

Agenda Item No. 4.3

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

9 October 2017

Report of the Strategic Director – Economy, Transport and Communities

**3 PROPOSED EXTRACTION OF DOLOMITE FROM FOUR
EXTENSION AREAS, AN EXTENSION TO THE DURATION OF
OPERATIONS AND A REVISED RESTORATION SCHEME AT
WHITWELL QUARRY, SOUTHFIELD LANE, WHITWELL
APPLICANT: TARMAC LTD
PLANNING APPLICATION CODE NO: CM5/0416/4**

5.541.24

Introductory Summary

This report relates to proposals for the winning and working of a further 3.23 million tonnes of dolomitic limestone from four extension areas, and an extension to the duration of mineral extraction operations at the site from the current 2019/2025 planning permission expiry dates until 2040 with the completion of the whole development by the end of 2043, at Whitwell Quarry, Southfield Lane, Whitwell. The proposed extensions would affect an additional 9.8 hectares of land, the majority of which has been previously disturbed as a result of quarrying activity at the site. The application was accompanied by an Environmental Statement.

The mineral resource at Whitwell is considered to be of national importance and there is an identified economic need resulting both from its chemical composition, as well as its scarcity. Its continued extraction would contribute to the local economy, both directly and indirectly as a result of employment of local people, as well as its use of local services and would assist in the safeguarding of mineral infrastructure in the form of the kilns at the adjacent Whitwell Works. Products from the site are exported to international markets and, as a consequence, the proposals would also contribute towards the wider UK economy. In this respect it is considered to meet the social and economic aspect of sustainable development as set out in the National Planning Policy Framework.

The proposals have the potential to result in adverse environmental impacts, including to the nearby scheduled monument Creswell Crags, the surrounding landscape and biodiversity, although I consider that these impacts would not be so significant in the context of the established quarry operations, and would be capable of being controlled acceptably by conditions and a legal

agreement. The site is subject to a restoration masterplan, approved as a requirement of the existing planning permissions, which has been amended to take account of the proposed extensions. The ecological and landscape enhancements to be delivered by it would deliver environmental benefits to the local landscape and communities.

Network Rail objected to the application on the grounds that insufficient information had been provided in the application to enable an adequate assessment of the impact of blasting on the structure of the Whitwell Railway tunnel which bisects the site. Following the submission of additional information and the inclusion of additional safeguards designed to protect the railway tunnel prior to its diversion, I now consider that the sources of potential impacts on the existing railway and tunnel from the proposals during the operation can be subject to acceptable controls.

Therefore, as detailed in the report with recommendations below, the application is considered to represent sustainable development and is recommended for approval, subject to conditions and a legal agreement.

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

(2) **Information and Analysis**

Site and Surroundings

Whitwell Quarry is an operational industrial limestone quarry located to the south and south-east of the village of Whitwell. The quarry, which is one of only two sites in the UK which produces high purity dolomite, produces approximately 1 million tonnes of limestone per annum primarily for use in refractory products and steel manufacture. Dolomite not suitable for use for the above is used for aggregate or agricultural lime. The site is bounded by agricultural land to the west and north beyond which sit the settlements of Creswell and Whitwell respectively. A disused railway siding, close to Southfield Lane, forms the north-eastern edge of the site.

The villages of Whitwell and Creswell are 500 metres (m) to the north and 700m to the south-west of the site, with the smaller areas of Belph, Penny Green and Hodthorpe being approximately 150m, 225m and 900m to the east and north-east of the currently consented eastern extension area. The town of Clowne is 3 kilometres (km) to the west. The village of Holbeck, which falls within the administrative boundary of the county of Nottinghamshire, is 1.5km to the south-east. The closest residential areas are generally located approximately 60m to the north around Franklin Avenue and Franklin Crescent in Whitwell, 110m to the north-east on Southfield Lane at Belph (100m) and Penny Green (150m) to the east. A number of isolated cottages and farmsteads, including Peter More Cottage (50m), Craggs Lodge (130m),

Craggs Cottages and Hennymoor Farm (100m), are also located close to the site.

The quarry complex, which has an overall surface area of 191 hectares (ha), is currently made up of two main extraction areas that are bisected by Southfield Lane. To the west of Southfield Lane sits the main quarry void (incorporating the original planning permission areas, as well as four of the five extension areas permitted by this Authority in 2004 under planning permission CM9/598/7)) whilst the fifth (eastern) extension area/former Belph Colliery Tip is located to the east. The two areas are inter-connected via an underpass which travels underneath Southfield Lane. A railway line, the Robin Hood Passenger line, bisects the northern section of the main quarry void in a tunnel in an approximate north-east to south-west direction.

The majority of the main quarry void has been excavated and parts of it are now being backfilled with kiln waste mixed with colliery spoil excavated from the former Belph Colliery Tip. Works in the eastern extension area are at a relatively early stage with colliery spoil still being removed to expose the underlying mineral, although some mineral extraction has already taken place. Current mineral extraction operations in the main quarry void are limited to the northern, southern and eastern extension areas. The mineral around the railway tunnel also remains to be worked.

The quarry complex also contains a third area, Whitwell Works, located immediately adjacent to Southfield Lane, which includes lime kilns, office buildings, car parking, mineral stockpiling areas, product storage sheds, welfare buildings, crushers, screens and conveyors, a ready mix concrete plant and associated infrastructure. This area is not within the operational control of the applicant and is therefore excluded from the current application. Whitwell Works is controlled by the 1958 permission which expires in November 2019. It is anticipated that a separate planning application to extend the lifetime of the works, to coincide with the cessation of mineral extraction operations, will be submitted to the Mineral Planning Authority (MPA) before that date.

This application also covers four areas of land that are located to the north (5.3ha), north-east (3.1ha), east (0.4ha) and south-east (1.0ha) of the existing main quarry void. Of these, the proposed north extension area currently forms part of the quarry complex and is occupied primarily by an acoustic/visual bund, the proposed north-east area is in agricultural use (containing 0.4ha of grade 3a agricultural land and 2.1ha of grade 3b agricultural land) whilst the proposed east and south-eastern areas are contained within the existing quarry complex close to the existing working areas.

The quarry sits within a wider landscape which is distinctly agricultural in character, defined by large arable fields enclosed by hedgerows, large

isolated woodlands and a nucleated settlement pattern. The quarry is a dominant feature in the landscape alongside the former colliery tips to the east and new plantation woodlands to the south and west. The quarry areas are generally well screened from views from surrounding areas. Vegetated screening mounds are currently located along sections of the north and west boundaries of the main and northern quarry areas, as well as the southern and eastern boundaries of the eastern extension. Woodland planting provides screening for the southern extension area.

The site does not contain any statutory nature conservation designations, although there are a number in the vicinity of the site. Hollinhill and Markland Grips Site of Special Scientific Interest (SSSI), of interest for its calcareous and magnesian limestone grasslands and cliffs, is 1.4km to the west. The quarry complex does contain three non-statutory nature conservation and geological designations. These are Butcher's Wood Railway Local Wildlife Site (LWS) of interest for its unimproved calcareous grassland, which is located at the south-western end of the Whitwell railway tunnel, and a Regional Nature Conservation Importance (RNCI), of interest for its grassland and orchid species, which is on the northern flank of the eastern (Belph) extension area. The quarry is also designated as a Regionally Important Geological Site (RIGS) for its dolomite and educational interest. A number of other LWSs are located in the vicinity of the site. These include Duke of Portland sidings LWS (unimproved calcareous and ephemeral grassland) which occupies the northern tip of the former Whitwell Colliery Tip.

There are no designated heritage assets within the application site, although there are number in close proximity. Belph Conservation Area is 74m to the east; Whitwell Conservation Area 500m to the north and Creswell Village and Model Village Conservation Area 370m to the west. There are five grade II listed buildings in Creswell which are Creswell Junior School (805m), a war memorial (915m), the Church of St Mary Magdalene (approximately 555m), the former Church of England Creswell Secondary School (475m) and Creswell Church of England Infants School (404m) from the site. There are also a number of listed buildings in Whitwell to the north. These are grade I listed church of St Lawrence (923m); Whitwell Hall which is grade II* listed (955m); the Old Rectory, 44 High Street, a war memorial and the village pump are all grade II listed and are at a distance of more than 1km from the site.

The application site boundary is 190m north of Creswell Crag, which is a Scheduled Monument, Conservation Area, SSSI (of national and international importance for Quaternary geology and palaeontology), a potential candidate for World Heritage Site inscription, an Area of Natural History Interest, a Biological grade II Alert Site, Area of Local Landscape Significance with Ancient Woodland, in the Welbeck Abbey Park and Garden, (grade II in the Register of Parks and Gardens of Special Historic Interest in England). The

Crags are also adjacent to Sherwood Forest Special Landscape Area (SLA). The Crags are a major visitor attraction in the area.

There are numerous public rights of way close to and within 1km of the site. These include Whitwell Footpath 73, which runs immediately to the north of the proposed north extension and Whitwell Footpath 20, which runs along the top of the railway tunnel. Hodthorpe and Belph Bridleway 5 is immediately to the south of the site before joining with Hodthorpe and Belph Bridleway close to the south-east corner of the site. Elmtun Footpath 1, Hodthorpe and Belph Footpath 20 and Elmtun Footpath 32 run along the northern section of the western quarry boundary. Hodthorpe and Belph Footpath 13 runs to the east of the eastern extension area.

A number of watercourses are located in the vicinity of the site, including the River Wollen, Millwood Brook and Millash Brook. The site also sits over a major aquifer which is known to be used for private and licensed abstractions in the vicinity of the site.

Planning Background

The first planning permission for mineral extraction at Whitwell Quarry was granted in 1958, the site having been identified as the only area in Derbyshire known to contain high purity dolomite capable of being converted into refractory materials. The quarry operates under a number of planning permissions which can be summarised as follows:

Main Quarry Permissions

- Planning permission CLO/1156/3: granted in 1958, the permission allowed excavation of the greater part of the original quarry. The permission also made provision for the associated Whitwell Works, including the rotary kilns and chimney. Operations in the quarry within this area are now generally limited to restoration works. The area also houses Tarmac's permitted development area.
- Planning permission BOL/1082/484: granted in 1984, the permission allowed a northern extension in two phases, Phase 1 and Phase 2 (later divided into Phases 2a and 2b, the latter being land above and adjacent to the Robin Hood Line railway tunnel). Workable mineral reserves are now confined to Phase 2b.
- Planning permission CM5/598/7: granted in 2004, subject to a legal agreement, the permission was for five extensions (referred to as the north-eastern, north-western, southern-eastern, south-western and southern extension areas). At the current time operations are still continuing in the southern and eastern extension areas. The planning permission expires in November 2025.
- Planning permission CM5/0206/178: granted in 2007, the permission was granted to enable the applicant Company to vary the order in which the five extensions permitted under CM5/598/7 were worked.

- Environment Act 1995 Initial Review of Old Mineral Permissions (ROMP) R5/0705/26: the initial review updated the conditions on the 1958 and 1984 permissions. The site is now worked in accordance with those conditions. The initial review conditions confirmed the end date of the larger part of the quarry as November 2019.

Ancillary Permissions

Planning permission CM5/0206/172: granted in 2007, this permission was for the erection of an office building in the quarry car park. The permission expires in 2019. The applicant Company has submitted an application (code number CM5/1117/90) to extend the lifetime of the development until 31 December 2040. That application is due to be determined at the next available delegation meeting after this Committee (Thursday 12 October 2017).

Current Quarry Operations

The mineral resource at Whitwell Quarry is primarily dolomite. The chemistry of this resource varies both laterally and with depth. Mineral is generally extracted in three benches to enable the raw material for different purposes to be generated. The upper two benches produce the higher purity dolomite. Mineral from the lower, third, bench is generally used as aggregate.

The upper bench has a higher iron content than the second bench and is used in the production of Dolomet or Dolofrit which are used in the steel industry to repair steel making furnace hearths, to aid slag formation and protect furnace brick linings. The mineral from the second bench has a lower iron content and is the highest purity dolomite. This mineral is used to make Dolopel which is used in the manufacture of refractory bricks for furnaces and high temperature processes in the steel and cement industries. Both the high and low iron content stone are used in the kilns at Whitwell to produce agricultural lime.

Whitwell Quarry has an output of approximately 1 million tonnes of dolomite per annum. The rate of working is determined by the rate of demand for the kiln feed stone. At the time of the submission of the application, outputs were stated as being 800,000 – 850,000 tonnes per annum of kiln grade stone (although this latter figure is known to have increased to 920,000 tonnes per annum during 2017) and between 150,000 to 200,000 tonnes per annum of civils grade stone. At end of 2015, the applicant estimated that there remained 10.988m tonnes of kiln feed reserves and 10.932m civil engineering stone reserves at the site. These figures were updated in June 2017 and the estimated remaining reserves are set out below.

Reserve Area	Kiln Feed reserves (tonnes)	Civils stone reserves (tonnes)	Total (tonnes)
Railway tunnel	4,513,000	2,358,000	6,872,000
Southern area	240,000	1,202,000	1,442,000

South-east area	0	252,000	252,000
North-east area	0	263,000	263,000
Eastern quarry area (Belph)	4,336,000	5,468,000	9,804,000
Total	9,089,000	9,028,000	18,118,000

The quarry currently directly employs 32 staff and indirectly provides employment for up to 220 people. No new additional jobs would be created as a result of the proposals.

Current working hours at the quarry are 0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 hours Saturdays for soil stripping and overburden removal, 0600 hours to 1900 hours Mondays to Fridays and 0600 to 1300 hours for mineral extraction operations. Whitwell Works, including the kilns and Tarmacs ready mix concrete plant, operator on a 24 hour per day basis.

The quarry complex operates a one way system for heavy goods vehicles (HGV) and other site traffic. HGVs reach it via a dedicated access on Crags Road which then links into the quarry's network of internal haul roads. A dedicated exit for HGVs is located further to the north on Southfield Lane. Weighbridge and wheel wash facilities are located close to this site egress and are used by all HGVs leaving the site. Site operatives and visitors reach the complex via a separate access on Crags Road and there is an existing staff and visitor car park which is close to the Lhoist office building. Vehicle movements associated with current operations are in the region of 262 movements (131in/131out) per day. All HGV traffic associated with the quarry is subject to a traffic routing agreement which sees HGVs turn right out of the Southfield Lane access before heading southwards on Southfield Lane/Crags Road, before turning left onto Hennymoor Lane and from there onto the strategic highway network on the A60.

The quarry is also controlled by a number of Environmental Permits. The permits variously relate to the crushing and screening of mineral, discharge of water from the site, the placement of kin residue and colliery spoil in the main quarry void, and the main quarry sump where fine silts are filtered out.

The Proposed Development

The proposals would involve the extraction of an additional combined 4.8 million tonnes of kiln grade (3.2 million tonnes) and civils grade (1.6 million tonnes) dolomite from 9.7ha of land contained within four new extension areas down to a maximum depth of 41m above ordnance datum (AOD). The proposed extensions would be located to the north (5.3ha), north-east (3.1ha), east (0.4ha) and south-east (1.0ha) of the existing quarry void.

The proposals would also see an extension of the duration of quarrying operations from the existing 2019 and 2025 time limits until 2043. Extraction operations would continue until December 2040, with a further 3 years required for final restoration of the site. It is also proposed to amend the previously approved restoration scheme, which sees the site restored back to a mix of agriculture (both arable and pastoral), woodland, nature conservation, amenity and water bodies, to take account of the new extraction area, as well as the most up to date information relating to restoration materials.

Extraction operations would take place over four phases, each of an approximate five year duration. During Phase 1, mineral extraction would continue to take place in the existing southern and eastern extension areas. Work in the proposed north and south-east extensions would also commence with the north extension being worked in an east to west direction and the south being worked south-west to north-east as part of the wider existing southern extension area. The applicant anticipates that parts of the main quarry void and an area to the north of the railway tunnel would be fully restored during Phase 1.

Phase 2 would see mineral extraction continuing in the existing extension area and the proposed north extension area. Mineral extraction operations would also commence in the proposed east and north-east extensions during this phase. The proposed east extension would be worked in a southerly direction, whilst extraction operations in the proposed north-east area would be in a northerly direction. Mineral extractions in the tunnel area would also commence during this phase. Phase 2 would see a significant proportion of the main quarry void being fully restored.

Mineral extraction operations during Phase 3 would primarily be concentrated in the existing eastern extension area. A small area of the main quarry void, located to the north-east of the railway tunnel would also be worked prior to the commencement of backfilling operations. Phase 3 would see the main quarry void either fully restored or backfilled to final levels and fully restored. The railway tunnel would also be filled at this point.

Phase 4 would see mineral extraction in the main quarry void, including the proposed extension areas, complete and the site being fully restored. The extraction of civils grade stone would continue from the eastern extension area.

Soils and overburden stripped from within the new extension areas would be stored in visual and acoustic screening bunds and other stocking areas around the quarry prior to their eventual use as restoration materials. In addition to the existing bunds, new permanent and temporary acoustic and visual screening bunds would be constructed at various locations around the complex. New permanent bunds would be created along the eastern boundary

of the proposed north-east extension, close to Southfield Lane. An existing bund which sits to the north of the main quarry void would be permanently extended to the west and east to follow the boundary of the proposed north extension. A temporary bund would be constructed along the western boundary of the northern most section of the main quarry void during Phase 1. The soils from this bund would be removed during Phase 3 for restoration purposes. A further temporary bund would be created along the western edge of the main quarry void during Phase 3. Material from this bund would be used for the restoration of the site during Phase 4. Mineral would be worked in benches between 5m and 25m in height.

The application states that the site would continue to be worked and mineral processed in the same as currently. Annual outputs are also anticipated to remain the same. The application does not propose to amend existing hours of operations, the existing traffic routing or numbers of staff employed at the site. No rights of way would need to be diverted as a result of the current proposals. The ROMP approval gave consideration to the need for the diversion of Whitwell Footpath 20, which runs along the top of the railway tunnel.

The Whitwell Works area is not included in this application, although the previously approved restoration scheme covers the entire existing Whitwell Quarry complex. An application to extend the lifetime of the works beyond the end of November 2019 would need to be the subject of a separate planning application.

Environmental Statement

The application is accompanied by an Environmental Statement (ES), prepared in accordance with the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2011. The ES includes background information, descriptions of the site and surrounding area, and details of the proposed development, together with a summary of what the applicant considers to be the relevant legislation, Government guidance, and local and national policies relating to the proposal. The ES also addresses the potential impacts of the development in terms of alternatives, socio-economic effects, landscape and visibility, blasting and vibration, traffic and transport, noise, water resource and flood risk, cultural heritage including archaeology, ecology, soil resources, dust and cumulative impacts. The base information and the assessments and conclusions arising from the information is summarised in the 'Planning Considerations Section' below, together with the case officers assessment against the relevant policies of the development plan and other material considerations.

Post Application Submissions

In response to the comments from consultees and a formal request by the MPA, the applicant submitted a number of supplementary reports and other

information to clarify certain aspects of the original planning application details. The supplementary submissions primarily related to the effects of blasting and blast vibration on the Whitwell railway tunnel. Where appropriate, the contents of these submissions and the planning issues they raise are addressed in the 'Planning Considerations Section' below.

Legal Agreement

The applicant has also provided Heads of Terms relating to the revised legal agreement for the site. The legal agreement would relate to the following, some of which are carried over from the legal agreement secured in respect of planning permission CM5/598/7:

- the continued operation of the Whitwell Quarry Liaison committee;
- the use of the stone resource;
- the eventual removal of the underpass to the eastern extension area;
- traffic routing;
- opportunities for rail freight from the site;
- monitoring and protection of the Millash Overbridge (if it has not been removed during the redevelopment of the former Whitwell Colliery Tip) during works in the eastern extension area;
- measures to protect Creswell Crag including the appointment of an independent specialist;
- measures to protect visitors to Creswell Crag;
- measures to protect the railway tunnel including appointment of an independent specialist for this purpose;
- a scheme and programme of monitoring of the impact of bat populations in Creswell Caves and Foraging Grounds and Mitigation;
- Whitwell Works Complex: Study for Decommission or Diversification;
- Whitwell Colliery Tip 11/091 – provision to accommodate into restoration at a later date;
- monitoring of ground water levels;
- monitoring of flow rates and water quality in the Millwood Brook and the Millash Brook;
- restored site management; and
- restored nature conservation management.

Consultations

Consultations were made following the submission of the application and following the submission of further information.

Local Member

Councillor McGregor (Bolsover North) was consulted on the application and the submission of further information.

Bolsover District Council (Planning)

Bolsover District Council (BDC) noted the national importance of the mineral reserve, the conclusions of the ES and raised no objections in principle to the development.

The Council also requested that conditions and monitoring be imposed on any planning permission to ensure that the agreed HGV route along Hennymoor Lane/A60 is being used in order to prevent such traffic travelling through Belfh or Whitwell. The Council also noted that dust deposition is evident along the agreed HGV route and requested that every effort should be made to ensure that HGVs leaving the application site are sufficiently cleaned to prevent dust escaping the site.

Bolsover and North East Derbyshire Joint Environmental Health Service

The Joint Environmental Health Service (JEHS) noted that the proposed extensions, particularly the northern extension, would result in the quarry operations moving closer to sensitive receptors, including residential properties within the vicinity of the site.

In respect of noise, the JEHS noted that the ES identified potentially noise sensitive properties within the vicinity of the site, established existing background sound levels at those properties, based on a survey undertaken in 2015, and that it concluded (with the exception of Bridge Close) that the noise limits included in the existing planning conditions (with the exception of Bridge Close) and detailed in the Vibrock report remain valid and applicable to normal operations associated with the proposed extensions. The modelling of the predicted impact of the proposed extensions, which the JEHS noted, is based on a worst case scenario, demonstrates that the worst case predictions for short term operations fall well below the upper noise limit set for temporary operations for periods of up to eight weeks in a year to facilitate essential site preparation and restoration. The JEHS further noted that the mitigation measures recommended in respect of the mobile drilling rig (which is identified as having the highest potential impact in respect of noise off-site) include an extension to a 3m high earth bund along the northern perimeter of the north extension area to also include the eastern and south-eastern boundaries.

The JEHS noted that the noise assessment recommends that (1) site noise limits applicable to normal operations be imposed at 19 individual noise sensitive locations (with the exception of one location these would remain unchanged from previous planning permissions); and that (2) a noise level for short term operations (which should be limited to a period not exceeding 8 weeks per annum at any one property) should be imposed. A number of good practice noise control measures for site activities and the continuation of the current scheme of compliance noise monitoring with adaptations to reflect the on-going site activities during the survey period (i.e. not all noise sensitive

properties require monitoring at all times) were also referred to in the response.

The JEHS noted that the noise assessment makes no reference to operational time limits, and stated that whilst the recommended noise limits may be acceptable during the working day, such limits would not be acceptable during the night. The JEHS commented that, for the purposes of the response, it has assumed that the quarry working hours are controlled by a separate planning condition limiting the hours of operation.

In respect of blast vibration, the JEHS noted that the ES concludes that the predicted impact of vibration on residential properties would be low to negligible in respect of the north-east, east and south-east extensions, and moderate in respect of the north extension, but that such impacts should not require any additional mitigation measures above good blasting design and practice. The JEHS further noted that the ES recommends regular vibration monitoring where the likely impacts are considered to be moderate and that the operator would use stand-alone commercial seismographs. The JEHS commented that routine blast monitoring should be undertaken in order to assess compliance with the planning conditions and to develop a reliable dataset should any complaints arise in the future.

With regard to dust impacts, the JEHS noted that the ES includes an assessment of the potential impacts on amenity from dust associated with the proposed extensions, identifies the potential dust generating operations at the site, discusses the mitigation measures that would be adopted for each of those operations and that the assessment considers sensitive properties to be those within 1km of the site in all directions. Based on the information presented, the JEHS considered that good dust management at the site should be adequate to mitigate any loss of amenity to sensitive receptors. The JEHS also noted that dust management is addressed by the Environmental Permit for the site which is regulated by the Environment Agency (EA).

In summary, the JEHS raised no objections to the proposal but highlighted the importance of ensuring adequate mitigation measures are in place at all times to minimise the potential impact on nearby properties.

Hodthorpe and Belph Parish Council

Hodthorpe and Belph Parish Council raised no objection to the proposals and commented that it welcomed the jobs that quarry complex generates. The Council raised concerns regarding the potential increase in HGV movements to and from the site, and requested that the MPA and the site operator ensure that the weight restrictions on the highway network in the immediate vicinity of the site are adhered to.

Whitwell Parish Council

Whitwell Parish Council raised no concerns regarding the proposals.

Nottinghamshire County Council

Nottinghamshire County Council (NCC) provided comments in respect of minerals, landscape and visual impacts and ecology.

Minerals

NCC referred to ongoing discussions between Derbyshire and Nottinghamshire County Councils in respect of future cross boundary provision on Industrial Dolomite in the Whitwell/Holbeck areas. NCC welcomed the proposed extensions to the existing quarry as the development would maintain provision of this important mineral. NCC also commented that the emerging Nottinghamshire Minerals Local Plan includes a policy on industrial dolomite which would support proposals for future industrial dolomite extraction where a need can be demonstrated.

