects.
- The design of measures able to mitigate the environmental effects.
- An analysis of the effectiveness of the mitigation measures.

The ES also includes information on the geology and an assessment of alternatives to working the site. It also includes in-depth technical reports prepared by specialist consultants relating to cultural heritage, landscape and visual impact, ecology, hydrology, flood risk, noise and air quality. The ES also considers impacts on agriculture and soils, highways and PRow, climate change, human health, and the cumulative and socio-economics effects of the proposal.

The ES concludes that there would be no unacceptable environmental or amenity impacts on the local area as a consequence of the development.

Post Application Submissions

In response to the comments from consultees and a request by the Mineral Planning Authority (MPA), the applicant has made a number of submissions to clarify and amend certain aspects of the original planning application details. These include a revised restoration concept plan, a restoration resources and storage plan and a restoration materials placement plan. Other information has been provided in response to an objection from the PDNP Authority on the potential visual and landscape impacts of the proposal on the setting of the PDNP.

Consultations

Local Members

Councillors Jean Wharmby and George Wharmby have been informed of the details of the proposals.

High Peak Borough Council (Planning)

HPBC has requested that the MPA gives careful consideration to the landscape impacts of the proposed quarry extension, ecological impacts and below-ground archaeology.

High Peak Borough Council (Environmental Health Officer)

The Environmental Health Officer (EHO) has examined the noise and dust assessments submitted with the planning application and is in agreement with their findings. The EHO supports, in principle, the retention of the existing planning conditions attached to the current permission CM1/0214/062 with regard to noise and dust, with a change to the existing Condition 14 to relate to the two noise sensitive properties at Meadowfield Close (Shaw) and Dinting Lane (Higher Dinting) and the revised noise limits set out in the ES.

Peak District National Park Authority

The Peak District National Park Authority (PDNPA) initially objected to the proposals principally from a landscape impact perspective for the following reasons:

- 1) The submitted Landscape and Visual Impact Assessment (LVIA) does not consider all the potential landscape and visual effects on the PDNP and its setting. Its definition of an 850m radius landscape study area is entirely inadequate and does not consider potential effects on the PDNP which lies 1.3km to the east. The PDNPA considers this to be an obvious omission which has been 'scoped out'.
- 2 The working and restoration scheme will have an effect on the character of the landscape setting of the PDNP (specifically Dark Peak Western

Fringe/Valley Pastures with woodland). The PDNPA consider that this matter has not been taken into account in the assessment.

- 3 The conclusion of the LVIA is that the value of the landscape is low to medium. The PDNPA considers that this landscape sensitivity assessment is incorrect because it does not take into account the relationship of the application site to the PDNP.

The PDNPA concludes that although the visual effects of the proposal on receptors in the PDNP would be limited (primarily due to topography), the proposal would have an adverse effect on the character of the landscape setting of the PDNP (Dark Peak Western Fringe/Valley Pastures with woodland). Following the submission of additional information, the PDNPA is now satisfied that significant landscape and visual effects are unlikely to be experienced within the PDNP and has consequently withdrawn its objection to the proposals.

Natural England

Natural England (NE) advised that, based on the plans submitted, it considers that the proposed development would not have significant adverse impacts on designated sites and has no objection.

NE referred this Authority to the views of the PDNPA in respect of any impacts on the setting of the PDNP.

In view of the small size of the site, NE made no comments in relation to Best and Most Versatile Agricultural Land resources or reclamation of the site.

Derbyshire Wildlife Trust

Derbyshire Wildlife Trust (DWT) considers that sufficient information has been provided in the EIA (Ecosurv Ecological Consultants May, 2018) to enable the application to be determined and is supportive of the Restoration Concept Plan drawing number (M2_LAN_039 C), dated December 2017.

DWT recommends that planning conditions should be attached to any grant of planning permission requiring a pre-construction badger survey, a condition to protect nesting birds and a Landscape and Ecological Plan.

Historic England

Historic England does not wish to make any comments on this application but refers the MPA to its own internal specialist conservation and archaeological officers.

Environment Agency

The Environment Agency (EA) has no objections in principle to the proposed development but recommends a number of planning conditions that should be attached to any grant of planning permission covering groundwater and

contaminated land, surface water discharge and biodiversity. It also advised the applicant to contact the EA regarding the need for any environmental permitting for the proposals.

Lead Local Flood Authority

Derbyshire County Council, in its role as the Lead Local Flood Authority (LLFA), has no comments to make on the planning application.

Network Rail

Network Rail has not objected to the development proposals in principle but raises the issue of the need for additional vehicle incursion protection to be provided opposite the quarry entrance onto the public highway as the road out of the quarry slopes down to that junction, and the railway is in a steep-sided cutting on the other side of the road. Current mitigation is limited to a metal palisade fence.

Local Highways Authority

Derbyshire County Council, in its role as the local Highway Authority, has no objection to the proposal, based on the information provided that there is to be no change in the mode, scale and nature of vehicles used. Existing planning conditions are considered to suffice.

Public Rights of Way

The County Council's PRow Officer raises an enquiry about the long term management of existing and proposed permissive footpaths.

Greater Manchester Combined Authority

The Authority recognises the importance of Mouselow Quarry in supplying shale to the Denton Brickworks and therefore supports the continuation of this supply.

National Planning Casework Unit

Made no comments on the application.

Publicity

The application has been advertised by site notices and a notice published in the Glossop Chronicle with a request for observations by 10 September 2018. The additional submissions were also advertised by further press and site notices with a request for observations by 9 January 2019.

The County Council has received three representations on the proposal from local residents.

Two representations object to the proposal for the following reasons:

- the extension would be too near a listed building;

- the extension would be too near the railway lines;
- the extension would be too near the newly built Glossopdale Community School;
- the extension would affect the water table;
- blasting could affect nearby houses (more of which are being built);
- an extension may involve more traffic;
- the cumulative impact of mineral development (there have been several changes to the original planning consent of 1994);
- impact on the Green Belt;
- Increased traffic impacts on Dinting Road and Shaw Lane when considered alongside other development proposals along Dinting Road
- noise impacts; and
- exaggeration of local economic benefits

The residents also put forward several planning conditions, should the proposed development be recommended for approval, covering: advance planting, future mineral development, HGV movements, noise mitigation and PROW.

One representation in support of the proposal has also been received, which is summarised as follows:

- tree planting over the years has led to a better environment for wildlife and this will improve further with the planned restoration concept;
- the planned future restoration of the quarry will improve the local environment;
- minimum noise produced by the quarry and any problems quickly resolved; and
- the proposal will retain jobs both at the quarry and Denton brick works.

The supporting comments are noted and the objections made to the proposal are considered further in the planning considerations section of the report below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are the saved policies contained within the DDMLP, adopted 2002, and the policies contained within the HPLP, adopted April 2016. Other material considerations include current national policy and guidance in the NPPF (2018) and the Planning Practice Guidance (PPG) March 2014, as amended.

I have provided a summary of the current national policy and planning guidance which are relevant to this proposal.

National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how they should be applied. The key role of the planning system is to help contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. The term sustainable development is not defined as such, but the NPPF states that it can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. In order to deliver sustainable development, the planning system has three overarching interrelated economic, social and environmental objectives. The economic objective is to provide sufficient land for the right type of development, in the right place at the right time. The social objective is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental objective of protecting and enhancing the natural, built and historic environment.

In applying the presumption in favour of sustainable development, the MPA, when determining planning applications, should:

- approve development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, grant planning permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The NPPF provides specific advice about facilitating the sustainable use of minerals. It requires the MPA, when determining planning applications, to give considerable weight to the benefits of mineral extraction, including to the economy. Further advice, relevant to this planning application requires the MPA to:

- As far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, scheduled monuments and conservation areas.
- Ensure that there are no unacceptable adverse impacts on the natural and historic environment or human health, and take into account the

cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality.

- Ensure that any unavoidable noise, dust, and particle emissions are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties.
- Provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions.

Paragraphs 207 and 208 contain specific advice about how to plan for the steady and adequate supply of aggregates (which includes sandstone) and industrial minerals respectively. MPAs are required to produce an annual Local Aggregate Assessment (LAA), which assesses both demand and supply options for aggregates, and make provision for meeting demand in their local plans. MPAs should also make provision for the maintenance of landbanks of at least 10 years for crushed rock whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised.

There are no demand targets for the supply of industrial minerals, such as brick clay and shale. MPAs are required to plan for their steady and adequate supply by co-operating with neighbouring and more distant authorities to ensure that adequate provision is made to support their likely use in industrial and manufacturing processes. Safeguarding or stockpiling should also be encouraged to ensure that the minerals remain available for future use. For brick or clay products manufacture, a minimum 25 year stock of permitted reserves of brick clay and shale should be maintained to support the level of actual and proposed investment required to maintain or improve an existing plant or to provide a new kiln. MPAs should also take into account the need for the provision of brick clay and shale from a number of different sources to enable appropriate blends to be made.

In terms of building stone, the NPPF requires MPAs to recognise the small-scale nature and impacts of building stone quarries and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Planning Practice Guidance

The PPG provides more detailed advice on the way in which MPAs should plan for mineral extraction. It states that, *“priority should be given to identifying (allocating) specific sites for mineral working followed by preferred areas and areas of search. Site allocations should be restricted to where viable resources are known to exist, landowners are supportive of mineral development and the proposal is likely to be acceptable in planning terms”*. The PPG does not indicate a preference for whether allocated sites should be new greenfield sites or extensions to existing sites. It advises that all sites should be treated on their own merits, taking account of the need for the

specific mineral; economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure), and positive and negative environmental impacts (including the feasibility of a strategic approach to restoration) and the cumulative impacts of proposals in an area.

In respect of industrial minerals, it suggests that recognition should be given to any marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals which can have different implications for their extraction. For decision-making it states that *“each proposal should be considered on its own merits, regardless of the current stock of permitted reserves. However, low stocks of permitted reserves to justify capital investment may be seen as a strong indicator of urgent need”*.

