

Agenda Item No. 3.1

**DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE**

9 February 2014

Report of the Strategic Director – Economy, Transport and Environment

- 1 SECTION 73 APPLICATION FOR PERMISSION FOR DEVELOPMENT WITHOUT COMPLYING WITH CONDITIONS 5 (DURATION) AND 23 (RESTORATION) OF PLANNING PERMISSION CODE NO. CM4/0607/45 RECYCLING OF TEMPORARY STONE TIPS, AT BOLEHILL QUARRY, BOLEHILL LANE, WINGERWORTH, CHESTERFIELD
APPLICANT: REALSTONE LIMITED
APPLICATION CODE NUMBER: CM4/0714/53**

4.618.20

Introductory Summary This application relates to a planning permission granted in 2011 (code no. CM4/0607/45) for the recycling of temporary stone tips at Bolehill Quarry, Wingerworth. This Section 73 application is seeking permission to carry out the development without compliance with conditions 5 (Duration) and 23 (Progressive Restoration Scheme) of the 2011 planning permission. This application wishes to extend the duration of this development (as substantial quantities of waste stone, suitable for recycling, remain in the temporary tips) and to defer the submission of a scheme for the progressive restoration of the tip areas.

Whilst I am satisfied that the proposal is unlikely to give rise to any unacceptable environmental or amenity impacts, the proposed extension in time could result in those impacts continuing over a longer period than was previously considered. I therefore recommend an extension in time that is limited to five years. I am also of the view that there is still a need for the amounts of materials in the tips to be closely monitored so as not to prejudice the restoration of the quarry and to avoid over-tipping. I recommend a condition requiring the submission of annual reports on these amounts, as well as the submission of a restoration scheme towards the end of the five year period.

Subject to the recommended conditions, I am satisfied that the proposal would accord with the provisions of the National Planning Policy Framework (NPPF) and development plan policies, and I therefore recommend that the application is approved.

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

(2) **Information and Analysis**

The Site and Surroundings

Bolehill Quarry is located approximately 7km to the south of Chesterfield and 3km south-west of Wingerworth. The quarry is situated to the east of Bolehill Lane; access to the site is directly from Bolehill Lane. Top Road, an unclassified 'no through road', adjoins the eastern boundary of the quarry.

Bolehill Quarry is a sandstone quarry from which the applicant is producing a range of building stone products, although no mineral extraction is currently taking place in it; it is also the location of the applicant's main cutting sheds, showroom and administrative head office (to the north-west of the site adjacent to Bolehill Lane).

The nearest residential properties are on Bolehill Lane, the closest being approximately 130m from the site, and on Top Road approximately 150m from the site. The site to which this application relates has an area of 1.7 hectares, with the actual crushing and stockpiling area covering approximately 0.25 hectare, and is located entirely within the existing quarry void. The quarry is located within Hardwick Wood, a large area of woodland lying between Wingerworth and Clay Cross, and this woodland surrounds the site. Redcar Hill Wildlife site is located to the south.

Background Information

Bolehill Quarry has been in existence since 1940. Planning permission to regularise the winning and working of gritstone, and the disposal of associated waste on the site was granted in 1965. An application for the continuation of quarrying and associated tipping and restoration was granted permission subject to conditions in July 2000 (Ref. CM4/598/10). No stone extraction has yet taken place under this permission but waste stone tipping operations have continued.

Planning permission was granted in 2002 for the recycling of the temporary stone tips. The development did not commence and this planning permission lapsed. A further planning permission for the recycling of the temporary tips was granted in 2009. Development under this permission commenced in August 2011.

The Proposal

The application is made under the provisions of Section 73 of the Town and Country Planning Act 1990 to carry on recycling without complying with Conditions 5 (Duration) and 23 (Progressive Restoration Scheme) of planning permission code no. CM4/0607/45. The application seeks to extend the

duration of the tip recycling development and to defer the submission and carrying out of a scheme for the progressive restoration of the tip areas.

Condition 5 of the planning permission requires operations under the permission to cease within 3 years of the date of commencement of crushing operations. The development commenced on 1 August 2011. The application submission proposes a permission with an alternative condition which would allow the tip recycling operations to continue until 31 July 2024. The applicant is concerned as substantial quantities of waste stone suitable for recycling remain in the temporary tips, and that more waste stone from the building stone cutting workshops is being produced to add to the tips each year.

