

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

9 January 2017

Report of the Strategic Director – Economy, Transport and Communities

- 1 PROPOSED EXTRACTION OF AND REMOVAL FROM SITE OF MINERAL RESERVES AT ARDEN QUARRY, BIRCH VALE, NEW MILLS**
APPLICANT: P CASEY ENVIRO (ARDEN) LTD
CODE NO: CM1/1115/117

1.778.19

Introductory Summary This application proposes the extraction, processing and export from site of approximately 180,000 tonnes of aggregate and building stone over a 5 year period at Arden Quarry, Birch Vale, New Mills.

The proposal has been assessed against criteria set out in the National Planning Policy Framework (NPPF) and the development plan, and is considered to not meet requirements in relation to the need for the mineral and the provision of environmental benefits. The proposal is also considered to not be in accordance with the requirements of the National Planning Policy for Waste (NPPW) as it would increase the capacity of the Arden landfill site. Consequently, the proposal is in effect recommended for refusal.

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

(2) **Information and Analysis**

Background Information

The Site and Surroundings

Arden Quarry and Birch Vale Quarry are situated off Oven Hill Road between New Mills and Hayfield, and together form a single large complex of former quarry workings. Arden Quarry, which covers the south-west section of the complex, is used in part as a licensed landfill site by the current applicant and is the location of most of the development proposed in this application.

The application site covers an area of 5 hectares (ha), is located mostly within the Arden Quarry licensed landfill site, and includes part of the unrestored Birch Vale Quarry, including the quarry access onto Oven Hill Road. Birch

Vale Quarry also covers areas lying immediately to the north and east of the application site.

The nearest residential properties are situated to the north and north-west on Morland Road, on Oven Hill Road and on the A6015 (New Mills/Hayfield Road). A number of isolated properties are located to the south of the quarry complex. The quarry complex sits on the southern flank of the Sett Valley and so there are views into the quarry and landfill site from more elevated properties across the valley.

Details of the Proposal

This application proposes the extraction, processing and export from site of approximately 180,000 tonnes of aggregate and building stone over a 5 year period. The mineral would be extracted by machine with no blasting proposed as part of the application. Aggregates would be crushed and screened using mobile plant located within the application area. Material considered appropriate for use as building stone would be cut and dressed on site. Highways access would be via the existing Birch Vale Quarry entrance on Oven Hill Road. Wheel wash facilities, offices and car parking would be in the area adjacent to this access. No lighting other than on plant and vehicles is proposed.

The proposed operating hours would be 07:00 hours to 18:00 hours Mondays to Fridays, and 07:00 hours to 13:00 hours on Saturdays, with no operations on Sundays and public holidays.

The applicant states that 4 to 5 full time jobs would result from the development.

The application makes reference to an ongoing practice at the site of extracting shale for use in the formation of the lining for the landfill cells, and states that the application seeks to regularise this practice. There is no express reference to the extraction of shale on the application form, which only refers to the extraction of 'gritstones'.

This application was first reported to the Committee for its meeting on 3 October 2016. However, the Committee then resolved to defer its consideration of the application. This was in accordance with a request made on behalf of the applicant, to enable further information to be submitted for consideration. In the production of this report, I have had regard to the further information which the applicant has subsequently provided.

Planning Background

Mineral Permissions

Arden Quarry was granted a ministerial planning permission in 1951 (1441/9/1), with further permissions in 1953 (NEM/453/2), 1956

(NEM/1155/8), and 1962 (NEM/1061/10). The Environment Act 1995 implemented procedures for the review of long standing mineral permissions and required each mineral planning authority (MPA) to draw up and publish a 'First List' of sites with permissions granted from 1948 to 1969 that were either active or dormant. Neither Arden Quarry nor Birch Vale Quarry are included in the published First List. Where sites were omitted from the list owners and operators had three months to notify the MPA if they considered that a site should be included. No notifications were received with regard to Arden and Birch Vale and, as a result of this process, all of their mineral permissions granted up to and including that of 1962 have ceased to have effect.

On several occasions, the application documents refer to the 1962 permission as being 'extant' and 'having no end date'. However, communications have previously been sent to the applicant or their agent on behalf of the MPA to confirm that the MPA considers that the permission is not extant.

Furthermore, in an email to the MPA on the subject of 'Arden stone extraction', dated 2013, a director of Civitas, the applicant's agent that drafted the application, stated that: *'permission(s) for stone extraction having clearly lapsed by virtue of them not being registered under the Environment Act 1995'*. Following sight of a previous version of this report, Civitas has provided further acknowledgement that there are no longer any extant mineral permissions relating to either Arden or Birch Vale Quarries.

In the 1990s, a series of time limited mineral permissions were issued for the Arden – Birch Vale complex. In 1992, permission (HPK/988/027094) was granted to quarry an extension to Birch Vale Quarry for a period of 4 years, in 1995, permission for coal extraction in Arden Quarry (CM1/1294/74) was limited to a period of 3 years, and in 1996, permission for coal extraction on Birch Vale Quarry (CM1/496/3) was granted with a termination date set at June 1998.

Waste Permissions

Planning permission NEM/1170/4 dates from 1971 and allows the infilling with waste of the excavations which were carried out in Arden Quarry under the 1962 mineral permission. This is the 'landfill' permission under which the current site operates. Within the landfill site area there are also related ongoing permissions for the operation of a leachate plant (CW1/300/130) and an electricity generator (CW1/0102/134).