Ecology

NCC requested that due consideration be given to potential indirect impacts of the proposals on ecological receptors in Nottinghamshire, particularly the nearby Creswell Crags SSSI and LWS.

Landscape and Visual Impact

NCC noted that the application site lies within the National Character Area 30: Southern Magnesian Limestone Ridge, as defined by Natural England (NE), and the Magnesian Limestone Ridge Regional Character area which is shared across the Nottinghamshire and Derbyshire County boundary. NCC noted that the proposed development lies within Derbyshire and stated that its comments were based on how the visual impacts would be experienced from Nottinghamshire. NCC noted the location of the application site in relation to Creswell Crags and stated that the wider landscape (of which the quarry is a part) forms the setting of this heritage asset.

NCC noted that the south-eastern extension area had the potential to be the most visible to the Nottinghamshire boundary but concluded that views from the south and east towards the site within Nottinghamshire are restricted by a combination of landform and intervening woodland and therefore visual receptors within Nottinghamshire would not be affected by the proposed works. NCC recommended that restoration proposals should include the replanting and management of trees and understorey within the woodland to the southern edge of the quarry, particularly as this contributes to the wider setting to Creswell Crags that lies within both Nottinghamshire and Derbyshire.

In conclusion, NCC had no objections to the proposed development from a minerals perspective but requested that due consideration be given to

potential indirect impacts on ecological receptors within Nottinghamshire. NCC had no objections in respect of landscape impacts but requested that restoration proposals should include the replanting and management of trees and understorey within the woodland to the southern edge of the quarry as this contributes to the wider setting to Creswell Crags, which lie in both Nottinghamshire and Derbyshire.

Bassetlaw District Council

No response has been received.

Natural England

Natural England (NE) commented that, subject to the proposed development being carried out in accordance with the details contained within the application, it was satisfied that there would be no damage or destruction to the interest features for which the Creswell Crags SSSI was notified. On that basis, NE advised that the SSSI did not represent a constraint in determining the application.

NE referred this Authority to the views of Derbyshire Wildlife Trust (DWT) in respect of local sites (biodiversity and geodiversity), local landscape character and local or national biodiversity priority habitats and species, as well as Historic England and Creswell Heritage Trust (in respect of the Crags) as it does not hold locally specific information. NE also referred this Authority to its standing advice in respect of protected species.

NE also made specific comments in relation to soils, land quality and reclamation of the site, and recommended a suite of conditions to safeguard soil resources and for the aftercare of the site.

Derbyshire Wildlife Trust

DWT confirmed that it was satisfied that the ecological survey work had been undertaken, at appropriate times of year, and by suitably qualified ecologists.

DWT noted that the Phase 1 habitat survey had not identified several areas of existing species rich grassland located close to an area identified as 'TN2' in the ecological assessment. Rather than bare ground, DWT noted that these areas support diverse calcareous grassland with yellow-wort, bee orchid, southern marsh orchid, fairy flax and many other typical species present which, whilst small, are nevertheless very significant. DWT also noted that the habitat that currently lies within Butcher's Wood Railway LWS (BO133) includes areas of species rich grassland, as well as a wild liquorice population. Whilst it is acknowledged that these areas would not be directly affected by the extension areas, DWT advised that these areas should be fully considered as part of the restoration plan.

DWT noted that the proposed extensions would result in the loss of plantation woodland, semi-improved grassland, tall ruderal vegetation but acknowledged that the loss of these habitats would be compensated for through the creation of new plantation woodland and a variety of grassland habitats.

DWT supported the recommendations set out in the ES in respect of further surveys for badger and peregrine falcon to ensure that up to date survey work is available during the course of the works and recommended the imposition of conditions to ensure that the recommendations within Section 5.4 of the ES were fully implemented and requiring the submission of an Environmental Management Plan to accompany the restoration scheme to secure maximum benefit for biodiversity, including calcareous grassland and increasing rare species found at the site.

Coal Authority

The Coal Authority noted that the site does not fall within a Development High Risk Area and requested that a footnote, giving standing advice, be placed on any planning permission as an informative note to the applicant in the interests of public health and safety.

Environment Agency

The EA raised no objections to the proposals but made the following comments in respect of groundwater.

'The Environmental Statement confirms that extraction from the proposed four extension areas will not be to a level lower than the currently consented mineral extraction. The Environmental Statement also confirms that there will be no increase in the rate of de-watering.'

A Hydrogeological and Hydrological Impact Assessment (MJCA Reference; TAR/WT/JRC/2855/01; April 2016) has been submitted as part of the Environmental Statement to support the application for the extraction of dolomite from four extension areas.

Groundwater level monitoring and surface water flow monitoring is undertaken in and around the site. The proposed monitoring scheme is shown in section 5.9 of the HIA. This is currently a requirement of the consented planning permission.

The Environment Agency has no objection to the four extension areas providing there is no increase in the depth of mineral extraction and de-watering and groundwater level and surface water flow monitoring is undertaken as part of any permission granted.

The groundwater level and surface water flow monitoring data should be reviewed regularly. A full assessment and interpretation of recorded

groundwater levels and surface water flow should be reported to the Mineral Planning Authority. Should any impacts be identified from the extraction of mineral in these extension areas, mitigation measures should be proposed and agreed in writing with the Mineral Planning Authority.”

Highway Authority

Derbyshire County Council, in its statutory role as Local Highway Authority, raised no objections to the proposals subject to the existing HGV routing for the quarry being maintained in place and observed throughout the life of the development.

With regard to public rights of way, the Authority commented that the proposed extension of Footpath 13 was a positive one and requested consideration of upgrading the status of the path to a bridleway, as it linked up to Bridleway 14 and could provide an alternative to Hennymoor Lane. The proposed formalisation of an unofficial footpath linking Bridleway 5 and Footpath 1 was also welcomed subject to it being in an acceptable condition prior to it being incorporated into the formal rights of way network.

Lead Local Flood Authority

Derbyshire County Council, in its statutory role as the Lead Local Flood Authority (LLFA), had no objections to the proposals subject to the recommendations in the report being complied with. The LLFA noted that the restoration of the site would return the majority of the site to ‘greenfield’ and requested the imposition of a condition requiring detailed drainage design to be submitted prior to restoration.

Historic England

Historic England raised no objections but referred the Council to its own archaeological advisors regarding the effective assessment and mitigation of impacts upon palaeolithic remains and recommended that the application be determined in accordance with national and local policy guidance.

Creswell Heritage Trust

Creswell Heritage Trust raised no issues in respect of the proposals but commented that a scheme for recording and monitoring of potential finds should be put in place.

Network Rail

Network Rail stated that it had significant concerns relating to the safe operation of the railway within the Whitwell railway tunnel and formally objected to the proposals on that basis.

Network Rail stated that Whitwell railway tunnel was of unusual construction, comprising an initial tunnel through the limestone and a second internal tunnel constructed from brick, with no interaction between the two with the

consequence that they act as two independent structures. Network Rail stated that the potential damage to the Whitwell railway tunnel is unknown, because there is little understanding of how such underground structures react to blast vibration, and what guidelines that do exist are generic and designed to measures impacts to above ground structures. Concerns were raised in respect of both the tunnel and the rock mass that surrounds it because the two structures only connect at the base of the tunnel arch.

Network Rail noted that it had previously asked the operators of the quarry to undertake analysis in order to understand the impacts of blasting on the tunnel, and that this had not been done. Network Rail stated that it needed to further understand the applicant's proposals for assessing the impact of blasting on the condition and capability of the tunnel rock and liner, and provided a copy of a study that it had commissioned in respect of the tunnel in 2014, which it considered provided useful background information. In particular, Network Rail drew the Council's attention to a section of the study which noted that blast vibration frequency is significant in assessing impact and that the impact from a given peak particle velocity (PPV) tends to increase with lower frequencies. Network Rail noted that the application, as originally submitted, made no reference to frequency and stated that it needed to understand how this issue would be addressed.

Blast Vibration

Network Rail requested further information as to how the previously imposed limit of a PPV of 12mm per second was established in respect of the railway tunnel and how this limit would relate to the long term effects of blasting on the tunnel. Network Rail referred to its observation on blasts of less than 12mm per second as appearing to indicate that such a PPV limit could be insufficient to ensure prevention of induced damage to the tunnel structure from low frequency blasting vibration. It concluded that until evidenced analysis of the impact of blasts had been undertaken and agreed, it would not be in a position to agree any limits. Network Rail requested that an appropriate vibration limit (providing acceptable factors of safety) be determined in terms of both vibration speed and frequency, and the tunnel structure monitored for vibration and condition to ensure that damage to the tunnel would not occur.

Network Rail also requested to see a safe system of work incorporated into any planning permission to ensure that no blasting is undertaken during train movements through or in close proximity to the tunnel. Network Rail considered that this should include both a system of notification to itself and attendance at site by Network Rail Asset Protection to take possession of the line during blasting operations.

Monitoring

Network Rail stated that monitoring of blasting and tunnel condition would need to be undertaken prior to blasting within the proposed north and north-

eastern extension areas and following the completion of blasting in those areas. Network Rail suggested that Digital Imaging for Condition Asset Monitoring (DIFCAM) laser monitoring would be an appropriate technique and would allow accurate comparison of the tunnel lining pre and post blast events, and would enable the identification of those areas subject to damage over and above naturally occurring degradation levels.

Network Rail requested that ongoing independent monitoring should be undertaken to determine whether any individual blast had breached the limits imposed and in order to assess whether any damage occurred, and to suspend blasting in that area and to reassess blast limits where necessary.

Restoration

Network Rail also raised concerns regarding the restoration masterplan scheme submitted as part of the application. Network Rail noted that the scheme assumed that the railway that runs through the site would be diverted from its current alignment. Network Rail cited the need for such a diversion proposal to be the subject of a Transport and Works Act Order in order to be carried out. It stated that it had no plans to divert the railway.

Because Network Rail has no intention to divert, and due to the lack of certainty that a railway diversion would be ordered, Network Rail considered it inappropriate that the restoration scheme made provision for a diverted railway. It considered that the scheme should be based on the current railway alignment and the long term presence of an operational tunnel. Network Rail expressed concern that the current proposal ran the risk of there being no implementable restoration scheme in the event that the railway was not diverted. Network Rail also raised concern regarding the potential for the large waterbody to the north of the current railway tunnel to cause flooding, or additional hydraulic pressure on the tunnel structures, and requested evidence in the form of cross and long sections to show how the proposed water control level between the proposed water bodies located either side of the tunnel would be constructed and maintained. Network Rail also queried whether a future water feature would be implementable if the railway had not been diverted.

Following the submission of additional information by the applicant, Network Rail noted that it had requested certain further information to satisfy itself that the railway would remain safe and sustainable during the proposed quarrying operations. In this respect, Network Rail considered that certain points had not yet been addressed. These related to:

- acceptable evidenced analysis of the impact of the proposed quarrying operations on the Tunnel condition to ensure the long-term integrity and sustainability of the Tunnel;

- acceptable evidence of how the applicant will address vibration limits and ensure that it complies with national standards;
- an appropriate vibration limit, providing acceptable factors of safety to be determined and set for vibration (PPV and frequency), as well as ongoing monitoring of structure for vibration and condition to ensure damage does not occur; and
- the impact of the proposed infilled body of water on the foundations to the railway and the increased risk of inundation.

Network Rail stated that, in the absence of this information being provided, the railway should be protected by way of the imposition of appropriate planning conditions and Section 106 obligations to ensure the safe operation of the railway going forward. Network Rail has indicated that if a Section 106 agreement does not address the safety concerns raised, it will continue to strongly object to the application. Network Rail requested that the following be secured by planning obligation

- an independent specialist (agreed and accepted by Network Rail and reviewed from time to time) being appointed to carry out surveys of the Tunnel;
- a safe system of working by agreement between the applicant, Network Rail and an Independent Specialist to ensure that limits are placed on quarrying operations which will ensure no damage to the railway or compromise the safety of the railway users (both the public and employees);
- no quarrying operations that might impact the railway being able to take place until these limits have been reached and it is clear that operations can be undertaken within the limits imposed;
- a scheme for continuous monitoring of the Tunnel being undertaken with the results provided to both the Independent Specialist and Network Rail;
- should any breach occur, operations to be ceased and not re-commenced before a full review is undertaken and time bound corrective action agreed;.
- Tarmac being liable for making good any damage; and
- Network Rail retaining a right to enter the quarry to check for issues if the monitoring showed signs of problems.

Network Rail welcomed the Council's suggested obligations (as modified by Network Rail) and, subject to the further points of clarification and amendment set out in its letter, considered that a legal agreement containing such obligations would provide sufficient protection to the railway and the Tunnel.

Network Rail also requested that the following points be covered in any Section 106 agreement:

- Network Rail to have sufficient input into the appointment of the Independent Specialist, drawing up and agreement of the Implementation Scheme, as well as the stopping and re-commencement of any proposed quarry operations (*'As Network Rail has a statutory duty to ensure the safe operation of the railway network it is imperative that it has input on and adequate control over these obligations to ensure that this duty can be complied with'*);
- the satisfactory definition of the areas to be bound by the obligations which will ensure that the obligations satisfactorily protect the railway and Tunnel;
- frequency of the blasting and PPV value need to be taken into account in any prediction model, scheme and assessment. On the carrying out of each blast event undertaken, Network Rail requires receipt of full vibration profiles (PPV against time) and copies of subsequent analysis (including prediction curves and plotting of the blast vibration events on PPV-frequency charts) for each of the geophones surrounding the tunnel. Delivery of the vibration data is required in real time in accordance with good industry practice; and
- Network Rail requires the vibration monitoring geophone installations to be fully functioning ahead of the first blast. These geophones are installed to monitor vibration levels in the host rock immediately adjacent to the Tunnel and on the Tunnel liner itself.

Network Rail also stated that, to ensure the adequate level of safety is maintained throughout the lifetime of the proposed development, it must be a party to any Section 106 agreement to allow for sufficient and timely enforcement of any matters that may arise. It is not acceptable that Network Rail should be reliant upon a third party in carrying out its statutory duty to ensure public safety.

Network Rail also commented on the interrelationship between the current consent and the need for the diversion of the railway tunnel, stating that such consent was conditional and therefore not permitted whilst the railway and Tunnel are operational and in use. It noted that in its response to the initial review consultation during 2005, it had made it clear that any possible diversion of the Tunnel would be subject to the making of an order under the Transport and Works Act 1992. Network Rail comment that, following the consideration of the potential diversion of the railway and the issuing of the initial review schedule of conditions (R5/0705/23), no meaningful progress has been made in this regard. It also wished to highlight that, as there are no current plans to divert the railway, any such action at the current time is entirely hypothetical. Network Rail highlighted the fact that any railway diversion would still require a Transport and Works Order, which is decided by the Secretary of State following a full application process which must take into account planning policy, the need for the project, the views of stakeholder and the views of the public. Under those circumstances, Network Rail holds the

view that not only is there no plan for such application to be made, there is no certainly that any Order would be granted. Network Rail highlighted the requirements of saved Policy TRA2 of the adopted Bolsover Local Plan which contains a presumption against any development that would prejudice the re-use of the Robin Hood line and requested that this policy be taken into account.

Network Rail also raised concern relating to the proposed water body located to the north of the railway Tunnel reiterating its concerns that this water body may cause flooding or hydraulic pressure on the rock and brickwork of the Tunnel. In considering the lack of certainty regarding the proposed diversion of the railway, Network Rail considers that the proposed water level control system would not be implementable if the railway Tunnel were to remain in situ. Network Rail considers that the currently approved restoration scheme is completely inappropriate as it is based on a scenario it does not regard as an option at this current time. Network Rail considers that as a minimum, the restoration scheme should provide for two alternatives; one where the railway has been diverted and one where it remains in situ. Alternatively, if the Restoration Scheme is to be solely based on the scenario that the railway is diverted, Network Rail suggests that a condition should be inserted into the permission to prevent the development being carried out prior to the diversion of the railway.

Network Rail also requested that a number of other conditions be imposed on any planning permission. These relate to notifications and working methodologies in the vicinity of the Tunnel; no blasting to take place when a train is in the Tunnel; the imposition of an upper limit for blast vibration in the vicinity of the Tunnel; surface water drainage in the vicinity of the railway; suitable set back distances for the use of cranes and jibs; the design of earthworks, etc, in the vicinity of the Tunnel; suitable distances and species of trees in relation to the railway; and lighting.

Note: The issues relating to the potential impacts of blast vibration on the structural integrity of the railway tunnel are dealt with in the 'Planning Considerations' section below. However, whilst I note the concerns relating to the restoration scheme, particularly the potential impacts of a water body on the adjacent tunnel, I do not consider that they are material to the consideration of this application. Any diversion of the railway from the tunnel route would need to be the subject of a Transport and Works Act Order. I understand that the applicant has been in discussions with Network Rail on this issue for a considerable time, which has not progressed significantly. I note Network Rail's assertion that there are no plans to divert the railway at this time, but I do not consider that this is entirely accurate. Whilst it may be true that Network Rail does not intend to divert the railway at this time, it is also clear that the applicant still proposes to work the mineral around the railway tunnel. Pending the ongoing discussions with Network Rail, I also note

that the procedures involved in such a diversion, including the application for an Order, have not yet taken place. Until such time as a definitive decision on the part of the Secretary of state has been issued, I consider that the situation in respect of the proposed diversion of the railway (and therefore the proposed restoration of the site) remain as is currently the case. At such time as an application for the diversion of the railway is refused, or the working of the mineral around the railway is no longer a viable option, then it clearly would be appropriate to require the submission of a revised restoration scheme.

National Planning Casework Unit

Had no comments to make regarding the application.

Publicity

The applications were advertised by site notices and a press advert published in the Worksop Guardian with a request for observations by 23 May 2016. The application was re-advertised under Regulation 22 of the EIA Regulations 2011 following the submission of the further information. No representations have been received as a result of the publicity.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the Derby and Derbyshire Minerals Local Plan (DDMLP), and the Bolsover District Local Plan 2005 (BDLP). The National Planning Policy Framework (NPPF) and the associated National Planning Practice Guidance (NPPG) are also material considerations.

I have provided below 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 key economic, social and environmental objectives and the planning policies designed to deliver them. It states that the purpose of the planning system is to help 'contribute to the achievement of sustainable development' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such, but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening the lives of future generations. It states that sustainability has economic, social and environmental aspects.

The economic aspect for the planning system is stated as contributing to the economy by providing sufficient land of the right type, in the right place and at

the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

For decision making, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in framework taken as a whole; or
 2. specific policies in the framework indicate development should be restricted.

The NPPF contains advice about applications for mineral extraction and states that MPAs should give considerable weight to the benefits of mineral extraction, including to the economy, but that they should also ensure that the development does not give rise to unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic and flood risk. It recognises that minerals are essential to support sustainable economic growth and our quality of life, and that it is important, therefore, that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. It also recognises that minerals are a finite resource and can only be worked where they are found, so it is important to make best use of them to secure their long term conservation.

Paragraphs 145 and 146 of the NPPF contain specific advice about how to plan for aggregates and industrial minerals respectively. Paragraph 145 states that MPAs should plan for a steady and adequate supply of aggregates by preparing an annual Local Aggregate Assessment (LAA). 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.

Paragraph 146 of the NPPF states that MPAs should plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes, and encouraging safeguarding or stockpiling so that important minerals remain available for use. The paragraph also states that stocks of permitted reserves be provided to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment. In this context, reference is

made to various types of minerals in terms of timescales, although none directly refer to dolomitic limestone.

National Planning Practice Guidance

The NPPG reiterates much of the policy guidance of the NPPF in terms of the need for and how to plan for mineral extraction. It recognises the contribution of minerals to our economy and overall quality of life, but also acknowledges that they are a finite resource and need to be used prudently to ensure their continued availability for future generations. It recognises that minerals can only be worked where they naturally occur but that the means of obtaining them can have economic, social and environmental impacts which need to be balanced.

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.

The advice on how to plan for a steady supply of aggregates repeats the guidance in the NPPF referred to above. The NPPG 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. 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. It also sets out that aggregate landbanks should be used as a trigger for a MPA to review the current provision of aggregates in its area and consider whether to conduct a review of the allocation of sites in the Plan.

It states that MPAs should plan for the steady and adequate supply of minerals through a) the designation of specific sites; b) the designation of preferred areas or c) the designation of areas of search.

It states that the suitability of each proposed site, whether an extension to an existing site or a new site, should be considered on its individual merits, taking into account issues such as:

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

Local Aggregate Assessment

The mechanism by which to determine future aggregate requirements is set out in a LAA (as required by national policy). This is part of the current Managed Aggregate Supply System (MASS). This sets out the current position regarding aggregate demand and supply, and is reviewed on an annual basis. In respect of crushed rock, Derbyshire, together with the Peak District National Park, is one of the largest producers of aggregate grade crushed rock in this country, primarily supplying carboniferous limestone. Quarries within the area covered by the two authorities supplied just under 12.5 million tonnes of aggregate grade crushed rock from 19 sites in 2016.

The overall landbank of crushed rock in the area, i.e. aggregate and industrial grade, is around 1,202 million tonnes (mt). It has been estimated that of this, 349mt is of industrial (non-aggregate) grade (182mt in Derbyshire and 167mt in The Peak District). As a result, there is an estimated reserve of rock for aggregate use at these active and inactive sites of over 853mt (639mt limestone and 0.4mt of sandstone/gritstone in Derbyshire, and 213mt limestone and 1.35mt of sandstone/gritstone in the Peak District National Park). This would be sufficient for over 90 years provision based on the current provision rate of 9.34mt/pa. The required landbank for aggregate crushed rock is at least 10 years.

Information provided within the most recent LAA document also indicates that the landbank is not bound up in a small number of sites to the extent where it could stifle competition and disrupt supply. It also indicates that the majority of the sites are likely to continue to operate throughout the Plan period, therefore ensuring continuity of supply.

Local Development Plan

The DDMLP and the BDLP both predate the NPPF. Therefore, one might attribute a reduced weight to a relevant saved policy from either of these plans, if it now has a significant degree of inconsistency with the NPPF.

Derby and Derbyshire Minerals Local Plan

The main policies of the DDMLP which 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 and MP7: Archaeology – Mitigation Measures. Other DDMLP policies of relevance are MP8: Planning Conditions, MP9: Planning Obligations, MP10: Reclamation and After-Use, MP14: Disposal of Non-Mineral Waste in Association with Mineral Development, MP16: Maintenance of Landbanks, MP18: Extensions to Sites, MP 19: Additional Sites, MP23: Crushed Rock for Aggregates and MP25: Industrial Limestone.

The main objective of these policies is to ensure the provision of sufficient sites for the extraction of an agreed and appropriate amount of industrial limestone and crushed rock aggregate 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. These issues are explored in detail below.

The saved policies of the adopted DDMLP remain relevant and must be taken into account in the determination of this proposal. However, they should also be considered in the context of the NPPF. This suggests, at Paragraph 215, that 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 MP25: Industrial Limestone of the DDMLP is the main policy against which proposals for industrial limestone should be assessed. It states that *'Proposals to extract industrial limestone will not be permitted unless (1) they are required to meet a proven need for materials with particular specifications which would not otherwise be met, and the development is designed to maximise the recovery of the particular materials required to supply that need, or (2) they involve extensions or variations to the boundaries of existing operations which would result in significant net environmental benefits without significantly increasing the level of permitted reserves'*.

The application also makes provision for that mineral not suitable for use as industrial to be extracted for use as either aggregate or agricultural lime. The most relevant policy in that context is Policy MP23: Crushed Rock for Aggregate, which 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 for aggregates 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'*.

Policy MP19: Additional Sites, states that proposals for the working of aggregates outside permitted or allocated sites will not be permitted except where they meet a proven need which would not otherwise be met and the impact on the environment is acceptable. Although this proposal is not an allocated site, 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 has been set out above under the LAA. As a result, although this policy is considered to be out of date in respect of its reference to sites (which were allocated using what is

now historical information), the issue of need remains entirely relevant but in an updated context. The updated information regarding need will be considered below.

Whilst MP23 and MP25 are restrictively worded, with a clear presumption against proposals for the extraction of aggregates and industrial minerals, this is balanced by equally clear categories of exception, which relate to issues of sustainability, and within which proposals may be considered to conform to the requirements of these policies. MP23 and MP25 are therefore considered to be substantially in accordance with the presumption in favour of sustainable development, as set out in the NPPF.

In terms of other policies of the adopted DDMLP, the site would be an extension to an existing quarry and would accord, therefore, with the provisions of Policy MP18, which 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 NPPG does set out a number of mineral related development criteria which requires such proposals to be considered on their own merits. In applying these criteria to the draft assessment of sites which have been identified for allocation in the emerging Minerals Local Plan, it is possible that the most sustainable and environmentally acceptable provision target could be met by a focus on extensions to existing sites rather than new sites, and the underlying principles of this policy remain a relevant factor in the assessment of this proposal.