Condition 23 of the 2011 permission requires the submission of a progressive restoration scheme for the tip areas at the quarry. However, no scheme has been approved under this condition. The applicant also proposes through this application, to be subject to an alternative condition allowing the submission of a restoration scheme for the tips to be deferred, and the amount balance of restoration materials on site to be closely monitored over the interim period.

The applicant does not consider that it can carry out any progressive restoration of the tip areas for the time being. This is due to the tip areas still being required for the deposit of waste stone from the cutting sheds. It has difficulties in predicting the amount of recycled stone aggregate that is likely to be removed off site, which is dependent on demand. Between 2011 and 2014, only a relatively small amount of stone from the tips was recycled, and the applicant anticipates that demand for recycled aggregates will increase as activity in the construction industry improves. If sufficient recycled stone can be removed from the tip areas then not all of the four tips would be required and it would be possible to start some progressive restoration. The applicant considers that the critical issue is the need for a balance to be found between recycling sufficient stone to prevent over-tipping problems and ensuring, in the longer term, that there is sufficient waste stone available to allow the quarry to be restored to approved restoration levels.

The applicant is therefore proposing that instead of the 2011 Condition 23, an alternative condition is imposed under a new permission to allow the amount of tip materials to be closely monitored over the duration of the recycling and a report submitted to the Mineral Planning Authority every 2 years, providing the following information:

- an up-to-date topographical survey of the Tip Areas with any areas of finished restoration to the approved restoration contours to be shown on the survey;
- tonnage of material deposited in tip areas in the 2 year period;
- tonnage of recycled material removed from Tip Areas in the 2 year period;

- volume of void space remaining to be filled to achieve the approved restoration contours; and
- anticipated future output of recycled material over the next 2 year period.

The applicant considers that this would allow the output and demand for recycled stone to be established, the balance of restoration materials on site to be reviewed and enable a progressive restoration scheme to be prepared and submitted in 2022.

In response to concerns that have been raised about the extension of the duration of the permission by ten years, as detailed below in the consultations and publicity sections of this report, the applicant has confirmed that it would be agreeable to a permission with a condition for a duration of a further five years being imposed.

Consultations

Local Member

Councillor Lewis (Wingerworth and Shirland) has been consulted and comments were requested by 21 August 2014.

Local member (Adjacent Ward)

Councillor Wright (Clay Cross North) has been consulted and comments were requested by 21 August 2014.

North East Derbyshire District Council

Planning

North East Derbyshire District Council is concerned about a ten year duration as proposed, on the basis that the full extent of the works has not yet taken place on site.

Environmental Health Officer (EHO)

The EHO commented that low rates of recycling have taken place during the life of the existing permission and therefore, the level of impacts would have been commensurate with the rate of recycling. To the EHO's knowledge, the level of impact from the existing development has caused few complaints from residents. He would assume that this would continue to be the case if this application is approved and the rate of recycling remains low. However, as the full scale of works has not yet occurred, the predicted impact has not been experienced so far. Whilst this is not to say that the full scale of activity is likely to affect residents, the EHO is concerned that prolonging the time over which impacts may occur is more likely to generate complaints.

The EHO does not, however, consider the concerns raised to be sufficient to object to the application, but would advocate that a time scale shorter than that proposed by the applicant would be beneficial.

Wingerworth Parish Council

A number of concerns were expressed at a meeting of the Parish Council relating to the noise and dust emanating from the crushing of stone, and the extra vehicle movements that would result from an extension in time. It is understood that, to date, the planning permissions granted appeared to have resulted in only limited activity but this has left a degree of uncertainty as to the impact of a full operation sustained over a lengthy period.

With this in mind, the Parish Council has requested that any extension be limited to, at best, three years and certainly no longer than a five year period, so that it would be possible to take stock on the various impacts should there be an application for a further extension in either three or five years' time.

Derbyshire Wildlife Trust

The Trust advised that the need to consider progressive restoration is an important element of maintaining and/or restoring biodiversity interest post mineral extraction or associated/related schemes and leaving the compilation of such a restoration plan until 2022, two years before the permission is due to expire, does not allow any scope for a phased approach to reinstatement, as advocated by the NPPF.

