PLANNING STATEMENT
Whitwell Quarry
Derbyshire
Planning Application
An application for planning permission for the extraction of dolomite from extension areas, an extension in the duration of operations and revised restoration scheme at Whitwell Quarry, Derbyshire
April 2016
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APPENDICES

Appendix A Consent reference R5/0705/13 (the ROMP)
Appendix B Consent reference CM5/0206/178
1. Introduction

1.1 Tarmac, a CRH company, is the UK’s leading sustainable building materials and construction solutions business with over 330 sites across the UK producing a range of products including aggregate and asphalt, readymix concrete, cement, lime and powders and building products. The Whitwell Quarry complex is located in Derbyshire to the south of the village of Whitwell and north east of the village of Creswell and includes the quarry, processing plant and stocking areas, a readymix concrete plant and Whitwell Lime Works located to the east of the main workings (Figure PS1). The lime works is operated by Lhoist. High purity dolomite is extracted at Whitwell Quarry and processed in the kilns of the lime works for use in refractory products and steel manufacture. There are only two quarries in the UK that produce dolomite which is used to manufacture these specialist products and both quarries are recognised sources of national importance of the mineral. Dolomite present at Whitwell Quarry which is not suitable for use in the kilns is used principally to produce construction aggregates and agricultural lime.

1.2 Whitwell Quarry Complex currently processes approximately 1 million tonnes of dolomite each year and the site, across all its activities, supports more than 220 jobs and makes a contribution to the local economy of over £6 million per year.

1.3 The entire Whitwell Quarry Complex within the application boundary covers an area of approximately 191 ha. The northern part of the site is crossed by the Robin Hood railway line which runs between Nottingham and Worksop. The railway runs through a tunnel at the site (Figure PS2). The majority of the main quarry area has been excavated and is partially backfilled with quarry waste, kiln dust from the adjacent lime kiln and colliery spoil.

1.4 Quarrying has been carried out at the site since the 1950s. The extraction and restoration operations at Whitwell Quarry are currently controlled by the conditions agreed through the Review of Old Minerals Permissions (ROMP) process (Code No R5/0705/13) granted in 2006 and planning permission reference CM5/0206/178 granted in 2006 for five additional areas of the quarry. For the areas controlled through Code No R5/0705/13 the mineral extraction operations and restoration operations must be completed by 26 November 2019. For the areas the subject of planning permission reference CM5/0206/178 the mineral extraction operations and
restoration operations are permitted until 20 October 2025. The planning consent boundaries for the current permissions are shown on Figure PS3.

1.5 A feature of the geology at the site is that the mineralogical composition of the rock varies across the site. The specification for the mineral which is necessary to provide input feed to the lime kilns is tightly defined in order to generate a consistent high quality product and requires blending of the rock extracted from different areas of the quarry to provide kiln feed stone with the chemistry that meets the defined specification. In order to maintain this flexibility of extraction and to ensure a consistent supply of the correct specification of feed stone to the kilns at Whitwell, Tarmac have identified four additional extraction areas at the site. These lateral extensions are considered currently by the Company as representing the last remaining economic reserves beyond those currently consented at Whitwell Quarry. The proposed extraction areas are shown on Figure PS2 and cover an area of approximately 9.8ha as summarised below.

<table>
<thead>
<tr>
<th>Extension</th>
<th>Approximate area (hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>5.3</td>
</tr>
<tr>
<td>North East</td>
<td>3.1</td>
</tr>
<tr>
<td>East</td>
<td>0.4</td>
</tr>
<tr>
<td>South East</td>
<td>1.0</td>
</tr>
</tbody>
</table>

1.6 This planning application is for the extraction of mineral in the four proposed extension areas to the site and for an extension in time for the completion of the extraction and restoration operations for the whole quarry site. The operations in the currently consented areas of the site will continue as consented now; the only proposed change for these areas is to extend the completion date so that the completion and restoration of the whole quarry site is carried out in a comprehensive and consistent manner. An updated restoration scheme is included in this planning application based on the currently consented restoration principles and incorporating the new extraction areas as well as the most up to date materials balance information.