In April 2010, planning permission CW1/0110/190 was granted for a waste recycling facility within the Birch Vale Quarry void with access to the highway via the Arden Quarry entrance. Within the current application documents it is stated that this permission has not been implemented, however, there is an email on file from the Site Manager, dated 4 November 2010, that gives notice of commencement.

A separate green waste composting permission, CW1/0514/23, was granted in 2014 on roughly the same area of the quarry void and with the same access arrangements. Whilst the timescale set for its implementation has not yet passed, recent engineering work to create landfill cells has removed the approved access route to this site and placed a substantial amount of landfill material that would prevent reinstatement of the access road. Therefore, this permission is now effectively un-implementable (CW1/0110/190 also relies on this means of access and so will also now be un-implementable).

Comment

It is clear to me that there are currently no implementable mineral planning permissions for the Arden Quarry and Birch Vale Quarry sites, and that the only remaining viable waste permissions are those three referred to above which are being implemented.

The application also makes reference to building stone production of 50 tonnes per annum based on returns made to the MPA and analyses by the East Midlands Aggregates Working Party. Unfortunately, the returns were attributed to Arden/Birch Vale Quarry in error, and actually came from an owner of another smaller and entirely separate former quarry which was also known as 'Birch Vale Quarry', immediately north of the Arden/Birch Vale complex. The applicant was informed of this via email in January 2016. Presumably, the applicant's reference to; '*the site being recorded as an active mineral site as late as 31 December 2013*' is also based on this error, or a similar confusion.

Consultations

Local Members

Councillor Atkins has objections in relation to traffic and highways impacts, local amenity, environmental impacts and adverse effects on tourism.

Hayfield Parish Council

The Parish Council strongly objects for the following reasons:

- The volume of HGV traffic would be excessive.
- There would be serious environmental, social and safety impact in New Mills and Hayfield (noise, exhaust pollution, dirt/mud on the roads, danger to pedestrians, and greater risk of accidents).
- The entrance road is very narrow and not suitable for this type and volume of traffic and there is no pavement either side.
- There is a mating pair of peregrine falcons nesting on the site.
- The proposed starting time of 07:00 hours is too early and grossly unfair to residents (already) suffering noise and dirt pollution.

It also adds that currently, many lorries wait and queue with engines running at the site before the approved opening time.

Peak District National Park Authority (PDNPA)

The PDNPA considers that the planning application in its current form provides no opportunities for early/phased restoration of the whole quarry complex. The complex lies close to the boundary of the National Park and the PDNPA would wish to see phased restoration and an end date for the completion and restoration of the quarry complex. It considers that the two activities, the proposed extraction of gritstone on the site and the waste disposal operations, are clearly interlinked and that the application proposals would indirectly extend the life of the current waste disposal site through the creation of new void space.

The PDNPA advises that revised comprehensive planning proposals should be sought which would demonstrate that the whole site can be progressively restored and up to date conditions imposed upon existing and proposed activities in order to control any environmental impacts of the two interlinked operations as a whole.

Environment Agency (EA)

The EA lodged an initial objection because the developer had not provided sufficient hydrogeological information to illustrate the likely impact of the development. Following the submission of further hydrogeological information, the EA withdrew its objection stating that, from the evidence that has been supplied about geological structure and supposed depth to water table, there appears to be little risk of water supply derogation by the proposed development.

Natural England

Natural England has no objections. It is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. It advises that the nearby Dark Peak Site of Special Scientific Interest (SSSI) does not represent a constraint in determining this application.

Derbyshire Wildlife Trust (DWT)

DWT initially raised concerns in relation to the reported presence of peregrines at the quarry site. Following the survey for peregrines commissioned by the applicant, DWT still had concerns regarding the impact of quarrying on the peregrines during the nesting season and requested that, should permission be granted, a condition should be imposed for further surveys to be undertaken by a suitably qualified ornithologist prior to works commencing to determine whether or not peregrines are breeding on the site and to determine the nest location.

Highway Authority

Derbyshire County Council, in its statutory role as the Highway Authority, initially objected, stating that the application site is accessed via a roadway which is geometrically substandard/limited and is therefore unsuitable to safely cater for the HGV traffic associated with further industrial (mineral) development. Following receipt of a statement from the applicant's agent that the applicant would accept a condition limiting all HGV traffic to and from the site, for both mineral extraction and landfill operations, to present levels, the Highway Authority's objection was withdrawn, subject to a viable condition being imposed.

High Peak Borough Council – Planning and Environmental Health, and New Mills Town Council

Were all requested to respond by 1 February 2016.

Publicity

The application was advertised by site notices and a notice published in the Buxton Advertiser with a request for observations by 4 February 2016. A total of 13 letters of objection have been received from 9 individuals or households. In summary, the main issues raised in the objections are:

Benefits/Need/Demand

- The South East Manchester Multi Modal Strategy (SEMMMS) scheme is already significantly advanced and the quarry may well not supply stone to this project.
- There is already an ample supply of local building stone and production projections of need for local stone are unsubstantiated.
- The extraction of stone would increase the landfill capacity, extending the life of the site and so the nuisance impacts on local amenity.
- The focus of the site should be on restoration not expansion.
- The site is in the Green Belt and the proposal should be considered as a departure from the development plan.

Traffic

- The increase in HGV traffic from the site would have an adverse effect on local amenity and tourism, with related increases in noise and dust impacts.
- Current operations lead to drag-out of mud onto the highway even with an existing wheel-wash. Increased HGV traffic from the sites lower entrance will only make this worse.
- The HGV traffic from the site would increase the maintenance burden on roads and bridges along its route.