For aggregate crushed rock minerals it sets out that a LAA should include a forecast of the demand for aggregates based on both the rolling average of 10-years sales data and other relevant local information, and an analysis of all aggregate supply options, including landbanks and mineral plan allocations. It should also look at average sales over the last three years to identify the general trend of demand as part of the consideration as to whether it might be appropriate to increase supply. For decision-making, low landbanks may be an indicator that suitable applications should be permitted as a matter of importance to ensure the steady and adequate supply of aggregates.

Local Development Plans

The DDMLP was adopted in 2000 with a first alteration adopted in 2002. The adopted policies saved¹, in 2007, that are relevant to the determination of this proposal are MP1: The Environmental Impact of Mineral Development, MP2: The Need for Mineral Development, MP3: Measures to Reduce Environmental Impact, MP4: Interests of Acknowledged Environmental Importance, MP5: Transport, MP6: Nature Conservation – Mitigation Measures, MP7: Archaeology – Mitigation Measures, MP10: Reclamation and After-Use, MP16: Maintenance of Landbanks, MP18: Extensions to Sites, MP 19: Additional Sites, MP23:Crushed Rock for Aggregates and MP32: Clay and MP34: Building Stone.

The main objective of these policies is to ensure an adequate and steady supply of minerals from within Derby and Derbyshire, with the minimal level of environmental and amenity impact, whilst ensuring that extraction sites are restored to a satisfactory standard and after-use as soon as practicable. These issues are explored in detail below.

¹ Under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004

The saved policies of the adopted DDMLP remain relevant and, in accordance with Paragraph 213 of the NPPF, due weight should be given to them according to their degree of consistency with the NPPF. The closer the policies of the DDMLP are to the policies of the NPPF, the greater the weight that may be given to these. It follows that if there are areas of inconsistency between the policies of the adopted DDMLP and the NPPF, the weight the policies of the adopted DDMLP should be afforded is reduced.

Policy 32: Clay is the main policy against which proposals for the extraction of brick clay should be assessed. It states that, *“Proposals for the working of clay will be permitted provided that:*

- 1) *the mineral is needed to enable the continuation of production and employment in the clay products industries,and*
- 2) *the proposal would not have an unacceptable impact on the environment and is designed to secure the rapid working and reclamation of the site”.*

Planning permission will not be granted where the stocking of clay on the mineral site would significantly delay the reclamation of the site. This policy accords with the NPPF policies for planning for industrial minerals but other matters also need to be taken into account, particularly the requirement for stocks of permitted reserves to be maintained and the need to recognise the importance of blending from alternative sources.

The application also includes proposals to extract sandstone for use as building stone and to use the stone not suitable for that purpose as aggregate. Policy 34: Building Stone is the main policy against which proposals for the extraction of building stone should be assessed. It states that, *“Proposals for the extraction of rock for use as building stone will be permitted provided that:*

- 1) *there is a need for mineral of a specific character to be worked in that location, and*
- 2) *the scale of the proposal is such that its impact on the environment can be kept to an acceptable minimum”.*

The NPPF also requires that a flexible approach is adopted towards the duration of planning permissions reflecting the intermittent or low rate of building stone working at many sites.

Policy MP23: Crushed Rock for Aggregate provides the policy approach for considering any aggregate production at the site. The policy states that: *“Having regard to national and regional guidance on aggregates and the level and availability of permitted reserves, proposals for the extraction of crushed rock from new sites will not be permitted except where they are required to meet a proven need which would not otherwise be met and their impact on the*

environment is acceptable. Proposals for extensions or variations to the boundaries of existing operations will be permitted only where they would result in significant net environmental benefits without significantly increasing the level of permitted reserves.” This policy is considered to be out of date in that the issue of need, in terms of the current information and data available, has moved on significantly since the DDMLP was adopted. The latest information available relating to need for aggregates is set out in the current LAA, dated 2017. The updated information regarding need will be considered below.

In terms of other policies of the adopted DDMLP, the site would be an extension to an existing quarry and, therefore, Policy MP18 is relevant in that it gives preference to extensions to existing sites over new ones, provided they can be accommodated in an environmentally acceptable manner. Although the NPPF does not prioritise extensions over new sites, the PPG does set out a number of mineral related criteria which requires such proposals to be considered on their own merits.

The saved general, environmental and social policies of the adopted DDMLP remain relevant and are considered to be broadly consistent with the NPPF and should continue to be used in the assessment of applications for mineral development. General policies MP1, MP2, MP3, MP4, MP5, MP6, MP7 and MP10 are relevant to this proposal.

Emerging Derbyshire and Derby Minerals Local Plan

Derbyshire County Council and Derby City Council are jointly preparing a new Minerals Local Plan which will, when adopted, replace the adopted DDMLP. It will set out the detailed planning strategies and policies to enable the delivery of sustainable minerals development to 2035.

The NPPF, at Paragraph 48, states that MPAs may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to the relevant policies and their degree of consistency with the NPPF. The more robust the relevant policies are in these respects the greater weight they can be given.

The most recent consultation on the emerging Plan has taken place in Spring 2018 when the Councils published a plan setting out a set of options to establish their proposed approach towards mineral development. For some minerals the plan included a proposed approach whilst for others it was less advanced and included proposed options. At this stage, it does not provide any draft policies or proposals which can be considered material considerations in the assessment and determination of this application. The proposed lateral extension area has been promoted by Wienerberger Ltd for allocation in the new Minerals Local Plan. A larger site was promoted in the first instance but following liaison with the MPA, the site has been

considerably reduced to the area which is now the subject of this planning application.

High Peak Local Plan Policies

The HPLP shows that this site lies outside of the built-up area boundary of Glossop and within the Green Belt. Relevant policies of the adopted HPLP for this proposal are:

S1: Sustainable Development Principles
S1a: Presumption in Favour of Sustainable Development
S5: Glossopdale Sub-area Strategy
EQ1: Climate Change
EQ2: Landscape Character
EQ3: Rural Development
EQ4: Green Belt Development
EQ5: Biodiversity
EQ7: Built and Historic Environment
EQ8: Green Infrastructure
EQ9: Trees, woodland and hedgerows
EQ10: Pollution Control and Unstable Land
EQ11: Flood Risk Management
CF6: Accessibility and Transport

Whilst this Plan has not been prepared in accordance with the most recent NPPF published in 2018, it was adopted in 2016 and, therefore, is relatively up-to-date.

Assessment of the Proposal

The key considerations for this proposal are as follows:

- i) the socio-economic impacts of the development; and
- ii) the socio-environmental impacts of the development, including impacts on the natural and historic environment and human health, and taking into account any cumulative impacts from individual sites and/or from a number of sites in the locality.

Socio-Economic Considerations

Mouselow Quarry is worked primarily to extract shale for brick making purposes with the secondary working of sandstone for use as building stone and aggregates. Key relevant policies to assess socio-economic matters against include DDMLP Policy MP2 which provides detailed criteria for considering the generic need for minerals. Such criteria include local, regional and national demand for the mineral; the scale and nature of existing reserves; the availability of alternative sources of supply; the nature and extent of the mineral deposit and the implications for employment, investment and the economy. DDMLP Policy 32, criterion 1, specifically allows for new

clay working provided that the mineral is needed to enable the continuation of production and employment in the clay products industry. Additionally, the NPPF requires the supply of brick clay to be maintained to support its likely use in industrial/manufacturing processes, including the maintenance of a minimum 25 year stock of brick clay reserves to support new investment in brick making plants.

DDMLP Policy 18 is also applicable in that it gives preference to extensions to existing sites over new ones, subject to environmental acceptability. The PPG does not prioritise extensions over new sites requiring each to be considered on their own merits but sets out that need for the mineral and economic considerations should be taken into account. Such considerations include being able to continue to extract the mineral, retaining jobs and utilising existing plant and infrastructure.

There is a national need for the supply of brick clay to support the Government's objective of boosting the supply of new homes requiring an increase in the production of bricks. The importance of Mouselow Quarry for the continued operation of the Denton factory is evident and the need for additional 'low sulphur' shale reserves from Mouselow is clearly established. The proposal would generate a total 23 year stock of reserves which would contribute significantly to supporting investment at the factory.

Incidental to the working of brick clay, sandstone is also extracted from Mouselow Quarry, primarily for use as building stone with unsuitable material crushed for use as aggregate. DDMLP Policy 34 supports the small scale extraction of building stone, subject to satisfying environmental considerations. The NPPF requires that a flexible approach should be adopted to the duration of planning permissions reflecting the intermittent or low rate of working at many sites. The sandstone extracted is of high quality, it is worked intermittently at a small scale which complements the working of the brick clay which is also extracted at a relatively small scale on a 'campaign basis'.

In terms of the use of unsuitable sandstone for aggregate purposes, the LAA 2017 concludes that there are considerably more than sufficient permitted reserves of crushed rock (including sandstone) to maintain the minimum 10 year landbank requirement. However, the NPPF recognises that minerals are a finite resource and that the best use needs to be made of them. The quantity of material used for aggregate purposes is relatively small and therefore it is considered an appropriate use for the poor quality sandstone.

Further socio-economic considerations include extending the life of the quarry which would result in the continuation of both a large number of jobs and considerable investment in the local economy by way of wages, purchases and business rates. In conclusion, in terms of socio-economic considerations, the proposal accords with the identified relevant development plan policies.

Socio-Environmental Considerations

A description of the site and the potential environmental receptors are provided earlier in the report; the ES sets out the main environmental impacts relevant to this proposal. They include impacts on the amenity of the local residents through the effects of noise and dust, landscape and visual impacts, and impacts on the cultural heritage, ecology, hydrology and flood risk, which have been considered in depth in the ES and are addressed below. The ES also considers impacts on agriculture and soils, highways and PRow, climate change, human health, and the cumulative and socio-economics effects of the proposal.