1.7 A full description of the site location and surrounding area together with the proposed development is provided in the Environmental Statement which accompanies this application. A summary of the site location and description of the proposed development is provided in Sections 2 and 4 of this Planning Statement.
2. Site location and description

2.1 Whitwell Quarry Complex is centred at National Grid Reference (NGR) SK 53240 75254 south of the centre of Whitwell village and north east of the centre of Creswell in Derbyshire (Figure PS1). The Whitwell Quarry Complex is south west of the centre of Hodthorpe and west of the centre of Belph. The proposed extension areas and the planning application boundary are shown on Figure PS2. The area in the application boundary is referred to in this report as ‘the site’. The site which includes the main quarry located to the south of the railway line, the tunnel area around the railway line, the northern quarry located to the north of the railway line, the eastern area located to the east of Crags Road and the four proposed extensions together with the minerals processing area including the readymix concrete plant and site access and exit is under the control of Tarmac. For the purpose of description, references to the Whitwell Quarry Complex (Figure PS1) are to the entire complex including all the quarry, processing and plant areas as well as Whitwell Lime Works located to the east of the main quarry.

2.2 The main quarry is generally rectangular in shape orientated in a north west to south east direction. The Robin Hood railway line runs in a tunnel in a north east to south west direction through the quarry. The majority of the main quarry has been excavated and is partially backfilled with quarry waste, kiln dust from the adjacent dolomite kiln and colliery spoil. Aggregates stockpiles are located in the main quarry area. Colliery spoil is gradually being transferred from the eastern area to the main quarry floor in order to expose the mineral in the eastern area and to create the restoration profile for the main quarry. The remaining extraction areas in the main quarry are at the southern and north eastern extents as well as the mineral around the railway tunnel.

2.3 The current ROMP includes an approved set of sequenced plans for the extraction of the mineral located around and under the railway which forms the tunnel. In connection with the consented ROMP activities agreements are in place with Network Rail regarding extraction approaching and passing through the railway boundary and blasting procedures in order to protect the trains until the railway is diverted. The current consent includes the principles regarding the diversion of the railway line to the south of the tunnel following which the mineral forming the tunnel will be extracted. The details regarding the diversion of the railway will be the
subject of an application under the Transport and Works Act 1992 (as amended) in due course.

2.4 The northern quarry area is accessed from the main quarry via a ramp over the railway tunnel. Extraction has been completed in the northern quarry other than in the northern part of the tunnel corridor.

2.5 The eastern quarry area was previously covered by the Belph Colliery Spoil Tip. In accordance with the current consent the colliery spoil is gradually being removed from the eastern quarry area, transported through an underpass below Crags Road and deposited in the main quarry as part of the restoration operations. Removal of the colliery spoil allows extraction of the underlying mineral in the eastern quarry area which is continuing currently.

2.6 The plant and processing area in the east of the main quarry includes aggregate and kiln feed processing plant including crushers, screens and conveyors, mineral stockpile areas, product storage sheds, a readymix concrete plant and associated infrastructure. The lime kilns and associated plant in the adjacent Whitwell Lime Works to the east of the main quarry not under the operational control of the Applicant, are outside the application boundary and are operated by Lhoist. The Applicant’s Area Administrative Offices are located within the lime works area and are the subject of a separate planning consent.

2.7 All material extracted at the quarry is either fed to the kilns in the adjacent works or removed from the site through the access which is shared with the lime works. Access between the quarry and the works is along a ramp at the central part of the main quarry. The Whitwell Quarry Complex including the site is accessed by HGV traffic through a dedicated entrance from Crags Road which leads to internal haul roads. Heavy Goods Vehicles (HGVs) exit the site through a separate exit-only road onto Southfield Lane. A one way system is operated to ensure that traffic is safely segregated. Private cars use a separate access and car park in the lime works area. These arrangements will not change as part of this application. A weighbridge and wheelwash facilities are located adjacent to the site egress near the lime works and are used by all HGV traffic which access the quarry site.

2.8 Approximately 1 million tonnes of dolomite is extracted from Whitwell Quarry each year. Whitwell Quarry is one of two quarries in the UK at which high quality dolomite is extracted and processed therefore is of national importance. Variation
in chemical composition and hardness of dolomite and product requirements means that to provide an appropriate blend of stone, quarrying takes place at several faces concurrently. The faces generally are worked in three benches by drilling and blasting. The top two benches are generally suitable for kiln feed and the bottom bench generates material that is suitable for use as aggregate. In the eastern quarry area there is an upper cap rock of civils grade stone in the eastern half of this part of the site; kiln grade stone is located beneath the rock cap on this eastern half and over the whole of the remainder of the eastern quarry. The kiln grade stone is in turn underlain by basal civils grade stone as for the whole of Whitwell Quarry.