Noise

- The noise assessment only takes into account impacts on residential properties that are close to the development but otherwise shielded

from the proposed extraction area. Previous quarrying activity at the site had significant noise impacts on properties across the valley and the assessment does not take this into account.

- Noise from quarry plant, particularly the 'pecker', would have an adverse impact on local amenity at properties across the valley where noise from the quarry would be amplified by the position of the high quarry faces, local topography and prevailing wind conditions.

Where relevant to planning considerations, these issues are discussed below.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise. Planning Authorities must therefore respect this formal primacy of the development plan that Section 38(6) of the Planning and Compulsory Purchase Act 2004 confers. In the paragraphs below, I identify the relevant provisions of the development plan for the application, before addressing the compatibility of the planning application with the development plan.

In respect of this application, the relevant development plan policies are contained in the Derby and Derbyshire Minerals Local Plan (DDMLP), the Derby and Derbyshire Waste Local Plan (DDWLP) and the adopted High Peak Local Plan 2016 (HPLP). The NPPW and the associated National Planning Practice Guidance (NPPG) are also material considerations.

The main development plan policies relevant to the determination of this application are:

Saved Policies of the DDMLP

- 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.
- MP10: Reclamation and After-Use.
- MP19: Additional Sites.
- MP23: Crushed Rock for Aggregates.
- MP34: Building Stone.

The main objective of these policies is to ensure the provision of sufficient sites for the extraction of an agreed and appropriate amount of minerals, including sandstone/gritstone 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 sets out, 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 where 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; (See 'National Planning Policy' section below).

Although the issue of need in terms of the current information and data available has clearly moved on significantly since the DDMLP was adopted, the consideration of need under the saved policies remains relevant and consistent with NPPG and the NPPF. The latest information available relating to need is considered below under the Local Aggregates Assessment (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.

Saved Policies of the DDWLP

The application would have an effect on the capacity of a landfill site, therefore, I consider there are a number of pertinent waste policies against which to assess the proposals.

- W1b: Need for the Development.
- W11: Need for Landfill.

These Mineral and Waste policies are considered to be generally consistent with the NPPF and so to remain fully pertinent to this proposal.

National Planning Policy

National Planning Policy Framework (NPPF)

The NPPF reiterates the established provisions of planning law that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides guidance on those material considerations. It states that the purpose of the planning system is to help achieve 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 ensuring better lives for society without worsening lives for future generations is at the core of sustainability. It states that sustainable development has economic, social and environmental aspects.

The economic aspect for planning 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.

The NPPF states that when determining applications for mineral development, MPAs should give great weight to the benefits of mineral extraction, recognising the importance of minerals to the national economy and overall quality of life. It states that it is important that there is a sufficient supply of minerals to provide for the infrastructure and building needs of the country, but it also recognises that minerals are a finite resource and can only be worked where they are found, making it important to make the best use of those resources to secure their long-term conservation. It adds that importance should be given to sustainability issues and, in terms of the relevant environmental factors for assessing applications, it reiterates objectives and criteria which are similar to those of the DDMLP by stating that MPAs should ensure that the winning and working of minerals does not give rise to unacceptable adverse impacts.

The NPPF requires MPAs to plan for a steady and adequate supply of aggregates by determining their own levels of aggregate provision through the preparation of an annual LAA. This should be prepared either individually or with another or other MPAs, based on a rolling average of 10-years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). It is also advised that published National and Sub National Guidelines on future provision should also be taken into account. It should also assess the balance between demand and supply, and the economic and environmental opportunities and constraints that might influence the situation. It should conclude if there is a shortage or surplus of supply and, if the former, how this is being addressed. The current situation in terms of aggregate provision is set out in the LAA Section below.

In relation to building stone, the NPPF guides MPAs to recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

Paragraphs 215 and 216 set out the weight that should be afforded to policies in existing and emerging local plans. They advise that the weight given to existing policies will depend on their consistency with the NPPF and, in the case of emerging plans, the stage of preparation and degree of consistency with the NPPF; the more advanced the preparation and the closer the policies are to the NPPF, the greater the weight that may be given.

National Planning Practice Guidance (NPPG)

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.

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 3 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 as 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 Aggregates Assessment (LAA)

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); it sets out the current position regarding aggregate demand and supply, and is reviewed on an annual basis. The Derbyshire County Council, Derby City Council and the PDNPA LAA 2015 provides an assessment of demand for aggregates over the previous 10 years, with an emphasis on the most recent 3 years sales, together with

current market trends, and from this provides a projection of the likely aggregate provision needed for the next 10 years.

The reserve of rock for aggregate use in Derbyshire is estimated at 743 million tonnes (mt) of limestone and 0.4mt of sandstone/gritstone, sufficient for over 80 years provision at current production rates. The combined average annual sales figure for limestone and sandstone/gritstone for Derbyshire for the 10 year period 2005 to 2014 is 6.68mt. Production of aggregate crushed rock has dropped progressively over the 6 years to 2015, and the most recent 3 year average is 5.37mt. There is currently no production of sandstone/gritstone aggregate crushed rock in the Peak District National Park.

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 are currently undertaking 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 identified needs of the local area and the country as a 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. The application site has not been put forward for consideration for allocation for sandstone/gritstone extraction during the new plan period.