Policies MP1 and MP3 of the DDMLP seek respectively to allow development proposals where their environmental impact is acceptable having regard to 'listed' environmental factors, and where any adverse impacts can be eliminated or reduced to an acceptable level. Factors listed include effects on local communities and neighbouring land uses by noise, dust, vibration or other pollution or disturbance; effects on agricultural interests; visual effects; effects on landscape quality and character; effects on biodiversity, archaeology and the built environment, transport implications, effects on PRow and recreation, and effects on the water regime. Measures to be taken into account which reduce impacts include mitigation proposals, duration of the development, the efficient use of materials, reclamation and after-use proposals and wider environmental benefits.

The NPPF requires that MPAs should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Noise and Vibration

In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the HPLP which, through Policy EQ10, seeks to protect people and the environment from any unacceptable adverse effects of development including noise or vibration. NPPF requires that MPAs should, ensure that any unavoidable noise and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties.

The PPG advises that, when considering the impact of noise from development proposals, MPAs should take account of the prevailing acoustic environment and, in doing so, should consider whether or not noise from the proposed development would give rise to a significant adverse effect or an adverse effect or whether or not a good standard of amenity could be achieved. The PPG refers to the Explanatory Note of the Noise Policy for England which requires identifying whether the overall effect of the noise

exposure is, or would be, above or below the 'significant observed adverse effect level'.

The PPG advises MPAs to aim to establish a noise limit, through a planning condition at noise-sensitive properties that does not exceed the background noise level by more than 10dB (A). However, it is acknowledged that, in some circumstances, it will be difficult to not exceed the background level by 10dB (A) without imposing unreasonable burdens on the mineral operator. In such cases, noise from the operations should not exceed 55dB (A) $L_{Aeq,1h}$ (free field) during normal working hours (0700 hours - 1900 hours) and during the evening (1900 hours - 2200 hours). Noise from night time operations (2200 hours - 0700 hours) should not exceed 42dB (A) $L_{Aeq,1hr}$ (free field). Where an operation may give rise to particularly noisy short term activities, an increased temporary daytime noise limit of up to 70 dB (A) can be applied.

The ES includes a noise impact assessment which has been carried out in accordance with the guidance contained within the NPPF and PPG. A noise survey was undertaken at the two nearest noise sensitive properties to the proposed new working area, at Meadowfield Close and Dinting Lane which were chosen to represent the nearby villages of Shaw and Higher Dinting respectively. The survey established the current baseline noise levels in the area, which were then used to assess the impact of predicted noise levels from the proposed activities on site, particularly taking into account the potential for noise disturbance at the identified noise sensitive properties in the locality.

Noise prediction calculations are provided for short-term operations, such as site preparation, restoration, soil stripping, construction and removal of baffle mounds, soil storage mounds and spoil heaps, and for normal mineral extraction operations. For each of the sensitive receptors, calculations are based on combinations of plant operating simultaneously at the closest point to the assessment location. They represent, therefore, the worst case scenario and provide an indication of the maximum noise levels to which sensitive noise receptors may be exposed as a result of the development.

The assessment concludes that operations within the site produce worst case scenario noise levels that:

- in all cases do not exceed the 55 dBL_{Aeq,1h} criterion set, when necessary, as an upper limit in the PPG;
- without exception do not exceed the existing background noise level by more than 10 dB (A); and
- without exception do not exceed the temporary 70 dB $L_{Aeq,1h}$ criterion set for short term operations by the PPG.

The assessment puts forward noise limits that shall not be exceeded for the noise sensitive properties in relation to both normal and short term operations, together with additional mitigation and control measures that will be employed during the operation of the site.

Taking the above factors into account, and in accordance with the advice of the EHO, it is considered that the ES adequately demonstrates that the noise impact of the development would not be significant and would be within the guidance limits set out in the NPPF and the PPG and, therefore, in respect of noise, the proposal would be in accordance with DDMLP policies MP1 and MP3, and HPLP Policy EQ10. Maximum noise levels at identified sensitive locations and noise control and monitoring measures would be implemented through the use of planning conditions.

Blasting and Vibration

The applicant states that no blasting takes place at the site and it is not proposed in the future, although historically blasting has taken place. It is considered appropriate to retain a planning condition for the control of blasting should the need arise.

Emissions to Air, including Dust

In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the HPLP which, through Policy EQ10, seeks to protect people and the environment from any unacceptable adverse effects of development, including air pollution. NPPF requires that MPAs should ensure that any unavoidable dust and particle emissions are controlled, mitigated or removed at source. It also requires proposals to comply with the relevant limits or national objectives for pollutants taking into account the presence of any Air Quality Management areas.

The ES contains an air quality assessment which takes into account impacts from the proposed development in terms of coarse dust and fine particles (PM₁₀ and PM_{2.5}) at properties surrounding the site, which has been carried out in accordance with the guidance set out in the NPPF and PPG.

A dust survey was undertaken at the two nearest dust sensitive properties to the proposed new working area, at Meadowfield Close and Dinting Lane, which were chosen to represent the nearby villages of Shaw and Higher Dinting respectively, to establish current baseline dust and particulate levels in the area, from which to assess the potential and predicted impacts of activities on site. Existing dust levels were found to be well below the generally accepted nuisance thresholds; particulate concentrations were also well below the regulatory air quality limits and the site does not lie within a Local Air Quality Management Area. The study assesses predicted dust emission levels from the proposed activities on site and, taking into account climatic factors and existing and proposed mitigation measures, assesses the potential

for dust disturbance at the identified sensitive properties in the locality. The ES demonstrates that dust impacts on identified nearby sensitive receptors would be negligible and, in terms of particulates, shows that air quality objectives would not be exceeded, thereby reaching the conclusion that that air quality would not be significantly affected by the proposals.

The assessment puts forward both mitigation and management measures to effectively control dust emissions on a day to day basis that would be employed during the operation of the site and which would be implemented through the use of planning conditions.

Taking the above factors into account, and in accordance with the advice of the EHO, it is considered that the ES adequately demonstrates that the dust impact of the development is not significant and that any dust generated can be controlled satisfactorily. In respect of the impacts of dust on both local amenity and on air quality, therefore, the proposal would be in accordance with the guidance set out in the NPPF and PPG and with the requirements of DDMLP policies MP1 and MP3 and HPLP Policy EQ10.

Traffic and Access

The transport of minerals from quarries can potentially impact on local amenity, cause public safety concerns and environmental problems, such as noise, vibration and air pollution. In addition to DDMLP policies MP1 and MP3, Policy MP5, which is specifically about transport, is also relevant. It allows for the transport of mineral by road provided there is no feasible alternative which would be environmentally preferable, the access arrangements would be satisfactory and the highway network is adequate to accommodate the traffic generated and it would not be detrimental to road safety or have an unacceptable impact on the environment. The policy adds that the MPA will seek to use legal agreements to prevent HGVs associated with mineral operations from using unsuitable roads. HPLP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner.

The ES refers to a Transport Assessment which was undertaken to inform the ROMP application for Mouselow Quarry granted permission in 2010. The Assessment was updated to inform the current permission granted in 2014 and has been reviewed again to inform this current application.

The Assessment notes that the proposed scale of output from the site is considerably reduced from that envisaged in 2010 and is only predicted to increase slightly in the future. Additionally, the tonnage of material in the extension area is comparable to the tonnage of lower shale that is to be relinquished, hence there would be no increase in the total amount of material exported. The timescale for the proposal i.e. 2042 is the same as that already permitted.

The Assessment notes that the use of HGVs is considered to be the only practical means of transporting minerals from the site. HGV movements associated with the shale removal equates to an average of nine loads (18 vehicle movements) per working day and two to three loads (four to six vehicle movements) per working day for sandstone removal. An existing planning condition directs traffic leaving the site, via signage, to turn right and travel via Dinting Road and Shaw Lane to join the A57. Network Rail has raised an issue about the need for additional vehicle protection to be provided opposite the quarry entrance.

In view of the fact that the mode, scale and nature of HGVs are unlikely to change, the County Council, as Highway Authority, has no objection to the proposal and considers that additional work along the highway is not required in relation to Network Rail's concerns about possible vehicle incursion. It considers that the existing planning conditions should be retained in the interests of local amenity, highway safety and the environment. Taking the above factors into account, it is considered that the traffic impacts of the proposal would not be significant and that the proposal satisfies the provisions of DDMLP policies MP1, MP3 and MP5 and HPLP Policy CF6.

Landscape and Visual Impacts

In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the HPLP which, through Policy EQ3 Rural Development, seeks to ensure that outside of settlement boundaries and within the Green Belt, as per the application site, new development will be strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the PDNP whilst also facilitating sustainable rural community needs, tourism and economic development.

The HPLP adds at Policy EQ4 that within the Green Belt, planning permission will not be granted for development unless it is in accordance with national planning policy. The NPPF, at Paragraph 146, specifies mineral extraction as one of several forms of development which are not inappropriate in the Green Belt, provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

Assessment of Landscape Effects

The proposal involves the removal of a local characteristic piece of landscape which includes a 1.5ha piece of hillside with pasture fields, dry stone walls and broadleaved woodland. The benefits of this proposal, which include the relinquishment of working deeper permitted reserves, would result in a new restoration scheme for the whole of the quarry. This would result in the restoration of the quarry floor to a locally characteristic scheme of small to medium sized fields with dry stone walls and hedgerow boundaries and

additional woodland planting both within and on the periphery of the quarry. The current permitted scheme is dominated by a large water feature.