2.9 Once extracted the aggregate grade material is crushed, screened and graded before it is transported by road in HGVs. The kiln feed material is crushed and blended to meet the appropriate chemical specification and is fed to the lime kilns at the adjacent works. Rotary kilns at the lime works are used to produce various grades of products by exposing the mineral to high temperatures. The kiln produces materials used in refractory applications and flux for use in the iron and steel manufacturing industry. The fines generated at the end of the process are sold and used for agricultural applications with any remaining kiln residues used in the restoration of the main quarry.

2.10 The site is located in an area which is predominantly rural with scattered settlements and woodland. The quarry areas generally are well screened from views from surrounding areas. Vegetated screening mounds of soil are located along sections of the western and northern boundaries of the main and northern quarry areas as well as the southern and eastern boundaries of the eastern quarry area. The southern boundary of the main quarry is screened by woodland located between the quarry boundary and Crags Road (the B6042) to the south. The site is bounded by agricultural fields to the west and north beyond which are the settlements of Creswell and Whitwell respectively. A disused railway siding bounds the north eastern edge of the site.

2.11 Beyond Whitwell Lime Works to the east of the site are Southfield Lane in the north and Crags Road in the south. Beyond this are Whitwell Tip to the north east and the eastern quarry area. In the east of the eastern area of the site is a fully restored and landscaped area which has been completed as part of the progressive restoration of the site as specified in the existing planning consents. The southern
boundary of the application area is bounded by the B6042 (Crags Road) which runs in a west to east direction from the village of Creswell. Creswell Crags is located approximately 190m to the south of the application boundary which is a Scheduled Monument, a Conservation Area and Site of Special Scientific Interest (SSSI). Creswell Crags is on the tentative list for possible inscription as a World Heritage Site. Whitwell Quarry is designated as a Regionally Important Geological Site (RIGS) of interest for its dolomite. There are other locations with statutory and non-statutory natural and cultural heritage designations in the vicinity of the site which are described in more detail in Sections 14 and 15 of the Environmental Statement.

2.12 Overhead power lines run from the site access road in a north westerly direction crossing the railway as shown on Figure PS3 before turning in a westerly direction. The power lines run parallel to the vegetated screening bunds at the north of the site before turning in a south westerly direction and continuing off site. An underground electricity power line runs from the lime works and follows the line of Crags Road in a southern direction towards Creswell Crags. A 100mm diameter medium gas pressure main runs from a gas station located to the south of Whitwell and follows Southfield Lane and Crags Road generally south and then along Crags Road to the west towards Creswell. No services will be diverted as a result of the proposals in this application.

2.13 The area around the site is predominantly rural with scattered settlements and woodland. The main areas of settlement in the vicinity are Whitwell and Creswell, the centres of which are located respectively approximately 500m to the north and approximately 700m to the south west of the application boundary (Figure PS1). Clowne is approximately 3km to the west, Bolsover is approximately 7km to the south west and Worksop is approximately 6km to the north east.

2.14 The closest properties to the application boundary are located approximately 60m to the north on the southern edge of Whitwell on Franklin Avenue. To the north east, properties on Southfield Lane are located approximately 110m from the application boundary. Houses in Penny Green are located approximately 150m north east and Springfield Farm in Belph lies approximately 100m east from the application boundary around the eastern extension. Hennymoor Farm is located approximately 100m south of the eastern area. Crags Lodge is located approximately 130m south of the application boundary and Bankhouse Farm in Creswell is located approximately 190m to the west. Lower Mill Farm in Creswell is
located approximately 200m to the west of the application boundary to the north of the railway and Peter More cottage is situated approximately 50m west of the application boundary in the northern area of the quarry. The extraction boundaries for the proposed extension areas are generally further from the properties than the application boundary as they are located some distance inside the application boundary. The distances from the closest properties to the site and their distances from the closest point of extraction are shown in Table PS1.

2.15 There are numerous public footpaths and bridleways located within the vicinity of the site with a small number in close proximity to the proposed development (Figure PS2). Whitwell Footpath 73 runs directly to the north of the North extension and joins Whitwell Footpath 20 which runs along the top of the railway tunnel between the main quarry and the northern area. Hodthorpe and Belph Bridleway 5 runs adjacent to the southern boundary of the site and joins Hodthorpe and Belph Bridleway 10 close to the south east corner. Elmton Footpath 1, Hodthorpe and Belph Footpath 20 and Elmton Footpath 32 run along the northern section of the western boundary to the main quarry. Hodthorpe and Belph Footpath 13 runs to the east of the eastern area. No rights of way will be diverted as a result of the proposed extension areas the subject of this application. The current consent for the diversion of the railway (the ROMP) includes the diversion of the footpath (Whitwell Footpath 20) which runs along the top of the tunnel. Once the details of this consented diversion are developed it will be the subject of a separate application for a Diversion Order.