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

Emerging Minerals Local Plan

Derbyshire County Council and Derby City Council are currently preparing a new Minerals Local Plan which will, when adopted, replace the DDLMP. It will set out the provision for minerals and/or the approach to new mineral development proposals for the period up to 2030. The County and City Councils have recently undertaken an extensive consultation exercise, "Towards a Minerals Local Plan" setting out the main issues facing the replacement Plan and asking for responses to a set of options to establish the broad approach of the Plan to ensure it will deliver a sustainable supply of minerals to meet the whole over the Plan period. 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 identified needs of the local area and the country as a whole over the Plan period. The responses to this consultation exercise have been analysed and

will be used to help the preparation of a Consultation Draft of the new Plan later this year but, 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 four extension areas have, however, been put forward for consideration for allocation for industrial limestone extraction in the new Minerals Local Plan.

Bolsover District Local Plan

Relevant policies of the BDLP for this proposal are:

GEN 2: Impact of Development on the Environment.
 GEN 5: Land Drainage.
 GEN 7: Land Stability.
 CLT 10: Countryside recreation Facilities.
 TRA 2: Protection of Rail Routes.
 TRA 5: Safeguarding Potential Railway Sidings.
 TRA 10: Traffic Management.
 TRA12: Protection of Existing Footpaths and Bridleways.
 CON 4: Development Adjoining Conservation Areas.
 CON 13: Archaeological Sites and Ancient Monuments.
 ENV 2: Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings.
 ENV 3: Development in the Countryside.
 ENV 5: Nature Conservation Interests throughout the District.
 ENV 6: Designated and Registered Nature Conservation Sites.
 ENV 7: Development Affecting Protected Species.
 ENV 8: Development Affecting Trees and Hedgerows.

BDC is currently preparing a new local plan to 2033. A draft local plan for BDC was published in October 2016 and consulted on for an eight week period at the end of 2016. The draft plan includes a proposal for a strategic site allocation on land at the former Whitwell Colliery site. This site forms the basis of a draft policy, Policy SS6: Strategic Site Allocation – Former Whitwell Colliery site which seeks to deliver the growth requirement for Whitwell as set out in draft policy SS3: Spatial Strategy and Distribution of Development. The policy will permit proposals for the development of the site *‘where they are guided by the indicative layout diagram for the site and...*

- a) *Remodel the site to an appropriate landscape form;*
- b) *Create a country park;*
- c) *Enable completion of at least 200 dwellings within the site by 2033;*
- d) *Optimise the use of the site or make best use of land;*
- e) *Provide 5 hectares of B-use employment land;*
- f) *Improve access to Whitwell train station;*

- g) *Contribute towards minimising the need to travel by private car through provision of convenient access via sustainable modes of transport to locations of employment and services;*
- h) *Contribute towards place making through the delivery of a high quality designed development that creates an attractive and locally distinctive new urban neighbourhood utilising as appropriate public art;*
- i) *Contribute towards conserving and enhancing the biodiversity of the District through the protection and incorporation of existing hedgerows and woodlands within the site's general layout, design and orientation;*
- j) *Contribute towards the efforts to tackle climate change through its approach to sustainable construction, renewable energy and energy conservation within the site's general layout, design and orientation'.*

The consultation on the draft local plan is a Regulation 18 of The Town and Country Planning (Local Planning) (England) 2012 consultation and therefore limited weight can be placed on this draft policy at this stage.

Identification of Issues

With regard to industrial minerals, the NPPF states that planning authorities should plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes and encouraging safeguarding or stockpiling so that important minerals remain available for use.

In respect of the supply of aggregates, the NPPF states that planning authorities should plan for a steady and adequate supply, making provision for the maintenance of landbanks of at least 10-years supply for crushed rock for aggregate.

Both issues are of particular relevance to the determination of this proposal. The proposed four extension sites are not allocated for mineral development in the current DDMLP and therefore the proposal is of a kind with which the first part of Policy MP19: Additional Sites, is concerned. It states: *Proposals for working aggregates or industrial limestone outside permitted and allocated 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."*

It is therefore necessary to consider the proposal against this exception specified in the policy. The issue of need, both in terms of industrial limestone and the current and anticipated aggregate landbank, is addressed below.

In terms of other policies of the current DDMLP, the site, however, would be an extension to an existing quarry and would therefore generally accord with

the provisions of Policy MP18 which gives preference to such sites over new ones, provided they can be accommodated in an environmentally acceptable manner. The proposal also accords in principle with the requirements of Policy MP10 which states that mineral development will only be permitted where satisfactory provision is made for appropriate reclamation and after-uses as soon as practicable. This proposal makes provision for the implementation of a progressive, phased restoration programme to a mixture of agriculture, nature conservation, amenity and woodland. The use of the existing access/egress arrangements onto Southfield Lane and from there onto the A60, also means that the proposal accords in principle with the requirements of Policy MP5.

The main issues for the determination of this proposal are therefore the need for the mineral, as assessed against the latest demand/supply information, the environmental acceptability of the proposed method of working at this site, at this point, and whether or not there would be any significant cumulative impacts.

The planning application is accompanied by an ES. The following assessment addresses individual topics in the order they are reported in the ES. Each heading contains a summary of the conclusions of the ES followed by the Officer assessment.

Alternatives/Need

The NPPF states that great weight should be given to the benefits of mineral extraction, including to the economy. Such economic benefits would therefore represent a material consideration in the determination of this application. Policy MP2 of the DDMLP provides detailed criteria for considering the generic economic need for minerals. Such criteria include local, regional and national demand for the mineral; the scale and nature of the existing reserves; the availability of alternative sources of supply/materials; the nature and extent of the mineral deposit (including the need for the mineral to be worked in that location) and the implications for employment, investment and the economy.

Industrial Limestone

Whitwell Quarry is only one of two sites within the UK with consented reserves for the winning and working of dolomitic limestone of the grade suitable for use in the refractory industries and in the production of stainless steel. Products from the Whitwell Quarry Complex are sold both at the national level and exported to the European markets. The other site within the UK, which is located at Thrislington in County Durham, is not currently operational and the long term viability of that site as a source of the kiln grade dolomitic limestone is in question.

As evidenced above, the mineral deposit at Whitwell is of regional, national and international importance both in terms of its special quality and its rarity,

and because of its value as an export product. This importance was previously recognised in the DDMLP through the inclusion of a site specific policy (Policy MP26: Whitwell Quarry). Whilst that policy was not saved, due to the previous allocations having been taken up during the last plan period, it is indicative of the importance of this mineral.

The applicant anticipates that, cumulatively, the proposed extension areas would generate an additional 3.23 million tonnes of industrial dolomitic limestone, thereby providing a supply of kiln grade stone for a further 4 to 5 years beyond the existing permitted reserves. These small extensions would represent the last economic industrial limestone reserves at Whitwell Quarry in the Plan area.

Information provided in support of the application indicates that, based on reserve data from June 2017, the combined permitted reserves within these areas would amount to approximately 9.08 million tonnes. Whilst this would appear to show an adequate supply of mineral at the site, due to the complexity of the stone chemistry and the specification of the material needed for the adjacent kilns, the applicant now considers that there is an urgent need to access the additional resources contained within the proposed extensions as soon as possible. This is compounded by the fact that the current rate of production at the adjacent Whitwell works has increased during 2017 by 20% driving the rate of kiln grade quarrying to approximately 920,000 tonnes per annum. In this context, the applicant now anticipates that the reserves of accessible kiln grade stone in the previously consented southern and eastern (Belfh) areas would be exhausted by early 2018.

The permitted industrial limestone reserves in the vicinity of the railway tunnel total some 4.5 million tonnes of the overall 9.08 million industrial limestone reserve, although it is noted that the current planning permission for the railway tunnel area expires in November 2019. Whilst the applicant Company is committed to working these reserves, to be able to do so would require the diversion of that part of the railway line where it runs through the quarry. Such a diversion would need to be the subject of an order under the Transport and Works Act. I am not aware that an application for such an Order has been made and, in light of the short period of time before the expiry of the current planning permission, it is considered extremely unlikely that this would occur prior to November 2019. In view of the continued uncertainty regarding the timing and release of the reserves within the tunnel area and the ongoing difficulties in resolving these issues, I accept that there is a need for additional reserves at the site. The proposed extension to the duration of operations in this part of the site from 2019 to 2040 would also create greater certainty in this regard.

Under those circumstances, I accept that there is an identified need for the additional reserves of industrial limestone that would be released by the

current proposals and am satisfied that the development would accord with the requirements of policy MP25 in respect of industrial limestone.

Crushed Rock for Aggregate

As set out in the LAA section above, there is no identified need for any additional reserves of civil engineering grade stone to be released in the plan area as Derbyshire currently has sufficient reserves to last the next 90 years. In the context of Whitwell Quarry, however, the aggregate grade limestone underlies the industrial limestone and therefore its production (and exposure) is governed by the rate and location of industrial limestone extraction. The applicant estimates that the total annual output of aggregate from the site is approximately 500,000 tonnes, which is equivalent to half of the quarry's overall output (but not value).

Working the industrial and civils grade limestone concurrently would accord with established national and local policy to maximise resource recovery and to avoid sterilisation and wastage. In this respect, the proposals would accord with the requirements of policy MP3 which refers to *'the extent to which proposals to maximise the efficient use of materials and minimise the production of waste'* as well as the overarching aims of sustainable development in the NPPF which requires that best use be made of mineral resources. The extraction of the civil grade stone would also support processing of the specialist quality stone by reducing high unit production costs and maximising the utilisation of capital employed, therefore making a significant contribution to the overall efficiency and economic viability of the Whitwell Quarry Complex which would also accord with the NPPF, which requires mineral planning authorities to safeguard mineral infrastructure. The marketing of additional civil engineering grade material derived as kiln rejects is also considered sustainable.

In addition to the above, I further note that Whitwell Quarry is the only quarry located in the east of the County on the Permian Limestone. At the present time, 11% of the Plan area's exports are to Nottinghamshire and Lincolnshire. In addition to providing up to date figures in respect of landbanks etc, the LAA also identifies areas of potential economic growth which may have the potential to lead to an increase in the demand for crushed rock aggregate from within the Plan area. These include the 3 cities growth area one of which is Nottingham, the Sheffield City region and more specifically, the widening of the A453 in Nottinghamshire (which commenced in January 2013). Whitwell Quarry is suitably located to contribute to the supply of mineral for these potential growth areas. In this context, the proposals would also accord with DDMLP policy MP6 which states that *'for the economic well-being of the country it is essential that the construction industry is provided with an adequate and regular supply of the minerals it needs'*, and in this case the supply of civil engineering grade products from Whitwell Quarry would address a demonstrable local need.

Given the need for the production of the high purity stone and in considering the potential wider net environmental benefits within Derbyshire and the Peak District National Park resulting from the production of aggregate mineral in this location and the consequential potential for the production of aggregate in the west of the plan area, I would not propose to raise objection to the proposals on the basis of policy MP23.

Socio-Economic Effects of the Proposals

The ES includes an assessment of the socio-economic impacts of the proposal which has been undertaken at both the national and local level. National impacts are assessed in the context of the mineral resource to the national economy whilst the local impacts were assessed in the context of the impact of the site within the local area and its compatibility with other land uses.

With regard to national socio-economic benefits, as has been described above, the mineral resource at Whitwell has very particular chemical characteristics which are of value to the steel and refractory industries, as well as more general value to the agricultural and construction industries. As a result, the kiln grade mineral at Whitwell is considered to be of national importance, value and benefit. The ES also states that the site makes best use of the mineral resource at Whitwell by utilising the civil grade aggregate which underlies the kiln grade stone which is also of benefit to the

The ES states that Whitwell Quarry complex currently processes approximately 1mt of dolomite each year and that the quarry and kiln site supports more than 220 jobs both directly and indirectly. This is estimated to make a contribution of around £6 million per year. The ES also notes that the output from the quarry and kiln also supports jobs, industry and development in the wider UK economy, including in competition with supplies from mainland Europe.

The ES states that the applicant, and its predecessor companies, takes its relationship with the local community seriously. Operations and quarry activities are managed to minimise impacts on local residents and the users of the surrounding public right of way network, as well as local amenities such as Creswell Crags. A formal complaints procedure is in place as part of the wider Environmental Management System at the site. The use of the agreed haulage route and the presence of significant visual screening around the site is considered to ensure that the quarry has a negligible effect on local amenity. The ES further notes that the presence of the quarry within the area has not prevented new housing or business development coming forward. The ES states that the applicant provides direct support to local community projects and charities (where appropriate), either in the form of donations of quarried materials or financial contributions to projects via the company's landfill communities scheme (LCS).

In conclusion, in respect of socio-economic impacts, the ES states that while some individuals may have negative perceptions of the development, it is considered unlikely that the proposals would result in a material negative socio-economic impact either currently or if extended to 2043 as is proposed. The activities at the site result in a positive contribution to the local economy and support to the surrounding settlements as service centres. The continued provision of a nationally limited industrial mineral, as well as more common mineral for wider uses, is considered to provide beneficial socio-economic impacts to the local area, regional and national economies.

The Council recognises the importance of the minerals industry to the economy of the area and the wider country as a whole. The Council also recognises the valuable contribution minerals make to meeting the needs of our modern society and supporting economic growth. Whitwell Quarry has made a significant contribution to all of these elements and allowing the proposed extensions would enable the quarry to continue to do so. Accordingly, the proposal is considered to be harmonious with the economic and social elements of sustainability, as set out in the NPPF.

Landscape and Visibility

The ES provides an overview of the proposed development and considers the effects on features and characteristics important to the landscape character of the site and its setting, and on the visual amenity of users of the site and surrounding landscape. The ES further confirms that the baseline against which the development has been assessed includes the current quarry operations, as well as the proposed four extension areas and the surrounding landscape.

Landscape character

In setting out that baseline, the ES refers to the national, regional and sub-regional landscape character areas within which the site sits. At the national and regional levels, the site is identified as being in the Southern Magnesian Limestone National Character Area (no 30) and Derbyshire Limestone Farmlands (Area 6D) landscape character areas (LCA). At a County level, as set out in the Landscape Character of Derbyshire document, it is identified as being within the Limestone Farmlands Landscape Character type (LCT). The key characteristics of the area are described as a gently rolling limestone plateau with productive arable farmland in large hedged fields, large and medium woodlands, small rural villages and isolated farmsteads. The area has a nucleated settlement pattern with straight roads and panoramic views across the western lowland and long distance views across the plateau. More locally, the landscape has been affected by spoil tipping associated with former deep coal mines, which have resulted in major modifications to the local landform. Such tips are widely visible from the surrounding area, particularly the east.

Visibility

The baseline visibility assessment addresses the extent and character of views towards the site in its current form with mineral extraction operations in progress throughout the consented areas. The ES describes the quarry as being relatively well contained in relation to local visual receptors due to the rising landform around the edges of the quarry and the belts of woodland planting at the peripheries. The ES notes that there are very few residential properties that have views into the existing extraction areas. Two public rights of way run close to the proposed north extension, although views into the site would be well screened by existing temporary soil bunds located to the south. The ES acknowledges that open views into the northern and southern areas of the quarry would be achievable from Whitwell Footpath 20. No views into the proposed extension areas would be achieved from the nearest residential property on Franklin Avenue to the north.

The ES states that, as a whole, the site has a limited visual envelope with limited potential for significant adverse impacts on the amenity of existing views. No properties are assessed as having a high sensitivity, although a number of properties in Whitwell are assessed as having a medium sensitivity. Users of the public rights of way are assessed as having sensitivity, particularly Whitwell Footpath 20, although users do currently experience views into the site.

Assessment of environmental effects

The ES identifies those landscape features that would be affected by the proposed extensions as being perimeter features, such as woodland belts and hedgerows. Existing perimeter features are assessed as having medium sensitivity to change or removal. The ES states that the proposals retain the majority of these features with adequate stand-offs to maintain their long-term viability. The principal area of tree loss would be from the proposed north-east extension, where a 10-year old tree belt would be removed. The ES states that this would result in a moderate to minor adverse impact. In order to mitigate this loss, it is proposed to construct a 3m high screening bund with hedgerow planting adjacent to the eastern edge of the proposed extension area prior to the commencement of mineral extraction in this area. Whilst the ES acknowledges that it would take many years for the proposed planting to reach the stature of the existing tree belt, it concludes that in time, the impacts associated with its loss would be reduced to negligible.

Approximately 3,000m² of mature pine woodland would also be lost from the proposed south-east extension area. The ES considers that the woodland lacks biodiversity value and an open structure and, as a consequence, its sensitivity to loss is considered to be medium. As mitigation for this loss, the applicant proposes to under-plant the remaining woodland with locally common native species, and coppicing within the plantation would also be introduced. Such measures would be undertaken prior to mineral extraction in

either the south or east extension areas to maximise the screening benefits. The ES states that the loss of woodland planting should be set against the gains in woodland planting as part of the overall quarry restoration and the benefit of additional supply of a nationally important dolomite resource.

The proposed development would also see the loss of approximately 6.75ha of rough grassland. The ES states that proportionately, the rough grassland to be lost is relatively small when compared to the proposed grassland habitats that would be provided as part of the restoration of the site. The restoration proposals are considered to substantially offset the losses of existing landscape features at the site, including grassland and woodland.

In conclusion, in respect of landscape effects, the ES states that the proposed development is likely to have an impact on landscape character, although such impacts would not be significant and would be temporary. The size of the proposed extensions relative to the existing quarry area is small and the proposed extended period is not significant in the context of the length of time that the quarry has already been operating. The restoration scheme makes provision for similar land uses to those that occupied the area prior to the commencement of mineral extraction operations although ground levels would not be as previously and, initially, the ES considers that this would represent a marked change in the landscape. However, it states that the long-term impact of the restoration scheme on local landscape character would be limited and beneficial.

In respect of visual impacts, the ES considers that site visibility is limited due to the rising ground around the quarry edge and belts of vegetation in the area. None of the visual receptors identified were assessed as having the potential to experience substantial visual impacts. The ES states that the existing bund to the north of the proposed north extension would be retained with its original north facing profile unaltered ensuring that views experienced by the users of footpaths to the north of the quarry. Views of the proposed north extension would be achievable from Whitwell Footpath 20 where it turns westwards over the railway tunnel, although such views would be reduced through the retention of an existing hedge lying outside the proposed extension area. It notes that general views from those footpaths that cross the railway tunnel would not differ significantly as a result of the proposals as open views into the site are currently experienced by their users, whilst views from Creswell, Peter More Hill and footpaths to the west would be reduced following the construction of the noise attenuation bunds around the western end of the proposed north extension.

Views into the site, particularly of the higher ground which makes up the access track between the main quarry void and the area to the north of the railway tunnel, from Southfield Lane would be opened up once mineral working commenced in the proposed north-east extension. Whilst some low

level visual screening would be achieved through the strengthening of existing planting along the disused railway line, the ES notes that this would be limited and that views of the higher ground would still be achievable. Following restoration, views from Southfield Lane towards the western edge of the quarry are considered unlikely, due to the proposed restoration of Butchers Wood, although the ES does note that limited views of the southern extent of the western extraction face from the same viewpoint would remain as the topography dips to the south. The ES considers that progressive restoration work would help mitigate any potential views as a result of the proposed north-east extension. It further notes that the land between the proposed north-east extension and Southfield Lane is currently allocated for employment use, which, if taken up, would assist in screening views of the quarry.

The assessment notes that there would be limited views of the proposed east extension from Craggs Road, although the retention of existing vegetation in the vicinity would ensure that quarry operations would be well screened. The proposed south-east extension would be partially visible from Craggs Road overbridge, although the retention and management (including additional under planting) of existing plantation woodland would provide visual screening. The ES states that no views of the quarry would be available from the nearest residential properties, which are in Whitwell to the north and north-east, due to existing land raising and tree planting works. It acknowledges that some distant dwellings located on the eastern edge of Whitwell may have views of the railway tunnel but not of the proposed four extension areas. The ES states that views from the identified visual receptors are likely to reduce as restoration of the site progresses and matures. It considers that the restoration waterbodies are unlikely to be seen by users of the surrounding rights of way and highway networks due to their low level in relation to surrounding land. The restoration scheme is considered consistent with local landscape character and would have no impact on visual receptors or the local landscape.

The ES states that the proposed extensions to the quarry would not result in any significant impact on landscape or visibility when assessed cumulatively with either the existing quarry operations or other development taking place within the area.

Mitigation measures are proposed within the ES to minimise the landscape and visual impacts. These include the maintenance of the outer (northern) face and extending the eastern and western ends of the existing northern screening bund prior to the commencement of working within the proposed north extension; the construction of a 3m high screen bund and hedge planting along the eastern boundary of the north-east extension prior to the commencement of working in this area; strengthening of the existing pine plantation to the east and south-east extension areas; the retention and continued management of existing screen vegetation around the site; and

progressive restoration of the site to a character in keeping with the surrounding landscape.

In conclusion, in respect of landscape and visual impacts, the ES states that, in line with previous assessments, such impacts would be localised and temporary. Whilst the ES acknowledges that the proposed four additional extensions would increase the geographical extent of those potential impacts, it is considered unlikely that the impacts would increase by significant amounts. Whilst potential significant landscape impacts, resulting from vegetation removal and changes to original landform and drainage, are recognised, ultimately, the ES considers that impacts to landscape character and landscape features would be low. Potential views of the four extension areas would be limited and, when considered alongside the retention and strengthening of existing screen planting, would not result in significant impacts to visual amenity. Following restoration, the character of the site would be restored to a combination of arable and grazing fields with areas of amenity/nature conservation on low lying ground. The visual impact of the proposed extension is considered to be low.

It is self-evident that minerals can only be worked where they are found and this restricts the locational options compared to other forms of development. It is also evident that surface mineral development involves a significant disturbance to the ground and the features it contains, especially on large sites and particularly sites which are extensions to existing, large quarry developments. Overall, I am satisfied that the ES provides an accurate description of the site and surroundings, and that the landscape and visual impact assessment has been undertaken in accordance with appropriate guidance and by a suitably qualified landscape professional. I also agree with the overall assessment of the landscape effects, both during the extraction period and in the post restoration era, and am satisfied that the proposed extensions would not introduce significant direct impacts on the landscape resource of the locality or the character of the wider area.

I concur with the statements within the ES that Whitwell Quarry is visually well contained by virtue of the local topography and the extent of plantation woodland that has been delivered as part of the quarry mitigation. I am satisfied that the viewpoints that have been chosen are suitably representative of the key sensitive receptors that may obtain a view of the sit, as well as the proposed extension areas, and agree with the ES that the most sensitive would be the users of the footpaths to the north of the quarry, including that which runs over the railway tunnel. Whilst I am of the view that any views would be more extensive than suggested within the ES, I do not anticipate any of the likely visual effects would be significant. Short term impacts to footpath users associated with working the proposed north extension would occur, although I am satisfied that these would reduce once working is at depth. I also note that the proposed north-east extension would be visible from some

of the viewpoints (as shown on photograph 5 of the Landscape and Visual Impact Assessment) but consider that this would be a continuation of existing view of an exposed quarry face and therefore not significant. The working of the proposed north-east extension is likely to open up views from Southfield Lane, the main impacts of which are likely to be increased views of existing faces located close to the railway tunnel, although I note that the ES suggests that views would be of the intermediate ground associated with a quarry access track over the tunnel. The proposed east and south-east extension areas are both well screened from external views, particularly those obtain WFP20 but again this is in the context of already established views of the main quarry void. Overall, I am satisfied that any visual effects associated with the proposed extensions would be relatively minor and therefore not significant, particularly if appropriate mitigation is in place and progressive restoration is implemented throughout the quarry development.

I note the mitigation measures proposed for each of the four proposed extension areas and, in general, consider them to be broadly acceptable and in keeping with the character of the surrounding landscape. The application, as originally submitted, proposed planting a hedgerow along the top of the screening bund adjacent to the proposed north-east extension area. This approach has subsequently been revised to mass plant the outside edge and top of the bund with native woodland species. I consider that this is a much more appropriate approach as it would enable the inclusion of more tree species and would link with linear planting currently developing along the disused railway cutting, forming the eastern boundary of the site in this location. I do retain concerns that the remaining woodland strip around the proposed south-east extension area would become excessively narrow and consider that the under-planting of this woodland strip should be undertaken during Phase 1 to ensure maximum benefit. I recommend the imposition of a condition to control this.

The revised restoration scheme, included as part of the application, accords with that previously approved and is appropriate to the character of the surrounding landscape. The scheme continues to make provision for two large waterbodies in the northern bowl area (north of the railway tunnel) and the previously approved eastern (Belph) extension area. Whilst substantial in scale, I consider that these would be visually contained features that would not read within the wider free-draining landscape, thereby reducing their overall impact. I further note that the main quarry would continue to be drained by a central valley feature that leads to a much reduced and repositioned Creswell Lake in the south-east corner of the site. This again would be visually contained by the new landform and planting. The main body of the quarry would be returned to a mix of arable, grassland and woodland land-uses, which I consider would be in keeping with the character of the surrounding landscape. The restoration scheme has the potential to deliver a range of biodiversity benefits with open water, wetland, grassland, woodland,

hedgerow and exposed rock/scree habitat types, but all within a well-conceived and manageable landscape framework which, overall, I welcome.