The ES contains a LVIA which identifies that the setting of the site is not designated as a nationally or important landscape. The ES notes that the quarry is located within the National Character Area (Manchester Pennine Fringe) which occupies the transitional zone between the open moorlands of the Dark Peak and the urban conurbation of Manchester. At the local level, the site has been described as part of the wider Dark Peak area in the Derbyshire Landscape Character Assessment and is described as part of the Settled Valley Pastures Landscape Character Type (LCT). At this location, the landscape is transitional and the surrounding area is more urbanised than other parts of the same LCT across the Dark Peak. Bearing this in mind it is accepted that the local landscape has low to medium value attached to it.

The LVIA assesses the magnitude of change on the landscape to be medium with the loss of some landscape features (grassland pasture, woodland and walls) but with the addition of landscape features in the new restoration scheme including woodland, hedgerows and walls to mitigate and offset these losses. It concludes the landscape effects are not significant and this judgement is accepted.

Assessment of Visual Effects

The greatest visual impact is observed from land above the settlements or within their upper fringes. Lower down within the residential areas the site is not visible due to the intervening buildings, associated vegetation and the woodland which surrounds the site itself. The visual study area in the LVIA reaches 3km to the west but just 500m to the east due to the screening effect of the landform to the east of the site. It includes 14 viewpoints chosen to represent the main visual receptors around the site. The LVIA concludes that taking into account mitigation measures, only one viewpoint, B, would experience moderate adverse effects and two viewpoints, A and J, would experience minor adverse effects with the remainder experiencing negligible visual effects.

Whilst the visual effects from some of the viewpoints, A, J, K and L, might be slightly greater than assessed, when taken together with the proposed mitigation and enhanced restoration of the wider quarry, the visual impacts are not considered to be significant and in the fullness of time the proposed restoration is capable of delivering benefits for landscape character, visual amenity and biodiversity.

Landscape and Visual Impacts on the Peak District National Park

The PDNP Boundary lies some 1.2 km away to the north-east of the site and some 1.75km to the south. It is of the view that any impacts on the PDNP would not be significant, particularly when mitigation and restoration proposals

are taken into account. Whilst the PDNPA initially objected to the proposal in relation to the potential landscape and visual impacts on the PDNP and its setting, following further information and clarification from the applicant, the PDNPA is now satisfied that significant landscape and visual effects are unlikely to be experienced within the PDNP and consequently has withdrawn its objection to the proposals.

Green Belt

The Green Belt in the locality of this site is heavily influenced by its urban context. There is no intrinsic conflict in this case between the continued mineral working proposed and the purposes of including land in the Green Belt. The visual impacts are not considered to be significant and, in fullness of time, the proposed restoration would deliver benefits in terms of landscape character and visual amenity. I consider that the nature of the proposed development would not detract from the openness of the Green Belt, and that it accords with the national policy within the NPPF on proposals affecting the Green Belt.

Taking the above factors into account, it is considered that the landscape and visual impacts of the proposal are not significant and that proposed mitigation and restoration proposals would protect the intrinsic character and distinctiveness of the landscape; the setting of the PDNP and the open character of the Green Belt. The proposals are therefore considered to accord with DDMLP policies MP1 and MP3 and HPLP policies EQ3 and EQ4.

Biodiversity

In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the HPLP which, through Policy EQ5, seeks to conserve and, where possible, enhance biodiversity and geological resources by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests.

Assessment of Effects

The Ecology Section of the ES is based upon a detailed ecological impact assessment, which in turn is informed by ecological surveys. The surveys identify that the application area supports only common, widespread readily replaceable habitats (principally improved pasture with some young plantation woodland), with no protected nor notable species found to be present. The impact assessment concludes that the habitats and species present on site are of low ecological interest and the impacts on those receptors would be of limited significance even in the absence of mitigation. Nevertheless, the ES outlines some basic mitigation measures, which are achievable through the imposition of planning conditions and, if employed, would render ecological impacts to negligible significance and, when taken together with the proposed restoration, would deliver a net gain for biodiversity in the long term.

Having regard to the above, it is considered that the ecological assessment is appropriate and that the limited impacts could be mitigated through the imposition of planning conditions. The proposed restoration concept for the quarry will result in the creation of areas of pasture, acid grassland, seasonal wetland and ponds; proposed woodland planting will provide links to existing habitats. In conclusion, it is considered that the proposed effects of the development on ecological interests would not be significant and the restoration proposals would deliver net gains for biodiversity. The proposal therefore, is considered to be in accordance with DDMLP policies MP1 and MP3 and Policy EQ5 of the HPLP.

Archaeology and Cultural Heritage

In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the HPLP which, through Policy EQ7, seeks to conserve heritage assets in a manner appropriate to their significance taking into account the desirability of sustaining and enhancing their significance.

Assessment of effects

The Cultural Heritage Section of the ES is based upon a detailed cultural heritage assessment which includes a preliminary walkover and geophysical survey of the proposed extension area undertaken to establish its potential for archaeology and consideration of the settings of designated heritage assets in the vicinity.

The ES concludes that the proposed extension area lies within an area of low archaeological potential; the nature of mineral extraction, however, results in the total loss of the archaeological resource wherever extraction takes place. The NPPF requires that, where heritage assets will be lost, developers should record and advance understanding of their significance in a manner proportionate to their importance and to the impact. The ES therefore proposes, in accordance with the NPPF, that an appropriate approach to mitigation is to ensure that preservation by recording would be controlled through the imposition of a planning condition.

There are three designated assets within the vicinity of the site; Mouselow Castle (a Scheduled Monument), Higher Dinting Farmhouse (a Grade II Listed Building) and Howard Park (a Historic Park and Garden). The proposed new area of working would not be visible from any of the assets and the ES concludes, accordingly, that the effects of the proposed development would not be significant, and I agree with this conclusion

Having regard to the above, it is considered that the cultural heritage assessment and its conclusions are appropriate and that any potential archaeological interests can be protected through the imposition of a planning condition. The proposal is therefore considered to be in accordance with DDMLP policies MP1 and MP3 and Policy EQ7 of the HPLP.

Water Regime and Flood Risk

In addition to DDMLP policies MP1 and MP3, other relevant policies for this issue are included in the HPLP which, through Policy E10, seeks to protect people and the environment from unsafe, unhealthy and polluted environments. This will be achieved by ensuring that any potential adverse effects from 'pollution' are mitigated to acceptable levels. Types of pollution to be taken into account include pollution of watercourses (rivers, canals, reservoirs, streams, ditches, ponds and wetland areas) or groundwater.

Assessment of Effects

The ES includes a Hydrogeological Impact Assessment and a Flood Risk Assessment. A key benefit in terms of impacts on the water regime is the fact that Wienerberger Ltd proposes to relinquish planning permission to extract the lower poor quality shales below the water table, subject to the grant of planning permission for additional high quality reserves through this application. By not extracting the lower shales, there is no requirement for large scale dewatering and any potential impacts on the ground water regime, as a result, would be avoided.

There are no water bodies within the site extension area; there are a number of small water bodies within the existing permitted area of the quarry which form part of a system of springs, issues and spring-fed reservoirs. Within the quarry void, two small waterbodies in the eastern and western extents form part of the existing water management system. Mouselow Quarry is also located on a Secondary 'A' Aquifer classified due to the presence of permeable sandstone layers in the predominantly shale lithology. Within the boundary of the existing permitted site there are three groundwater level observation boreholes, screened within part of the sandstone bed and managed by Wienerberger Ltd. One licensed groundwater abstraction lies within 2km of the site. Several LWSs lie within 1km of the site boundary which may be groundwater dependent or located on surface water flow paths from the site.

The Hydrological Impact Assessment takes into account groundwater and surface water flows and quality. Impacts have been assessed against the current conditions around the site while impacts following restoration have been assessed against pre-development conditions. Based on the aforementioned hydrological, hydrogeological and environmental factors, the Assessment considers that the baseline catchment sensitivity for surface water is 'low' and for groundwater is 'medium'.

During mineral extraction, potential impacts to all identified receptors are assessed as 'Negligible' to 'Moderate' in magnitude, therefore, the significance of the potential impact is classed as 'None' or 'Minor'. Working methods in the proposed quarry extension would be similar to those employed currently. The existing passive water management settlement pond mitigation

for suspended soils and pollution control and prevention measures would be applied to the new quarry extension. With these measures applied and 'best practice' procedures continued, the Assessment considers that impacts on the receiving watercourses and the groundwater regime would be 'Negligible' and therefore concludes that no mitigation is required.

The Assessment adds that following the restoration of Mouselow, passive surface water management would continue and a seasonal wet area, with perennial pond, would exist and concludes that further mitigation is unnecessary.

The ES includes a Flood Risk Assessment which concludes that the proposed quarry extension would not increase flood risk to either the existing site or the surrounding area. Maintaining access and egress routes, and the storage of water in the void during times of extreme rainfall would ensure that any risks from potential surface water flooding are mitigated. Surface water is currently managed effectively in the existing quarry. The proposed restoration landscape includes a wetland area adjacent to the quarry face which would fluctuate in size seasonally to effectively accommodate the anticipated volume of water egress, thereby reducing the risk of flooding to either the site or surrounding area.

Taking the above factors into account, and in accordance with the advice of the EA, it is considered that the ES adequately demonstrates that the impact of the development on the water regime and on flood risk both during and after the completion of restoration would not be significant. Therefore, the proposal would be in accordance with DDMLP policies MP1 and MP3, and HPLP Policy EQ10. Impacts on ground water and surface water discharge would be adequately controlled and monitored through the use of planning conditions.

Restoration

DDMLP Policy MP10 requires satisfactory provision to be made, as soon as practicable, for the reclamation and after-use of the site. The NPPF requires that high quality restoration and aftercare is achieved on mineral sites. The proposed restoration concept, shown on drawing number PLAN M2_LAN_039 C, dated December 2017, includes agricultural grassland on the quarry floor with woodland, hedgerows, nature conservation grassland, small field ponds and seasonal wetland area. The proposals would result in a landscape characteristic of the area, maximise nature conservation opportunities and contribute to local and UK Biodiversity Action Plan targets. The proposals would retain the existing public rights of way across the site and supplement these with additional paths, initially as permissive routes. Additional information has been supplied by the applicant to demonstrate the achievement of the restoration scheme without the need to import fill material.