National Planning Policy for Waste (NPPW)

The NPPW, published in October 2014, emphasises the need to divert as much waste as possible away from landfill so that society can manage its waste in a more sustainable manner. In order to achieve this, the movement of waste up the 'Waste Hierarchy', by promoting the recycling and reuse of waste, rather than sending it to landfill, is essential. There is an acknowledged growing need for facilities that reduce landfill.

Assessment

The main issues for the determination of this application are the viability of the development as proposed, 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, the environmental benefits associated with the proposal, and whether or not there would be any significant cumulative impacts.

Need/Demand for the Mineral

Both the development plan and the NPPG that supports the NPPF require an assessment of the need for minerals for proposals for new or extended mineral sites.

Aggregates

DDMLP Policy MP19 sets out 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, or they involve amending the boundaries of existing operations and would result in significant net environmental benefits without increasing the level of permitted reserves significantly.

The first part of Policy MP23 refers specifically to new sites for aggregate crushed rock. The site consists of unrestored former quarry workings, and the proposal is to re-establish mineral winning and working, and so the development would effectively be a re-activation. This policy under the second part also allows for approval of proposals for extensions or variations to the boundaries of existing quarries, but only if they would result in significant net environmental benefits without significantly increasing the level of permitted reserves.

Whilst MP19 and MP25 are restrictively worded, with a clear presumption against proposals for the extraction of aggregates, 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.

Throughout the application documents it is stated that the primary anticipated end use of the extracted aggregates would be in the A6 and Manchester Airport Relief Road, which is currently under construction, and forms part of the SEMMMS. It is also stated that at the closest point, the quarry is 7 miles from the relief road project, and that use of the Arden aggregates in this project would reduce the impact of associated traffic on the road network.

The application documents refer, at some length, to the assessments of the East Midlands Aggregates Working Party and the LAA. It acknowledges that Derbyshire has a significant aggregate minerals landbank and that, as an amount of that mineral, the proposal would provide less than 0.01% of the total of the reserve. It also contends that removal of the stone, prior to landfilling, would represent a sustainable use of the resource and avoid sterilisation of the reserve.

The policies for crushed aggregates require the applicant to demonstrate a proven need (demand) and that the proposed development should also result

in significant net environmental benefits. Whilst the NPPF does not refer explicitly to need in relation to minerals, the NPPG sets out need as a criterion to be considered in the determination of new applications.

At the time of writing, the SEMMMS relief road project is well under way and therefore, the applicant's connection of its development proposal with the project as the main identified source of demand or need, seems to be largely unsubstantiated. Civitas has recently forwarded two letters from a Manchester based construction company seeking to supply contracts in the areas of Glossop, Stockport and Tameside that would; "require significant quantities of aggregate". The company seeks to work the permission to; "extract and process sufficient quantities of aggregate to service up and coming contracts". The letters do not give any indication of what quantities any such potential contracts would possibly demand.

Some general need for sandstone aggregates will always exist, but because of its comparative lack of versatility and its unsuitability for large scale use in road building, demand is unlikely to be high. According to the British Geological Survey (BGS), sandstone/gritstone accounts for only around 4.5% of the overall aggregates supply.

The application anticipates sales of 108,000 tonnes of aggregates from the gritstone per year over the 5 years of the development. Whilst it is not certain that this order of output could not be achieved, it would be more than double the annual output of the only quarry currently producing a significant amount of sandstone/gritstone aggregate in the High Peak area.

Had the application been appropriately timed in relation to a large project such as SEMMMS, then it might have been feasible to have identified a need for aggregates over a 5 year period that the tonnages as proposed could have supplied. As the SEMMMS relief road project is scheduled to be complete and open to traffic by autumn 2017, the ongoing demand for sandstone/gritstone aggregates in the area is expected to be moderate and unlikely to take up production from Arden as proposed in the application. The letters from the construction company demonstrate that when they were written there was some general demand for this type of aggregate, but they do not give any indication of tonnages that might have been needed, nor do they indicate any shortage in its supply. There is no suggestion that such "up and coming" contracts as referred to have not been or could not have been supplied by aggregate from another source. It is therefore considered that no need or particular demand for this form of aggregate has been substantiated, and that it is unlikely that the proposed tonnage over the 5 years of the development could be successfully marketed.

Building Stone

Borehole data provided by the applicant indicates that the stone in the application site is predominantly Woodhead Hill Rock sandstone. This hard,

grey sandstone was, according to the English Heritage Building Stone Atlas of Greater Manchester, historically exploited by numerous quarries around the northern and eastern margins of the city. It varies greatly in quality and consistency, with better quality beds used for dimension stone and flags, and poorer beds used for walling stone.

The DDMLP Policy MP34 for building stone provides that a proposal for the extraction of building stone will be permitted provided that there is a need for the mineral of a specific character to be worked in that location and the scale of the proposal is such that its impact on the environment is kept to an acceptable minimum.

The applicant states that 40% of the stone extracted would be produced as building stone. This equates to 72,000 tonnes over the 5 year period of the development, on average 14,400 tonnes per year. Whilst this element of the application has some support through a letter from a local construction company stating that there is a need for local stone, it does not provide any quantification. The applicant has in its further information document of October 2016 referred to new developments as being increasingly required to use local traditional building materials, and referred to figures set out in the High Peak Borough Local Plan on new building, and the number of conservation areas and listed buildings, in the High Peak.

Figures compiled by the MPA in 2015, for an assessment of building stone quarries in Derbyshire, set out production figures for 9 quarries between 2005 and 2011. Annual production tonnages for individual quarries during this period ranged from 0 to 3,000 tonnes, with the highest combined annual total for the 9 quarries being 4,182 tonnes. For most of the 9 quarries, production rates are sporadic and usually below 200 tonnes per year. There are 2 quarries in the assessment that consistently produced stone and these had an output ranging between 400 and 1,400 tonnes per year.