In conclusion, whilst I accept that the landscape and visual effects of the current proposals would only create minor additional impacts, I also consider that such additional impacts would need to be offset by the completion of the progressive restoration of those parts of the quarry that have been worked out. I am concerned that significant parts of the established mitigation would be disturbed in forthcoming years due to the need to access the soils for later final restoration. Such disturbance needs to be balanced against a rolling programme of restoration to ensure that, on final restoration, the site is not left a completely new and immature landscape feature. It is essential, therefore, that hedgerows and woodlands are planting at the earliest opportunity. I would again suggest that this be controlled by condition. Subject to the conditions recommended above and the mitigation measures suggested in the ES, I consider that the proposed development would accord with the requirements of policies MP1 and MP4 of the DDMLP, and Policy GEN2 of the BDLP.

Blasting and Vibration

The ES includes a blasting and vibration assessment which sets out the current baseline (including current vibration limits at the site and hours of operation for blasting), identifies potential residential/commercial and occupied and unoccupied sensitive receptors (29 in total), describes an assessment of the potential environmental effects (including on the users of public rights of way) associated with blasting in each of the four proposed extension areas and sets out a number of suggested mitigation measures.

The ES assesses the impact of blast vibration through a review of blast vibration monitoring records from a number of permanent automatic monitoring locations around the site. The records confirm that the levels of blast vibration are well below the currently conditioned limits of 6mm/s and 12.8mm/s⁻¹ and 12mm/s in the context of the railway tunnel. The ES concludes that sensitive receptors located to the north and south of the quarry would have received perceptible but low vibration levels in the majority of cases.

With regard to the railway tunnel, the ES states that up to April 2016, 94 blasts have been carried out adjacent to it. A total of 707 monitoring results have been recorded both by triaxial geophones in deep boreholes adjacent to the tunnel walls or triaxial geophones bolted directly to the tunnel wall. The ES states that regular inspections have been undertaken by Network Rail with no damage has been reported. It also states that a study on the prediction of PPV Vibration levels in underground structures that arise as a result of surface blasting concluded that no damage was recorded at vibration levels of 46mm/s. the ES concludes that, in light of the above, it is considered that the

existing blast vibration limit for the Whitwell tunnel should be 12mm/s in 95% of all blasting events over a six month period.

With regard to Creswell Craggs, the ES notes that 320 blasts have been monitored at Creswell Craggs and Craggs Lodge. It states that surveys were carried out after each blast and no damage to Creswell Craggs Caves has been observed. No complaints have been received from the residents of Craggs Lodge either. The ES considers that the existing vibration limits remain appropriate.

With regard to the four proposed extension areas, the ES states that it has only used vibration results from the more recent electronically detonated blasts to calculate the level of impact on the potential receptors. All calculations were based on a 40kg charge weight to reflect current quarry practice, were undertaken.

North Extension

With regard to the proposed north extension, the ES predicts that blasting activities in the north and north-east of the proposed extension would be compliant with the vibration limits set by the current permissions. The closest residential property (20 Franklin Avenue) is predicted to receive an average PPV of 2.37mm/s with a PPV of 4.22mm/s at the higher distribution point. The ES predicts that at a distance of 75m from the tunnel, vibration levels on the Whitwell Tunnel resulting from blasting within the proposed north extension area would be an average of 6.85mm/s and a PPV of 13.15mm/s at the 95% distribution point. The ES acknowledges that the higher predicted level would be above the currently consented vibration level for the tunnel. As mitigation, the ES suggested using a reduced charge weight of 36kg which would reduce the average PPV to 5.82mm/s and the PPV at the 95% distribution point to 11.8mm/s. with such mitigations in place, the ES concludes that the impact of vibration from mineral extraction in the proposed north extension would be below the current consented vibration levels and would be moderate. The ES acknowledges that the predicted vibration levels would be above the threshold of human perception (0.5mm/s) at a number of locations. This is not considered significant and no further mitigation measures, above good blast design and the undertaken of blast monitoring are proposed. The ES further notes that, whilst the assessment indicates that the nearest properties would experience vibration levels well below the upper limits, the applicant has offered to undertake a baseline structural survey on the existing state of properties and then also to undertake a follow up once works have been completed in the north extension.

North-East Extension

The ES states that the predicted effects for the proposed north-east extension on properties located to the north and north-east would be compliant with the vibration limits set by the current permissions. The closest occupied building,

Whitwell MOT centre, would receive an average PPV of 3.19mm/s and a PPV of 5.68mm/s at the 95% distribution point. The ES states that, whilst the impact from blasting at this location is considered low, the vibration levels are considered moderate and monitoring will be undertaken in this location to confirm that the predictions are correct. The closest residential properties (Sherwood Cottage and Penny Green Cottage – locations 18 and 19) are predicted to receive an average vibration level of 0.53mm/s and 0.94mm/s at the 95% distribution level. The ES therefore considers that vibrations would be experienced at these locations or at any distances greater than 500m from the site. The Alkane Energy coal mine methane gas extraction plant (location 14) is predicted to receive an average vibration level of 6.92mm/s and a PPV of 12.31mm/s at the 95% distribution point. The result at the 95% confidence point is below the 50mm/s limit used for the assessment of non-residential structures and the impact of blasting is therefore considered to be low. The ES identifies the closest sensitive industrial structure is a gas pipeline which is 93m away at its closest point. It is anticipated that the pipeline would receive an average of 4.03mm/s and a PPV of 7.90mm/s at the 95% distribution point. This is significantly below the 75mm/s limit specified by National Grid. The ES concludes that there would be negligible impact on the pipeline as a result of blasting in the proposed north-east extension area. With regard to the railway tunnel, it is predicted that it would receive an average PPV of 5.54mm/s and a PPV of 10.63mm/s at the 95% distribution point which is lower than the maximum vibration limit currently set for the site.

The ES concludes that no additional mitigation measures would be required for blasting in the proposed north-eastern extension.

East Extension

The ES states that all sensitive properties in the vicinity of the proposed east extension area would receive a PPV of less than 6mm/s. The closest property, Hennymoor Farm (location 21) would receive an average PPV of 1.16mm/s and a PPV of 2.15mm/s at the 95% distribution point. Despite being over the level of human perception, the potential impact from would be low to negligible. The gas pipeline is 39m from the proposed eastern extension area. The ES predicts that the pipeline would receive an average 13.83mm/s and a PPV of 27.14mm/s at the 95% distribution point for blasting events which is considered to be significantly below the 75mm/s limit specified by National Grid. The ES concludes that the impact from vibration as a result of blasting in the proposed east extension would be low to negligible and proposes no additional mitigation measures.

South-East Extension

The ES predicts that the closest residential property to the proposed south extension would receive an average PPV of 4.20mm/s and a PPV of 7.61mm/s at the 95% distribution point for blasting events using a 40kg charge weight. Accordingly a reduced charge weight of 22kg is proposed for this area

with the resultant PPV calculated as an average of 2.73mm/s and a PPV of 4.95mm/s at the 95% distribution point which would be compliant with the current vibration limits. Properties at Hennymoor Farm and Bank House Farm (locations 21 and 26) are located further away from the proposed extension area and would receive lower vibration levels.

With regard to Creswell Craggs, the ES states that with a 40kg charge weight Mother Grundy's Parlour (location 24) would receive an average PPV of 2.00mm/s and a PPV of 4.41mm/s at the 95% distribution point. Both of which would fall below the 12mm/s maximum limit.

The gas pipeline would be approximately 11m from the closest blasting location within the proposed south-east extension. Based on the use of 40kg charge weight, the ES predicts that the pipeline would receive a PPV of 83.42mm/s and PPV of 163.76mm/s at the 95% distribution point. Both of these would be in excess of the National Grid specified upper limit of 75mm/s. the ES states that in order to bring blast vibration down to an accept limit, a charge weight of 7kg would be used at the closest point to the gas pipeline. This lower charge weight is predicted to result in a received PPV of 24.20mm/s and 47.51mm/s at the 95% distribution point. The applicant also proposes to monitor all blasts as extraction approaches the pipeline and would update the prediction models using the specific data collected. All blasts would be designed based on the monitoring and prediction information with the charge weight reduced proactively to maintain blast impacts at acceptable levels.

The ES also identifies that there are a number of rights of way in the vicinity of the proposed extensions. It states that whilst there are no physical risks to the users of these rights of way, the noise and vibration associated with a blast event may give rise to concern. The ES states that precautionary procedures are currently in place that are implemented when blasting operations take place in the vicinity of these rights of way that take into consideration their users. Such procedures comprise stationing staff at each end of the right of way which runs close to the blast area. Confirmation that the right of way is clear is provided prior to the blast being undertaken with users being asked to wait at the sentry point until after the blast has taken place. The ES proposes that these procedures would be continued both for the currently consented areas as well as the proposed extension areas.

The ES proposed a number of mitigations, some of which have been set out above. In addition to the suggested reduction in charge weight, the ES proposes that prior to the commencement of blasting in the proposed south-east extension, a series of fully instrumented trial blasts would be conducted in a non-vibration sensitive area of the quarry to determine the precision that can be achieved when using very low charge weights. An initial standoff of 25m from the gas pipeline would be implemented which would only be

reduced if the vibrations from blasting using low charge weights are confirmed to be adequately controllable and predictable.

In conclusion the ES states that with the proposed mitigation measures in place, no potentially vibration sensitive receptors would receive vibrations above the current maximum vibration levels. Whilst vibrations may be perceptible in some locations, they are considered unlikely to result in an unacceptable impact. With the suggested mitigation measures in place, the impacts from blasting and vibration are predicted to be low.

Following the objection from Network Rail, which also included a report produced by Golder Associates, the applicant submitted further information in respect of the potential impacts of blasting on the railway tunnel. This information included a report rebutting the findings of the Golder Associates report and a covering letter which responded directly to the issues raised by Network Rail.

The further information reiterates the point that the current proposals do not seek to change the principles of blasting the rock as the working face approaches the railway tunnel; the principles of the associated monitoring; the approach to the diversion of the railway out of the tunnel or the removal of the mineral around the tunnel. The information provided states that these issues were all considered in detail at the time that the ROMP was considered in 2005 and are currently controlled via the ROMP schedule of conditions. It is stated that the current application is for an extension of time and for four new extensions to the quarry with none of these proposed extensions encroaching any closer to the tunnel than the existing consented extraction areas. The response states that the applicant does not consider that the comments raised by Network Rail relate to the new activities which are the subject of this planning application.

The accompanying report by Blast Log provides a details review of the relevant worldwide literature reports of blasting studies and analysis of the blast data available for blasting in the vicinity of Whitwell tunnel in order to demonstrate the confidence with which predictions can be made and safe criteria can be established. The report refers to British Standard '(BS) 7853 Part 2: *Evaluation and measurement for vibration in buildings. Guide to damage levels from groundborne vibration*' which sets the UK standard for blast vibration. The response notes that for large structures such as that of the Whitwell tunnel the safe vibration is 50mm/s regardless of frequency, whilst for less robust structures the safe vibration at 4hz is 15mm/s rising to 20mm/s. current vibration levels in the tunnel area are set at 12mm/s. None of the blast vibration levels recorded in the vicinity of the tunnel have been in excess of 12mm/s, therefore the report concludes that the imposition of a frequency constraint would have no effect.

The additional information also notes the content of a report by GWP undertaken on behalf the applicant which presents a detailed description of the construction of the tunnel including reference to a ground radar survey undertaken in 1993 and measures taken in 1997/8. The GWP report concludes that the Golder Assessment undertaken on behalf of Network Rail comes to erroneous conclusions relating to the structure and construction of the tunnel.

With regard to the maximum vibration limit on the Tunnel lining and rock mass that would ensure that no damage would occur, the additional information sets out in detail the general properties of the waves that transfer energy resulting from a blast event. It explains that there is no bulk movement or transport of matter during a wave motion but that the particles oscillate and/or rotate about space limited paths and do not travel through the rock. It states that two velocities are relevant in the context of the Whitwell Tunnel. These are a) wave velocity which describes the rate at which the disturbance moves through the rock medium and b) a particle velocity that describes the small oscillations of a given particle as the wave energy excites it. The report sets out the interrelationship between peak particle velocity and the components of waves. A further analysis of the relationship between PPV, peak particle acceleration (PPA) and peak particle displacement (PPD) is undertaken which demonstrates that there is no predictive relationship between PPV and PPA that can be used to convert one value to another and that there appears to be no predictive relationship between PPA and PPD. The report concludes that the use of wave frequency measurements to predict the magnitude of effects of a blast wave is not a meaningful measure and states that it is most common for PPV to be used as a measure as it has been found to be best correlated with the history of damage occurrence and has a theoretical basis which underpins the principle that the strain induced in the ground is proportional to the particle velocity. It concludes that the measurement of impacts should be based on PPV not frequency. It also states that BS7583 Part 2 states that the minimum safe level is 50mm/s regardless of the major frequency within the vibration signal.

The response also states that Golder's modelled tunnel and fabric is much weaker than the actual tunnel and fabric which is more robust than suggested. It considers that the blast vibration criteria set out in Section 10 of the Golder report is not based on detailed research and does not take into account BS7583 Part 2 which is the current British Standard. The further information states that it considers that the existing and proposed limit of 12mm/s at a 95% confidence level remains an appropriate and one which incorporates a significant factor of safety, particularly when the literature review shows that minor damage is not generally recorded at vibrations of less than 46mm/s.

The additional information responded to Network Rail's request for details as to how the tunnel would be monitored to ensure that no damage occurs. It

states that the impact of blasts in the tunnel area would continue to be monitored in accordance with the current monitoring scheme of which details are also provided. The response states that each blast, including the amount of explosive used and proposed location and timing of the individual blasts are designed using a computer model which takes into account the results of the previous blasts as well as knowledge of site geology. A prediction in terms of PPV is made which is then sent to Network Rail. The blast is initiated and the results recorded. A comparison is then made between the predicted and recorded levels of vibration. If vibration levels are seen to be increasing in terms of PPV, then another single signature blast is undertaken to determine the new inter-hole firing/timing frequency that produces the lowest level of vibration for all monitored locations. That revised timing would then be employed in the full scale production blast. The response states that it considers that this approach is considered to be both rigorous and robust. It states that the monitoring scheme would be amended as necessary to reflect the agreed approach.

The response also notes that Network Rail has requested a condition survey be undertaken prior to the commencement of blasting within the tunnel area. It notes that Network Rail has already undertaken such a survey (in 2013) and suggests that this survey would provide the Mineral Planning Authority with a robust record of the condition of the tunnel prior to blasting in the proposed extension areas.

The response also states that the ROMP approval allows for blasting under the current approved scheme. It states that that scheme was subject to full consultation, including with Network Rail and allows blasting to take place much closer than in the proposed north and north-east extension areas. It concludes that there is no justified reasonable need for the condition surveys of the tunnel following blasting in the proposed extension areas which are further away from the currently consented extraction areas. The applicant acknowledges that in the event that damage to the Tunnel is identified, it would be appropriate for an independent specialist assessment to be carried out to determine whether the damage resulted from blasting and whether such damage has affected the structural stability of the tunnel.

Network Rail's final request related to a safe system of work for the tunnel area. The additional information states that it is a current condition of the ROMP consent that no blasting will take place when the tunnel is in use by a train. A procedure is currently in place which ensures that this condition is complied with. The applicant has also provided a copy of a document entitled 'Safe System of Work – Working Quarry Faces Within 60m Standoff for Whitwell Tunnel'. The applicant states that this has been operated successfully for the past two years in agreement with Network Rail and that it would be amended as necessary in the event that planning permission was granted.

In general, I am satisfied that the proposals would not result in adverse impacts to nearby sensitive receptors associated with blast vibration and consider that the existing controls would be sufficient to ensure that this would remain the case. I note that, in those instances where it is predicted that blast vibration levels would exceed the relevant maximum limits for ground vibration, the applicant intends to mitigate such effects by reducing the charge weight for the blasts closest to these sensitive receptors and, in the case of the blasting in the proposed south-east extension area also undertake a series of trial blasts to determine the precision that can be achieved using the significantly reduced charge weight of 7kg. I consider that such measures, in conjunction with the existing controls in place at the site, would represent a robust approach to mitigating the effects of blast vibration on the local area and that they would be acceptable.

The application proposes to extend the quarry in an area close to Creswell Craggs. This extension would essentially be worked as part of the wider and currently consented southern extension area. Quarry blasting in the southern extension area is currently controlled by a number of protocols, including oversight of the blast design and blast prediction models by the Mineral Planning Authority's Independent Specialist, all of which were secured via legal agreement. To date, these safeguards and controls have worked very well. Subject to blasting in the proposed south-east extension area being subject to the same controls, and the controls being continued in any new legal agreement, I am satisfied that the proposals would not result in adverse impact to Creswell Craggs as a result of blasting activities.

With regard to the issues raised by Network Rail, whilst I note their concerns I also consider that subject to similar safeguards and controls to those in place for Creswell Craggs being put in place for any new permission, potential adverse impacts (including to public safety) would be capable of being controlled. Network Rail most recent response stated that, in lieu of the information which it requested but considered to remain outstanding, that such controls would be acceptable. With the exception of the appointment of the Independent Specialist for the Council, which would need to be secured via legal agreement, I consider that the majority of the safeguards could be controlled via condition and recommended conditions are set out below.

I note the view expressed by the applicant that the current proposals relate to the proposed extension of the site in areas which are further away from the tunnel area than the currently consented extraction areas. It is true to say that, at present, quarrying activities are able to take place in close proximity to the tunnel area and that they are controlled by a set of conditions that were the subject to consultation including with Network Rail who had no issue. Such operations could legitimately continue until November 2019, when the current consent would expire. Notwithstanding this, however, the proposal to extend the duration of operations at Whitwell and in this context, relates to the whole

quarry site (excluding Whitwell Works). Under those circumstances, it is considered appropriate that a review of the environmental impacts associated with the overall operation be undertaken at this stage. In line with the Growth and Infrastructure Act 2013, this would perhaps also negate the need for an application for first periodic review fifteen years hence. I remain uncertain as to the change in Network Rail's approach to this site, particularly where the blasts undertaken in the vicinity of the site have all been well below the maximum limit of 12mm/s. I can confirm that it correlates to a more stringent approach to the potential impact of mineral development on Network Rail Property generally.

Network Rail also requested that it be involved in the appointment of the Independent Specialist. I do not consider that there is any scope for any party other than the Council to select and appoint anyone to carry out this type of function. Network Rail, whilst a public body with a general responsibility for public safety, is also an organisation which has an interest in this site. Ongoing discussions between itself and the applicant regarding the future diversion of the railway at the very least have not progressed with any speed since the determination of the ROMP application in 2007 and the applicant serving of the Notice of Approach and at worst are potentially stalled. Under those circumstances, where Network Rail potentially has a vested interest in delaying the working of the tunnel area due to the costs associated with the diversion of the railway out of the tunnel, I do not consider it is appropriate that it would be appropriate that it be involved in the choice and appointment of the Independent Specialist.

In conclusion in respect of blast vibration, whilst I note the concerns of network Rail with regard to the potential impacts of the railway tunnel, I also consider that the proposed suite of mitigation measures would be sufficient to ensure that they could be made acceptable. The proposal is therefore considered to accord with policy MP1 of the DDMLP.

Traffic and Transport

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. Policy MP5 of the DDMLP permits the transport of minerals 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. Paragraph 32 of the NPPF states that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"

The ES states that currently, and based on a 5.5 day working week for 48 weeks of the year, operations at Whitwell Quarry generate an average of 262

HGV movements (131 in/131 out) per day with an hourly average of 24 movements. This equates to approximately 8.8% of the overall traffic movements associated with the quarry complex and 66% of overall traffic movements on Hennymoor Lane. A Transport Statement (TS) included within the ES assesses the impact of traffic generation, highway safety and environmental issues from the development. It also takes into consideration the movements of site employees' cars and describes the site access arrangements and HGV routing arrangements.

The ES provides a description of the existing quarry access/egress arrangement, as well as the nature of the immediate highway network. It also refers to the previously agreed new access directly into the eastern extension area, should it be necessary, onto Hennymoor Lane. Information is also provided relating to the existing traffic routing agreement, secured by previous legal agreement, which restricts all HGV traffic from the site to using Southfield Lane to the south of the quarry exit, Craggs Road between the Southfield Lane and Hennymoor Lane junctions and Hennymoor Lane to the A60.

The TS considers highway safety based on personal injury accident data for the five year period between 1 June 2010 and 31 May 2015, which indicates that there was one fatal accident and two slight injury accidents at the junction of Craggs Road and Hennymoor Lane; three slight injury accidents at the junction of Hennymoor Lane and the A60; one slight injury and two slight injury accidents on the A60 north and south of the junction with Hennymoor Lane and one slight accident on Southfield Lane. The fatal accident involved two cars in a head on collision in daylight in wet/damp conditions. One of the accidents at the Hennymoor Lane/A60 junction involved a collision with a HGV, although it is not known whether this vehicle was associated with site operations. Derbyshire Constabulary confirmed that there were no further accidents recorded for the period between 1 June 2015 and 30 September 2015 (the latest available information at the time of submission).

In considering the potential environmental effects of the proposal, the ES notes that the development would not see an increase in current production levels and, as a consequence, there would be no increase in HGV movements to and from the site. It also notes that there are no plans to amend the existing consented access/egress points or to amend the existing routing agreement. The ES does not consider that the proposed extensions would have an impact on traffic and transport as there will be no increase in HGV movements. It states that Craggs Road, Hennymoor Lane and the Hennymoor Lane/Craggs Road and Hennymoor Lane/A60 junctions would continue to operate within capacity and would do so with any anticipated traffic growth on the highway network. Mitigation measures proposed in respect of the extensions, including the traffic routing agreement, are consistent with those already in place.

Potential cumulative effects of the proposal in the context of other development in the area are considered, but it is concluded that the traffic associated with the site could be satisfactorily accommodated on the local highway network up to the cessation of mineral extraction in 2040.

The ES concludes that there are no material reasons why the proposed extensions should not be granted on highway safety or traffic grounds.

I am satisfied that the transport assessment has been undertaken to appropriate standards, consider that it has been demonstrated that the proposed development would not generate significant amounts of traffic and it could be absorbed into the capacity of the existing road network. No objections have been received from the Highway Authority, subject to the suggested mitigation measures being kept in place. Accordingly, I do not find the development to be unacceptable in terms of traffic and highway safety, and the proposal would not raise conflict with policies MP1, MP3 and MP4 of the DDMLP.

Policy MP5 also makes reference to feasible alternatives to road transport. With regard to a feasible alternative to road transport, the Whitwell complex does have the potential to be connected to the rail network. Railway sidings were installed and brought into use following the initial grant of planning permission in 1959, although, by 1972, rail freight was down to 40%. The rail sidings are no longer connected to the wider railway network, having being disconnected from the branch line at the time that Whitwell Station was constructed. It is therefore not currently possible to export any product out of the site due to the absence of a safe and efficient connection to the Nottingham-Worksop railway line and the poor condition of the track leading to Whitwell Works.

The issue of the re-establishment of a rail facility at Whitwell Quarry was considered in some detail during the determination of planning permission CM5/598/7 in the early 2000s. At the time, Lafarge, the then operator of the site, stated that the viability of rail transport was limited. Due to the nature of the customer base, which consisted of up to 100 customers in diverse locations in quantities varying from two loads per year to six loads per day, it was considered that small lot deliveries were not practicable by rail and many of the customers were unable to receive by rail. Whilst this Authority was keen to see a rail facility established at the site, and considered it technically feasible, it also accepted that it was not economically feasible. Tarmac's predecessor company agreed to undertake annual feasibility studies into the creation of a railway siding and this was secured as part of the legal agreement associated with planning permission CM5/598/7. I do not consider that the situation has changed so significantly in the intervening 16 years since that permission was granted. Taking these factors into account, I am satisfied that, at this time, there are currently no viable alternatives to road

transport. I am of the view, however, that the creation of such infrastructure remains technically feasible and, under those circumstances, would recommend that the requirement for annual feasibility studies be carried over into any new legal agreement.

On the basis of the above and subject to the continuation of the controls and restrictions imposed by conditions on previous planning permissions and the inclusion of the issues relating to traffic routing, the removal of the underpass and provision for ongoing feasibility studies of the opportunities for rail freight from the site within a revised legal agreement, I am satisfied that the proposals would accord with the requirements of DDMLP policies MP1: The Environmental Impact of Mineral Development and MP5: Transport.

Noise

When considering the impact of noise from development proposals, the NPPG advises MPAs to take account of the prevailing acoustic environment and, in doing so, to consider whether or not noise from the proposed operations 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 NPPG 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 NPPG 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) LAeq 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) LAeq 1h (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 to facilitate essential site preparation.

