

Agenda Item No. 3.2

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

7 March 2016

Report of the Strategic Director – Economy, Transport and Environment

**2 AN ASSESSMENT OF THOSE MINING SITES WHICH SHOULD BE
SUBJECT TO A FIRST PERIODIC REVIEW UNDER SCHEDULE 14
OF THE ENVIRONMENT ACT 1995**

(1) **Purpose of Report** To seek the approval of the Committee to notify those mineral operators, landowners and other interested persons as to whether a first periodic review relating to their sites would be due.

(2) **Information and Analysis** All mining sites, including and extensions to sites granted after the initial minerals planning permission, can be made subject to periodic reviews of planning permissions. This is to ensure that quarries are subject to up-to-date environmental controls.

Until 2013, an owner operating a site was invariably required to make an application for the periodic review and update of conditions (not later than 15 years after either the grant of planning permission or the approval of a previous Review of Old Mineral Permissions (ROMP)). Mineral planning authorities were then invariably under a duty to notify such persons of the forthcoming periodic review date, no less than 12 months in advance of that review date.

Schedule 14 was amended in 2013 so that authorities in England no longer always have to serve notices to cause 15 yearly periodic reviews to be carried out. Instead, mineral planning authorities have a broad discretion as to whether to subject a site to a periodic review and as to its timing.

Any periodic review must still be no earlier than 15 years after planning permission is granted or, in the case of an old permission, 15 years from the date of the initial review. Subject to this constraint, the Mineral Planning Authority can therefore now choose to notify a review date whenever, according to circumstances, it considers it to be expedient, and is under no obligation to notify a review date where it does not consider this to be necessary.

In seeking to assist mineral planning authorities on this matter, the National Planning Practice Guidance suggests that:

‘Minerals planning authorities should usually only seek a review of planning conditions when monitoring visits have revealed an issue that is not adequately regulated by planning conditions, which the operator has been made aware of and has not been able to address’.

The following sites within the County may be required to become subject to first periodic review:

- Waingroves Quarry
- Middlepeak Quarry
- Bolehill Quarry
- Stancliffe Quarry

I will now consider the above sites in turn.

Waingroves Quarry

Waingroves Quarry lies approximately 1.5km south-east of Ripley town centre and is bordered on three sides by the residential areas of Greenhillocks and Marehay to the west; Peasehill, Waingroves and Codnor to the north and north-east, and Codnor and Crosshill to the east. The extraction of clay, to be used for the purposes of brickmaking, has taken at the site at least since the beginning of the 20th century, pre-dating the current planning system.

The quarry has four planning permissions for mineral extraction. Planning permission RIP/1248/6 (June 1949), to extend the then existing clay and shale workings; permission RIP/356/7 (June 1956) for a further extension to the quarry for the winning and working of clay, shale and coal; permission RIP/1160/5 (February 1961) for the winning and working of clay and permission RIP/1261/6 (March 1962) for the recovery of clay required for brickmaking purposes. These permissions were subject to Initial Review in 1998 with a new schedule of conditions for the remaining permitted mineral development approved in July 2002. The First Periodic Review if required would be due 1 July 2017. A further planning permission (code number CW6/701/44), for the landfilling and restoration of the western section of the site (see below) was granted in 2002 but falls outside the scope of the mineral review process.

The quarry complex has a surface area of 68.4ha and comprises three distinct areas of development. These can briefly be described as the western area, which is now restored (Phase 1 of the previously approved working scheme) and which is adjacent to the residential areas of Marehay and Greenhillocks, the southern and eastern areas, which form the existing operational quarry and stockpiling areas (phases 2 and 3 of the approved scheme), and the

northern area, which currently comprises a series of agricultural fields, bounded by hedgerows and trees, where extraction has not yet commenced (Phase 4). This area is currently used for the storage of overburden from Phase 2.

In addition to the planning permission areas, the operator also maintains significant landholdings in the vicinity. These landholdings occupy a central swathe of land between the northern area and phases 2 and 3 working areas and included the former Waingroves brickworks. A further plot of land located centrally within the complex and which includes the Grade II listed Waingroves Hall, is in the ownership of a third party.

Since the date that the initial review conditions were issued (July 2002), there are a number of operational issues, including the means of achieving access to the future working area, affecting the approved working scheme (Condition 40) which do not appear to be able to be resolved via the existing schedule of conditions without the need for a new planning application. Further areas of concern relate to the restoration and landscaping schemes which the operator is currently working to and which differ from those previously approved conditions 42 (restoration) and 43 (landscape maintenance) schemes. In addition, I am aware that the operator has recently sold a number of parcels of land which may impact on the ability to achieve a cohesive working/restoration of the overall Waingroves Quarry complex.