The most productive gritstone quarry currently operating in the north-west area of the County is understood to be currently producing a total of around 10,000 tonnes of stone per year. Of this total, 10% - 20% is exported as blockstone for building, meaning that the quarry would be expected to produce 1,000 to 2,000 tonnes of building stone per year.

The BGS assessment of the market for building stone states that:

“Larger operators, controlling several quarries, commonly in different geological rock types, may serve an extensive national (and sometimes international) market with production in the order of 5,000 to 10,000 tonnes per year. Small producers, usually operating a single quarry, principally serve local or national niche markets and have an annual production of less than 500 tonnes.”

Set against this national and local background information, the proposed extraction and sale of 14,400 tonnes of building stone per year from Arden seems to be disproportionate, and appears to assume that there will be much greater demand and need for building stone in the area than has been seen nationally in recent years.

I am not aware of a substantial latent demand for dimension stone from Arden Quarry that would take up the tonnages set out in the application. No evidence for such a demand is offered by the applicant beyond the single letter from a local business stating it would want at least 200 tonnes per week (10,000 tonnes per year) and the applicant's supporting argument based on general housing demand in the area and the numbers of conservation areas and listed buildings that feature local gritstone.

Whilst some dimension stone from Arden would be likely to find a market, I consider it doubtful that a single local builder/stone merchant could sustain a demand in the order of 10,000 tonnes per year given that this level of demand is usually attributable to a supplier to the national market. It has not been demonstrated that there is a substantial unfulfilled need for this stone, and I find it unlikely that production rates of 14,400 tonnes per year would be realised. I therefore find that there is no proven building stone need for stone which this development could provide and that it is unlikely that this aspect of the development would be completed within the 5 year timescale set out in the application.

The Need/Demand for Minerals - Summary

DDMLP policies for building stone and crushed aggregates, together with guidance in the NPPG that accompanies the NPPF, require a sufficient demonstration of need for the extraction of stone to enable this need to be weighed against the environmental and amenity impacts of the winning, working and transportation of the stone. I do not consider the application has made a cogent case of need for the stone from Arden and I do not believe that the timescale of 5 years for the completion of the development is realistic when considered against the background information relating to the demand for this type of stone, both in aggregate and dimension stone forms.

Therefore, I do not consider that the proposal meets the need criteria set out in the NPPG and the policies of the DDMLP. This consideration, when set against other matters set out in this report, therefore weakens the case for any approval of the proposal.

The sterilisation of the mineral referred to in the application would be brought about by the current permitted landfilling operations. The current proposal would remove 180,000 tonnes of mineral and so avoid this sterilisation. In considering the significance of this sterilisation, consideration should be given to the need for the mineral resource that would be sterilised. As set out above, the demand for sandstone/gritstone is not sufficiently significant and other

sources are available locally. Therefore, I do not consider that sterilisation of minerals to be a significant material consideration in the determination of this application.

Waste - Additional Landfill

Since the application site lies predominantly within the area of an incomplete ongoing landfill site operation, the impacts of the proposed development on the ongoing landfill, particularly in terms of its effects on landfill capacity at the site, and on completion of landfill and restoration at the site, are also material to the determination of this application.

The quarrying of gritstone would, by the applicant's calculations, create an additional 100,000 cubic metres of void space. The application asserts that the development would enable a better engineered cell, but it does not make any reference to the landfill capacity increase which would be implied by the space creation from the mineral development, nor does it demonstrate that this development would be essential to providing a 'better' landfill cell lining.

Table 1: Waste Inputs to Arden Quarry (tonnes per year)

Waste Inputs to Arden Quarry (tonnes per year)								
2006	2007	2008	2009	2010	2011	2012	2013	2014
54,332t	51,123t	33,531t	28,113t	59,376t	79,758t	61,265t	67,166t	56,285t

Source: EA Waste Data Interrogator 2006-14

Based on the average input of the site between 2006 and 2012 (Table1), assuming a 1:1 conversion factor for tonnes per cubic metre, and without taking into account the additional space creation under this proposal (which would appear to require filling in practice if the proposal were implemented), it can be estimated that the lifespan of the landfill operation at the site could extend up to and beyond 2050. It has to be acknowledged that there are many variables that can affect this calculation; the assumed conversion factor is not definitive and the amount of fill material that will be available in the future is generally expected to decline. However, it is reasonable to assume that the ongoing landfill operation is likely to continue for many years to come before reaching the limit of the potential landfill space volume that currently remains unfilled. The increased capacity would extend the life of the landfill site for up to 2 years at current infilling rates and perhaps more as infilling rates decline. Whilst this may be considered a small increase when set against the total void space, there is clear policy guidance against allowing the creation of further landfill capacity – by whatever means it may come about.

On sight of the previous draft of this report, Civitas challenged this analysis stating that:

“The extant permission for waste disposal is NEM/1170/4, granted in 1971. At the time, the area to be infilled included the area being created by excavation granted was by virtue of Permission No – NEM/1061/10, granted in 1962. This permission is no longer extant because it was not registered as active in 1995. Nevertheless it was originally intended that the void created by the 1962 permission would be infilled which all the present application is endeavouring to reinstate.”