By not extracting the lower shales below the water table, the proposed 'dry' restoration concept would provide benefits to the landscape character and ecology. It is considered, therefore, that the proposed restoration is in conformity with the DDMLP Policy MP10 and the NPPF. Details of the restoration concept would be achieved through the imposition of planning conditions.

Public Rights of Way (PRoW)

DDMLP Policy MP1 makes provision for the protection of PRoW from new development and HPLP Policy EQ8 seeks to develop, protect and enhance networks of biodiversity and green infrastructure, including access from settlements into the countryside. The ES notes that the existing quarry operations have a limited impact on footpath users and its continued operation, together with the proposed extension, would not create any new impact. The ES considers that planning conditions adequately control site boundaries and security. The ES adds that the proposed restoration scheme would result in the creation of new paths which would have a positive impact on local amenity.

I concur with the findings of the ES and consider the proposals to be in accordance with DDMLP Policy MP1 and HPLP Policy EQ8. Boundaries and site security can be maintained through the imposition of a planning condition. An appropriate planning obligation can provide for the County Council as Highway Authority to be able to require the owner to enter into creation agreements with it, following restoration, for the new paths to become footpaths which would be maintainable at public expense by the Highway Authority, in order to secure their long term future as PRoW.

Agriculture and Soils

The proposed lateral extension would affect an additional 1.1ha of agricultural land which consists of pasture fields leased to a local farmer. The agricultural land is classed as Grade 3; the ES assesses the significance of the loss of this land and its effect on the farm business as negligible and I concur with these findings. The proposed restoration scheme would result in an increase in grazing land to 2.5ha.

Climate Change and Health Impacts

The ES includes an assessment of climate change and health impacts and I concur with its findings. It concludes that the impacts of the proposals on climate change and human health would be negligible and that the proposals would be more favourable than the current permitted development, particularly in respect of the relinquishment of working the deeper high sulphur and carbon shales and the revised restoration scheme which avoids the retention of a large deep water body.

Cumulative Impacts

The NPPF requires that in considering the socio-environmental impacts of the development, account should be taken of any cumulative impacts from individual sites and/or from a number of sites in the locality. The ES notes that the HPLP allocates land for housing at three sites along Dinting Road/Dinting Lane within 1,000m of the quarry extension but further away than the nearest residential receptors. These sites were allocated after the current planning permission was granted to extend working at Mouselow Quarry to 2042 and, therefore, its presence will have been taken into account in the development of the local plan. The ES therefore concludes, and I concur with its findings, that the proposed development of the quarry would not lead to any unacceptable cumulative impacts.

Conclusion

Having regard to the need to ensure an adequate and steady supply of industrial minerals, such as brick clay, to support their use in industrial and manufacturing processes, it is considered that there is a justified economic need for the continued extraction of the shale resource (and associated sandstone) at Mouselow, which would ensure the continued operation of Denton Brickworks and continued employment and investment in the local economy. Denton is not only important locally, its products are exported nationally and support the national economy and house building. In this respect, the proposals are considered to contribute towards the socio-economic objectives of sustainable development and accord with relevant development plan policies and, in particular, DDMLP policies MP1, MP2, MP18, MP23, MP32 and MP34 and the NPPF.

I am also satisfied that the mineral can be obtained in an environmentally acceptable manner if worked in accordance with the submitted proposals and other requirements detailed in this report. The relinquishment of permission to work the deeper low quality shale and the resultant revised restoration scheme to 'dry' uses would reduce potential groundwater impacts and lead to ecological, landscape and visual amenity and public access benefits. The proposals therefore are considered to contribute towards the socio-environmental objectives of sustainable development and to be in accordance with the relevant development plan policies and in particular DDMLP policies MP1, MP3, MP4, MP5, MP6, MP7 and MP10 and, the HPLP policies EQ2, EQ3, EQ4, EQ5, EQ7, EQ8, EQ10 and CF6 and the NPPF.

If planning permission is granted, it would be necessary for the applicant to enter into a legal agreement pursuant to the Town and Country Planning Act 1990, Section 106 to secure obligations in relation to the relinquishment of permitted reserves of lower shale and the creation, post restoration and aftercare, of RRoW.

In conclusion, the proposed development does not conflict with the relevant saved policies of the adopted DDMLP, the adopted HPLP or any other material considerations, and therefore, subject to the conditions listed below and a legal agreement, it is recommended for approval.

(3) **Financial Considerations** The correct fee of £3,510 has been received.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as Mineral 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 and legal agreement referred to in the Officer's Recommendations.

(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. 1.759.13
Application submitted by Quarryplan GB Ltd (application form dated 22 June 2018) on behalf of Wienerberger Ltd and registered as valid on 10 July 2018. Further submissions under the emails dated 23 October 2018 and 8 November 2018.
Emails from Quarryplan GB Ltd dated 23 October 2018, 8 November 2018, 21 November 2018, 2 January 2019 and 8 January 2019.
Letters from Historic England dated 17 July 2018 and 4 December 2018.
Emails from Network Rail dated 23 July 2018 and 31 August 2018.
Emails from Natural England dated 2 August 2018 and 6 December 2018.
Letters from Derbyshire Wildlife Trust dated 6 August 2018, 20 December 2018, and 9 January 2019.
Emails from HPBC EHO dated 24 October 2018 and 7 January 2019.
Emails from HPBC dated 25 October 2018 and 7 January 2019.
Email from PDNPA dated 24 August 2018 and 9 January 2019.
Emails from EA dated 6 August 2018 and 4 December 2018.
Email from Greater Manchester Combined Authority dated 7 January 2019.
Emails from the County Council's Conservation and Design Section dated 25 July 2018, 17 August 2018, 24 September 2018 and 19 December 2018.

Emails from the County Council Highway Authority dated 26 July 2018, 28 September 2018, 5 December 2018 and 10 January 2019.

Email from the County Council Local Lead Flood Authority dated 4 January 2019.

Representations dated 24 July 2018, 28 August 2018, 2 September 2018 and 27 December 2018.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** for application CM1/0618/23 subject to:

7.1 The prior completion of a legal agreement containing planning obligations under Section 106 of the Town and Country Planning Act 1990, to provide that :

1. With effect from the commencement of development under the planning permission to be granted for the application, the application site owner shall not carry out nor allow any other party to carry out any development of the site pursuant to any other extant planning permission.
2. With effect from the granting of the permission for the application, the owner shall not object to any order by the County Council under section 97 of the Town and Country Planning Act 1990 to revoke any other extant permission relating to the permission site, and shall surrender any entitlement to compensation from the Council in respect of any such revocation.
3. Upon the County Council providing a relevant notification following completion of the restoration to be required by conditions to which the permission to be granted for the application is to be subject the owner shall enter into Creation Agreements with the Council under section 25 of the Highways Act 1980 to dedicate as a public footpath any one or more of the paths shown as permissive paths on the drawing submitted with the application which is numbered No. M2_LAN_039C and entitled 'Restoration Concept'.

7.2 Conditions based substantially on the draft conditions set out below:

Planning Conditions

Commencement

- 1) The development hereby approved shall be begun within three years of the date of this permission. The Mineral Planning Authority shall be notified in writing of the date of commencement of operations under this permission within 14 days of such commencement. For the purposes of

this condition, commencement shall involve the stripping of soils within the Phase 1 area.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990. The Mineral Planning Authority requires prior notification of the date of commencement of the development so that it has sufficient time to ensure that all the requirements of the planning permission are in place and to make arrangements for monitoring the development.

Availability of Approved Documents

- 2) From the date of its coming into effect, a copy of this Schedule of Conditions, including all documents referred to in it, and any further submissions to, and approvals by the Mineral Planning Authority under the approved conditions, shall be kept available on site for inspection at any time when the site is operating.

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

Time Limits

- 3) All operations for the winning and working of minerals authorised or required by this permission shall cease on 7 March 2042. Within two years of that date, all plant, machinery, structures, buildings and haul roads shall have been removed, and the whole site, including all areas occupied by plant, machinery, structures, buildings, access and haul roads, shall have been restored in accordance with the further conditions to this decision.

Reason: To ensure that all operations are carried out within an acceptable timescale and to prevent prolonged disturbance to the local environment.

Form of Development

- 4) Except as may otherwise be required by these conditions, the development hereby approved shall be carried out only in accordance with the provisions and details, including all mitigation measures, set out in the planning application documents and the accompanying Environmental Statement dated June 2018, submitted under the covering letter from Quarryplan (GB) Ltd dated 22 June 2018 and the additional information submitted dated 23 October 2018.

For avoidance of any doubt:

1. The planning application documents and the Environmental Statement referred to above comprise the following drawings and documents:

Application Form dated 22 June 2018
Drawing No. M2_LAN_036 May 2017 – Location Plan
Drawing No. M2_LAN_038A Sept 2017 – Site Plan
Drawing No. GLOSSEXT1704/1/B Nov 2018 – Existing ground with phase boundaries
Drawing No. GLOSSEXT1704/2/B Nov 2018 – Phase 1
Drawing No. GLOSSEXT1704/3/B Nov 2018 – Phase 2
Drawing No. GLOSSEXT1704/4/B Nov 2018 – Phase 3
Drawing No. GLOSSEXT1704/5/B Nov 2018 – Phase 4
Drawing No. GLOSSEXT1704/6/B Nov 2018 – Phase 5
Drawing No. GLOSSEXT1704/7/B Nov 2018 – Phase 6
Drawing No. GLOSSEXT1704/8/B Nov 2018 – Phase 7
Drawing No. GLOSSEXT1704/9/B Nov 2018 – Phase 7 with sandstone extraction
Drawing No. M2_LAN_042, Oct 2018 - Restoration Resources and Storage Plan
Drawing No. M2_LAN_043 Oct 2018 - Restoration Placement October 2018
Drawing No. MS2_LAN_039C Dec 2017 - Restoration Concept Proposed Water Monitoring Scheme, Golder Associates (UK) Ltd, June 2011
Volume 2 Environmental Statement June 2018
Volume 3 Environmental Statement Technical Reports June 2018

Volume 4 Planning Application Statement June 2018

2. The development hereby approved comprises both the continuation of the winning and working of brick making shale and sandstone at Mouselow Quarry, Glossop which, hitherto, has carried on under planning permission CM1/0214/162 and an extension of the mineral working onto land known as Mouselow extension area edged in green on drawing number M2_LAN_038A entitled Site Plan, dated September 2017.
3. With effect from the commencement of operations under this permission, this permission shall supersede the planning permission CM1/0214/0162 relating to the area labelled 'Glossop Site Extents' on drawing number M/W258/0817, dated 7 April 2008,.

