

Agenda Item No. 3.3

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

9 January 2017

Report of the Strategic Director – Economy, Transport and Communities

3 RESTORATION SCHEME SUBMITTED UNDER AN OBLIGATION PURSANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 RELATING TO PLANNING PERMISSIONS CW1/0612/22 AND CW1/1213/140 AT VICTORY QUARRY, FIELD FARM, BATHAM GATE ROAD, BUXTON
APPLICANT: BARRY WOOD PLANT HIRE LTD
SUBMISSION NUMBER: SW2916

1.1308.8

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

(2) **Information and Analysis** This is a submission under an obligation of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, relating to planning permission CW1/0612/22 at Victory Quarry, Field Farm, Batham Gate Road, Buxton.

The Site

The submission site is located in Batham Gate, on the south-eastern outskirts of Dove Holes village, near Buxton, and comprises a 2.5 hectares (ha) part infilled, steep sided, but relatively shallow limestone quarry (6 to 7 metres (m) deep). The quarry is located within an agricultural landscape 300m to the east of the A6 and 2.7 kilometres (km) north of Buxton. The nearest residential properties are located off Longridge Lane, Dove Holes, 150m to the south-east, and the applicant's farmhouse 200m to the south of the site. Access to the site is via Batham Gate Road to the south. The quarry has been in use as a waste management site since 1999, and is currently used for the recycling of inert waste materials comprising construction, demolition and excavation waste materials, to produce screened and graded aggregate products for resale, with the residual non-recyclable materials being applied for restoring the quarry.

Planning History

The first of a series of short term planning permissions for the restoration of the quarry area by infilling with inert waste materials was granted in 1999;

further permissions were granted in 2004, and again in 2010, to allow recycling operations to continue and further time to restore the quarry void.

A further planning permission, (Code No CW1/0612/22) for the continued use of the site for the recycling of inert construction materials, was issued on 13 March 2013 following the completion of a legal agreement containing planning obligations relating to the restoration of the site. In August 2014, this was updated by another permission (code no.CW1/1213/140), under Section 73 of the Town and Country Planning Act 1990, to enable the development to carry on without complying with the previous conditions 4 (construction of screening bund) and 22 (movements of heavy goods vehicles) of planning permission (code no. CW1/0612/22).

The Submission

The legal obligation requires the submission to the County Council of a scheme of proposed works to ensure the completion by 29 August 2017 of restoration of the land and the removal of the haul road at the site following the cessation of use of the site for recycling activities. Under the further planning permissions, this use of the site is required to have ceased by that date.

The submitted scheme proposes to restore the site to a landform suitable for agricultural (grazing) use. The quarry has been subject to on-going restoration works by infilling with inert waste materials since the first grant of planning permission and much of the former quarry is already restored. The remaining void at the site would be infilled using the remaining materials on site and the soils stored in a screening bund on the southern boundary following the cessation of recycling operations.

The site would be graded to create an undulating landform with some exposed areas of rock face, suitable for grazing. Soil from the screening bund would be spread over the site and the site would then be grass seeded. The haul road part of the site would also be restored; it would be scarified, dressed and then seeded. The route could then be used as an agricultural access. The scheme also includes the provision of fencing to create enclosures suitable for grazing, drainage details and a five year aftercare scheme.

Consultations and Publicity

There is no statutory requirement for consultations or publicity with respect to this submission; however, the following consultations have been undertaken.

Local Member

Councilor C Bisknell has been consulted and no comments have been received.

Wormhill Parish Council

Has been consulted and no comments have been received.

Planning Considerations

The potential impacts of this development were considered in the reports of the Strategic Director dated 29 August 2012 and 11 August 2014. It was acknowledged that there were potential impacts on local amenity; however, there was a need to complete a suitable restoration of the quarry (irrespective of the applicant's progress in infilling the site) and to facilitate sustainable economic development in rural areas and members resolved to grant planning permission subject to conditions, and legal agreements.

This submission is seeking approval for a scheme of restoration to discharge a requirement of a legal obligation associated with planning permission.

The site is located in a rural countryside location within the White Peak Plateau Pastures landscape character type. The local landscape surrounding the site is characterised by its generally uneven ground resulting from past quarry working. The proposed scheme would create a landform that would, in my opinion, be consistent with the surrounding landscape character.

There is potential for amenity impacts such as noise and dust during the restoration operations, however, the existing controls applied through the schedule of conditions attached to the current permission would continue to apply to minimise such impacts.

In conclusion, I find the proposed scheme of restoration to be acceptable, the scheme would see the site restored to a beneficial use for agricultural and the submission is recommended for approval.

(3) **Financial Considerations** No fee is required in respect of this submission.

(4) **Legal Considerations** This scheme has been submitted in accordance with the requirement of an obligation pursuant to an agreement under Section 106 of the Town and Country Planning Act 1990.

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 submission being granted.

(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 1.1308.8

Submission documents received 20 September 2016, as amended by document entitled Victory Quarry Restoration and Management Strategy (Rev A) dated November 2016, received 1 December 2016 from Geoplan.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves to **approve** the scheme submitted in respect of obligation 3 of the Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990, as amended relating to waste recycling operations on land near Buxton in Derbyshire dated 13 March 2013.

Mike Ashworth
Strategic Director – Economy, Transport and Communities