“Therefore, this extraction application is simply not creating new void space, but seeking the removing (of) the stone first granted in 1962 and ultimately restoring the site as was envisaged in 1971. To grant permission for this application would simply re-instate the principle of planning permission which had previously existed, an approach that the Government encourages in its Planning Practice Guidance.”

Since the 1962 permission appears not to have limited depth of void that could have been created by quarrying, therefore, the final extent of the excavations under that permission became complete when the permission ended (see above). The 1971 landfill permission therefore relates only to the void created by those excavations and cannot extend into any further areas created by subsequent permissions or unauthorised excavations. The current application seeks to quarry mineral that was left in place following the ending of the 1962 permission and the subsequent coaling permissions. There is no existing permission in place that would allow infilling with waste or inert materials of any space created by further excavations.

Conclusions – Waste Policy

Given the extensive existing landfill capacity at the site, I do not consider there to be a demonstrated need or justification for creating any scope for additional landfilling at the site. No overall waste handling benefits are apparent from the proposal and so the proposal is considered not to be in accordance with the NPPW or the policies of the DDWLP.

Economic Considerations

The NPPF sets out the importance of sustainable economic development to deliver a strong and competitive economy. Paragraph 17 identifies, as one of its core principles, the need to proactively drive and support sustainable economic development to deliver the homes, businesses and industrial sites that the country needs. Significant weight is given to the need to support economic growth.

The NPPF also makes it clear that local planning authorities should give "great weight" to the benefits of mineral extraction "including to the economy". The economic benefit will, therefore, be an important aspect of the justification underlying any new proposal. The County Council is also keen to place weight on net demonstrable economic benefit. A demonstrable local benefit from new proposals for quarrying could be through additional or sustaining existing

employment (either through direct supply chain or induced effects), or through the reduction of quarrying impact, for example through improvements to access, relocation of plant, better control of working methods, reduction in road transport, or from an improved restoration scheme. Where a clear benefit to the local community or environment cannot be identified within the proposal itself, additional benefits might include contributions to local environmental projects, the maintenance of public footpaths through operator owned land, or the revocation of mineral permissions, which are considered unlikely to be worked in the future. There are a wide-range of possible ways economic benefits can be realised.

The applicant states that the development would lead to the creation of 4 - 5 full time jobs for the duration of the development. If the development were to achieve the production levels set out in the application, I would consider this to be a reasonable figure. However, for reasons set out above, I do not consider these production levels are viable and I must, therefore, also doubt that the development would sustain 4 - 5 full time jobs for 5 years. The second supporting letter from the Manchester based construction company states that: "we would like to begin works at Birch Vale Quarry immediately to allow us to extract and process sufficient quantities of aggregate...". This appears to suggest that the quarrying, at least in part, would be done by the Manchester based company using its own workforce, and so casts further doubt on the viability of the development sustaining 4 – 5 full time jobs.

Several of the representations suggested that the development, together with the landfill operations, would have a negative effect on the local economy and job creation, particularly in relation to tourism.

The positive and negative effects of the development on other jobs and the local economy are difficult to evaluate. However, I do not consider that the benefits of the development in terms of local effects on employment and economy would be significant.

There are, perhaps, economic factors in favour of both extracting the mineral at a previously quarried site and for creating a 'better' landfill cell, and thereby increasing the capacity of the landfill. However, I do not consider that these benefits could be so significant as to outweigh policy criteria in relation to need and environmental benefits.

Assessment of Environmental Impacts

The following assessments examine the potential for localised environmental impacts and the mitigation measures proposed by the applicant and consultees.

Transport and Highways

DDMLP Policy MP5 states that proposals for mineral development, involving transport by road, will be permitted provided that there is no feasible

alternative, that the access arrangements are satisfactory and the highways network is adequate to accommodate traffic generated, and that traffic generated would not be detrimental to road safety nor have an unacceptable impact on the environment.

The applicant calculates that the development would generate a maximum of 100 HGV movements per day (50 in and 50 out), averaging around 10 movements per hour (5 in and 5 out). It notes that the landfill operations have no restrictions in relation to vehicle movements, and states that recent vehicle numbers were in the region of 125 to 350 imports per week. This calculates as a maximum of 700 HGV movements a week, averaging at 12 movements per hour (6 in and 6 out).

The assessment refers to the levels of HGV traffic associated with previous mineral permissions from the 1970s to the 2010s and calculates these as being in the region of 12 movements per hour (6 in and 6 out). It considers that the levels of vehicle movements associated with the current proposals would be considerably less than these. It anticipates that HGVs will turn left at the bottom of Oven Hill Road and travel along the A6015 Hayfield Road and join the A6 at New Mills. It considers that the vehicle flows are within the junction's operational capacity and that highway capacity will not be unacceptably affected by the proposal.

The assessment also states that a 'conscientious driver scheme' would be implemented with all HGV contractors asked to sign up to considerate and responsible driving practices.

The Highways Officer considers the combined level of 22 movements per hour to be unacceptable, but adds that an objection would not be sustainable if the combined HGV movements were limited to the existing 12 per hour for the duration of the development, if a viable controlling condition could be formulated. The applicant has stated that it would accept a limit of 12 vehicle movements per hour for the whole site or the duration of the development.

The format of a workable and enforceable condition controlling vehicle movements could involve a detailed negotiation in order to find a model acceptable to both the applicant and the MPA. Whilst this could address the issue of the capacity of the local road network and HGV movements on Oven Hill Road, it would also have a consequence of further extending the duration of the landfill development.

Noise

DDMLP Policy MP1 states that development will be permitted provided that their impact on the environment is acceptable, having regard to (inter alia) the effects of noise from the development on local communities and neighbouring land uses.