The Trust commented that the need for progressive restoration is accepted and accommodated within large scale and complex mineral working activities. It assumes that this would be possible in these circumstances and strongly advise that the production of the restoration scheme is required as soon as is reasonably possible, and that areas are identified which have been exhausted by the recycling activities and which are not to be used for storage of imported materials, and that these are used to initiate the requirements for restoration.

The Trust also provided further comments and advice on the detail of the restoration scheme and advised that it should be a phased wildlife-led scheme and should seek opportunities for biodiversity enhancement.

Ashover Parish Council, the Environment Agency, Severn Trent Water, Western Power and the Highway Authority

Raised no objections to the proposal.

Publicity

The application has been advertised by press notice (Derbyshire Times), by site notice and by neighbour notification with a request for observations by 5 September 2014. Three letters of representation have been received as a

result of this publicity. The main points raised in the letters are summarised below:

- due to the limited amount of crushing that has taken place it has not been possible to gauge whether the issues relating to traffic, dust, noise and water drainage, that were previous concerns, are a problem;
- the limited amount of crushing that has taken place in the last three years has not yet allowed sufficient time to assess the cumulative effect of a sustained period of crushing, in terms of dust and noise, nor the impact of the resulting large number of traffic movements on the local road network;
- on the occasions that crushing has taken place, noise has been an issue;
- previous issues with crushing activities being carried out outside of the approved hours;
- concerns about the site's restoration and the uncertainty as to how much infill material the site has or may be needed;
- there are limited uses for crushed stone and uncertainties as to how much stone would be crushed and tipped;
- a shorter permission period would make for better relationships between all parties, knowing that the permission can be reviewed, revised or rescinded;
- the scars of the tipping on the hillside are visible from a number of places and it is not understood why this has to remain the case for an extended period of time and restoration deferred for such a long period of time;
- the tipped stone should remain where it is; removal could de-stabilise the area;
- the possibility of the hillside being restored to woodland should not be put off;
- a ten year period is too long an operating period, before the real impact of the crushing activity has been thoroughly monitored and assessed; and
- requests that approval only be given for a shorter period, between three to five years.

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 material considerations indicate otherwise. In respect of this application, the relevant policies of the development plan are contained in the saved policies of the Derby and Derbyshire Mineral Local Plan (2002) (DDMLP) and the North East Derbyshire Local Plan (2006) (NEDLP). Other material considerations include such statements of Government policy in the NPPF (2012).

This application relates to a planning permission granted in 2011 for the recycling of temporary stone tips at Bolehill Quarry. The principle of the

development was then assessed against the provisions of the development plan and relevant Government Guidance then in force, which comprised the East Midlands Regional Plan (EMRP), the DDMLP and the NEDLP policies, and relevant Government guidance as set out in Planning Policy Statements (PPS's) and Mineral Planning Statements (MPS's). When the last application was considered by members, the report of the Strategic Director – Environmental Services concluded that the principle of the recycling of the stone tips in this location was supported by national planning policies and guidance, local policies of the DDMLP and potential environmental and amenity impacts (in particular noise and dust), that the proposal met accepted guidelines and could be adequately controlled by conditions.

This Section 73 application is seeking permission to extend the duration of the development, due to the low demand for recycled stone aggregates over the last three years, which has resulted in substantial quantities of waste stone suitable for recycling remaining on the site. It also seeks to defer the submission of a scheme for the progressive restoration of the tip areas. All other aspects of the development would remain the same as the development as granted permission in 2011; the scale and nature of the operation, the amount of tip material to be recycled per annum and traffic movements would be unchanged. In my view, the proposal would not result in a development that is significantly different from the development previously approved, which was considered to be acceptable in this location.

However, since the determination of the previous application in 2011, there have been changes in development plan policy; the EMRP no longer remains in effect. There has also been a change in national planning guidance. It is therefore relevant to determine whether there has been any material change in policy or at the site, since the grant of the last permission.

NPPF

The NPPF published in March 2012, sets out the Government's key economic, social and environmental objectives, and the planning policies designed to deliver them. It states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening lives of future generations. It states that sustainability has economic, social and environmental aspects.