Reason: To confirm what constitutes the development approved by this permission.

Access, Traffic and Protection of the Public Highway

- 5) The sole vehicular access to the site shall be by way of the access off Dinting Road as marked as Quarry Entrance on drawing number

M2_LAN_038A entitled Site Plan, dated September 2017, and except in the case of emergency, the access onto Shaw Lane shall remain closed to all vehicular traffic associated with the operation of the quarry.

Reason: To restrict the route for accessing the site and to ensure that the access is kept clean in the interests of local amenity, highway safety and the environment.

- 6) The sign specified on the attached drawing number R1/0310/24/A shall be maintained for the duration of the approved development at the egress to Dinting Road. The sign shall face inwards and shall clearly instruct the drivers of all lorries and other heavy goods vehicles to turn right.

Reason: In the interests of local amenity and highway safety.

- 7) The surface of the access road shall be maintained in a solid bound material and repaired as necessary and the access shall be kept clean and free of mud and other debris at all times until completion of site restoration, landscaping and aftercare.

Reason: In the interests of local amenity and highway safety.

- 8) No mud or other dirt shall be carried from the site onto the public highway.

Reason: To ensure that the access is kept clean in the interests of local amenity, highway safety and the environment.

Buildings, Fixed Plant and Machinery

- 9) Notwithstanding the provisions of Article 3 and Schedule 2, Part 17A of the Town and Country Planning (General Permitted Development Order) 2015, as amended, except within the area indicated on the attached plan R1/0310/24B, no buildings, or structure in the nature of plant or machinery shall be erected, extended, installed or replaced on the site.

Reason: To avoid unacceptable impact on amenity and the environment.

- 10) All cranes, machinery and constructional plant shall be positioned so as to ensure that no part of them would be located within 3 metres of the railway boundary.

Reason: In order to maintain the safety of railway operations.

- 11) All quarry vehicles, mobile plant and machinery shall be parked within the quarry excavation when not in use, so as not to be visually obtrusive from outside views.

Reason: In the interests of the protection of local amenity.

Importation of Materials

- 12) No materials for the infilling or restoration of the site shall be imported to the site, except for such soil ameliorants as have received the written approval of the Mineral Planning Authority prior to their importation.

Reason: In the interests of quarry restoration and highway safety.

Hours of Operation

- 13) No operations authorised or required under this permission, other than pumping operations to remove water from the excavations or cases of emergency when life, limb or property are in danger,, shall be carried out except during the following times:

Mondays to Fridays (other than Bank Holidays or other Public Holidays)
0700 hours to 1900 hours;
Saturdays 0700 hours to 1300 hours.

Except for pumping operations and cases of emergency, there shall be no operations at any time on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of the protection of local amenity.

Noise

- 14) Except for noisy short term activities as allowed by Condition 15 below, noise emitted from the site and received at the specified noise receptors shall not exceed the noise limits set out in the table below.

No.	Location	Site Noise Limits during Normal Operations (dB L _{Aeq,1hr} free field)
1	Meadowfield Close (Shaw)	54
2	Dinting Lane (Higher Dinting)	53

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

- 15) During noisy short term activities at the site, the noise limits set out in Condition 14 may be exceeded during the daytime (0700 hours – 1900 hours) for periods not exceeding a total of 8 weeks in any period of 12 months throughout the duration of the development, as measured at the noise receptors identified in Condition 14. During these periods, the received noise levels shall not exceed 70dB (A) $L_{Aeq, 1 \text{ hour}}$, free field. For the purposes of this condition, noisy short term activities comprise such activities as are referred to in Paragraph 22 Reference ID: 27-022-21040306 of the Planning Practice Guidance.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interest of local amenity.

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

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interest of local amenity.

- 17) Reversing warning devices on all vehicles used on site shall be either non-audible, ambient-related or low-tone devices.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

- 18) If, in the opinion of the Mineral Planning Authority, noise from the site exceeds the limits for either normal operations, as set out in Condition 14, or temporary operations set out in Condition 15, at the properties identified in Condition 14, the operator shall undertake monitoring of site noise levels at the noise affected property(ies) listed in Condition 14 and submit the results to the Mineral Planning Authority.

Reason: To control the impact of noise generated by the developing and to provide for the monitoring of this impact in the local amenity.

Dust

- 19) If, at any time during the operations the operator becomes aware of dust leaving the site, or is informed by the Mineral Planning Authority that it believes dust is leaving the site, then all relevant operations shall be suspended immediately and shall not be resumed until the Mineral Planning Authority has confirmed in writing that it is satisfied that

appropriate measures are in place to ensure that operations may be resumed.

Reason: To control the impact of dust generated by the development and in the interests of local amenity and the environment.

- 20) No vehicles used for the movement of soils and overburden within the site shall be equipped with downward pointing exhaust pipes.

Reason: To control the impact of dust generated by the development and in the interests of local amenity and the environment.

Rubbish, Scrap and Other Wastes

- 21) All rubbish, scrap and waste material either found or generated on the site shall be stored in clearly marked areas or containers until such time as it can be removed to a facility which holds an appropriate Environmental Permit.

Reason: To minimise the risk of pollution to the environment.

Working Method

- 22) Except as otherwise required by the conditions of this permission, the progressive extraction of minerals and restoration of the site shall be carried out in accordance with the details contained in drawing numbers all dated 9 November 2018, unless indicated, GLOSSEXT1704/1/B – Existing ground with phase boundaries, GLOSSEXT1704/2/B – Phase 1, GLOSSEXT1704/3/B – Phase 2, GLOSSEXT1704/4/B – Phase 3, GLOSSEXT1704/5/B – Phase 4, GLOSSEXT1704/6/B – Phase 5, GLOSSEXT1704/7/B – Phase 6, GLOSSEXT1704/8/B – Phase 7, GLOSSEXT1704/9/B – Phase 7 with sandstone extraction, M2_LAN_042, Restoration Resources and Storage Plan dated October 2018, M2_LAN_043 Restoration Placement October 2018 and MS2_LAN_039C Restoration Concept dated December 2017, in so far as they relate to the period referred to in Condition 3.

Reason: To ensure that the site is worked in accordance with detailed schemes approved by the Mineral Planning Authority.

Stability of South-East Quarry Faces

- 23) The extraction and use of shales to stabilise the South-East Quarry faces shall be carried out in accordance with a scheme that has been submitted to and received the prior written approval of the Mineral Planning Authority. The scheme shall be submitted to the Mineral Planning Authority not later than six months prior to the date the works are to be undertaken, and shall accord with the restoration shown on

the drawing number M2_LAN_039C, dated December 2017, entitled restoration concept plan.

Reason: To ensure that the site is worked in accordance with detailed schemes approved by the Mineral Planning Authority.

Blasting and Vibration

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

Mondays to Fridays other than Bank Holidays or other Public Holidays - 0800 hours to 1600 hours.

Saturdays - 0800 hours to 1300 hours.

No blasting shall take place on Sundays, Bank Holidays or other Public Holidays.

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

Reason: To control the impact of blasting and provide for the monitoring of any impact in the interests of local amenity and the environment.

- 25) Blasting shall not take place on more than 20 occasions in any 12 month period.

Reason: In the interests of local amenity and the environment.

- 26) No blasting operations shall take place which will result in ground vibrations with a maximum peak particle velocity greater than 3mm/second in any plane at the nearest sensitive properties to such operations as represented and identified in the table below:

No.	Vibration Sensitive Properties
1	Meadowfield Close (Shaw)
2	Dinting Lane (Higher Dinting)

Reason: To control the impact of blasting in the interests of local amenity and the environment.

- 27) No blasting operations shall take place unless and until a scheme to minimise the effects of air overpressure arising from blasting operations has received the written approval of the Mineral Planning Authority. The

scheme, which shall be implemented as approved, shall have regard to blast design, methods of initiation and the weather conditions prevailing at the time.

Reason: To control the impact of blasting in the interests of local amenity and the environment.

- 28) No secondary blasting, including face dressing, shall be carried out without the prior written approval of the Mineral Planning Authority.

Reason: To control the impact of blasting and provide for the monitoring of any impact in the interests of local amenity and the environment.

- 29) No blasting shall take place unless and until the operator has installed equipment suitable for measuring the vibration from blasting at a location or locations which has or have received the prior written approval of the Mineral Planning Authority, and shall measure and record every blast, and shall, on request, provide the Mineral Planning Authority with particulars of the blasting vibration and air overpressure measurements recorded by the equipment.

Reason: To control the impact of blasting and provide for the monitoring of any impact in the interests of local amenity and the environment.

Protection of the Water Environment

- 30) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment or an equivalent system for storing oils, fuels or chemicals.

Reason: To protect the quality and prevent the pollution of the water environment, and to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

- 31) No foul or contaminated drainage from the site shall be discharged into ground water or any surface water either directly or via soakaways. All foul drainage shall be contained within a sealed and watertight cesspool/tank, fitted with a level warning device to indicate if the tank needs emptying.