In considering the surface area of the quarry (68.4ha) it is clear that any such application, or potentially any submission under either conditions 42 and 43, would automatically be Environmental Impact Assessment development by virtue of Schedule 1 to the Environmental Impact Assessment Regulations 2011, as amended, and would therefore need to be accompanied by an Environmental Statement. In light of all of the above, I am of the opinion that the notification of the operator and other interested parties of the need for first periodic review is now necessary to overcome the issues highlighted in respect of Waingroves Quarry and to ensure that the remaining permitted mineral development at the site is subject to rigorous and up-to-date environmental controls.

Middle Peak Quarry

Middle Peak Quarry is located on the northern edge of Wirksworth and has significant permitted reserves of good quality of both aggregate and industrial grade carboniferous limestone. The quarry complex is made up of three separate quarries (Middle Peak, Limekiln and Dale) which have subsequently become a single unit which, together with ancillary plant areas, is known as the Middle Peak complex.

I am satisfied that there has been no significant change to the circumstances of Middle Peak Quarry during the last 12 months. No mineral extraction has

taken place and the owner, Tarmac, has confirmed that the quarry will remain mothballed for at least the next two years. In light of the above, it is not considered that it is necessary or appropriate to notify the interested persons of the need for a periodic review at this time. I shall, however, keep this matter under review, and shall inform interested persons accordingly.

Bolehill Quarry

Bolehill Quarry is located on the hillside to the east of Bolehill Lane, to the south-west of Wingerworth. The site covers 3.71ha of land which includes a quarry area, stone waste tips, stone processing buildings/offices and a storage area for imported stone awaiting processing and/or sale.

I am satisfied that there has been no significant change to the circumstances during the last 12 months at Bolehill Quarry. Little mineral extraction has taken place during the last 12 months. The main activity being undertaken there currently in relation to the planning permission is the on-going deposit of waste from the stone processing operations into the tip areas. Some minor outstanding matters are being dealt with via the existing conditions. In light of the above, it is not considered that it is necessary or appropriate to notify the interested persons of the need for a periodic review at this time. I shall, however, keep this matter under review, and shall inform interested persons accordingly.

Stancliffe Quarry

I am satisfied that there has been no significant change to the circumstances at Stancliffe Quarry during the last 12 months. The most recent quarrying operations known to have taken place at the quarry took place in 2010; these operations may have contributed to a localised land slip and rock fall affecting land adjacent to the quarry face on the north-east side of the quarry, near to Stancliffe hall. Works to address this issue are currently being investigated.

Having regard to the set of conditions which now applies to the permission, including those relating to restoration and aftercare requirements, it is not considered expedient to notify the interested persons of the need for a periodic review at this time. I shall, however, continue to review the matter and intend to inform those interested parties accordingly.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** Under Schedule 14 (as amended by section 10 of, and Schedule 3 to, the Growth and Infrastructure Act 2013), a Mineral Planning Authority can activate the review of longer-standing (i.e. at least 15 year old) planning conditions whenever it has reason to be concerned that they are no longer sufficiently effective.

There is no longer a single fixed 15 year period which notifications of periodic review under Schedule 14 have to correspond with. The first such review still cannot be earlier than 15 years after planning permission is granted or, in the case of an 'old permission', 15 years following the date of initial review. Any further reviews must also be at least 15 years after the date of the last review.

Other Considerations

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

(5) **Background Papers**

Middlepeak Quarry file number 3.675.0

Bolehill Quarry file number 4.618.0

Stancliffe Quarry file number 3.696.0

Waingroves Quarry 6.835.0

(6) **OFFICER'S RECOMMENDATIONS** That the Committee resolves:

- 6.1 **Not to approve** notification under Schedule 14 of the Environment Act 1995 (as amended) in respect of Middle Peak Quarry, Bolehill Quarry or Stancliffe Quarry at this time.
- 6.2 To **approve** notification under Schedule 14 in respect of Waingroves Quarry for the submission of an application for the first periodic review of planning permissions RIP/1248/6, RIP/356/7, RIP/1160/5 and RIP/1261/6.

Signed.....Date.....

Mike Ashworth
Strategic Director – Economy, Transport and Environment