The NPPF contains advice about applications for mineral development and states that minerals are essential to support sustainable economic growth and our quality of life, and it is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The NPPF further states that mineral planning authorities

should, so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of minerals, before considering extraction of primary materials. It also recognises that minerals are a finite resource so it is important to make best use of them to secure their long term conservation. These two factors represent positive contributions to the evaluation of whether the proposal constitutes sustainable development.

Local Development Plan

The NPPF in referring to transitional arrangements which have now expired, downplays the role of the DDMLP and the NEDLP policies as part of the statutory development plan. However, they continue to have weight as a material planning considerations. Policy MP24: Secondary and Recycled Materials of the DDMLP is particularly relevant to this proposal as it specifically addresses the production of secondary aggregates from mineral wastes and other low grade resources. Where the materials to be produced would be used as substitutes for primary aggregates, development will be permitted provided:

- 1) they can be carried out without unacceptable damage to the environment; and
- 2) they do not involve the reworking of tips where the land has been satisfactorily reclaimed, or has naturally regenerated to an acceptable after use.

Other relevant development plan policies of the DDMLP include:

MP1: The Environmental Impact of Mineral Development.

MP3: Measures to Reduce Environmental Impact.

MP4: Interests of Acknowledged Environmental Importance.

MP5: Transport.

MP10: Reclamation and After- Use.

I do not believe there has been any significant change in planning policy or in site circumstances since the grant of the permission in 2011. I am satisfied that the development accords with the Government's objectives for sustainable mineral development, as set out in the NPPF. It would appear to satisfy the general principles of Policy MP24 of the DDMLP. However, it is also necessary to consider any potential environmental and amenity impacts of this proposal against this policy and other relevant policies of the DDMLP.

Environmental and Amenity Impacts

The potential environmental and amenity impacts of this development were assessed during the consideration of the previous application, which was accompanied by environmental information relating to noise, traffic, dust,

hydrology, landscape and visual impact. Mitigation measures were also proposed to reduce those identified impacts where required. However, in the context of the current development plan and national guidance, I have given consideration as to whether the development, as changed, would be likely to give rise to any significantly different or additional impacts to what were previously considered.

Policy MP1 of the DDMLP states that proposals for mineral development will be permitted provided their impact on the environment is acceptable, having regard to a number of aspects of the environment.

As with previous applications, local residents remain concerned about the potential impacts of noise, dust and traffic from this operation and I note the concerns of residents about the length of the extension of time that is proposed. I acknowledge the concerns that have been raised that the full environmental and amenity impacts have not been experienced due to the limited activity at the site. However, the previous application was considered on the basis of a fully operational site and the potential environmental and amenity impacts of the development, such as noise, dust, and traffic, were considered to be acceptable and, subject to conditions to control and mitigate the potential impacts, the application was approved.

The site with a permission under this application could be subject to similar controls to those that are set out in the conditions of the 2011 planning permission. Whilst I am satisfied that a further permission is unlikely to give rise to any significantly different or additional impacts to those previously considered, I am mindful that the proposed extension in time would result in those impacts being permitted to continue over a longer period of time than previously allowed (as has been commented on by the EHO).

The previous permissions for tip recycling at this site were granted on a temporary three year basis, although the applicant's original intention was that intermittent recycling of waste stone from the workshops would continue for the duration of the life of the quarry (up to 2049). The applicant, however, did not find a three year time limit to be objectionable. It was envisaged as a trial period in order to clarify whether the development could take place without having a detrimental impact on the local community.

To date there has been limited recycling of the tips and the site has not been worked at the rates that were envisaged when the previous applications were approved. However, such recycling operations as have taken place have not resulted in any significant number of complaints to the Authority (two complaints relating to noise and out of hours working being received in 2012), or to the EHO. The applicant has acknowledged the concerns of residents and is agreeable to a duration on a further permission of five years. I am of the view that a five year extension under a further permission would be an

acceptable period that would keep potential impacts under an appropriate time constraint whilst allowing the applicant sufficient opportunity to progress the tip recycling. The recommendation below therefore includes a condition limiting the permission to a temporary duration of five years, I am satisfied that the proposal would accord with the NPPF and DDMLP policies MP1, MP3, MP4, MP5 and MP24.

