

Agenda Item No. 4.1

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

**5 September 2016**

Report of the Strategic Director – Economy, Transport and Communities

- 1 PROPOSED EXTENSION OF TIME FOR THE SUBMISSION OF AN APPLICATION UNDER THE ENVIRONMENT ACT 1995 (SCHEDULE 14) FOR APPROVAL OF CONDITIONS TO WHICH A PLANNING PERMISSION IS TO BE SUBJECT (FIRST PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS OR ‘ROMP’ APPLICATION) AT DOWLOW QUARRY, STERNDALE MOOR, BUXTON (PLANNING PERMISSION CODE NUMBERS 1986/9/10 (DISPOSAL OF MINERAL WASTE/MINERAL WINNING AND WORKING), HPK/680/675 (DISPOSAL OF MINERAL WASTE), CM1/1292/57 (DISPOSAL OF MINERAL WASTE))**  
**APPLICANT: HOPE CONSTRUCTION MATERIALS LTD**  
**1.640R and 1.640.R1**

**Introductory Summary** Hope Construction Materials Ltd (the owner and operator of Dowlow Quarry), a limestone quarry near Buxton, has asked for the agreement of Derbyshire County Council, as Mineral Planning Authority (MPA), to further postpone the date by which an application must be made to determine a new scheme of conditions to which the above permissions relate, from 28 October 2016, as previously agreed, until 28 October 2017. The applicant's reason for making this request is to enable it to complete the drafting of a new application for an alternative quarry waste tipping scheme that would be submitted along with this Review of Mineral Permissions (RoMP) submission. The postponement would enable the applicant to fully assess both the technical and environmental implications of the proposal in conjunction with those considered for the RoMP.

This report considers this request and the potential consequences of such an extension of time.

- (1) **Purpose of Report** To enable the Committee to authorise an extension of time for a Review of Mineral Permissions ‘RoMP’ application.
- (2) **Information and Analysis** This report relates to a request for a further extension of time for the submission of the Environment Act 1995 first periodic RoMP application at Dowlow Quarry, Buxton.

Lafarge Aggregates Limited, the previous owner of Dowlow Quarry, was originally served with Notice under the RoMP procedures stating a due date for a submission of an application for new planning conditions, subject to which the quarry would operate. Since the serving of that Notice, Dowlow Quarry has been acquired by Hope Construction Materials Ltd who have owned and operated the site since January 2013. This Authority further understands that Hope Construction Materials Ltd has very recently (July 2016) been acquired by Breedon Aggregates Ltd.

### **The Site and Surroundings**

Dowlow Quarry is the most southerly of a group of four quarries known collectively as the A515 quarries (the others being Hindlow, Brierlow and Hillhead quarries). The site, which extends to a total area of 93.8 hectares (ha), abuts Hindlow Quarry in the north-west. In the south-west, the site boundary is the ridge line which forms the County boundary with the Peak District National Park Authority (PDNPA) in this area. A railway line defines the north-eastern boundary and field boundaries mark its limits in the south-east.

The planning permission areas for mineral extraction and the deposition of mineral waste are to the south-west of the mineral railway. The nearest settlement is approximately 1 kilometre (km) to the north at Sterndale Moor, although a number of isolated farms and the applicant's own quarry cottages are close by.

The site can be divided into four distinct areas:

- the former waste tip (maximum area 11.14ha) which lies along the north-eastern boundary and which is plainly visible from the A515;
- the area of quarrying (65.4ha) which is located behind the active tip to the south-west and is largely screened by it;
- the former tip, known as the 'powders tip' which is some 15 metres (m) – 20m high and occupies a significant area to the rear of the industrial complex in the north-western part of the site; and
- the industrial complex near the 'powders tip' comprising lime kilns, milling plant, warehouse and rail loading and unloading.

### **Planning Background**

The quarry was established during the first half of the twentieth century, although the principal planning permission for mineral extraction and waste disposal dates from 1951. Planning permissions were subsequently granted for two extensions to the waste tipping area and for the various buildings, structures and equipment which now comprise the industrial complex.

A further planning permission (CM1/0503/24) for an extension to the quarry to enable the siting of the process building at a lower level was granted in 2003,

although the mineral extraction associated with this permission has now been completed.

The quarry produces aggregates and industrial minerals which are distributed both by road and rail.

In the case of Dowlow Quarry, the due date for the application for the first periodic review of conditions (currently under an original approved RoMP submission) was originally on or before 28 April 2013. Under an agreement with this Authority, that date has been deferred to October 2016.