The applicant's noise consultant chose to measure background noise levels on Morland Road, stating that this was in order to reduce the effect of background road noise from the survey. The average recorded noise level in the survey was 48dBA L_{A90} . The calculation of noise levels at these receptors from the proposed plant, together with the landfill operations, was 47.2 L_{Aeq} (1 hour); 0.8dBA below the background levels. The noise consultant states that this is well within noise levels for minerals operations as set out in the NPPF, and concludes that no noise mitigation measures are required other than normal best practice in ensuring that vehicles, plant and machinery are properly maintained.

The submitted noise scheme takes its baseline background information from measurements taken at the nearest properties to the development on Morland Road. Whilst taking noise measurements for the nearest residential receptors accords with best practice and guidance set out in the NPPF, there is also merit in considering all surrounding receptors taking into account the lie-of-the-land. Therefore, I am mindful of the comments of local people in relation to their experience of the noise effects of previous quarrying activity at the site and the ability of noise from quarry plant to project across the valley. Taking this into account, I would expect any permission for the re-commencement of quarrying at the site to be subject to conditions including requirements for a comprehensive noise monitoring and mitigation scheme.

Air Quality and Dust

DDMLP Policy MP1 states that development will be permitted provided that the impact on the environment is acceptable having regard to (inter alia) the effects of dust from the development on local communities and neighbouring land uses.

The Air Quality and Dust Assessment carried out on behalf of the applicant considers the potential impacts on sensitive receptors from mineral extraction within the quarry and from transport of material from the site. It concludes that dust from quarrying would remain localised within the quarry void with potential impacts on residential properties being negligible. It identifies the risk of HGV 'dust trackout' affecting properties on Oven Hill Road and Hayfield Road, and considers that this could be effectively mitigated by the use of a wheel-wash and good dust management practices within the site. The application also includes a 'Mud Management Plan and Particulate Matter Management and Monitoring Plan' which sets out a series of measures for the management of mud, dust and particulates.

I would expect a successful application for the re-commencement of quarrying at the site to be subject to comprehensive conditions relating to these issues.

Visual

DDMLP Policy MP1 states that development will be permitted provided that the impact on the environment is acceptable having regard to (inter alia) the

visual impacts of the development on local communities and neighbouring land uses.

A Visual Appraisal was undertaken on behalf of the applicant. This identifies 11 potential visual receptors and viewpoints around the site within a 2 kilometres radius. The appraisal concludes that, whilst the wider quarry and landfill complex can be seen from a wide area, the application site itself is visually closed off by the surrounding landform and cannot be seen surrounding viewpoints. It therefore concludes that the proposal would have no detrimental effect in visual amenity.

Whilst there are ongoing visual impact issues relating to the wider site, I do not consider that the proposal would itself cause any significant adverse visual impacts.

Protected Species - Peregrines

DDMLP policies MP1 and MP6 state that development will be permitted provided that their impact on the environment is acceptable having regard to (inter alia) the effects the development on sites and features of wildlife importance.

Initially, the application stated that no nest sites for peregrines were known of either in or around the quarry. Following reported sightings, the applicant commissioned a survey and this identified a nest with the wider quarry complex. The report on the survey states that the nesting ledge is approximately 70m from where the nearest mineral extraction is proposed, and that the birds are thought to have been present for a number of years and to have become habituated to the quarry works. It adds that peregrines are usually flushed out by human activity only at close proximity and are known to be more likely to be disturbed from activities above the nest. It concludes that working of the quarry actually affords the birds extra protection, as human activity is kept away from the nesting area by working practices and security fencing.

Peregrines have now been identified at the site in a survey submitted in addition to the application documents. I would concur with the comments of DWT, in that further survey work and establishment of mitigation measures would be required before any re-commencement of quarrying could be permitted. I consider this could be satisfactorily addressed by planning condition should permission be granted.

Green Belt

Whilst the site is within the Green Belt, given the location of the proposed development at the base of a quarry/landfill site, I do not consider that it could affect the openness or character of the Green Belt.

Cumulative Impacts

The development would have some cumulative impacts together with the ongoing landfill operations. The applicant's undertaking to accept a condition limiting vehicle movements from the two operations would serve to limit traffic impacts and it would also be likely to have a limiting effect on noise and dust impacts.

Whilst this would serve to limit the cumulative environmental effects of the development at any given time, it would also add to the cumulative temporal effects as the lifespan of the landfill site would be extended further into the future. The landfill site has been in operation for approaching 50 years. This in itself is a long time for a community to 'put up' with what is generally perceived as a 'bad neighbour' development, and as stated above, the landfill site could still be continuing in 2050, which would mean a lifespan in excess of 80 years. In this context, I consider that any increase in this [temporal cumulative] impact by this development must be considered to have a significant negative weight in the planning balance. The lack of clear need for the mineral over an identified timescale set out above does not offer a significant counter-balance for this evaluation.

Conclusions

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.

Whilst I have had regard to the further information provided by the applicant since the application was first reported for the Committee, I still do not consider that there is currently a need for the mineral that would be supplied by the proposed development. In particular, I do not consider that there is sufficient local demand for sandstone/gritstone, as both crushed aggregates and building stone, so that it could be reasonably expected that the development could be completed within the proposed 5 year timescale. Whilst in terms of scale and tonnages the proposal would seem to be relatively modest compared to many quarries, the proposal would re-introduce quarrying to a site that is not subject to any current mineral planning permissions. The application is limited to a 5 year period, yet the background information relating to demand would suggest that it could well take over 10 years for the quantity of stone included in the application to be marketed and removed off site. Therefore, I do not consider the proposal to be viable as put forward in terms of timescale, and as the likely timescale for the export of 180,000 tonnes of gritstone is significantly more than that proposed, I consider that it would result in a development that would be highly likely not to be implementable as proposed.