Restoration

Policy MP10 of the DDMLP states that proposals for mineral development will be permitted only where satisfactory provision has been made for the reclamation and after-use of the site as soon as practicable. The landscaping and restoration of the quarry would take place in accordance with a restoration scheme approved by the Mineral Planning Authority. The impact of the recycling operations on the restoration of the quarry was a consideration when the previous applications were approved. In order to ensure that a shortfall of waste stone for restoration purposes did not arise, a planning condition was placed on the previous permissions requiring a scheme of progressive tip restoration to be submitted to ensure that the final restoration of the quarry was not adversely affected by the recycling operations.

The applicant states that if sufficient waste stone can be removed from the tips by recycling then not all of the tip areas would be required and it would be possible to start some progressive restoration. However, the critical issue is that a balance has to be struck between recycling sufficient stone to prevent over-tipping problems and ensuring that, in the longer term, enough waste stone will be available to restore the quarry to the approved restoration levels. I agree with the applicant that a balance between the recycling and ensuring that sufficient restoration materials to restore the quarry workings needs to be found. I also understand the applicant's position that due to the limited amount of recycling that has been carried out and the uncertainties about demand and the continuing need for the tips, it has not been able to design progressive restoration proposals for the tips to date, and that there is a need in the short term to defer the submission of a scheme of restoration for the tips.

However, I consider that there is a need for the amounts of materials in the tips to be closely monitored. If, as the applicant predicts, the demand for the recycled material increases, then opportunities for the restoration of some areas no longer required for tipping may arise. In such a case, I am of the view that some progressive restoration may be possible at an earlier date than is proposed. I therefore recommend an alternative to Condition 23 which is set out in Condition 21 in the set of conditions under the recommendation below. It requires the submission of annual reports containing appropriate information on the amounts (as opposed to a report every two years as suggested by the applicant) and then the submission of a progressive restoration scheme at six months prior to the end of the extension in time. Subject to the recommended

conditions, I am satisfied the proposal would accord with the NPPF and Policy MP10 of the DDMLP.

Conclusion

In conclusion, subject to the appropriate conditions, including conditions to limit the extension in time to five years and to require the annual monitoring of the amounts of materials in the tips, I find this proposal to extend the duration of the development and to defer the submission of a progressive restoration scheme for the tips to be acceptable. I do not consider that the proposal would then give rise to any unacceptable environmental or amenity impacts and I am satisfied that it would accord with Government guidance and development plan policies. Subject to the conditions set out below, the application is therefore recommended for approval.

(3) **Financial Considerations** The correct fee of £195 has been received.

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

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

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

Other Considerations

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

(6) **Background Papers** File 4. 618.20

Application documents 21 July 2014 from Sloane Mead and correspondence dated 11 December 2014 from Realstone Limited. Letters from North East Derbyshire District Council dated 29 August 2014 and the Environment Agency dated 8 September 2014. Email correspondence from the Derbyshire Wildlife Trust dated 29 September 2014, the Network Management Officer dated 22 September 2014, the Rights of Way Officer dated 20 August 2014, the Environmental Health Officer dated 26 August 2014, Ashover Parish Council dated 17 September 2014, Wingerworth Parish Council dated 4 September 2014, Western Power dated 13 August 2014 and Severn Trent Water Ltd dated 7 October 2014. Letters of representation – various dates.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

Duration

- 1) All recycling operations authorised by this permission shall cease no later than 9 February 2020. All plant and machinery, equipment and structures used for crushing stone shall be removed not later than three months after the cessation of crushing operations.

Reason: To prevent further use of the site as described under the application being permitted in the absence of a further planning consent having been granted.