The ES includes a noise impact assessment, and background noise levels have been monitored by the applicant’s acoustic consultant. The noise assessment was carried out in accordance with the guidance contained in the NPPF and NPPG. Baseline noise measurements were recorded at seven locations (Vine Cottages (1), Bridge Close (2), Penny Green Cottages (3), Craggs Lodge (4), Craggs Cottages (5), Bridge House, 33 Sheffield Road (6) and Peter Moor Cottage (7)) around the site, chosen to be representative of the potentially sensitive receptors in all directions. The ES notes that mineral extraction operations were ongoing during the periods of noise monitoring. It states that activity from the quarry complex was occasionally audible at three

of the seven monitoring locations, although site operations are not considered to be dominant at any of the monitoring locations which are predominantly affected by road traffic from the surrounding highway network. The ES notes that background levels measured during the recent survey were consistent with those measured during previous baseline surveys, with the exception of Bridge Close to the north-east. Background noise levels recorded at Bridge Close during the most recent surveys was around 37dB(A)LA90,1h whereas previously a level of 45dB(A)LA90,1hr was recorded. The ES also includes an assessment of the impacts of noise on the users of a number of the footpaths in the vicinity of the site.

The ES acknowledges that the level of noise experienced in the vicinity of the proposed extension areas could be affected by a number of factors, plant and equipment used at the site, the periods of operation of the plant, the relative separation distances between the noise source and sensitive receptors and the presence/absence of screening effects or ground absorption. It also states that the proposed extensions would be worked in the same way as the existing site, with each new face being worked in three benches and that there would be no increase in either HGV movements or annual output as a result of the proposed extensions.

Noise predictions for each of the sensitive receptors are based on a worst case where it is assumed that plant would be operating at the closest possible approach to the sensitive receptor and at the highest working level. Noise level predictions were calculated using software which assumes ideal conditions for the generation of noise, whereas the ES notes actual levels are often lower than predicted levels due to meteorological conditions and air absorption. The predictions are therefore considered to represent the maximum noise levels to which sensitive receptors may be exposed as a result of the proposed development. Predictions associated with normal mineral extraction take into account the additional screening around the drilling rig when it is operating within the proposed north, north-east and south-east extension areas. The ES states that such screening would be provided either by bunds, acoustic barriers or mobile acoustic screens. At lower levels, the ES considers that screening would be provided by the quarry face.

In considering the need to keep a number of faces open and worked concurrently, the ES acknowledges that there is the potential for cumulative noise impacts to occur. It notes that there is the potential for the simultaneous operation of rock drilling equipment to create significant cumulative impact on noise sensitive receptors and states that, there would be no such simultaneous use of rock drilling equipment and that, as a result, the likelihood of cumulative impacts is low. The ES also states that there are no other developments within the vicinity of the quarry that would cause an unacceptable cumulative impact resulting from noise.

Measures intended to mitigate the noise impacts of the development on sensitive receptors are proposed. These include the use of screening methods around operational drilling rigs when operating within the north, north-east and south-east extension areas and the retention of the northern section of the existing soil bund up to 3m in height along the northern perimeter of the north extension and the extension of the bund to include the eastern and south-eastern boundaries of the extension.

The ES concludes that the predicted noise levels for short term activities and normal mineral extraction operations with the mitigation measures in place would fall below the limits set out in the NPPG and that, as a consequence, there would be no unacceptable adverse impact resulting from noise as a consequence of the proposed development.

I note that, with the exception of Craggs Visitor Centre, where the predicted noise levels for normal operations would be 55dB(A), the daytime limits suggested in the applicant's noise survey report would all meet the requirement of 10dB(A) above background, subject to an upper limit of 55dB(A). Indeed, a number of the noise predictions are lower than those presented during the determination of planning permission CM5/598/7 and the initial review submission in 2005. I consider this represents a significant commitment on behalf of the applicant to ensure that the noise impacts associated with the extension of the quarry and the continued operation of the quarry plant would be maintained at an acceptable level with no increased effects on local amenity, despite the proposed four extensions. There would be periods of higher than usual noise levels when the extension area is soil stripped and baffle mounds formed, but these would still be well within the limits for such operations and would be consistent with ongoing working at the site. The applicant is committed to continue to employ best practice noise mitigation methods to manage noise produced by all the operations at the quarry and I consider that these are all capable of being controlled via condition.

Taking the above factors into account, I am satisfied that the ES demonstrates that the noise impact of the development would be within the guidance limits set out in the NPPF and the NPPG, and would therefore not conflict with the provisions of Policy MP1 of the DDMLP or policies TRA5 and TRA10 of the BDLP.

Water Resources and Flood Risk

The ES includes an assessment of the potential impacts of the development on water resources, as well as a flood risk assessment associated with the extraction of mineral in the four proposed extension areas. The assessment includes baseline information in respect of the underlying geology and hydrogeology of the application site, an assessment of the potential effects of

the development on water resources and on flood risk and assessment of potential cumulative impacts.

Geological Baseline

In respect of the geological baseline, the assessment describes in detail the geology of the site identifying that the quarry workings themselves are excavated in the Permian Cadeby Formation (formerly Lower Magnesian Limestone) which underlies the Edlington formation and which itself overlies the calcareous mudstone of the Cadeby Formation (formerly lower Permian Marl). It also states that the Permian Edlington Formation (formerly Middle Permian Marl) outcrops in a small area in the north-west of the site close to the railway tunnel, along the north and western site boundary north of the railway, beneath the eastern (Belph) extension area and in a small area adjacent to the western site boundary south of the railway. The ES also notes the designation of the quarry as a RIGS and refers not only to the nearby Creswell Crags SSSI but Hollinhill and Markland Grips SSSI.

Hydrogeological Baseline

With regard to the hydrogeological baseline, the ES states that groundwater flow in the Cadeby Formation dolomite is dominated by fissure flow and that intergranular flow in the matrix is generally low. It considers that the calcareous mudstones, which underlie the dolomite, have a low permeability thereby minimising the vertical flow of groundwater from the dolomite to the underlying geology. It also identifies a number of aquifers in the area which include a Secondary undifferentiated aquifer (Quaternary Head deposits), a Secondary B aquifer (the Edlington Formation) whilst the Cadeby and Yellow Sands Formations are designated as Primary Aquifers. The Middle Pennine Coal Measures are designated as a Secondary aquifer.

The ES states that the base of the quarry is below groundwater level and, as a result, the quarry is dewatered to maintain a dry working area. Groundwater levels in the vicinity of the site are known to fluctuate by up to 4m seasonally. Groundwater flows in the site are towards the south- east and east. The ES states that the impact of dewatering on groundwater levels decreases with distance from the quarry, although is most marked in the area of the sump. Following restoration, groundwater pumping would cease and levels in the vicinity of the site would recover. Following the recovery of groundwater levels, the ES anticipates that groundwater in the vicinity of the site would provide base flow to the surrounding watercourses. The site is not located over a Source Protection Zone, although there are a number of known licensed and private groundwater abstractions in the vicinity. The ES states that there are no reported impacts from the current quarry operations on these abstractions and considers it likely that the abstractions are located outside the area of influence of the quarry dewatering operations.

The assessment notes that groundwater quality in the vicinity of the site is monitored regularly and the data reviews annually which is consistent with the current planning consents, as well as the Environmental Permits associated with the Whitwell Quarry Complex. The ES notes that, generally, the results of the monitoring indicates that there are no significant variations in groundwater quality down hydraulic gradient of the site compared with up hydraulic gradient. There is no evidence of a deterioration of groundwater quality as a result of quarrying activities or the placement of colliery spoil within the quarry void.

Hydrological Baseline

The ES states that the quarry is located in the catchment of the River Poulter and identifies a number of other watercourses that are tributaries of it which are in the vicinity of the site. These include the Millwood and Millash Brook, as well as the River Wollen. The ES identifies that the site is situated in Environment Agency Flood Zone 1 which is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The assessment notes that surface water and incident rainfall is understood to either soak away or accumulate in the lowest part of the quarry. The main quarry sump is located in the south of the main quarry void. Water is pumped from the sump and through a series of settlement lagoons prior to being discharged into the Millash Brook to the north-east. The settlement lagoons receive water from the Whitwell Works, as well as the main quarry site.

Assessment of Environmental Effects

The ES states that dewatering operations would continue as existing during the operation of the proposed four extension areas to enable mineral extraction operations and the placement of fill material in dry conditions. The regulation of the discharge of pumped water is expected to continue under an Environmental Permit which is regulated by the Environment Agency. The ES states that the proposed extension areas would not be extracted to a lower level than the current consented mineral extraction. It does not anticipate that the rate of dewatering would increase as a result of the current proposals. The ES considers that the proposals would not have a significant impact on the hydrogeological and hydrological regime in the vicinity of the site compared with the current situation. It states that there is no consistent evidence to suggest that current operations are having a significant impact on groundwater quality, surface water levels, surface water flows or surface water quality in the vicinity of the site. It acknowledges that groundwater levels are affected by dewatering in proximity to the quarry sump.

The assessment notes that no storage of fuels or lubricants would take place within the extraction areas, which is consistent with current practice. It acknowledges that there is a potential risk to groundwater quality and surface water as a result of the use of these at the plant site, but the assessment

states that all fuels, lubricants, oils, etc, would be stored in bunded areas to contain spillage.

The ES states that the overall quarry complex would be restored to a mixture of land uses including ecological enhancement. It states that rock faces would be retained in places to leave the dolomite strata exposed, mirroring the natural features of the area, thereby allowing the continued benefit of the current RIGS designation for use of the site as an educational resource. The ES notes that, following restoration, the groundwater controls would cease and groundwater levels in proximity to the quarry sump would recover. It is anticipated that groundwater would enter the quarry following the cessation of groundwater control. It is stated that one of the aims of the restoration design is to minimise the extent of waterbodies in the final scheme. The outline water management scheme for the proposed restoration comprises the formation of Whitwell Lake, north of the railway line, with the water controlled at approximately 80.5m AOD by an overflow point beneath the railway leading to a small stream which would flow southwards through the proposed valley landform from Whitwell Lake to the proposed Creswell Lake, which would be located in the very south of the site. Water levels in Creswell Lake would be controlled at approximately 64m AOD by an overflow point beneath Crags Road that would lead to Belp Lake on the site of the former eastern extension area. Water levels in Belp Lake would be controlled at between 61m to 62m AOD. Discharge from the restored site would be into Millwood Brook and would be controlled to the greenfield runoff rate. In light of the above, the ES considers that the restoration of the site would not result in significant impacts on the hydrogeological and hydrological regime in the area.

The ES states that it does not consider that the operation and restoration of the small areas of proposed additional reserve found in the four extension areas would have a significant impact on Creswell Crags SSSI and the associated SSSIs designated for geological interest. Neither would the proposals significantly affect the private and licensed abstractions or the ecological SSSIs that are known to be close by.

The ES also includes a Flood Risk Assessment that has been undertaken in accordance with all relevant national and local guidance. The ES notes that the site is within Derbyshire but that it is also close to Nottinghamshire and that the site falls into Flood Zone 1. The assessment states that there would be no areas of hardstanding developed as a result of the proposals and that mineral extraction would take place in a series of phases. It acknowledges that dewatering operations would continue, although only at current rates. It describes the current arrangement for surface water runoff and incident rainfall, which soaks away, and states that there would be no change as a result of the proposals in this respect. It considers that continued dewatering during the operation and restoration of the proposed extension areas would not have a significant impact in terms of flood risk when considered over and

above the existing situation. The ES also states that it does not consider that there would be a significant impact on flooding in the vicinity of the site following restoration. Recovery of groundwater flows following the cessation of dewatering operations are considered unlikely to result in a significant increase in groundwater flooding in the vicinity of the site as a result of the four extensions. In conclusion, in respect of flood risk, the ES states that during mineral extraction there would be an increase in flood storage capacity at the site and that in the long-term, following the installation of surface water drainage systems, there would be no increase in the risk of flood risk.

With regard to potential cumulative impacts associated with either flood risk or water resources at the site more generally, the ES concludes that there would be none.

Mitigation measures proposed for the site have been described above and include the storage of lubricants, fuels and oils, etc, in bunded areas outside the main quarry working areas. It is proposed that groundwater level monitoring continues at the boreholes in and around the site to monitor the impact of dewatering. It is also proposed that the monitoring of surface water flows continues to confirm that dewatering is not adversely affecting flow in the nearby watercourses. All monitoring would be undertaken in accordance with the requirements of the Environmental Permits relating to the site.

Based on the experience of the current operation and the associated management of water issues, and the broad similarities in the geology of the current working and proposed working areas, I have no reason to dispute the broad conclusions of the ES. I am mindful of the positive consultation responses of the LLFA and the EA who have both confirmed no objection subject to adherence to the proposed method of working, the implementation of the mitigation measures identified in the ES, in tandem with the requirement for the submission of a detailed drainage scheme relating to the management of surface water, ground water and any ordinary watercourses on site prior to final restoration (LLFA) and the continuation of the monitoring of ground and surface water flows and levels (EA). Accordingly, I consider that the proposal does not conflict with the requirements of Policy MP4 of the DDMLP or policies GEN2 and GEN5 of the BDLP.

Cultural Heritage including Archaeology

The ES includes a desk based assessment of the potential impacts of the development on cultural heritage and assessed all heritage assets within a 2km radius of the site boundary. The assessment includes a description of the baseline, an assessment of effects in cumulative impacts and suggests mitigation measures. The ES states that the majority of the main quarry area has been excavated and, in places, partially backfilled. It notes that from an archaeological perspective, only a limited area of the proposed extension

areas would be of interest due to areas already having been disturbed through previous operations.

With regard to designated heritage assets within the study area, the ES notes that there are three scheduled monuments within the study area. The Palaeolithic and later prehistoric sites at Creswell Crag, 1.9km to the south of the application site and which preserves internationally unique evidence demonstrating how early prehistoric populations lived at the northern limits of their territory during the last Ice Age. Ash Tree Cave, is 1km to the north of the site and is of significance for its Palaeolithic remains. Iron Age Markland Graps promontory fort is 2km west of the quarry with evidence of Iron Age and Romano-British pottery. Thirteen listed buildings were identified within the study area although the ES states that only two, Creswell Church of England Infants School and the former Creswell Church of England secondary school, are within 1km of the site. The ES notes that there are a three further listed buildings within Creswell and eight within Whitwell. The assessment notes that the Creswell Conservation Area extends eastwards from Creswell village and that includes the Crag and the land to the north of the B6042. It states that 0.3ha of the proposed south-east extension area lies within the conservation and is described as 'important open area'. It is noted that this open area includes the modern plantation at the southern end of the site, as well as a substantial area of the previously consented southern extension area which is currently being worked. The ES also notes that the Whitwell Conservation Area and the Welbeck Abbey grade II Registered Historic Park and Garden, of which a section of Creswell Crag forms a part, fall within the study area. The ES also notes the landscape in which the quarry sits, stating that historically, the quarry has been dominated by a landscape generally divided up into a fairly regular rectilinear field system characteristic of an enclosure award landscape.

As part of the baseline, the assessment describes each of the proposed four extension areas, noting that each is different in its history and current land use. The proposed north extension is covered with soil mounds and most of the area was stripped of soils prior to the construction of the soil mounds. The proposed north-east extension is stated to appear to be undisturbed with the exception of the removal of a historic hedgerow. The ES notes that the area has no surface relief and raises the possibility that the landform is an artificial one, constructed as part of the works associated with the rail sidings during the 1960s. The proposed east extension is noted as being partly on the site of the former railway sidings, whilst the proposed south-east extension is covered by closely planted woodland.

Assessment of Effects

The ES states that a careful examination of the areas around the site has been undertaken in order to assess the potential effects of the proposed extensions on the setting of the identified heritage assets noting, despite the

scale of operations at the quarry and associated works, the site is well screened as a result of its topography, intervening vegetation and development or distance. It states that, despite being situated within an area of archaeological potential, due to its proximity to Creswell Crags, there is no known evidence of any activity from any period within any of the proposed extension areas.

Part (0.3ha) of the proposed south-east extension lies within Creswell Conservation Area. The area of the proposed extension is stated as being separated from the main body of the extension by 5ha of consented mineral extraction and the B6042. The ES concludes that the effect of the proposed development on the Conservation Area would not be significant.

The ES also considers the indirect impacts, e.g. those that could alter the potential or setting of a heritage asset. It states that whilst a number of designated heritage assets lie in the vicinity of the site, only one, the Creswell Crags and Visitor Centre, is considered to be sensitive to adverse impact. The Crags lie within the Creswell Conservation Area, are a schedule monument and part of the wider Registered Park and Garden at Welbeck Abbey. The assessment notes that the nearest boundary of the proposed south-east extension is 50m north of the scheduled monument boundary and 300m from the Visitor Centre and gorge. The ES notes that over the last 10 years, substantial works, including the construction of a replacement B6042 road and the closure of the old road that ran through the Crags Gorge, have been undertaken. It further notes that that dense woodland separates the core of the scheduled monument from the B6042 and that further woodland screens bound the southern edge of the quarry. Inter-visibility between the Crags and the quarry is therefore non-existent. The ES states that, as per Historic England guidance, the viewing point for an assessment of the potential impact on Creswell Crags and Visitor Centre has been selected as the junction of the road to the Visitor Centre with the B6042. It is considered that it is from this point that most visitors would form their first impressions of the monument and its setting. The assessment notes that the current quarry is screened from view by vegetation on the boundary of the site. This vegetation would be retained throughout mineral extraction in the proposed extension areas. Views into the quarry would therefore be completely screened by existing boundary vegetation. The concludes that, based on the Historic England matrix designed to quantify significance , the effects of the proposed development on the Crags and associated Visitor Centre would be negligible.

The ES proposes the implementation of an archaeological watching brief during soil stripping operations in each of the proposed extension areas. It considers that this would be appropriate mitigation in respect of potential impacts on buried archaeology.

The ES concludes that there would be no cumulative impacts in respect of cultural heritage associated with other development in the vicinity. In conclusion, in respect of cultural heritage, the assessment concludes that there would be significant adverse effects upon known features of cultural heritage. An archaeological watching brief is considered to be suitable mitigation for any potential impacts resulting from the proposed extensions.

In general, I am satisfied that the assessment of cultural heritage and archaeology has been undertaken in accordance with all relevant guidance and that it has regard to best practice and I have no reason to doubt its conclusions.

Whitwell Quarry is located in an area with known palaeolithic remains and the potential for undiscovered buried archaeology to exist must therefore be considered high. This issue was identified by Historic England in its response. The proposals would have the potential to adversely affect the archaeological resource. However, in considering the previously disturbed nature of much of the land in the proposed north, east and south-east extension areas, I would have no reason to object to the proposals from an archaeological point of view. I note the assessment of the land within the proposed north-east extension area and the uncertainty as to whether this land is undisturbed or part of a previously constructed landform associated with the former railway sidings. I note that the applicant has provided mitigation measures in the form of an archaeological Written Scheme of Investigation (WSI). Subject to the development being undertaken in accordance with that WSI, I would have no objections to the proposals in respect of archaeology.

Detailed consideration of the potential impacts of the southern lateral expansion of the quarry on the nearby Creswell Crags, a scheduled monument, was undertaken during the determination of planning permission CM5/598/7. At the time, it was concluded that, subject to stringent controls (both via condition and legal agreement) being put in place those impacts could be kept to an acceptable level. Such controls include the appointment of an independent blast specialist to assess the impacts of blasting on the Crags as well as the prior approval of and subsequent monitoring of each and every blast that is undertaken within the southern extension area. At the time of writing, I am of the view that these control mechanisms remain both appropriate and necessary. The current proposal makes provision for a small extension to the eastern edge of the currently consented southern extension area. This area would be worked as part of the larger southern extension and should introduce few additional adverse impacts. A detailed assessment of the potential impacts on the Crags resulting from ground vibration is set out in the Blast Vibration section above. This concludes that blasting in this area would remain within the approved limits. I further note that neither Historic England nor the Creswell Heritage Trust raised any concerns in this regard. Subject to the continuation of the existing control and review mechanisms relating to

Creswell Craggs being carried over into any new legal agreement, I am satisfied that the proposals would be acceptable in respect of the Scheduled Monument.

I note that the proposed south-east extension area falls within the wider Creswell Village and Model Village Conservation Area. An appraisal of the conservation area undertaken by Bolsover District Council in 2007, identifies that part of the conservation area as being an important open area. Whilst this is the case, this particular area is covered in plantation woodland and the proposed extension area would not be visible from outside the existing quarry workings. The proposed south extension is also quite small in the context of the existing quarry void and, visually would read as part of this wider space. Under those circumstances, whilst I acknowledge that part of the proposed development falls within the conservation area, I do not consider that the proposed extension would adversely affect its character and appearance and am satisfied that the proposal would meet the tests of 'preserve and enhance' as set out in Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion and subject to the imposition of a condition to secure appropriate implementation of the mitigation measures set out in Paragraph 14.16 of the ES, and the continuation of the existing controls and mitigation measures relating to Creswell Craggs, I do not consider that there is any archaeological or cultural heritage based reason to not allow the proposed development to proceed or to require any amendment to the working area or method of extraction. Accordingly, it accords with the requirements of Policy MP7 of the DDMLP and policies CON4 and CON13 of the BDLP.

Ecology

The development of a quarrying operation has the potential to impact on the existing ecology of the site, natural heritage and designated sites. In addition to the requirements of DDMLP Policy MP1, Policy MP4 does not permit mineral development where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, and in particular, where *'development would adversely affect nature conservation interests of international or national importance including...special areas of conservation, sites of special scientific interest...and the habitats of protected species'* and *'development would cause significant disturbance to other sites of importance for nature conservation'*.

The ES sets out the methodology used to assess the nature conservation and ecological interest of the site and surrounding area, and refers to a desk top study carried out to obtain background information, ecological surveys that have been undertaken which includes an extended Phase 1 habitat survey, and a range of field surveys covering badgers, bats, breeding birds, Great Crested Newts (GCN) and reptiles. An assessment was also made of the

suitability of the site of habitats for invertebrates. The surveys covered the main quarry void and the proposed extension areas. No surveys were undertaken within the eastern extension area as no changes to the previously permitted development are proposed for this area.

Statutory and non-statutory sites

The ES considers the potential impact of the development on statutory designated and non-statutory sites of nature conservation value and ecological interest within the vicinity of the site. Birklands and Bilhaugh Special Area of Conservation (SAC), designated for its veteran acidophilus oakwoods, is 10km to the south-east. The ES further notes that parts of Sherwood Forest are currently under consideration for future classification as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) populations and gives consideration as to whether the development would have the potential to impact on those breeding populations. Three SSSIs are identified within 3km of the site. These are Ginny Spring (of interest for its woodland and calcareous grassland) located 3km to the north of the site; Creswell Crags (of interest for its roosting and hibernating bat populations as well, as its geological interest in respect of fossil mammals and fish) 15m south of the site, and Hollinhill and Markland Grips (of interest for its range of grassland types including calcareous and magnesian limestone grassland) 1km to the west.

The ES notes that there are two non-statutory LWS within the application boundary and a further 11 within 2km of the site boundary. Butchers Wood LWS and Whitwell Quarry Margins LWS are both considered of county and regional value for their calcareous grassland and cliff features. Neither LWS falls within the proposed extension areas. It is noted that an area of RNCI (of value for its grassland and orchid species) sits within the eastern area of the quarry complex. Whitwell Quarry is also designated as a RIGS site for its dolomite and use as an educational resource.

The ES concludes that, due to the distance of the SAC and the candidate SPA from the site, the lack of a pathway (e.g. watercourse or habitat connectivity) and the lack of any indirect impacts associated with dust, there would be no impacts on these sites and, as a consequence, no significant effects on these international designations/candidate designations are considered likely. The ES notes the proximity of the application site to Creswell Crags SSSI, but concludes that the proposals would not result in direct impacts/loss to/of its habitats. It further notes that the quarry has been operational since the 1950s without compromising the ecology of the Crags. No direct impacts were predicted in respect of Ginny Spring and Hollinhill and Markland Grips SSSI as a result of the proposals. With regard to non-statutory sites, the ES does not consider that there would be any direct effects resulting from either habitat loss or change resulting from the proposed extensions on the two LWS within the main quarry boundary. No direct effects to the RNCI were predicted. The

proposed development is not anticipated to result in significant increases in the levels of noise, human disturbance, dust or lighting that would directly impact the statutory and non-statutory designated sites. The ES considers that the restoration proposals would benefit the ecology of the local area whilst the proposals for the extension areas would provide high quality habitat within those areas.

Habitats and Plant Communities

The ES assesses the baseline conditions and the habitats found on the site. Various habitats are identified as being present, including bare ground, earth banks and inland cliffs dominate the main quarry void where mineral extraction is currently taking place. Three water bodies, containing little or no aquatic vegetation, were identified within the base of the quarry area. Previous working areas support scattered scrub. Species poor hedgerows occur in the northern section of the site and along the top of the railway tunnel, although there are none in the proposed extension areas. Areas of poor quality semi-improved poor grassland were identified in the north and the south of the site, predominantly on the soil bunds. Calcareous grassland, supporting yellow rattle, wild liquorice and yellow-wort, was identified in the northern area of the site but not in the proposed extension areas. The east extension area comprised mixed woodland, ruderal vegetation and grassland. Broadleaved woodland plantation habitat occurs along the western, southern, northern and sections of the eastern boundaries of the site. The ES considers that the site is of County level importance for habitats due to some of the notable plant species associated with the semi-improved species rich and calcareous grassland. No notable plant species were recorded within the proposed extension areas.