2.16 The watercourses in the vicinity of the site are the River Woolen, Millwood Brook and Millash Brook which are shown on Figure PS2 and described in Section 13 of the Environmental Statement.

2.17 Some of the activities carried out at the site are the subject of an additional layer of regulation implemented by the Environment Agency as they are subject to Environmental Permits. The whole site is the subject of a permit for the crushing and screening of mineral and consent is provided in the same permit for the discharge of water from the site. Areas of the site where kiln residue and colliery spoil material is deposited are the subject of Environmental Permits as is the main quarry sump area where fine silts are settled out.
3. Planning history

3.1 The site has been extracted for mineral since the 1950s. The boundaries of the main relevant consents for the site are shown on Figure PS3 and the history of the planning consents for the site is described in this Section of the statement.

3.2 Planning permission reference CLO/1156/3 was granted on 5 March 1957 for the extraction of limestone from land south of the railway line and includes Whitwell Works. On 27 November 1984 planning permission reference BOL/1082/484 was granted to extend the quarry and permitted the extraction of mineral across and to the north of the railway (Figure PS3). In accordance with the provisions of the Environment Act 1995 it was necessary for Derbyshire County Council to review the conditions of the 1957 and 1984 consents for Whitwell Quarry in order to bring them up to date. A submission for the Review of Old Minerals Permissions (ROMP) was provided to Derbyshire County Council in October 1998 and amended by submissions including an Environmental Statement in July 2005. In July 2006 revised conditions were agreed that replaced the conditions in the 1957 and 1984 consents (Code No R5/0705/13). A copy of consent reference R5/0705/13 is provided at Appendix A.

3.3 Planning permission reference CM5/598/7 for five extensions to the quarry comprising the north western, north eastern, eastern, south eastern and southern extensions to the main quarry was granted on 7 July 2004. Planning permission reference CM5/0206/178 was granted on 23 October 2006 for non-compliance with condition 10 of planning permission reference CM5/598/7 to vary the extraction sequence of the 5 extensions. A copy of consent reference CM5/0206/178 is provided at Appendix B. A number of planning permissions have been granted for ancillary development such as site offices at the Whitwell Quarry Complex which are located in the curtilage of the adjacent Whitwell Lime Works.

3.4 The extraction and restoration operations at Whitwell Quarry are currently controlled by the conditions agreed through the ROMP process (Code No R5/0705/13) and planning permission reference CM5/0206/178 together with the associated Section 106 Agreements. For the areas of the quarry consented under Code No R5/0705/13 the mineral extraction operations and restoration operations must be completed by 26 November 2019. For the areas of the quarry consented under
planning permission reference CM5/0206/178 the mineral extraction operations and restoration operations are permitted until 20 October 2025.

3.5 The planning application boundary excludes the Whitwell Lime Works as the works are operated by a separate company (Lhoist) and therefore the activities at these works are not under the direct control of Tarmac.
4. The current and proposed development at the site

4.1 The principles of the development which is the subject of this planning application are set out in this Section of the statement. More detailed information on the current and proposed operation of the site is provided in Sections 3 and 4 of the Environmental Statement and for the proposed restoration scheme and principles of the progressive restoration for the site in Section 5 of the Environmental Statement. The proposed site operations are set out in summary in this Section of the Planning Statement. The assessment of the environmental impacts that may result from the proposed development is presented in the Environmental Statement.

4.2 As explained previously, mineral extraction operations have taken place at Whitwell Quarry since the 1950s and the current extraction and restoration activities are currently controlled by the conditions agreed through the ROMP process (Code No R5/0705/13) and planning permission reference CM5/0206/178 together with the associated Section 106 agreements.