Reason: To protect the quality and prevent the pollution of the water environment, and to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

- 32) There shall be no reduction in the effectiveness of any drain or watercourse belonging to Network Rail or works which will generate an increase in existing surface water flow rates into any culvert that passes beneath the railway or onto rail property.

Reason: To protect the quality and prevent the pollution of the water environment, and to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

- 33) Measures shall be taken to ensure that all pumped water from the excavation area and surface water drainage is passed through adequate settlement lagoons/balancing tanks to remove suspended solids prior to its discharge to any watercourse. The location and details of such settlement lagoons/balancing tanks shall have been submitted to and received the written approval of the Mineral Planning Authority in consultation with the Water Authority prior to their construction.

Reason: To protect the quality and prevent the pollution of the water environment, and to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

- 34) Measures as required shall be taken throughout the period of development, restoration and aftercare to ensure that drainage from the site and from areas immediately adjoining it is not interrupted either partially or fully by the operations hereby approved.

Reason: To protect the quality and prevent the pollution of the water environment, and to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

- 35) The development shall be carried out in accordance with the groundwater monitoring scheme submitted by the applicant company on 10 June 2011 and approved by the Mineral Planning Authority on 12 August 2011 under submission Code No. SM2089, to provide continuity of monthly water level observations in the existing groundwater monitoring boreholes and in the quarry sump, with correlation of all levels relative to Ordnance Survey Datum and reports of the data to the Mineral Planning Authority, with long (full) term hydrographs, at intervals of not more than 12 months. The scheme shall be implemented as approved by the Mineral Planning Authority.

If any of the monitoring points for the scheme are lost or damaged, they must be restored or replaced like for like within two months in a manner approved by the Mineral Planning Authority.

Reason: To provide on-going evidence of the actual impact of the development on groundwater resources at the site boundary, and to inform the final restoration scheme.

- 36) Within 3 months of the completion of extraction in Phase 7, a scheme providing for the long term means of passively regulating the rate of surface water discharge from the site, as part of the approved restoration scheme, shall be submitted to the Mineral Planning Authority for its approval in writing. The scheme shall then be implemented as approved.

Reason: To control flood risk and scour in receiving watercourses that may arise as a result of the development.

Soil Storage, Handling, Movement and Placement

- 37) The storage, handling and placement of all topsoil, subsoil and overburden at the site shall be undertaken in accordance with the drawing numbers M2_LAN_042, dated October 2018, entitled Restoration Resources and, M2_LAN_043, dated October 2018, entitled Storage Plan and Restoration Placement Plan and a revised soil handling scheme that has received the written approval of the Mineral Planning Authority. The scheme, which shall be submitted within six months of the date of this permission, shall include details of:

- i) the separate stripping and storage of topsoil, subsoil, and overburden;
- ii) the location, content, size, volume, design, treatment and maintenance of the storage mounds, including grass seeding and weed control of the stored soils;
- iii) details of the method of placement and treatment following placement of all topsoils, subsoils and overburden at the site in order to reduce compaction and stone picking; and
- iv) a programme of implementation.

The scheme shall then be implemented in accordance with the details as approved.

Reason: To ensure that monitoring arrangements for soil stripping and storage are in place, to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist.

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

Reason: To ensure that monitoring arrangements for soil stripping and storage are in place, to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist.

- 39) Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped. In this condition, the term 'excess' vegetation shall be taken to mean all vegetation above a height of 150mm above ground level.

Reason: To ensure that the most suitable soil resource is used in the restoration of the site.

- 40) No topsoil or subsoil shall be stripped, moved, handled or trafficked upon unless it is in a dry and friable condition. The above operations shall only take place

- i) when all the soil is in a suitably dry and friable condition that it is not subject to structural damage through compaction and smearing; and
- ii) when topsoil is sufficiently dry that it can be separated from subsoil without difficulty.

Reason: To ensure that monitoring arrangements for soil stripping and storage are in place, to prevent unnecessary trafficking of soil by heavy equipment and vehicles that may damage the soil and to prevent damage to soils by avoiding movement whilst soils are wet or excessively moist.

- 41) All topsoil and subsoil shall be retained on the site for use in the restoration of the site.

Reason: To ensure that the most suitable soil resource is used in the restoration of the site.

Archaeology

- 42) No soil stripping shall be undertaken in the approved extension area (phase 1 and phases 4 to 7) until a Written Scheme of Investigation for archaeological work has been submitted to the Mineral Planning Authority for its approval in writing. Thereafter, the scheme, including any requirements to be carried out prior to the commencement of soil

stripping, shall be implemented as approved. The Scheme shall include an assessment of significance and research questions; and

- i) the programme and methodology of site investigation and recording;
- ii) the programme for post investigation assessment;
- iii) provision to be made for analysis of the site investigation and recording;
- iv) provision to be made for the publication and dissemination of the analysis and records of the sites investigation;
- iv) provision to be made for archive deposition of the analysis and records of the site investigation;
- v) nomination of a competent person or persons/organisation to undertake the works set out in the Scheme .

For the avoidance of doubt, the archaeological recording condition will normally only be discharged when all elements of the Written Scheme of Investigation, including on site works, analysis, report, publication (where applicable) and archive work has been completed.

Reason: To ensure that procedures are in place for identifying, excavating and recording any archaeological features that may be uncovered during the development.

Ecology

- 43) Prior to the commencement of each phase of the development, a detailed badger survey, for any recently excavated badger setts on site or within 30 metres of the phase to be worked, shall be undertaken, and the results of the survey shall be submitted within one month to the Mineral Planning Authority. Should badger setts be identified within the area surveyed, no work shall take place before appropriate measures for the mitigation of impacts and a programme of implementation have been submitted to and received the written approval of the Mineral Planning Authority. The approved measures shall then be implemented as approved.

Reason: To ensure that the development takes place without detriment to species protected by the Wildlife and Countryside Act 1981 or other legislation.

- 44) No clearance of grassland, hedgerow, scrub and woodland shall be undertaken during the bird nesting season (March to August inclusive) without the prior written approval of the Mineral Planning Authority, and subject to the undertaking of a check for nesting birds, by a suitably qualified ecologist as agreed in writing by the Mineral Planning Authority, no more than 48 hours before the commencement of the

works. Any active nests found during such a check shall be protected from disturbance until all young birds have fledged.

Reason: To ensure that the development takes place without detriment to species protected by the Wildlife and Countryside Act 1981 or other legislation.

Protection of Existing Vegetation

- 45) No trees or shrubs shall be cut down, uprooted, damaged, destroyed or removed during the works without the prior written approval of the Mineral Planning Authority. Retained trees and shrubs, including hedgerows, shall be protected from disturbance, damage or destruction from the approved development where necessary by the provision of adequate stand-offs, machinery and materials storage areas, fencing, marker posts and buntings or other suitable method. All trees and shrubs protected under this condition shall be incorporated into an approved scheme of post restoration landscaping of the site, except where the removal of vegetation is otherwise provided for in the approved scheme.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity and local landscape character.

Restoration

- 46) The site shall be restored in accordance with the drawing number M2_LAN_039C, dated December 2017, entitled restoration concept.

Reason: In the interests of landscape and visual amenity, and to ensure the satisfactory restoration of the land.

- 47) The operator shall submit an annual report to the Mineral Planning Authority providing details of the restoration work undertaken during the previous 12 month period.

Reason: In the interests of landscape and visual amenity, and to ensure the satisfactory restoration of the land.

Landscaping

- 48) Landscaping of the quarry shall be carried out in accordance with a landscaping scheme or schemes that have received prior written approval of the Mineral Planning Authority. The scheme which shall be submitted to the Mineral Planning Authority not later than six months prior to the date that the landscaping works are to be undertaken, shall relate to the general principles shown on the drawing entitled restoration

concept (M2_LAN_039C, dated December 2017). The scheme(s) for each phase of the development shall include details of the following:

- (i) ground preparation prior to planting (ripping, seeding);
- (ii) location, species, size and spacing of trees, shrubs and hedgerow plants. All stock shall be of regional provenance;
- (iii) seeding details for fields, stockpiles and where hydroseeding is to be used, details of the hydroseeding;
- (iv) protection of newly planted stock and provision for removal of tree guards when no longer required;
- (v) details of the new dry stone walling including its height and coping;
- (vi) the provision of fences, paths, gates and stiles, including details of the location and type of fencing, gate and stile to be erected and their protective treatment, and path surfacing;
- (vii) the treatment of the quarry faces on the southern boundary prior to planting; and
- (viii) a programme of implementation.

The scheme shall then be implemented as approved.

Reason: To ensure that the site is reclaimed and landscaped in accordance with detailed schemes approved by the Mineral Planning Authority in the interests of local amenity and the environment.

- 49) No new trees shall be planted closer to the railway than a distance equivalent to its mature height from the railway property.

Reason: Derailment of trains can occur where trees are blown down across railway tracks.

Maintenance of Tree and Shrub Planting

- 50) The provisions of Condition 53 notwithstanding, for the first five years following new planting of any trees and shrubs (including the hedgerows referred to in Condition 51 below) and reedbeds, the planting shall be maintained in accordance with the principles of good forestry and husbandry, and any stock which dies or becomes seriously damaged, diseased or missing, shall be replaced with plants of the same species or such alternative species as have been approved by the Mineral Planning Authority (for the avoidance of doubt 100% replacement is required).

Reason: To ensure the successful establishment of the landscaping of the site.

Boundaries and Site Security

- 51) All existing hedgerows, trees, fences and drystone walls on the boundary of the site, as shown edged in red on drawing number M2_LAN_38A, entitled Site Plan, dated September 2017, and any new boundary features shall be maintained and protected from damage until the restoration of the site has been completed. Any new boundary features that are not replacements shall be in accordance with details that have been submitted to and received the prior written approval of the Mineral Planning Authority.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity and local landscape character.