The ES concludes that any changes in habitat would be temporary in nature and that there would be no significant impacts as a result. No significant loss of change to habitats within the proposed extension areas and the residual effects are considered to be neutral. The ES notes that there several notable plant species within the site, but considers that the impact on these species from the proposed extensions would be certain low negative. The ES notes the total area (9.8ha) of existing habitat that would be lost, but considers that such habitats are common within the wider landscape and indicates that the proposed restoration scheme would increase woodland planting and restore the extension areas to similar high quality habitat.

Badgers

The ES states that no evidence of badgers was identified within the main quarry void or within 30m of the main quarry boundary.

Despite the absence of badger during the surveys, the ES notes that the species is known to be present in the local area and that, as a result, the site offers potential for foraging and sett building. It considers that the effect of the

proposed extension on badgers would not be significant but recommends pre-extraction checks in be undertaken.

Bats

The ES notes that bats were recorded along the hedgerows and woodland borders in the north of the site, along the route of the railway tunnel and along Craggs Road/woodland edge to the south of the site. Feeding, social and commuting behaviours were noted for a number of species, including common pipistrelle, soprano pipistrelle, noctule, brown long eared and serotine bats. No roosts were observed at or within the vicinity of the main quarry. The ES assesses the site as a whole to be of low-moderate foraging suitability for bats. The proposed extension areas are considered to be of site level value for bat species because the species assemblage recorded are insufficient to be considered in a wider context and the site is not of local importance to the local bat population.

The ES considers that the effects of the proposed development on bats are not likely to be significant

Birds

The ES notes that 30 species of bird were recorded at the site, including one Schedule 1 species (peregrine falcon), four red list (skylark, linnet, yellowhammer and peregrine falcon) and six amber list species (mallard, black-headed gull, reed bunting, kestrel, swallow, willow warbler and dunnoek) of conservation concern. The assessment notes that it is possible that all 30 species are using the site for breeding, although it notes that the more common species recorded within the proposed extension areas were not confirmed as breeding. The ES considers that the site should be considered of County value for breeding birds, due to the presence of peregrine. The peregrine nesting site location is distant from the proposed extension areas and as a consequence, it is not considered that the proposals would result in significant effects. The degree of the effect of habitat change on bird species is considered to be negative (not significant).

Great Crested Newts

Other than the three water bodies within the main quarry void, no other ponds were identified within 500m of the main quarry boundary at the time of the survey. Ponds located within the eastern extension area were more than 500m from the proposed extension areas and were not surveyed. Three of the ponds in the main quarry void were surveyed and assessed as having an average predicted likelihood of GCN presence. eDNA tests carried out confirmed an absence of GCN in all waterbodies in the main quarry. In conclusion in respect of GCN, the ES considers that the aquatic habitat is not suitable for GCN. The terrestrial habitat at certain locations is considered suitable for GCN, however, the lack of records within 2km of the site and

confirmed absence in the water bodies, indicates that generally the site is of no importance for GCN.

Invertebrates

The ES notes that the survey identified only small areas of habitat that would be potentially suitable for invertebrates. The proposed east and south-east extension areas were considered able to support a higher level of invertebrates than the majority of the site due to the presence of woodland plantation and grassland. However, the ES notes that the number of species found was relatively low in considering the size of the site and none of the species recorded are listed as red data book species. In respect of invertebrates, the ES considers the habitat of the site to be of site value only primarily because of the woodland plantation and grassland found in certain areas. Grassland areas and short ephemeral perennial habitats in the base of the quarry are also considered suitable for butterflies and moth species.

The site is considered to be of poor quality for terrestrial and aquatic invertebrates. The overall degree of habitat change and indirect effects from dust deposition would be negative (not significant) with no likely residual effects.

Reptiles

The ES notes that, after completing seven surveys, no reptiles were identified within the site. No further assessment was therefore considered necessary.

Cumulative impacts

The ES also assessed the potential for cumulative impacts to ecology resulting from the development, but concluded that due to the relatively low significance of the habitats at the site and the abundance of habitat in the surrounding area, there would be no adverse cumulative impacts relating to ecology.

The ES sets out a number of mitigation measures in respect of ecology. These include no net loss of habitat; the management and improvement of any retained habitats; short term maintenance and long term enhancement of local wildlife corridors within the site; continued programme of monitoring; removal of trees/vegetation will be used to create temporary habitats, e.g. log piles in areas close to the periphery; regular checks for badger setts and the undertaking of new surveys prior to mineral extraction taking place in any new area; checks for nesting birds in grassland and trees during the bird nesting season; and pre-extraction check to check for the presence of peregrine.

I am satisfied that the nature and scope of the ecological assessment and the type and range of survey work that has been undertaken is appropriate and has been carried out to the necessary standards.

Based on the characteristics of the area of the proposed extension areas, the method of working and the form of restoration, I can confirm that the proposal would not pose any significant risk to the integrity and function of any of the designated sites around the site or in the surrounding area. This view was supported by both NE and DWT. It is also accepted that the restoration proposals would result in a net increase in the biodiversity score of the site in the longer term, particularly by the creation of wetland, areas of calcareous grassland and woodland.

In general, I consider that the proposed mitigation measures are acceptable and would ensure that no adverse impacts in respect of ecology would occur. I note, and concur with, the points raised by DWT in respect of the presence of calcareous grasslands (including within the Butchers Wood LWS) and other rare species close to the site and the lack of provision for their inclusion within the wider restoration scheme. I further support their recommendation that these to be taken into account as part of the wider restoration of the site and would recommend the imposition of conditions relating to an ecological management plan for the site and also for detailed information to be provided as part of the requisite landscaping/restoration schemes.

In conclusion and subject to the imposition of a conditions to secure appropriate implementation of the mitigation measures set out in Section 5.4 (table 17) of the ES and the submission of more detailed information relating to the restoration of the site that make provision for the delivery of ecologically rich calcareous grassland, allow for the integration of areas of current ecological interest into the wider scheme as well as the suitable management of the site for wild liquorice, I do not consider that there is any ecological based reason to not allow the proposed development to proceed or to require any amendment to the working area or method of extraction. Accordingly, it accords with the requirements of Policy MP6 of the DDMLP and policies ENV5 and ENV6 of the BDLP.

Soil Resources

The impact of mineral development on agricultural land and the feasibility of achieving a high standard of restoration are important considerations when determining applications affecting farmland. Policy MP4 of the DDMLP restricts proposals for mineral development where it would result in the irreversible loss of best and versatile agricultural land (grades 1, 2 and 3a). Policy MP10 seeks to ensure that satisfactory provision is made for the reclamation and aftercare of the site to a condition suitable for their acceptable after-use.

The ES provides an assessment of soil resources at the site. It states that the only area of undisturbed agricultural land is within the proposed north-east extension area and that the agricultural land classification and soil resources within this area were assessed using the revised guidelines and criteria for

Agricultural Land Classification (ALC). The ES also notes that the previously consented extraction areas have already been worked and their soils stripped and that, and that the assessment also takes into account the effect of quarrying activities on these soils. In considering the baseline, the ES states that soils within the currently consented areas have been husbanded during the preparation of these areas and that the soils are stockpiled to maintain the different soil types for use during restoration. It also notes that each of the four proposed extension areas currently has a different land use including the storage of soils stripped from elsewhere (north); rough grassland which may be an artificial landform associated with the construction of railway sidings at the site (north-east); former rail sidings (east) and plantation woodland associated with visual screening dating from the mid-1980s (south-east).

An ALC survey was carried out on an area of 2.5ha which forms the site of the proposed north-east extension. The survey was identified as being Soil Type A with topsoil depths being between 22cm and 32cm depths and subsoil depths being between 34cm to 60cm. The majority (2.1ha, 84%) of soils within the survey area were assessed as being subgrade 3b which is classed as moderate grade agricultural land. A small section of the survey area (0.4ha, 16%) was assessed as being grade 3a which is considered good quality agricultural land.

The ES notes that the proposals would also require the movement of some of soils currently stockpiled at the site, particularly those located on the northern boundary of the site. The ES states that these soils comprise both topsoil and subsoil. Wherever possible, these soils would be directly placed during the restoration of the site. If not, then it is proposed that they would be moved for storage in a suitable location elsewhere. All soils would be used in the restoration of the site, with the best soils being used for those parts of the site that would be returned to agriculture. In the event that there is a shortfall, the ES states that this would be made up using overburden material which is suitable to provide a subsoil substrate.

In conclusion, in respect of soil resources, the ES concludes that, following restoration, there would be no overall loss of grade 3a or grade 3b agricultural land due to the good practice soil handling methods that would be used during the development.

I consider that, based on the information provided, the assessment demonstrates that there are no significant agricultural land issues concerning this proposal. The planned restoration of the site would not result in a reduction in land in agricultural use and the approved restoration scheme proposes that significant areas of the site would be restored to an agricultural use. The ES sets out an appropriate scheme for handling and managing soils throughout the development which has built on the experience gained from the earlier stages of the quarry workings and on current best practice

methodologies. NE raises no objection provided any permission is subject to its conditions for soil safeguarding. Accordingly, I consider that the proposed development would not conflict with the requirements of policies MP1 and MP4 of the DDMLP, Policy ENV2 of the BDLP or the policies and guidance of the NPPF and NPPG.

Dust

The ES notes the site activities which are most likely to generate dust emissions, considers the site parameters most likely to increase the potential impacts of dust, including meteorological conditions and the locations of sensitive receptors in the vicinity of the site, as well as the effectiveness of current and proposed dust control measures.

The assessment identifies the stripping, handling and placement of soils, mineral extraction and crushing operations and restoration works as those activities most likely to generate dust. It states that the potential for dust generated by such activities is present only in the immediate vicinity of the site. It also notes that there have been no complaints in respect of dust in the 12 months preceding the submission of the application. It states that dust management procedures are implemented at the site currently in accordance with quarrying best practice and that such measures would continue to be implemented in the event that the application were successful. It also states that dust monitoring is carried out routinely and that the results show that there are no unacceptable dust emissions as a result of the current operations. Notwithstanding this summary, the assessment provided in the ES investigated the potential for significant effects to occur as a consequence of uncontrolled emissions of coarse dust and PM10 particles from the extraction and restoration operations, and from emissions from onsite plant and vehicles.

The assessment reiterates that the operations would remain the same as those carried out under the existing planning permission, maintaining the same rate of production, hours of operations and on-site practices and procedures. Site management procedures for the control of fugitive dust would also continue as at present. It states that there are properties that would be considered to be sensitive receptors in respect of dust within 1km in most directions from the proposed extension areas and, as a result, wind from any direction has the potential to transport dust to a sensitive receptor. The topography of the site and in the immediate vicinity of it could influence wind patterns in the area. The extensive screen planting around the site is considered to act as a screen to filter dust from the air. Vegetated bunds at the site would also reduce the potential for wind blown dust generated by southerly winds being carried to the village of Whitwell. Likewise, the plantation to the south of the main quarry working area screens Creswell Craggs from any fugitive dust. Whilst the operator expresses confidence in this assessment, the ES refers to the operational controls exercised through the

existing dust control management plan which would be applied to the proposed extension area and a list of further specific mitigation measures that would be considered in the event of any problems arising during the working of the four proposed extension areas.

The ES considers the potential cumulative impacts of the development with the activities at the adjacent Whitwell Works which forms part of the overall quarry complex. It states that the Works is the subject of an environmental permit which includes conditions relating to dust emissions. It considers that with the controls in place, there would be no unacceptable cumulative impact associated with operations taking place in the vicinity of the quarry.

The results of the dust monitoring undertaken for the current working area would support the conclusions of the ES. That site has been worked without undue disturbance and nuisance from fugitive dust, the mitigation measures employed to the most dust susceptible operations and the distance of the site from sensitive receptors. I acknowledge that some of the operations have the potential to give rise to significant dust emissions (vehicles on the haul road in dry conditions and infilling of voids) but, I am satisfied that the continuation of the existing mitigation measures and controls would prevent any significant problems affecting the nearest residential properties or any sensitive ecological features in the area.

Accordingly, I consider that the proposal does not conflict with the requirements of DDMLP Policy MP1: The Environmental Impact of Mineral Development.

Cumulative Impacts

The importance of the cumulative effects of development is recognised in the NPPF. It states, at Paragraph 120, that *“to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.”* At Paragraph 144 of the NPPF, it states that *“When determining planning applications, local planning authorities should ...take into account cumulative effect of multiple impacts from individual sites/and or from a number of sites in a locality.”*

It is also recognised in the DDMLP. Although the specific concern of Policy MP4 is ‘Interests of Acknowledged Environmental Importance’, MP4 is also instructive with regard to the consideration of cumulative impacts in other situations. It states that one of the aspects for deciding whether a development was acceptable or not would be where it would result in an unacceptable cumulative impact on the environment of an area, either in relation to an individual proposal having regard to the collective effect of the

different impacts, or in relation to the effects of a number of mineral developments occurring either concurrently or successively.

The ES contains a section on cumulative impacts. Conclusions relating to the potential cumulative impacts associated with each of the identified environment impacts are also included throughout the ES in each of the relevant technical sections. The ES states that there are no major large scale developments in the vicinity of the site that could generate cumulative impacts in combination with the proposed extension to the quarry other than Whitwell Works, which has been taken into account in the assessments. The ES states that the assessments have assumed that the lifetime of the works would extend in parallel with the proposed extension to the operational life of the quarry. With regard to the potential for a significant cumulative impact resulting from an accumulation of impacts associated with different activities within the site or from accumulation of impacts from activities external to the application site, the ES considers that there would be none.

Whilst I accept the overall conclusion of the ES that the level of adverse impact that would occur as a result of the proposed development taking place at this time would not give rise to any substantive reason to refuse planning permission, I do consider that the potential for cumulative impacts has been under assessed. This is particularly relevant with regard to the successive impacts associated with heavy industry in the area surrounding the quarry and the villages of Whitwell and Creswell. Successive developments in an area can have a substantial impact on the landscape over a wide area as it takes time for these sites to mature and can impact on the amenity of the area over long periods of time. The area was subject to deep coal mining until the early 1990s when Whitwell Colliery closed. The legacy of that mining industry is still evident as is evidenced by the yet to be restored Whitwell Colliery Tip and the remaining sections of Belp Tip prior to their removal into the quarry void as part of the quarry restoration and as yet unoccupied areas of former colliery land which sit to the north of the quarry access on Southfield Lane. It is noted, however, that the ongoing operation of the quarry site would assist in the removal of the Belp Tip and this would assist in the ongoing regeneration of the area. The quarry site is also subject to an ongoing and phased restoration which would, ultimately, see the entire quarry complex, including the Works, be restored to a mix of agriculture, nature conservation and amenity. This would represent a significant improvement to the visual appearance of the area and would contribute to the regeneration of the area.

I reiterate, however, that mineral extraction can only take place where mineral exists and that restoration options are limited by the lack of suitable materials to infill sites and restore them to previous ground levels and uses. In this case, I consider that the impacts on the environment and amenity would be within acceptable limits and that the form of restoration offers substantial ecological benefits.

Conclusion

Taking account of the current production rates, the scarcity and chemical composition of the stone at Whitwell Quarry and anticipated levels of economic growth, I am satisfied that there is a need for the mineral that would be supplied by the proposed development. It would also help to maintain a steady and adequate supply of mineral as required by the NPPF and would contribute to the industrial limestone requirements for Derbyshire and Derby for the period up to 2030.

I am also satisfied that it can be obtained in an environmentally acceptable manner, subject to full adherence to the proposed amendments to the form of the development and other requirements detailed in this report. It therefore complies with the requirements of the saved policies of the DDMLP and represents a sustainable form of development in accordance with the appropriate criteria of the NPPF and would support sustainable economic growth.

As extensions to an existing quarry which benefits from the availability of all the required infrastructure in a location that does not give rise to any unacceptable impacts on the environment and amenity, the proposal represents an efficient means of obtaining the mineral within the site and the benefits that supply entails. It is also serviced with a good standard of internal haul road leading to an access onto the public highway in a position that provides excellent links to the strategic highway network and the customers the quarry supplies.

It does not raise any conflicts with the policies of the development plan or any other material considerations, and, subject to the conditions listed below and a legal agreement, it is recommended for approval.

(3) **Financial Considerations** The correct fee of £65,000 has been received.

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

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

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

Other Considerations

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

(6) **Background Papers** File No. 5.541.24

Application documents dated 8 April 2016, together with the letters and accompanying documents from MJCA on behalf of Tarmac Ltd dated, 9 December 2016, 8 February 2017 and 3 May 2017 and 11 September 2017.
 Letters from Bolsover District Council dated 22 April and 10 May 2016
 Email from the National Planning Casework Unit dated 25 April 2016.
 Letters from Network Rail dated 28 April, 23 August 2016 and 12 May 2017.
 Emails from the Lead Local Flood Authority dated 29 April 2016 and 3 January 2017.
 Letters from Historic England dated 3 May and 21 December 2016.
 Letters from the Environment Agency dated 4 May and 20 December 2016.
 Letters from Nottinghamshire County Council dated 4 May and 13 December 2016.
 Email from Hodthorpe and Belparish Parish Council dated 5 May 2016.
 Email from DCC Countryside function dated 20 May 2016.
 Letter from Natural England dated 27 May 2016.
 Email from Creswell Heritage Trust dated 8 June 2016.
 Letters from the Coal Authority dated 15 June and 16 December 2016.
 Letters from Derbyshire Wildlife Trust dated 24 June 2016 and 23 January 2017.
 Email from the Highway Authority dated 26 July 2016.
 Emails from the Bolsover and North East Derbyshire Joint Environmental Health Service dated 5 August 2016 and 30 January 2017.
 Email from Whitwell Parish Council dated 12 January 2017.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that subject to:

The prior completion of a legal agreement, to include obligations under Section 106 of the Town and Country Planning Act 1990, as amended to cover the following in association with planning application CM5/0416/4:

- The continued operation of the Whitwell Quarry Liaison committee.
- The use of the stone resource.
- The eventual removal of the underpass to the eastern extension area.
- Traffic routing.
- Opportunities for rail freight from the site.
- Monitoring and protection of the Millash Overbridge (if it has not been removed during the redevelopment of the former Whitwell Colliery Tip) during works in the eastern extension area.

- Measures to protect Creswell Craggs, including the appointment of an independent specialist.
- Measures to protect visitors to Creswell Craggs.
- Measures to protect the railway tunnel including appointment of an independent specialist for this purpose;
- A scheme and programme of monitoring of the impact of bat populations in Creswell Caves and Foraging Grounds and Mitigation.
- Whitwell Works Complex: Study for Decommission or Diversification.
- Whitwell Colliery Tip 11/091 – provision to accommodate into restoration at a later date.
- Monitoring of ground water levels.
- Monitoring of flow rates and water quality in the Millwood Brook and the Millash Brook.
- Restored site management.
- Restored nature conservation management.

Planning permission be **granted** for application CM5/0416/4, subject to conditions based substantially on the draft conditions set out below:

Commencement and Duration

- 1) The development hereby approved comprises both a continuation of mineral winning and working at Whitwell Quarry which hitherto has carried on under planning permissions CLO/1156/3, BOL/1082/484, CM5/598/7 and CM5/0206/178, and an extension of the mineral winning and working onto four areas of land known as the north, north-east, east and south-east extensions. Accordingly, the commencement of the development hereby approved shall be either the beginning of operations under the permission in any one of the north, north-east, east and south-east extensions, or (if no such operations commence by November 2019), the continuation of the winning and working at any area of Whitwell Quarry which currently benefits from planning permission CLO/1156/3, BOL/1082/484, CM5/598/7 or CM5/0206/178 after November 2019. The development hereby approved must be commenced within three years of the date of this permission. The Mineral Planning Authority shall be notified in writing of the date of such commencement within 14 days of that date.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (which requires planning permissions to condition a time limit for commencement) and to secure a limit of three years. The Mineral Planning Authority requires prior notification of the date of commencement of the development so that it has sufficient time to ensure that the requirements of the planning permission are in place and to make arrangements for monitoring the development.

- 2) The development hereby approved shall be completed no later than 31 December 2043. On, or before that date, the extraction of minerals shall have ceased, all plant, machinery, structures, buildings, access and haul roads shall have been removed, and the whole site shall have been restored in accordance with the further conditions of this permission.

Reason: To comply with Part 1 of Schedule 5 to the Town and Country Planning Act 1990 (which requires all planning permissions for mineral working to be subject to a time limit condition) and to secure an appropriate time limit.

Site and Scope of Permission

- 3) This permission covers the whole of the area shown outlined in red on drawing no W328/00026 entitled 'The application boundary and proposed extension areas' (which includes all those parts of the existing Whitwell Quarry complex to which planning permissions CLO/1156/3, BOL/1082/484, CM5/598/7 and CM5/0206/178 relate). For the purposes of this permission and these conditions, the term 'the site' means this area. Nothing specified, required by or provided for in these conditions shall be taken to permit any operations or uses are associated with the approved development outside the boundaries of the site. This permission shall replace all those permissions including the planning conditions approved under the Initial Review of Old Mineral Planning Permission (ROMP) (R5/0705/13 dated 7 July 2006) with effect from the date upon which this permission is commenced in accordance with Condition 1 above.

Reason: To confirm the extent of the site to which this permission applies.

Approved Details

- 4) The development shall only be undertaken in accordance with the details set in the application for planning permission and Environmental Statement from Tarmac Ltd dated 8 April 2016, together with the letters and accompanying documents from MJCA on behalf of Tarmac Ltd dated, 9 December 2016, 8 February 2017 and 3 May 2017 and 11 September 2017. In particular, the following drawings and documents:
- Drawing no W328/00025 entitled 'The site location and the surrounding area'
 - Drawing no W328/00026 entitled 'The application boundary and proposed extension areas'
 - Drawing no W328/00027 entitled 'The current planning permission boundaries'

- Drawing no W328/00034 entitled 'Plan showing the site layout and key features'
- Drawing no W328/00031 entitled 'Illustrative Restoration Proposals'
- Drawing no W328/00035 entitled 'Schematic cross section through the footpaths to the north of the quarry'
- Drawing no W328/00030 entitled 'Proposed direction of working in each extension area'
- Drawing no W328/00032 entitled 'Traffic restrictions in the vicinity of the quarry'
- Drawing no W328/00036 entitled 'Progressive Restoration: End of Phase 1'
- Drawing no W328/00037 entitled 'Progressive Restoration: End of Phase 2'
- Drawing no W328/00038 entitled 'Progressive Restoration: End of Phase 3'
- Drawing no W328/00039 entitled 'Progressive Restoration: End of Phase 4'
- Drawing no W328/00031 entitled 'Locations of the nearest potentially vibration sensitive receptors'
- Drawing no W328/00033 entitled 'Locations of closest noise sensitive properties and representative noise monitoring locations'
- Drawing no W328/00040 entitled 'Historical and ecological sites in the vicinity of Whitwell Quarry'
- Drawing no W328/00045 entitled 'Phase 1 Habitat Survey Plan'
- Regulation 22 letter from MJCA dated 9 December 2016 and accompanying documents.
- Scheme for Blasting in Proximity to Whitwell Tunnel (document ref: TAR/WTE/LZH/1655/01/TUNNELBLASTING produced by MJCA dated December 2016 and Golder Associates Rebuttal Report prepared by Blast Log dated December 2016;
- Written scheme of archaeological investigation for Whitwell Quarry. TAR/WTE/LZH/1655/01/ARCHAEOLOGICALSCHEME produced by MJCA dated September 2017.
- Whitwell Quarry Blasting and Blast Monitoring Scheme. ZWHITSCH produced by Blast Log dated May 2017.
- Scheme for the prevention and control of dust at Whitwell Quarry. TAR/WTE/LZH/1655/01/DUSTPREVENTIONSCHEME produced by MJCA dated February 2017
- Dust monitoring scheme for Whitwell Quarry. TAR/WTE/LZH/1655/01/DUSTMONITORINGSCHEME produced by MJCA dated February 2017
- Noise mitigation scheme for working in the southern, eastern and south-eastern areas of Whitwell Quarry. TAR/WTE/LZH/1655/01/NOISEMITIGATIONSCHEME produced by MJCA dated February 2017

- Noise monitoring scheme for Whitwell Quarry. TAR/WTE/LZH/1655/01/NOISEMONITORINGSCHEME produced by MJCA dated February 2017
- Scheme for the management, protection and monitoring of water at Whitwell Quarry. TAR/WTE/LZH/1655/01/WATERMONITORINGSCHEME produced by MJCA dated February 2017
- Visual improvement scheme for the Tarmac buildings at Whitwell Works. TAR/WTE/LZH/1655/01/VISUALIMPROVEMENTSCHEME produced by MJCA dated February 2017

Reason: To apply appropriate control over the parameters of the development, including relevant mitigation controls to be observed, to protect local amenity.

Availability of Plans

- 5) From the commencement of development, and until completion of the restoration of the site, a copy of this permission, including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available at the Whitwell Quarry site office during working hours, and the terms and conditions of the permission shall be made known to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that the site operators are fully aware of the requirements of the permission.