Form of Development

- 2) The proposed development shall be carried out in accordance with the details contained in the planning application (Code No. CM4/0607/45) dated 31 May 2007 from Sloane Mead, as approved by the Mineral Planning Authority on 21 February 2011, as amended by planning application (Code No. CM4/0714/53) dated 21 July 2014 from Sloane Mead, except as amended by the requirements of the other planning conditions. For the avoidance of doubt, the documents which set out these details are:-

(1) these documents provided for planning application Code No. CM4/0607/45:

- Letter from Sloane Mead dated 31 May 2007;
- Minerals Application Form dated 31 May 2007;
- Written statement from Realstone Limited entitled 'Planning Application for the Recycling of Temporary Stone Tips' dated May 2007;
- Drawing No R/BHQ-R/02 entitled 'Development Proposals';
- Drawing No R/BHQ-R/03 entitled 'Illustrative Cross sections';
- Appendix 1 entitled 'Planning Permission for the Continuation of Quarrying';
- Appendix 2 entitled 'Drawing No. 98/495/3 Tip Areas';
- Appendix 3 entitled 'Vibrocock Noise Assessment Report May 2007';
- Appendix 4 entitled 'Dust Management Plan'; and
- Correspondence from Sloane Mead dated 5 June, 3 September, 10 September, 16 October, 24 October and 28 November 2007 and 28 April 2008.

(2) these documents provided for planning application Code No. CM4/0714/53:

- Letter from Sloane Mead dated 21 July 2014;
- Application for removal or variation of a condition following grant of planning permission dated 21 July 2014;
- Supporting Statement dated July 2014.

Reason: To secure conformity with the details of the application.

- (3) A copy of the permission, including all documents referred to in it, and any further submissions to, and approved by the Mineral Planning Authority under the approved conditions, shall be available for inspection at the site office during working hours, and the terms and conditions of the permission shall be made known to any to any person(s) given responsibility for the management and control of operations.

Reason: To ensure that the site operators are fully aware of the requirements of these conditions throughout the period of the development.

- (4) Notwithstanding the provisions of Part 19A of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, no fixed plant or machinery, buildings, structures or erections, or private ways shall be erected, extended, installed, replaced, repaired or altered except as authorised or required by this permission or with the prior written approval of the Mineral Planning Authority.

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

Crusher Provision

- (5) At least seven days prior to the commencement, the Mineral Planning Authority shall be notified, in writing, of the intended date of commencement of crushing operations for the first period of crushing operations commencing after the date of this permission and for subsequent crushing operations where no crusher has been in operation on the site for a continuous period of three months or more.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

- (6) No alternative crusher, to that detailed in the scheme received 4 August 2010 from Sloane Mead, as approved by the Mineral Planning Authority on 13 May 2011, shall be brought onto the site unless details of the plant have been submitted to, and approved in writing by, the Mineral Planning Authority.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity.

- (7) No crusher brought onto site in connection with recycling operations authorised by this permission shall be more than 5 metres in height, unless otherwise previously agreed in writing by the Mineral Planning Authority.

Reason: In the interests of visual amenity and to control the impact of noise generated by the development.

Screen Bund

- (8) The amenity screen mound identified on drawing R/BHQ-R/02 shall be retained in situ for the duration of the development.

Reason: In the interests of visual amenity and to control the impact of noise generated by the development.

Output Limits

- (9) No more than 25,000 tonnes of recycled stone shall be exported from Bolehill Quarry in any continuous period of 12 months. For the duration of this permission, no more than 20 vehicles in total carrying crushed stone from recycling operations or stone otherwise won at Bolehill Quarry shall leave the site in any working day. The applicant company shall, at the end of each month during which the transport of any such mineral has taken place, provide to the Mineral Planning Authority details of:

- (i) the quantity of recycled mineral or other Bolehill stone transported from the quarry; and
- (ii) the number of vehicle loads involved in transporting such mineral.

Reason: In the interest of highway safety and amenity.

Importation of Materials

- (10) No materials shall be imported to the site for the specific purpose of recycling. Feed materials to the recycling operation shall come only from site derived sources comprising either:

- materials supplied direct from the on-site workshops; or
- materials derived from the on-site tips.

Reason: To define the scope of the planning permission and in the interests of highway safety.

Quarry Tip Levels

- (11) Tipping of stone waste into the quarry shall not exceed the restoration levels shown on Drawing No: 98/495/5 entitled 'Bolehill Quarry Restoration Plan' approved under planning permission Code No. CM4/598/10.

Reason: In the interests of local and visual amenity, and to ensure the satisfactory restoration of the site.

- (12) Stockpiles of recycled materials shall not be more than 5 metres in height.