- 52) Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and maintain until the restoration of the site is completed stock proof fencing with gates and stiles where required.

Reason: To ensure that these features are properly maintained and managed for the duration of the development in the interests of visual amenity and local landscape character.

Aftercare of the Restored Land

- 53) a) The restored site shall be subject to a programme of aftercare in accordance with a scheme which has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall be submitted no later than 12 months prior to the programmed completion of restoration of any part of the site in accordance with the scheme approved for the purposes of Condition 46 above. The submitted scheme shall provide for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland, and amenity (including nature conservation) as appropriate during a five year aftercare period, and shall include details of:

- In the case of land restored for use for agriculture:
 - i) soil treatments, including stone-picking, moling and subsoiling, and the removal of any stone exceeding 200mm 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; and
- ix) protection from poaching by grazing animals.
- In the case of land restored for use for woodland:
 - i) cultivation practices;
 - ii) secondary soil treatments;
 - iii) fertiliser applications based on soil analysis;
 - iv) drainage; and
 - v) weed control.
- In the case of land restored for use for amenity:
 - i) habitat development and maintenance;
 - ii) grassland establishment and maintenance;
 - iii) fertiliser applications based on soil analysis;
 - iv) cultivation practices;
 - v) watering and draining;
 - vi) lake margins establishment; and
 - vi) wetland maintenance.

The approved scheme 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 written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

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 operator 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.

Reason: To ensure the aftercare of the reinstated land to the required standard, to ensure that the land is brought into aftercare at the appropriate stage of its rehabilitation, and to monitor aftercare performance.

Premature Cessation

54) If (a) the permission subject to these conditions expires or otherwise ceases to have effect; or (b) the Mineral Planning Authority and all the

persons with an interest in the site agree that mining operations have ceased before the site restoration and aftercare in accordance with Conditions 46-53 has been achieved, the site shall then be reclaimed in accordance with a scheme which has the approval of the Mineral Planning Authority. The scheme shall be based on the principles of those conditions and shall include a programme of implementation. The scheme shall be submitted not later than six months from such an event as specified in (a) or (b) above, or such later date as the Mineral Planning Authority may specify in writing and shall be implemented in the timescales approved by the Mineral Planning Authority.

Reason: To ensure appropriate reclamation of the site in the interests of local amenity and the environment.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

The Mineral Planning Authority engaged with the applicant in a positive and proactive manner in seeking solutions to issues which arose during the processing of this planning application, in full accordance with Article 35. The Mineral Planning Authority provided pre-application advice, issued on 12 September 2017, in which the main issues associated with this proposal were identified as the need for the additional area of extraction at Mouselow Quarry; the benefits from the relinquishment of permitted reserves as part of this proposal; the impacts of the development on the environment and local amenity and other land uses, and the overall issue of sustainability.

Footnotes

Network Rail would like to draw the following comments to the attention of the applicant/operator:

Asset Protection

Network Rail requires the applicant to demonstrate that the proposed extraction and any removal of lateral ground support alongside the railway will not impact on the long term ground stability that the railway enjoys.

Network Rail requires that where the applicant proposes to excavate by means of blasting, it should be demonstrated that the ground vibrations (in terms of peak particle velocity) experienced at the rail infrastructure will not have a detrimental effect to railway assets.

Network Rail requires that tipping and stockpiling of materials must not be carried out in a manner that may result in material falling onto the railway. It also advised the applicant to contact Network Rail in respect of any asset protection issues.

The Environment Agency (EA) would like to draw the following comments to the attention of the applicant/operator:

Groundwater and Contaminated Land

When the quarry has ceased operating and has been restored to vegetation or open water, the risk of pollution is reduced to the extent that an Environmental Permitting Regulations (EPR) Consent to Discharge is no longer necessary.

However, the receiving watercourse(s) down slope from this site are likely to be of limited capacity, and if surcharged by increased run-off rates, they are likely to affect roads and third party property.

The restored site is likely to form a steep-sided amphitheatre that collects water rapidly into its base comprising low permeability mudstones. This is likely to give rapid infiltration to the small remaining body of sandstone in the pit side or else rise to cause very rapid run-off rates by overflow in storm rainfall conditions.

It is expected that sufficient storage and passive flow-rate attenuation should be built into the design of the drainage outlet, to prevent significant increase in flood risk downstream, either by a groundwater route or by surface water overflow rates.

EA Permitting Regime

The EA reminds the applicant to consider whether the following permits are required for operations at the quarry:

- Extractive Industry Waste Permit
- Environmental Permit
- Water Transfer Permit

Environmental Management (Land and Water/Waste)

If any controlled waste is to be removed off site, then the operator must ensure that a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

The applicant is advised to contact the Environment Management Team at Richard Fairclough House Office on GMMCWasteEnquiries@environment-agency.gov.uk or refer to guidance on the EA website at <http://www.environment-agency.gov.uk/subjects/waste>

The Environmental Protection (Duty of Care) Regulations 1991 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 permitted facility and all relevant documentation is completed and kept in line with Regulations.

The developer must apply the waste hierarchy in priority of order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at: http://www.defra.gov.uk/publications/files/pb13530-waste_hierarchy-guidance.pdf

Excavated material arising from site remediation or land development works can sometimes be classified as waste. For further guidance on how waste is classified, and best practice for its handling, transport treatment and disposal please see the waste pages at <http://www.environment-agency.gov.uk/business/topics/waste/default.aspx>.

No contaminated water from the site should find its way or be discharged into surface water drains or watercourses without proper treatment or the appropriate permissions/permits.

Public Rights of Way

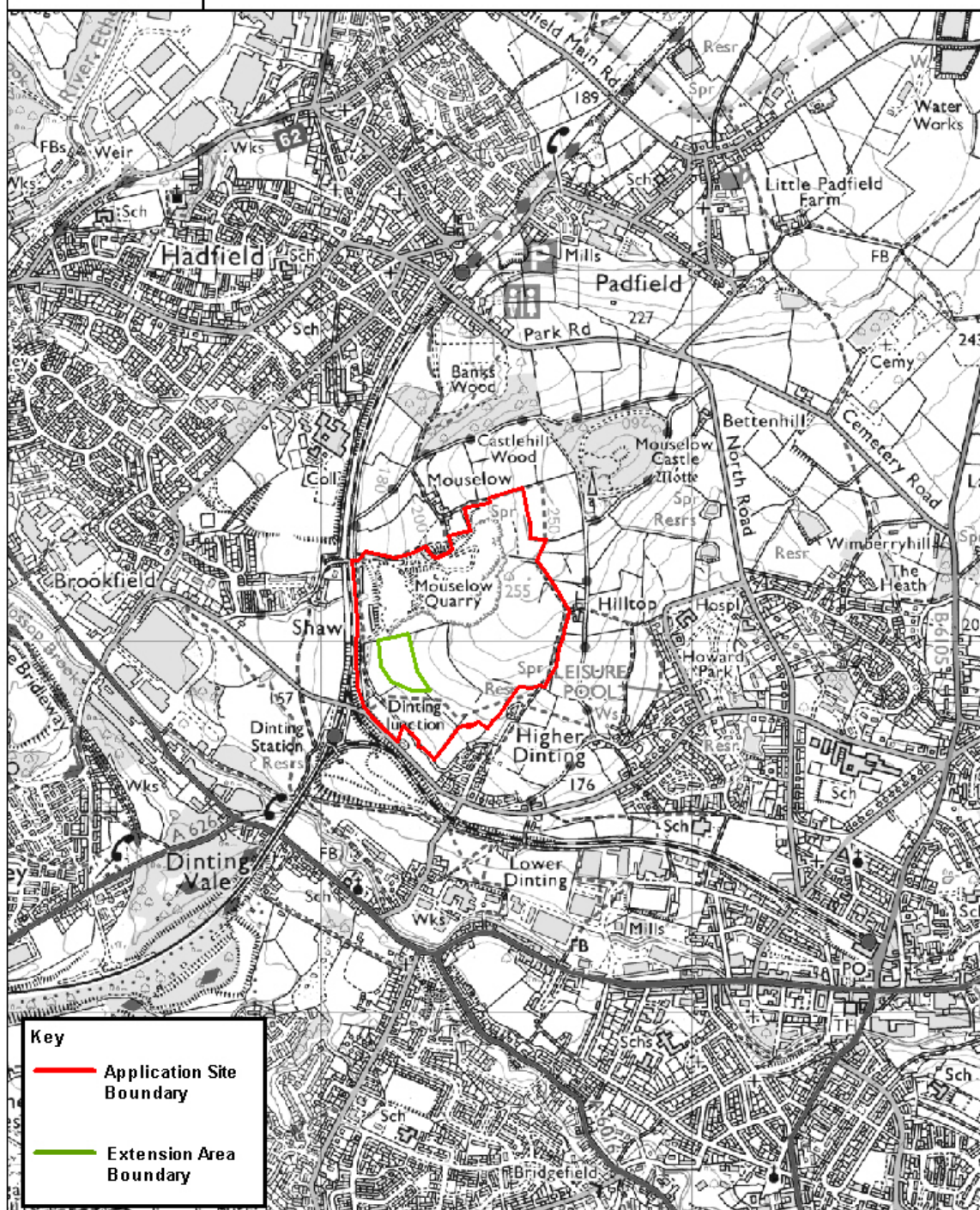
The Rights of Way within the site must remain open, unobstructed and on its legal alignment at all times. It would be beneficial if the Rights of Way section is consulted regarding the proposed permissive routes to ensure that these enhance accessibility and connectivity between existing Public Rights of Way.

There should be no disturbance to the surface of the paths without prior authorisation from Rights of Way Section.

Consideration should be given to members of the public using the Rights of Way at all times.

A temporary closure of a footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section. The applicant should be made aware that at least five weeks' notice is required to process the closure and an alternative route should be provided if possible. Please note that the granting of planning permission is not consent to divert or obstruct a Public Right of Way.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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