The development plan policies highlighted above clearly establish that further mineral working at Arden, whether considered to be recommencement, an

extension, or new development, would only be acceptable where it would result in significant environmental benefits. There is a wide range of ways in which environmental benefits might be delivered, and with mineral sites these often focus on the early and/or enhanced restoration of peripheral or worked out areas of a quarry site. In its consultation response, the PDNPA suggested that such an approach would be appropriate for the Arden – Birch Vale complex.

The application offers no environmental benefits, stating that the current application relates only to an area of 5ha, which is within the wider former quarry complex covering 27ha, and which does not have the potential for environmental or restoration benefits, being mostly within the landfill site area. It states that; “the two are entirely separate”, also adding that the landfill operations and the current application are also separate. This to me seems to be at odds with other statements in the application and correspondence from Civitas which states that a key purpose of the proposal is to carry out; “engineering operations in association with the current landfill operation”. It is clear that the applicant would see benefits outside the 5ha of the application site through its ability to create a better landfill cell, a benefit which would facilitate its operations across the Arden Landfill Site. Similarly, the extraction of shale, which would take place across the boundary between Birch Vale Quarry and Arden Quarry and thereby re-commence mineral working in both former quarries, is expressly for the purpose of being used to form the liner of the landfill cells in the Arden Landfill Site, and so would also provide a further benefit for the landfill operations.

It seems to me that the interrelationships of the application site with parts of the wider Arden – Birch Vale complex are actually inherent to the proposal. It is by no means unusual to see quarry operators put forward restoration proposals which include environmental benefits for a wider site as part of an application, and this is generally done so that these benefits can be weighed in the planning balance when policy requirements are considered. The applicant has chosen not to include any environmental benefits in the application and has subsequently rejected the suggestion that it do so. Taking into account the policy requirements in this regard, the lack of any environmental benefits is considered to weigh against the proposal in the planning balance.

I therefore conclude that the proposed development would not be in accordance with the requirements of NPPG, the NPPF and the development plan in relation to the need for the mineral. Nor would it comply with the policy requirements for the provision of significant net environmental benefits. The effect of the proposal on landfill capacity is considered to not be in accordance with the requirements of the NPPW, and the consequential increase in the lifespan of the landfill site, which is inherent to this proposal, is considered to be a significant negative cumulative impact and a material consideration that weighs against the proposal.

Therefore, the application is recommended for refusal for the reasons set out the Officer's Recommendation.

(3) **Financial Considerations** The correct fee of £10,914 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 MPA.

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 resources, property, social value and transport considerations.

(6) **Background Papers** File No. 1.778.19
Application documents dated 6 January 2016, and further information submitted via emails dated January to November 2016, from Civitas Planning Ltd. Letters from the Environment Agency dated 2 February and 12 April 2016. Letter from Natural England dated 21 March 2016. Letter from the Peak District National Park Authority dated 3 March 2016. Letters from Derbyshire Wildlife Trust dated 4 March and 28 April 2016. Email from Hayfield Parish Council dated 4 February 2016. Email from Councillor Atkins dated 9 March 2016. Emails from the Highway Authority dated 18 March and 11 July 2016. Email from the Council's Landscape Architect dated 28 January 2016. Letters and emails from local residents various dates from January to April 2016.

(7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission for planning application CM1/1115/117 be **refused** for the following reasons:

- 1) The proposed development is not required to meet any proven need for sandstone/gritstone aggregates as required by the National Planning Policy Framework (NPPF)/National Planning Policy Guidance (NPPG) and saved policies MP23 and MP19 of the development plan.
- 2) There is no need for sandstone/gritstone building stone working as required by the NPPF/NPPG and saved policy MP34 of the development plan.

- 3) The proposed development would not provide any net environmental benefit and does not conform with the parts of the NPPF/NPPG and the saved policies MP23 and MP19 of the development plan which relate to extensions of existing operations.
- 4) The application has not demonstrated any need for the additional landfill capacity that would be created by the additional quarry void that would formed as a result of the development that might comply with the NPPW and the saved waste local plan policies in the development plan. Infilling of that void would have to take place to enable ongoing waste landfilling over the former Arden Quarry by cell construction in accordance with waste management requirements regulated by environmental permitting to be completed. That infilling would, through adding to the overall scale and duration of landfill operations at the complex, have adverse impacts on local amenity which are judged to be unacceptable having regard to the NPPF, NPPG and the development plan.

The planning application has been determined having regard to the development plan and other material considerations as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF published by the Department of Communities and Local Government on 27 March 2012.

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

The applicant did not engage in pre-application discussions with the Authority prior to the submission of the application. An Environmental Impact Assessment (EIA) Screening Opinion was sought but this only related to whether or not the proposal is considered to require an EIA, and so does not consider the merits of the proposal in policy terms. Upon receipt of the application, the Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning application, including deferring consideration of the application to enable the applicant to provide further information. In this regard it is considered that the MPA acted in full accordance with this Article. In carrying out these measures, it is considered that the County Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

Proposed Development at Arden Quarry, Birch Vale
Application Code No: CM1/1115/117