Reason: In the interests of local and visual amenity, and to ensure the satisfactory restoration of the site.

- (13) No more than 10,000 tonnes of recycled materials shall be stockpiled on site at any one time.

Reason: In the interests of local and visual amenity, and to ensure the satisfactory restoration of the site.

Hours of Operation

- (14) (a) Except as provided at (d) below, no crushing or screening operations authorised or required by this permission shall be carried out on the site except between the following times:

0800 hours – 1700 hours Monday to Friday.

Deliveries of recycled stone from the site shall not be undertaken except between the following times:

0730 hours – 1730 hours Monday to Friday.

(b) No servicing, maintenance or testing of plant shall be carried out except between the above times.

(c) There shall be no crushing, servicing, maintenance and testing of plant on Sundays, Bank Holidays and National Holidays.

(d) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

Reason: To clarify the hours of operation and in the interests of local amenity.

Noise

- (15) Noise levels resulting from the operations authorised by this permission shall not exceed 55 dB (A) LAeq, 1 hour when received at those noise sensitive locations identified on Plan No: CM4/067/45/A.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity and the environment.

- (16) The noise levels from the site shall be monitored in accordance with the scheme received 4 August 2010 from Sloane Mead, as approved by the Mineral Planning Authority on 13 May 2011. The scheme shall be implemented as approved for the duration of the development. For the avoidance of doubt:

The monitoring period shall be 1 hour in duration.

For the purposes of this condition, monitoring shall be undertaken during normal working hours and shall avoid meal breaks and periods of plant breakdown. Monitoring shall not be carried out when the wind is blowing towards the site from a monitoring point, nor at wind speeds in excess of 5m/s (Average).

The results of the noise monitoring shall be made available to the Mineral Planning Authority and North East Derbyshire District Council's Environmental Health Officer no later than seven days following the date of survey.

Reason: To control the impact of noise generated by the development and to provide for the monitoring of this impact in the interests of local amenity and the environment.

- (17) Efficient silencers shall be fitted to, used and maintained in accordance with the manufacturers' recommendations on all vehicles, plant and machinery used on site. Other than for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

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

- (18) The reversing alarms on all vehicles associated with the crushing and screening operations shall not emit a noise that would have an adverse impact on local amenity. Reversing warning devices shall be either non-audible, ambient-related or low-tone devices.

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

Dust

- (19) Dust control measures for the crusher operations shall be carried out in accordance with the scheme received 4 August 2010 from Sloane Mead, as approved by the Mineral Planning Authority on 13 May 2011. The scheme shall be implemented as approved for the duration of the development.

Reason: To control dust resulting from the site operations and to provide for the monitoring of its impact in the interests of local amenity and the environment.

- (20) The dust levels from the site shall be monitored in accordance with the scheme received 4 August 2010 from Sloane Mead, as approved by the Mineral Planning Authority on 13 May 2011. The scheme shall be implemented as approved for the duration of the development. In the event that justifiable complaints regarding dust nuisance are received, a further period of monitoring shall be undertaken at the request of the Mineral Planning Authority.

Reason: To control dust resulting from the site operations and to provide for the monitoring of its impact in the interests of local amenity and the environment.

Scheme of Tip Restoration

- (21) By 28 February in each year from 2016 to 2019 inclusive a report in writing regarding amounts of materials in the Tip Areas shall be submitted to the Mineral Planning Authority.

Each of these yearly reports shall provide the following information:

- a plan showing an up-to-date topographical survey of the Tip Areas, with any areas of finished restoration to the approved restoration contours to be shown on the survey;

- tonnage of material deposited in Tip Areas during the 12 month period up to 9 February in the relevant year;
- tonnage of recycled material removed from Tip Areas during the 12 month period;
- volume of space remaining to be filled to achieve the approved restoration contours for the Tipped Areas (shown on Drawing No: 98/495/5 referred to at Condition 11 above; and
- anticipated future output of recycled material over the next 12 month period up to 9 February in the next relevant year.

A concluding report in writing shall be submitted to the Mineral Planning Authority by 31 August 2019, which shall include a scheme of progressive restoration for the Tip Areas for approval in writing by the Mineral Planning Authority. The scheme shall quantify the volumes, types and sources of material necessary to achieve the approved quarry restoration contours and a programme of implementation. The Tip Area shall be restored in accordance with the scheme submitted under this condition which is approved in writing by the Mineral Planning Authority.