Notification Dates

- 6) The following dates shall be notified in writing to the Mineral Planning Authority no later than seven working days before each date:
- a) Commencement of operations within each of the north, north-east, south-east and east extension areas.
 - b) Completion of quarrying in each of the eastern (Belph) and southern areas and the north, north-east, south-east and eastern extension areas.
 - c) Commencement of quarrying within 70 metres to the south of the railway tunnel.
 - d) Commencement of quarrying within 80 metres to the north of the railway tunnel;
 - e) Completion of Belph Tip removal operations.
 - f) Construction and commissioning of the mobile crushing and screening plant in any of the extension areas;
 - g) Completion of each phase of restoration of the site based on the principles set out in the 'Phased Extraction, Restoration, Landscape,

Aftercare and Ecological Management Scheme' TAR/WTE/LZH/1655/01/OPERATIONAL SCHEME produced by MJCA dated February 2017.

Reason: To enable the Mineral Planning Authority to properly monitor the progress and timing of the key stages of the approved operations having regard to the restrictions on the timescales for each stage of the development and to determine the commencement of the aftercare periods for each phase.

Extraction Limits

- 7) The winning and working of minerals at the site shall not take place outside the area edged in green on drawing no W328/00026 entitled 'The application boundary and proposed extension areas'.

Reason: For the avoidance of doubt and to protect local amenity and the environment.

Quarry Development

- 8) The winning and working of minerals and associated development and restoration at the Site shall be carried out only in accordance with the phased working programme set out in Section 3 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological management Scheme (report ref: TAR/WTE/LZH/1655/01/OPERATIONALSCHEME) produced by MJCA dated February 2017 and as illustrated on drawing nos. W328/00030 entitled 'Proposed direction of working in each extension area'; W328/00036 entitled 'Progressive restoration: End of Phase 1', W328/00037 entitled 'Progressive restoration: End of Phase 2', W328/00038 entitled 'Progressive restoration: End of Phase 3' and W328/00039 entitled 'Progressive restoration: End of Phase 4' except to the extent that they might be amended by the other conditions of this permission.

Reason: To ensure control over the ongoing development and restoration of the site and to protect local amenity.

- 9) No quarrying shall take place within the southern area other than in accordance with the detailed working method scheme set out in Section 3 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological management Scheme (report ref: TAR/WTE/LZH/1655/01/OPERATIONALSCHEME) produced by MJCA dated February 2017.

Reason: To ensure the protection of the cave systems at the nearby Creswell Crags and to enable the Mineral Planning Authority to monitor the development.

- 10) No quarrying shall take place in the eastern (Belph) extension area other than in the text and plans in Section 3 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological management Scheme (report ref: TAR/WTE/LZH/1655/01/OPERATIONALSCHHEME) produced by MJCA dated February 2017.

Reason: To ensure control over the ongoing development and restoration of the site and to protect local amenity.

- 11) The railway tunnel area shall be worked in accordance with the progressive extraction of minerals as set out in Section 3 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological management Scheme (report ref: TAR/WTE/LZH/1655/01/OPERATIONALSCHHEME) produced by MJCA dated February 2017, and the drawings entitled 'Romp Working Detail' Plans Phases E to K included as Appendix M to the Environmental Statement submitted in support of the Initial Review of Old Mineral Planning Permission (ROMP) application (code number R5/0705/13), approved by the Mineral Planning Authority on 7 July 2006), except as otherwise required by other conditions to this permission, or such variations as may otherwise have received prior written approval of the Mineral Planning Authority in consultation with Network Rail.

Reason: To ensure control over the ongoing development and restoration of the site and to protect local amenity and the users of the railway.

Ancillary Development (Installation, Plant, Machinery and Stockpiles)

- 12) Notwithstanding the provisions of Article 3 and Schedule 2, Part 17A of the Town and Country Planning (General Permitted Development Order) 2015, as amended, or those of any amending or replacement order relating to these provisions which may come into force, no fixed plant or machinery and no mobile processing plant shall be placed or erected on the site except as authorised or required by this permission, or as approved in writing beforehand by the Mineral Planning Authority. The Mineral Planning Authority shall not confer any approval under the auspices of this condition for an ancillary building or structure which the Authority considers is a material addition to the development such as to require the submission of another application under the Town and Country Planning Act 1990 (as amended).

Reason: To enable the Mineral Planning Authority to consider whether any such proposed further development in the site might have an unacceptable impact on amenity and the environment.

- 13) The external appearance of all buildings, fixed plant and machinery and structures comprising the processing plant and ancillary operations within the site shall be reviewed and maintained in accordance with the 'Visual Improvement Scheme for the Tarmac Buildings at Whitwell Works (rep reference: TAR/WTE/LZH/1655/01/VISUAL IMPROVEMENTSCHEME), produced by MJCA dated February 2017. Any new plant and any replacement cladding on existing plant shall be painted or clad using the colour BS10B23 (new grey) in less sensitive locations and BS10B19 (mushroom) in more visually sensitive locations.

Reason: In the interests of the protection of local amenity and in order to mitigate the visual appearance of the works, having regard to its scale, visual dominance and appearance.

- 14) Mineral stocking on the site, including the:

- a) existing mineral stocking grounds;
- b) mineral stockpile requirements;
- c) the containment of stocks within designated area(s); and
- d) the phased relocation of stocking areas to enable progressive restoration works;

shall only take place in accordance with the scheme shown on drawing reference W328/00034 entitled 'Plan showing the site layout and key features' and in Section 4 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management Scheme. TAR/WTE/LZH/1655/01/OPERATIONALSCHHEME produced by MJCA dated February 2017.

Reason: To control the unnecessary spread of mineral stockpiles to minimise visual intrusion

- 15) No mobile plant or vehicles shall be parked outside the excavations except for the purposes of carrying out approved operations within those areas.

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

- 16) At such time as they are no longer required in connection with the approved development, all plant, structures, other installations, tanks machinery and temporary buildings shall be removed from the site.

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

Eastern Extension Crusher

- 17) The civils stone crushing and screening plant in the eastern (Belph) extension area shall be constructed in accordance with the details provided in Section 2 of the Noise Mitigation Scheme for working in the southern, eastern and south-eastern areas of Whitwell Quarry report ref: TAR/WTE/LZH/1655/01/NOISEMITIGATIONSCEME produced by MJCA dated February 2017.

Reason: To enable proper control over the development in the interests of the local environment and residential amenity.

Hours of Operation

- 18) Except in emergencies to maintain safe operational practises, the nature and circumstances of which shall be notified to the Mineral Planning Authority as soon as practicable. The following operations shall only be carried out between the times and on the days specified below. None of these operations shall be carried out at any other time nor on Sundays, Bank or other Public Holidays:

- a) Site Development, including soil and overburden stripping, handling and placement; plant and services installation; ground raising; Colliery Tip Removal, Transfer and Tipping, and Surface Restoration:**

0700 hours and 1900 hours Mondays to Fridays; and
0700 hours and 1300 hours Saturdays.

- b) Drilling; Mineral Extraction and Disposal of Mineral Waste, stockpiling and conveyance, kiln waste cell construction and disposal of mineral waste (other than colliery and kiln waste) and overburden removal and tipping:**

0600 hours and 1900 hours on Mondays to Fridays; and
0600 hours and 1300 hours on Saturdays.

- c) Carriage and disposal of kiln waste:**

Daily over 24 hours.

- d) Ready Mix Concrete Plant:**

0600 hours and 1900 hours on Mondays to Fridays; and
0600 hours and 1300 hours on Saturdays.

Provided the Mineral Planning Authority has received prior notification. Mixer deliveries, to and from and the operation of the ready mix concrete plant, may also be carried out on a 24 hour basis.

e) Hours of Blasting:

1000 hours and 1200 hours; and

1400 hours and 1600 hours on Mondays to Fridays.

Provided the prior written approval of the Mineral Planning Authority has been obtained in advance, blasting may also be carried out on Saturdays between the following times:

1000 hours and 1200 hours on Saturdays.

Reason: In the interests of local amenity and to mitigate a potential source of noise.

Transport and Highways

- 19) a) Except as provided at b) below, access into Whitwell Quarry and the associated works site by heavy goods vehicles shall only be taken via the existing access off Craggs Road, and egress out of Whitwell Quarry and Works by heavy goods vehicles via the existing Southfield Lane egress:

b) Heavy goods vehicles, removing civil engineering stone from the eastern extension area shall, unless using the access and egress specified at (a) above, use the approved new access/egress onto Hennymoor Lane.

Reason: In the interests of road safety and avoidance to disturbance to other areas.

- 20) Adequate parking, loading/unloading, turning and manoeuvring areas suitable for all vehicles visiting the site shall be provided, suitably surfaced and maintained within the site at all times.

Reason: To prevent parking on the public highway in the vicinity of the site access in the interests of highway safety and local amenity.

- 21) No civils grade or other stone shall be taken from the approved eastern extension area directly onto the B6042 (Hennymoor Lane) prior to the construction of the new access from that area onto the lane in accordance with the following specifications:

- a) the provision of 4.5m x 160m visibility splays in each direction; and
b) the provision of 20m radii.

The areas in advance of the sightlines within the visibility splays shall be constructed and maintained as grass verges throughout the period of approved use of the access.

Reason: In the interests of highway safety.

Traffic routing

- 22) a) The inward facing sign specified in drawing number 53372/1210 at Appendix D2 of the Environmental Statement that accompanied the Environment Act 1995 review (ROMP) application Code No: R5/0705/13, shall be maintained for the duration of the approved development at the egress onto Southfield Lane.
- b) The proposed new access onto Hennymoor Lane from the eastern extension area shall not be brought into use until a sign or signs to specification and in location(s), which have received the prior written approval of the Mineral Planning Authority, have been erected at or near the point of access. Thereafter, the sign(s) shall be maintained for the remaining duration of the approved development. The sign(s) shall face inwards and shall clearly instruct the drivers of all lorries and other heavy goods vehicles, vehicles servicing the site or exporting stone to approach and depart the site only from and to the A60 Mansfield Road, in the case of departures via Hennymoor Lane and in the case of arrivals.
- c) Written instructions of the notice to be given on the sign, together with a route map, shall be issued to all heavy goods vehicle drivers associated with the development including sub-contractors.

Reason: To prevent drivers taking shortcuts through residential areas and contrary to weight restrictions, to minimise the impact on the local public highways and communities by heavy goods vehicles and other vehicles and plant serving the site in the interests of highway and pedestrian safety, and environmental amenity.

- 23) No mud, dirt or debris shall be taken from the site and deposited onto any part of the highway. No vehicles shall enter or cross the public highway from any part of the site without first using the existing or new vehicle wheel, underside, carriageside and cabside washing facilities. Any new facilities shall be installed in accordance with details which have received the prior written approval of the Mineral Planning Authority. Other facilities for keeping the public highway clean of any contamination from the site and to prevent the spillage of materials, including wagon control and sheeting, shall be provided and used at all times. Additional facilities for keeping the highway and the site access and egress clean and to prevent the spillage of materials shall be provided at the written request of the Mineral Planning Authority and shall be used at all times during the implementation of the development.

Reason: To prevent contamination of the public highway in the interests of highway safety and appearance.

Control of Noise

- 24) At all times during the carrying out of the approved operations, all practicable noise suppression measures shall be applied to the operation of mobile plant, machinery and vehicles, drilling rigs, crushing and screening and other processing plant. All vehicles, plant and machinery shall operate on the site only during the permitted hours, except in emergency, and shall be maintained in accordance with manufacturers' specifications at all times, and shall be fitted with and use effective silencers or other acoustic mitigation devices/shrouds as appropriate. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

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

- 25) Except as provided at Condition 26 below, the free-field Equivalent Continuous noise Level LAeq, 1 Hour, received at the noise sensitive receptors specified in the table below, shall not exceed the respective limits for the receptors that are specified therein:

Noise Sensitive Receptors	Noise Limit LAeq,1h dB(A)	
	Normal Mineral Extraction	Crushing and Screening Plant on the Eastern Area (Belph Tip)
38 New Street	46	-
Bakestone moor	46	-
1 Vine Cottages	46	-
23 Franklin Avenue	49	-
Bridge Close	47	-
Penny Green Cottages	37	49
Penny Green	34	-
Springfield Farm	35	50
Hennymoor farm	50	51
Crags Lodge	51	51
Crags Cottages	39	51
Bank House Farm	40	-
Brookfield/Meadow View	41	-
Bridge House	46	-
Lower Mill Farm	46	-
Peter More Cottage	48	-
Crags Visitor Centre	48	53
Crags Footpath	41	49

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

- 26) During noisy, short term activities at the site, the received noise limits set out in Condition 25 above may be exceeded between 0800 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays for periods not exceeding a total of eight weeks in any 12 month period throughout the duration of the development. During these periods, the received noise levels shall not exceed 70dB(A) LAeq, 1 hour, free field. For the purposes of this condition, noisy, short term activities are considered to be such activities as 'soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance' as referred to in the National Planning Practice Guidance or any successor document.

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

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

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

Noise Mitigation Scheme

- 28) From the date the development is commenced, the noise mitigation measures, set out in the Noise Mitigation Scheme for Whitwell Quarry (report ref: TAR/WTE/LZH/1655/01/NOISEMITIGATIONScheme February 2017), contained as Section F of the Whitwell Quarry Working Schemes document (ref: TAR/WTE/LZH/1655/01/WHITWELLQUARRY SCHEMES) produced by MJCA dated February 2017, shall be fully implemented and thereafter shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity, to ensure the control of noise generated by site operations and to enable the Mineral Planning Authority to monitor noise impacts arising from the site.

Noise Monitoring Scheme

- 29) From the date the development is commenced, the noise monitoring measures, set out in the Noise Monitoring Scheme for Whitwell Quarry (report ref: TAR/WTE/LZH/1655/01/NOISEMONITORINGScheme February 2017), contained as Section G of the Whitwell Quarry Working Schemes document (ref: TAR/WTE/LZH/1655/01/WHITWELLQUARRY SCHEMES) produced by MJCA dated February 2017, shall be fully

implemented and thereafter shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity, to ensure the control of noise generated by site operations and to enable the Mineral Planning Authority to monitor noise impacts arising from the site.

Noise Complaints Procedure

- 30) The applicant shall maintain a procedure for recording and responding to noise complaints throughout the period of the approved development including the restoration of the site. All complaints received shall be logged. Each log shall provide details of the complainants address, contact information, the date, time and details of the complaint, the results of investigation, including the source of the noise (if identified), corrective action taken and, where appropriate, further preventative action. Each log shall be kept for the duration of the development and shall be made available to the Mineral Planning Authority upon request.

Reason: To ensure effective monitoring in response to complaints to ensure the adequacy of noise control measures.

Monitoring Noise in Response to Complaint

- 31) In the event of complaint that the Mineral Planning Authority considers justifies the monitoring of noise from the site, the operator shall undertake the monitoring of site noise levels at the appropriate noise sensitive property at the request of, and submit the result to, the Mineral Planning Authority. The monitoring shall be undertaken during those working hours specified in Condition 18 above for the operation or operations responsible for the complaint. Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, not during periods of plant breakdown nor when the wind is blowing towards the site from a monitoring point or during wind speeds in excess of 5m per second (average over the monitoring period). Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results of the noise monitoring shall be made available to the Mineral Planning Authority upon request.

Reason: To ensure effective monitoring in response to complaints to ensure the adequacy of noise control measures.

Dust Management

- 32) At all times during the carrying out of operations authorised or required by this permission, water bowsers, sprayers, whether mobile or fixed, or similar equipment shall be used to minimise the emission of dust from the site. No vehicles used for the movement of materials on site shall be

equipped with downward pointing exhaust pipes and all exploration drilling rigs and blast hole drilling equipment shall be fitted with suitable dust arrestment and extraction equipment and filters in accordance with the manufacturers' recommendations. At such times as the prevention of dust nuisance by these means is not possible, movements of soils and overburden shall temporarily cease until such time as weather conditions improve.

Reason: To control dust resulting from the site operations in the interests of local and residential amenity and the local environment.

Dust Monitoring Scheme

- 33) From the date the development is commenced, the dust monitoring measures, set out in the Dust Monitoring Scheme for Whitwell Quarry (report ref: TAR/WTE/LZH/1655/01/DUSTMONITORINGScheme February 2017), contained as Section E of the Whitwell Quarry Working Schemes document (ref: TAR/WTE/LZH/1655/01/WHITWELLQUARRY SCHEMES) produced by MJCA dated February 2017, shall be fully implemented and thereafter shall be complied with at all times for the remainder of the development.

Reason: In the interests of local amenity, to ensure the control of fugitive dust and to enable the Mineral Planning Authority to monitor the impacts of dust arising from the site.

Blasting and Blast Vibration

- 34) From the date that the development is commenced, and notwithstanding the requirements of conditions 35 to 40 below, the Whitwell Quarry Blasting and Blast Monitoring Scheme (document ref: ZWHITSCH) produced by Blast Log dated May 2017, shall be fully implemented and thereafter complied with at all times for the remainder of the development.

Reason: To protect local amenity and other interests.

- 35) Ground vibration, as a result of blasting operations, measured at or in close proximity to and occupied vibration sensitive building shall not exceed a peak particle velocity of 6mm/second in 95% of all blasting events over a six month period, and no individual blast event shall generate a peak particle velocity in excess of 8.5mm/second. In all cases, the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.

Reason: To limit ground vibration to protect residential amenity and other interests.

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

Reason: To limit ground vibration to protect commercial and unoccupied vibration sensitive property.

- 37) In the event of complaint, which the Mineral Planning Authority considers justifies the monitoring of vibration or air over pressure outside the site, the operator shall undertake the monitoring of ground vibration or air overpressure at the appropriate vibration sensitive property or air blast sensitive property at the request of, and shall submit the results to the Mineral Planning Authority. For the purposes of this condition, the terms 'vibration sensitive property' and 'air blast sensitive property' shall be taken to mean any occupied residential building and curtilage and buildings within the Whitwell, Belp and Creswell Crag Conservation Area.

Reason: To provide an appropriate response to claimants by ensuring compliance with the approved scheme of blasting and vibration limits.

Blasting and Blast Vibration: Whitwell Tunnel

- 38) The vibrations from blasting at the site as received at Whitwell railway tunnel (until decommissioned) and at the railway boundary shall not exceed a peak particle velocity of 12mm/second.

Reason: To maintain the integrity of railway infrastructure.

- 39) No blasting shall take place within the area shown as hatched on drawing number TAR/WTE/09-17/20204 (appended to this permission) when the existing or any replacement railway line is occupied by a train unless otherwise approved in writing by the Mineral Planning Authority following consultation with Network Rail.

Reason: In the interests of the users of the railway and to maintain the integrity of railway infrastructure.

- 40) Winning and working of minerals in the area of the railway tunnel (as identified on drawing number TAR/WTE/09-17/20204 which is appended to the end of this permission) shall be carried out in accordance with a scheme providing precise details of the protection and monitoring of the impacts of blast vibration upon the railway tunnel has been submitted to the Mineral Planning Authority for its written approval. The scheme shall make provision for the following:
- a) i) the provision of a vulnerability survey ('tunnel vulnerability survey') of the railway tunnel based on information agreed between the operator and the Mineral Planning Authority's Independent Specialist. Successive surveys shall be at 12 monthly or greater intervals (or earlier if evidence of damage arises) following the submission of the initial vulnerability survey ;
 ii) based on the results of the vulnerability survey required at a(i) above, the identification of particular features ('vulnerable tunnel features') within the railway tunnel which are vulnerable from blasting within the tunnel area shall be agreed between the operator and the Mineral Planning Authority's Independent Specialist; and
 iii) the provision of a written report to the Mineral Planning Authority, the Mineral Planning Authority's Independent Specialist and Network Rail following the undertaking of each tunnel vulnerability survey;
 - b) i) the production and continuous updating of a scale indicating the relation between PPV and scaled distance ('the gradated tunnel scale') to ensure that, for each and every vulnerable tunnel feature identified at b(ii) above, the maximum instantaneous charge (MIC) may be ascertained before each blast takes place and;
 ii) the provision of the gradated tunnel scale and all subsequently updated versions to the Mineral Planning Authority and its independent specialist;
 - c) i) The undertaking of an external geological face survey in respect of and prior to each and every blast within the area of the railway tunnel;
 ii) the measurement of the distance of each detonation line to any vulnerable tunnel feature identified at b(ii) above; and
 iii) the recommendation of vibration thresholds and maximum instantaneous charges having regard to the stability of the railway tunnel as revealed by the tunnel vulnerability survey required at b(i) above;
 iv) provision of details of the surveys, the recommended tunnel vibration thresholds and the recommended tunnel MICs to the Mineral Planning Authority's Independent Specialist; and

- v) to obtain the approval of the Mineral Planning Authority's Independent Specialist to the recommended tunnel vibration thresholds and recommended tunnel MICs.
- d) The provision and subsequent adoption of such operational procedures in respect of each and every blast as may be necessary to ensure that blast vibration and air overpressure are kept to a minimum. Where relevant, the operational procedures shall have regard to the following:
 - i) any relevant advice provided by the Mineral Planning Authority's Independent Specialist;
 - ii) the condition of the railway tunnel as revealed by the results of the tunnel vulnerability surveys;
 - iii) the presence of underlying former deep coal mines as revealed by up to date records and subsidence data provided by the Authority from time to time responsible for recording the presence of former deep coal mines in the vicinity of Whitwell Quarry;
 - iv) the tunnel gradated scale and MIC;
 - v) the tunnel geological and blast survey;
 - vi) the use of good blast design; and
 - vii) generally to take every precaution practicable in carrying out blasting to mitigate any risk of directly or indirectly triggering rock failure/collapse in the Railway Tunnel.
- e)
 - i) the Mineral Planning Authority's Independent Specialist to be provided with a copy of the detailed tunnel record in respect of each and every blast and, in the event that any blast exceeds the tunnel vibration thresholds, the reporting of that event to the Mineral Planning Authority's Independent Specialist as soon as practicable after it has occurred;
 - ii) the immediate cessation of blasting operations in the event that any blasting operation exceeds the tunnel vibration thresholds identified under (a) above until such time as the Mineral Planning Authority's Independent Specialist has given notice to the Mineral Planning Authority and the operator that they are satisfied that the blasting regime has been modified to comply with the tunnel vibration thresholds, the gradated tunnel scale and good blasting design.
- f)
 - i) In the event that the operator becomes aware of any apparent failure in the structural integrity of the railway tunnel, provision for the details of the circumstances to be reported immediately to the Mineral Planning Authority and the Mineral Planning Authority's Independent Specialist;

- ii) the immediate cessation of blasting operations for such period as the Mineral Planning Authority, having regard to the advice of its Independent Specialist, may reasonably consider to be necessary to protect the structural integrity of the railway tunnel; and
- iii) prior to the re-commencement of blasting within the tunnel area following a cessation of the type referred to a g(ii) above, the Mineral Planning Authority to be provided with details relating to the implementation of any such reasonable measures as the Mineral Planning Authority, following advice from its Independent Specialist, may consider to be appropriate to avoid the risk of recurrence as a result of such blasting where any occurrence or damage to or adverse impact on the Railway Tunnel is or may have a causal relationship (either directly or indirectly) with any blasting or other operations carried out in connection with the working of the Tunnel Area. The provision of such measures shall only be made following written notification (including detailed reasoning for its view) from the Mineral Planning Authority that this is the case;
- iv) provision (including suitable timescales) for the operator to provide written representations to the Mineral Planning Authority in response to the notice served pursuant to g(iii) above;
- v) in the event that the Mineral Planning Authority, following receipt of any written representations referred to at g(iv) above, still considers that any occurrence of damage to or adverse impact on the Railway Tunnel is or may have a causal relationship (either directly or indirectly) with any blasting operations carried out in connection with the working of the tunnel area, the operator shall implement at its own cost such reasonable mitigation and/or remediation measures to the Railway Tunnel as the Mineral Planning Authority shall require on advice from its Independent Specialist and having regard to the written representations at g(iv) above;
- vi) in the event that the operator undertakes mitigation and/or remediation measures with a view to protecting the structural integrity of the Railway Tunnel at any time during the lifetime of the development, the funding of a programme of monitoring recording and reporting on the condition of the post-mitigation/ remediation measures.
- h) The provision of a prediction model for the railway area which identifies from the available data the relationship of the depth geology and structural integrity of the former deep coal mines within

the zone of influence of the Railway tunnel; the potential for further subsidence resulting from blasting in the area of the railway tunnel which would adversely affect the railway tunnel and such mitigation measures (if any) as would be practicably be required to mitigate the adverse effects referred to at f(i) above.

- i) The provision and subsequent implementation of a safe system of work based on the 'Safe System of Work Working Quarry Faces Within the 60m Standoff of Whitwell Tunnel' (report ref: TAR_WTEp20346 SSOW for Tunnel) produced by MJCA as submitted under cover of letter from MJCA dated 9 December 2016.

Burning (Smoke and Fumes)

- 41) There shall be no burning of rubbish or wastes or other fires on the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

Reason: To protect local amenity and the environment from smoke emissions.

Rubbish, Scrap Materials and Disused Machinery

- 42) All rubbish, debris, scrap and other waste material generated on the site (other than mineral waste including colliery spoil) shall be regularly collected and stored in a tidy manner in a contained and inconspicuous location within the quarry until disposed of in a suitable facility.

Reason: In the interests of the appearance of the area.