Paragraph 7 of Schedule 14 of the Environment Act 1995 provides that the date for the making of such an application may be extended with the approval of the MPA. The consequence of not making an application by the due date, or an agreed extension to it, is that the permission is effectively lost; it becomes invalid, except for any restoration and aftercare conditions.

### **Request for Extension of Due Date**

A request, in accordance with Paragraph 7 of the Environment Act 1995, has been received from Hope Construction Materials Ltd for a further extension of the due date for the RoMP submission by 12 months, that is, from 28 October 2016 to 28 October 2017. The reasons for making this request are as follows:

- To allow for the completion of the detailed design of the landform associated with the proposed alternative quarry waste tipping scheme to be finalised, so as to ensure that any consequential impacts to the working of the main quarry site are factored into the working/restoration schemes and Environmental Statement, that are currently being put together in support of the RoMP application.
- It is hoped that the submission will be ready for submission early in 2017, however, following Derbyshire County Council's Officer advice, a longer period is proposed so as to avoid the need for any further deferral requests.

### **Consultations**

Extensions of time, such as requested here, are not subject to a requirement for consultation and publicity. However, the local Member of the County Council (Councillor Bisknell) has been notified.

### **Planning Considerations**

The RoMP process seeks to ensure that all mineral permissions are subject to a set of modern conditions and environmental controls. The process does not result in a new planning permission and neither is there scope within it to amend the terms of existing planning permissions. In the context of Dowlow Quarry, the first periodic review would allow the schedule of conditions,

approved as a result of the 1998 Initial Review, to be revisited and, if necessary, revised and updated.

The request to postpone the submission of the RoMP application is based on the need to compile the new application in relation to the proposal to place filter cake material on land between the quarry and the A515, and to amend the RoMP submission phasing, and restoration plans and related documents to accommodate the new development proposal.

In considering the request, I think it is reasonable to take into account that, following its acquisition of the site in 2013, Hope Construction Materials Ltd has needed the time not only to familiarise itself with the site but also to give consideration to alternative, more efficient ways of working that would better suit its day to day operational needs. With that in mind, I am of the opinion that it would be preferable to allow the company its request in order to enable it to finalise the new proposal, together with any consequential revisions to the approved working schemes. To do otherwise could potentially lead to a situation where the working scheme would need to be amended within a short period of its initial approval. I do not consider that this would be either practicable or desirable from this Authority's point of view.

I consider that the conditions relating to environmental impacts, such as noise, dust, blast vibrations etc, approved in 1998, are still robust and that they would allow the current mineral extraction and processing operations at the site to be controlled to acceptable modern standards. In addition, a submission under Condition 16 of the approved 1998 conditions, providing a new scheme of working, reclamation, landscaping and aftercare, was approved by this Authority in late 2012. In my view, such mitigations would generally provide sufficient and appropriate control over all matters of environmental concern. In that context, the deferment of the first periodic review to October 2017 would not appear to present any fundamental problems.

In light of the above, I do not foresee any immediate threat to the environment which would call for a more urgent reconsideration of the schedule of conditions approved in 1998 than would be the case with the RoMP due date being extended to 28 October 2017, as requested, and have recommended accordingly.

**(3) Financial Considerations** No fee is payable for the request of an extension of time.

**(4) Legal Considerations** This request falls to the County Council to determine as the MPA.

The requirements for the submission of a first review application for approval of new conditions for a mining site (RoMP) are set out in Schedule 14 of the Environment Act 1995.

Under Paragraph 7 of the schedule, a later date for a RoMP application may be agreed in writing between the applicant and the Authority.

Schedule 14 also provides that if an application is not made by the due date, notified or extended by agreement, the permission ceases to have effect on the following day, except insofar as it imposes any restoration or aftercare condition.

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.

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

(6) **Background Papers** File Nos 1.640.R and 1.640.R1  
Letter from Wardell Armstrong dated 1 August 2016.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **authorise** the Strategic Director – Economy, Transport and Communities to agree in writing to the due date for the submission of an application under paragraph 6 of Schedule 14 of the Environment Act 1995, for approval of new conditions with the planning conditions to which planning permissions 1986/9/10 (disposal of mineral waste/mineral winning and working), HPK/680/675 (disposal of mineral waste), CM1/1292/57 (disposal of mineral waste) at Dowlow Quarry are to be subject being 28 October 2017.

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