Reason: In the interests of landscape and visual amenity, and to ensure the satisfactory restoration of the site.

Highway Safety

- (22) The existing wheel washing facilities shall be retained and be made available for use by vehicles associated with the tip recycling activities for the duration of the development. The haul road from the exit point of the wheel wash to the junction with Bolehill Lane shall be surfaced using a solid bound material that is capable of being cleaned in accordance with written details, to include timescales for implementation, that have been submitted, within one month of the date of this planning permission, for approval by the Mineral Planning Authority. The approved details shall be fully implemented.

Reason: To ensure that the site access is kept clean and in the interests of local amenity and highway safety.

- (23) The surfaced access road from its junction with Bolehill Lane shall be maintained in a good state of repair at all times throughout the duration of this permission and shall be regularly cleaned of mud, other dirt, slurry and stones.

Reason: To ensure that the site access is kept clean and in the interests of local amenity and highway safety.

- (24) No loaded lorries shall leave the site un-sheeted.

Reason: To ensure that the site access is kept clean and in the interests of local amenity and highway safety.

- (25) No mud or other dirt shall be carried from the site onto the public highway.

Reason: To ensure that the site access is kept clean and in the interests of local amenity and highway safety.

Surface Water Drainage

- (26) No foul or contaminated drainage from the site shall be discharged, whether directly or via soakaways, into groundwater or any surface waters. All foul drainage shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

Reason: In the interests of the water environment and the control of pollution.

- (27) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: In the interests of the water environment and the control of pollution.

- (28) The surface water drainage system of the surrounding land shall not be interrupted. Provision shall be made to ensure that all existing drainage systems continue to operate effectively.

Reason: In the interests of the water environment and the control of pollution.

Lighting

- (29) External lighting at the site shall be maintained in accordance with drawing no. 98/476/3 received 14 November 2011, as approved by

the Mineral Planning Authority on 23 December 2011. No additional external lighting shall be installed on the processing plant site without the prior written approval of the Mineral Planning Authority.

Reason: To ensure that the lighting is appropriate in the interests of visual amenity.

Compliance with Other Planning Permission

- (30) Except as specifically authorised or required by the conditions of this permission, the development shall be carried out in compliance with the conditions of planning permission Code No: CM4/598/10 for the continuation of quarrying and associated tipping and restoration at Bolehill Quarry, Wingerworth.

Reason: To clarify that all the operations on the site connected with excavation, crushing and redeposit of material are covered under this permission and under planning permission CM4/598/10.

Reason for Approval

The planning application has been determined in accordance with the development plan as is required by Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development accords with the relevant development plan policies, which are listed below.

Furthermore, the grant of permission for the development, subject to the conditions set out in this notice is considered to accord with the presumption in favour of sustainable development under the National Planning Policy Framework (NPPF), published by the Department of Communities and Local Government on 27 March 2012, and to be conforming in all other respects with the guidance in the NPPF (including additional guidance in National Planning Practice Guidance).

There are no other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan and the NPPF.

Policies

The principal planning policies relevant to this grant of planning permission are:

The National Planning Policy Framework

The Derby and Derbyshire Minerals Local Plan Policies:

MP1: The Environmental Impact of Mineral Development.

MP3: Measures to Reduce Environmental Impact.

MP4: Interests of Acknowledged Environmental Importance.

MP5: Transport.

MP10: Reclamation and After- Use.

The North East Derbyshire Local Plan

No directly relevant policies.

Statement of Compliance with Article 31 of the Town and Country Development Management Procedure Order 2012

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 applications in full accordance with this Article.

The Authority has kept the applicant up-to-date with the progress of the application and has discussed with the applicant consultation responses and representations that have been received. Where necessary, additional information has been requested in order to clarify the form of the development which the applicant has provided.

Footnotes

- 1) There is an agreement under Section 278 of the Highways Act 1980, dated 17 February 2011.
- 2) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

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

Mike Ashworth
Strategic Director – Economy, Transport and Environment

Title

CM4/0714/52 - Bolehill Quarry, Wingerworth