External Lighting

- 43) No new permanent fixed lighting shall be erected or operated on the Site, except in accordance with a scheme that has been submitted to and approved in writing by the Mineral Planning Authority. In the event that it is proposed to erect lighting adjacent to the railway, then the scheme shall also make provision for a three month period of review to assess the impacts of the lighting on the adjacent railway and to make necessary adjustments to the lighting to reduce glare. The scheme shall then be implemented as approved.

Reason: To protect the amenity of the area and the habitats of bats.

Water Quality, Surface Water Drainage and Pollution Control

- 44) There shall be no interruption to the surface water drainage system surrounding the site except for any necessary diversion or rearrangement of them which shall be implemented where affected by the approved quarrying operations.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 45) There shall be no discharge of foul or contaminated drainage from the site into the ground, groundwater or any surface waters, whether direct or via soakaways, other than discharges which are specifically consented by the Environment Agency. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, groundwater system or underground strata.

Reason: To prevent pollution to the water environment and to protect groundwater quality in the area.

- 46) At all times, the monitoring of ground water and surface water flows at the site and ground water and surface water flows affected by the operations undertaken at the site shall be undertaken in accordance with the methodology, set out in the 'Scheme for the Management, Protection and Monitoring of Water at Whitwell Quarry' (document ref: TAR/WTE/LZH/1655/01/WATERMONITORINGScheme) produced by MJCA dated February 2017.

Reason: To identify any significant impact on base flows and surface water flows as a result of quarrying activities.

- 47) 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, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bend.

Reason: To prevent pollution of the water environment and to protect groundwater quality in the area.

- 48) Storm or surface water shall not be discharged onto or towards Network Rail property. Suitable drainage or other works shall be provided and maintained by the operator to prevent surface flows or run-off affecting the railway.

Reason: In the interests of the protection of Network Rail Property.

- 49) There shall be no increase to average or peak flows of surface water run-off leading towards existing Network Rail assets, including earthworks, bridges and culverts.

Reason: In the interests of the protection of the railway.

- 50) Prior to final restoration levels being achieved, a full drainage design detailing the management of surface water, ground water and any ordinary watercourses at the site shall be provided to the Mineral Planning Authority for its prior written approval. The scheme, which shall then be implemented as approved shall also provide calculation where applicable to ensure that any discharge to any watercourse post restoration is limited to the greenfield rate.

Reason: In the interests of flood risk alleviation.

Soil Handling and Conservation

- 51) Immediately prior to the stripping of any soils from the site, all vegetation above a height of 154mm (6 inches) above ground level, or in the case of arable fields all standing crops, shall be removed from the areas to be stripped.

Reason: In the interests of the protection of soils and to ensure the satisfactory restoration of the site.

- 52) At all times, the stripping, movement, storage, excavation, lifting and placement of topsoil and subsoil shall be undertaken in accordance with the methodologies set out in Section 4 and Appendices A (Soil Handling Criteria) and B (Soil Handling – Modified Loose Tipping Procedure for Soil replacement, etc) of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management Scheme (document ref: TAR/WTE/LZH/1655/01 /OPERATIONALSCHHEME) produced by MJCA dated February 2017.

Reason: In the interests of the protection of soils and to ensure the satisfactory restoration of the site.

Archaeology

- 53) From the date the development is commenced, the measures for archaeological investigation and recording shall be undertaken in accordance with the methodology, set out in the Written Scheme of Archaeological Investigation for Whitwell Quarry (reference: TAR/WTE/LZH/1655/01/ARCHAEOLOGICALSCHEME), produced by MJCA dated September 2017, shall be fully implemented and thereafter shall be complied with at all times for the remainder of the development.

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

Ecology

- 54) No vegetation removal, cutting or clearance shall be undertaken during the bird breeding season i.e., March to August inclusive, except where the affected area has been the subject of a new walkover survey by a suitably qualified ecologist and the results have been submitted to and approved in writing by the Mineral Planning Authority allowing such clearance.

Reason: In the interests of the protection of nesting birds.

- 55) During operational periods of quarry development blasting and the placement of fill materials against exposed rock faces that take place within the bird nesting season, a cliff nesting bird survey of the site shall be conducted of the proposed location(s) of blasting and/or faces against which fill will be placed including an area 100 metres beyond the edge of the identified location(s) to determine the presence, location and breeding status of any peregrine falcon. Where nest site(s) are identified, a 100m buffer area from the proposed blasting and/or fill area shall be implemented until such time that a suitably qualified ecologist confirms that nesting has ended.

Reason: In the interests of the protection of nesting birds.

- 56) Prior to the commencement of working in any new phase or in any part of the site where works have not taken place for a period of more than 12 months, a survey to ascertain the presence of badger and of any inhabited badger setts shall be undertaken. Reports of such badger surveys shall be submitted to the Mineral Planning Authority within one month of the survey and prior to the commencement of working within that area. Should inhabited 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 prior 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 law.

- 57) Prior to the first of the two yearly meetings which will be held with the Mineral Planning Authority to review progress in accordance with the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management Scheme' TAR/WTE/LZH/1655/01/OPERATIONAL SCHEME produced by MJCA dated February 2017 as required at

Condition 61 below, a comprehensive ecological management plan for the site shall be submitted to the Mineral Planning Authority for its approval. The scheme, which shall have regard to Section 5.4 (table 17) of the Ecological Impact Assessment submitted in support of this application, shall, amongst other things, include provision for the following:

- a) Description and evaluation of features to be managed including those areas of ecological interest within the wider quarry area (including the RNCI on the eastern (Belph) area) that can be incorporated into the wider restoration scheme.
- b) an action plan for wild liquorice to address management issues and the potential for expanding its population within the site;
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (that provides details of the timescales within which the habitat management and new habitat creation works will be completed).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The scheme shall be approved by the Mineral Planning Authority subject to any modifications it may reasonably consider to be appropriate and the scheme as so approved shall then be implemented and, thereafter, maintained for the duration of the development.

Reason: To ensure the re-establishment of wildlife habitats within the site, to minimise and offset impacts on wildlife and to bring forward potential long term increased biodiversity benefits in line with development plan policies for the protection of Biodiversity Action Plan habitats and species.

- 58) Prior to the first of the two yearly meetings which will be held with the Mineral Planning Authority to review progress in accordance with the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management Scheme' TAR/WTE/LZH/1655/01/OPERATIONAL SCHEME produced by MJCA dated February 2017 as required at Condition 61 below, a geology action plan shall be prepared for inclusion in the scheme and submitted to the Mineral Planning Authority for its written approval and shall include the following:

- a) a survey of the Whitwell Quarry Regionally Important Geological Site (RIGS);
- b) a report identifying key features of the Whitwell Quarry RIGS and proposals, as set out in Section 5.12 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological management Scheme (report ref: TAR/WTE/LZH/1655/01/ OPERATIONALSCHEME) produced by MJCA dated February 2017, to ensure the permanent inclusion of stretches of exposed face within the restoration of Whitwell Quarry;
- c) provision for the lodging of the report with Derbyshire County Council Conservation, Heritage and Design Section, or other such organisation as the Mineral Planning Authority may consider to be appropriate; and
- d) a programme of implementation.

The scheme shall then be implemented as approved.

Reason: In the interests of ensuring that access is retained to the geological exposures of interest at the Whitwell Quarry RIGS site.

Conservation of Seed Resource

- 59) The existing seed resource at the site shall be conserved in accordance with the methodology set out in Section 6 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management Scheme' TAR/WTE/LZH/1655/01/OPERATIONAL SCHEME produced by MJCA dated February 2017.

Reason: To ensure the availability of locally collected seed for the re-establishment of indigenous species on the site once restored.

Landscaping and Restoration

- 60) Detailed schemes for restoration including the landscaping relating to each of the four phases shall be submitted to the Mineral Planning Authority for its written approval six months prior to the completion of operations in each scheme. The schemes shall be based on the design set out on drawing number W328/00031 entitled 'Restoration masterplan' and sections 5, 7 and 8 of the of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management Scheme (report ref: TAR/WTE/LZH/1655/01/ OPERATIONALSCHEME) produced by MJCA dated February 2017, and shall include details of the following:
- a) In respect of ground restoration:

- (i) the sequence and phasing of reclamation showing its relationship to the working scheme;
- (ii) a restoration contour plan
- (iii) the formation of lakes and ponds (shapes, margins, profiles, depths) with detailed sections. The scheme shall allow for the finished contour and profile levels when constructed to relate to the 'actual' water levels on site so as to create and sustain the proposed habitats;
- (iv) depths of soil replacement proposed for pasture areas, tree and hedgerow planting, woodland areas and lake margins;
- (v) provision of dry woodland in accordance with local landscape character;
- (vi) provision for nature conservation, including the replacement of calcareous grassland habitats, the incorporation of areas of undisturbed calcareous grassland within the application site into the wider restoration scheme and provision for the management of the land to encourage wild liquorice populations at the site;
- (vii) treatment of land disturbed by mineral working activities but not subject to extraction; and
- (viii) a programme of implementation.

b) in respect of landscaping:

- (i) ground preparation prior to planting (ripping, seeding);
- (ii) the location, species (which shall include a percentage of stock of local provenance), size and spacing of trees and shrubs;
- (iii) protection of newly planted stock and provision for removal of tree guards when no longer required;
- (iv) seed mixtures, fertilisers (if necessary) and weed killers to be used and their rate of application;
- (iv) a reed bed planting and management plan (where appropriate);
- (v) fencing and gates; and
- (vi) a programme of implementation.

The schemes shall be implemented as approved.

Reason: To ensure the implementation of a comprehensive scheme of restoration for the site.

- 61) In addition to the provisions of Condition 60 above, not later than 12 months from the date of this permission, and then again every two years from that date (which shall be confirmed in writing to the Mineral Planning Authority) the operator shall arrange a review meeting with the Mineral Planning Authority. The purpose of the review meeting shall be to discuss the items set out at table 1 of the Phased Extraction, Restoration, Landscape, Aftercare and Ecological Management

Scheme (report ref: TAR/WTE/LZH/1655/01/ OPERATIONALSCHEME)
produced by MJCA dated February 2017.

Reason: To ensure control over the ongoing development and restoration of the Site and hence, to protect local amenity.

- 62) New planting to maintain and reinforce the existing woodland plantations around the site shall be carried out during Phase 1 of the development in accordance with a scheme that has received the prior written approval of the Mineral Planning Authority. The scheme, which shall be submitted no later than three months after the commencement of operations on the site and which shall be implemented as approved, shall include details of the following:
- (i) the location, species, size and spacing of the proposed shrubs and hedgerow trees;
 - (ii) protection of newly planted stock, including provision for removal of tree guards when no longer required;
 - (iii) fertilisers and weedkillers to be used and their rate of application;
 - (iv) a programme of management and maintenance, such as trimming and layering;
 - (iv) a programme of management and maintenance;
 - (v) detail of fencing provision; and
 - (vi) a programme of implementation.

Reason: To secure measures to reduce environmental impact in accordance with DDMLP Policy MP3.

Community Access Provision

- 63) Within three years of the date of this permission, a comprehensive scheme for the recreational amenity of the site upon restoration shall be submitted to the Mineral Planning Authority for its written approval for securing the establishment in the site of a network of paths in accordance with the restoration scheme for submission under condition 60 above which will connect with existing public rights of way and form part of the network of public rights of way in Derbyshire. This scheme shall include the following:
- a) a plan of not less than 1:2500 scale showing points of access from connecting rights of way, and as suitable and appropriate (with particular regard to the lake establishment and landscaping in the restoration scheme), footpaths, bridleways, and cycleway and routes, including, wheelchair friendly access provision, local circular walks and connections between local villages, where necessary, bridges over watercourse;
 - b) access to amenity areas, and lakeside access;

- c) details of footpath, bridleway and green lane design and construction, surfacing materials and a maintenance schedule;
- d) public safety measures for paths at junctions with roads and where they meet lake margins;
- e) as appropriate, bridge design and maintenance;
- f) provision of signs, barriers and seats; and
- g) a programme of implementation.

The scheme shall be implemented in accordance with the scheme as approved and the date on which each path provided by the scheme is opened to the public shall be notified immediately in writing to the Mineral Planning Authority

Reason: To provide public access for recreational amenity, particularly to benefit local communities.

Aftercare of the Restored Land

- 64) The restored site shall be subject to a programme of aftercare in accordance with a scheme or schemes which has/have been submitted to and approved in writing by the Mineral Planning Authority. The scheme for the whole site, or any part of the site, shall be submitted no later than 12 months prior to the programmed completion of restoration of any part of the site in accordance with the scheme(s) submitted for the purposes of Condition 60 above. The submitted scheme(s) shall provide for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland, nature conservation and amenity during a five year aftercare period and shall include details of:

In the case of land used for agriculture:

- (i) soil treatments, including stone picking, moling and subsoiling, and the removal of any stone exceeding 100mm in any dimension, any wire or other object which would impede the cultivation of the land;
- (ii) fertiliser applications based on soil analysis;
- (iii) cultivations, cropping pattern, seeding and crop management;
- (iv) shelter belts and hedges;
- (v) pruning regimes of hedgerows;
- (vi) weed control;
- (vii) field drainage;
- (viii) field water supplies;
- (ix) grazing management; and
- (x) 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 to be restored for use for nature conservation and amenity:

- (i) a Nature Conservation Establishment and Management Plan which provides for habitat development and maintenance;
- (ii) grassland establishment and maintenance;
- (iii) fertiliser applications, if necessary, based on soil analysis;
- (iv) cultivation practices;
- (v) watering and draining;
- (vi) lake margins establishment; and
- (vii) wetland maintenance.

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

Reason: In accordance with DDMLP Policy MP10: Reclamation and After-Use, to ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Mineral Planning Authority in the interests of agricultural land quality, woodland, nature conservation and amenity.

- 65) The five year agricultural, woodland, nature conservation or 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. Records of the agricultural, woodland, nature conservation or 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 June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Meetings shall be arranged to inspect and evaluate progress in the agricultural, woodland, nature conservation and amenity aftercare respectively.

Reason: To ensure that those parts of the site that have been restored are subject to a programme of aftercare that has been approved by the Mineral Planning Authority in the interests of agricultural land quality, woodland, nature conservation and amenity.

Aftercare: Maintenance of Tree and Shrub Planting

- 66) The provisions of Condition 64 notwithstanding, for the first five years following new planting of any trees or shrubs, and 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 is 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 at the site.

Premature Permanent Cessation

- 67) If the Mineral Planning Authority and all the persons with an interest in the site agree that mining operations have ceased permanently, such as not to permit the reclamation of the site in accordance with Condition 60, the site shall be reclaimed in accordance with a scheme which has the approval in writing of the Mineral Planning Authority. The scheme shall be based on the principles of Condition 60 and shall include a programme of implementation. The scheme shall be submitted not later than six months from the date of agreement that quarrying has ceased and shall be implemented within a timescale approved by the Mineral Planning Authority.

Reason: To ensure the satisfactory restoration of the site in accordance with approved scheme(s) in the event that implementation of the approved restoration scheme for the site or parts thereof is rendered impracticable by premature cessation of quarrying.

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

The Mineral Planning Authority engaged with the applicant in a positive and pro-active manner based on seeking solutions to problems and issues arising in the processing of this planning application in full compliance with this Article.

The Environmental Statement, as submitted, covered all the necessary topics but did not fully address or explain all the relevant aspects and issues of each topic in a manner which enabled the Mineral Planning Authority to make a full and comprehensive assessment. In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the applicant was given clear advice as to the form and content of the additional information required to enable an appropriate assessment of the proposed development to be made. The requested information related to the ecological, landscape

and visual impact interests of the site and the potential impact on Network Rail property.

The planning application was accompanied by an Environmental Statement and this was supplemented by additional submissions in response to the request referred to above. The environmental information and the subsequent supplementary information were taken into consideration by the Mineral Planning Authority in reaching this decision.

Footnotes

Lead local Flood Authority

- 1) Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

Environment Agency

- 2) The exemption for de-watering for quarrying and engineering operations was removed under the Water Act 2003. This has yet to go live, however, it is due for implementation in October 2016. From this date, all new abstractions for previously exempt activities (de-watering) will be licensable.
- 3) The operator should ensure that activities remain within the boundary and conditions of their existing Environmental Permit. If anything additional to this is planned the operator should apply to vary their permit.

Network Rail

Trees/Shrubs/Landscaping

- 4) Where trees/shrubs are to be planted adjacent to the railway boundary, these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully

grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Acceptable:

Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina”

Not Acceptable:

Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea) A comprehensive list of permitted tree species is available upon request.

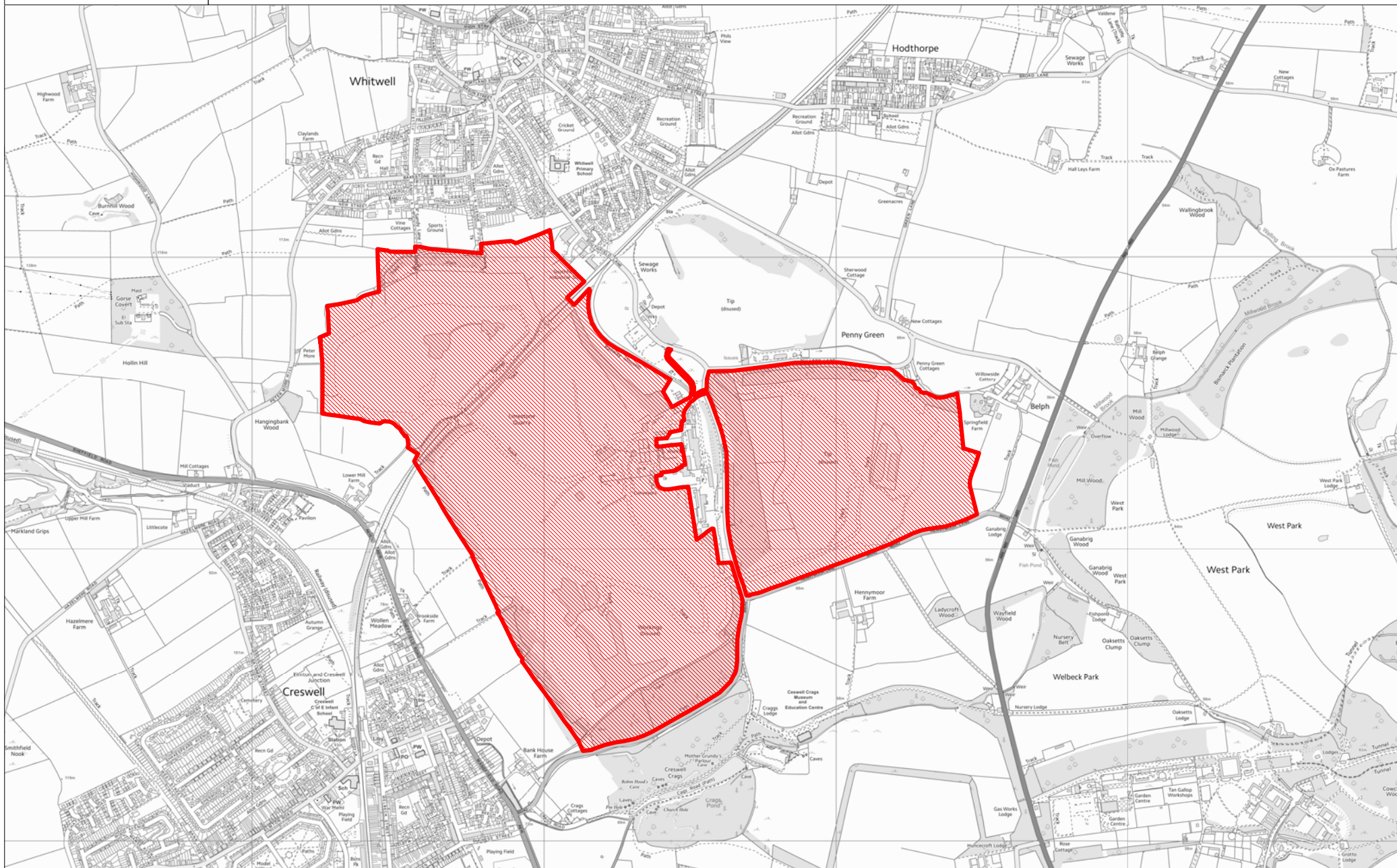
- 5) Cranes and jibbed machines, used in connection with the works, must be so positioned to ensure that the jib or any suspended load does not swing over railway property, or within 3m of the nearest rail if the boundary is closer than 3m.
- 6) All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

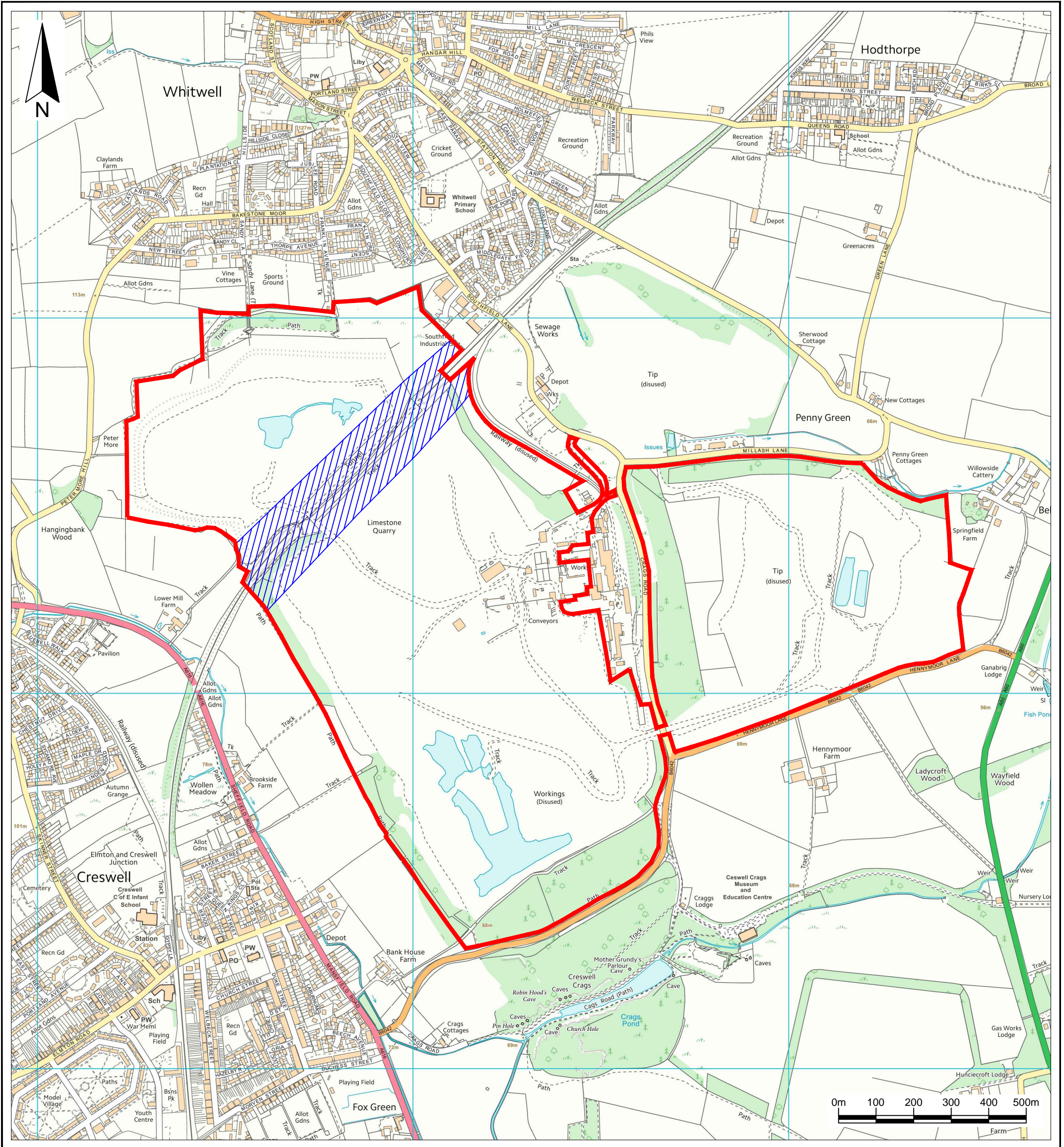
Community Access

- 7) Those public rights of way to be created in the site as provided by Condition [64] would not be expected to become maintainable at the public expense in the absence of a formal creation agreement under the Highways Act 1980 being entered into between the Council as the local highway authority and the relevant land owner(s) or a creation order being made under the Highways Act 1980. It is therefore recommended that on or before the commencement of the site restoration the Council as the local highway authority is contacted on behalf of the owners to enable the terms of a suitable creation agreement or order to be negotiated.



Mike Ashworth
Strategic Director – Economy, Transport and Communities

CM5/0416/4 Whitwell Quarry - An extension to the duration of operations and revised restoration scheme





Legend

-  Application boundary
-  Railway tunnel corridor



Site Name:
Whitwell Quarry

Drawing Name:
Plan showing the application boundary and railway tunnel corridor

Drawn By:
KR

Scale @ A3:
1:10,000

Date:
06/11/15

Drawing Number:

DRAFT