4.3 The mineral resource at Whitwell Quarry comprises mainly Dolomite. The chemistry of the dolomite varies laterally and with depth and the mineral generally is extracted over three levels or benches in a number of different areas to generate the raw material for different uses and products. Typically the deposit can be split into three horizons of which the upper two are used to produce high purity dolomite suitable for use in the kilns whilst the lowest horizon is used for the manufacture of aggregates. The upper bench typically has a higher iron content than the middle bench and this mineral is used in the kilns at Whitwell Lime Works to make Dolomet or Dolofrit which are used in the steel industry to repair steel making furnace hearths, to aid slag formation and help protect furnace brick linings. The mineral extracted from the middle bench is the highest purity dolomite with the lowest iron content and is used in the kilns at Whitwell Lime Works to make Dolopel which is a high quality material used for the manufacture of specialist refractory bricks for furnaces and high temperature processes in the steel and cement industries. The high and low iron content stone are both used in the kilns at Whitwell Lime Works for the production of agricultural lime and are referred to collectively as kiln feed. The mineral in the lowest bench and the upper cap rock in the east of the eastern quarry area are used in the production of aggregates for use in applications such as civil engineering and is referred to as civils grade stone. The refractory products are manufactured in the kilns at the adjacent Whitwell Lime Works which is operated by
Lhoist. The demand for the products varies and it is necessary for the quarry to provide the higher and lower iron content stone and civils stone at varying rates to meet demand.

4.4 The chemical quality of the dolomite is critical to customer acceptance of the product. The dolomite is sampled ahead of production by exploration drilling to guide the phasing of the quarry operations. During production, sampling and analysis of the dolomite is undertaken throughout the blasting and processing stages. The results of the analyses of samples collected during mineral proving are used to develop the proposed quarry working sequence. The results of the analyses of samples collected during drilling for blasting are used to monitor the quality of the stone in the quarry during working and to refine the working method and sequence and to provide information to Whitwell Lime Works as to the nature of the reserves in the current working area. The results of the analyses of the samples collected during processing facilitates decision making in terms of storage and blending to produce the necessary kiln feed and products. The use of mineral is optimised by ongoing adjustment of the screening and crushing plant together with the blending of materials to achieve the desired product.

4.5 As a result of the variability in the chemistry of the limestone it is necessary to work selectively different areas and different quarry benches to generate suitable quality stone to meet the product specification. The iron content of the limestone varies vertically and laterally hence face heights in the quarry are adjusted to ensure the consistency of the product.

4.6 The rate of working the dolomite is determined by the rate of demand for the kiln feed stone. The rate of extraction of the underlying civils stone is therefore determined by the rate of extraction of the kiln feed stone and the market demand for civils stone. The kilns can only utilise stone sizes greater than 10-14mm in diameter. Stone from kiln grade areas of the deposit which are smaller than this size are used in sales directly to the steel industry or in civils stone. The current yield of stone suitable for the kilns is 60% kiln and 40% undersize resulting in an extraction rate for the kiln deposit of 800,000t to 850,000t per annum. The rate of extraction for the purely civils stone deposit is around 150,000t to 200,000t per annum. This results in an output production rate of approximately 500,000t per annum of kiln feed and 500,000t per annum of civils stone.
4.7 The total consented reserves of dolomite at Whitwell Quarry at the end of 2015 were approximately 21.9 million tonnes. The distribution of the stone is as follows:

<table>
<thead>
<tr>
<th>Reserve area (Figure PS2)</th>
<th>Kiln feed reserves (tonnes)</th>
<th>Civils stone reserves (tonnes)</th>
<th>Total (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway tunnel</td>
<td>4,513,000</td>
<td>2,372,000</td>
<td>6,885,000</td>
</tr>
<tr>
<td>Southern area</td>
<td>1,996,000</td>
<td>1,537,000</td>
<td>3,533,000</td>
</tr>
<tr>
<td>South East area</td>
<td>0</td>
<td>252,000</td>
<td>252,000</td>
</tr>
<tr>
<td>North East area</td>
<td>0</td>
<td>263,000</td>
<td>263,000</td>
</tr>
<tr>
<td>Eastern quarry area (Belph)</td>
<td>4,479,000</td>
<td>6,508,000</td>
<td>10,987,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,988,000</strong></td>
<td><strong>10,932,000</strong></td>
<td><strong>21,920,000</strong></td>
</tr>
</tbody>
</table>

4.8 There is a significant quantity of high quality stone reserves in the railway tunnel corridor (6.885 million tonnes) and it is intended that they are worked. The diversion of the railway to the south and the working of the mineral in the tunnel is consented currently in the ROMP. The working of the tunnel reserves will remove the long term tunnel maintenance obligation from Network Rail and will result in an improved landform for the restored site. This application does not seek any changes to the approved proposals for the diversion of the railway and extraction of the tunnel reserves from those which are consented currently but this application includes for an extended period of time for the diversion, extraction and restoration works so that the duration of the works in the tunnel area is consistent with the timescale for the operation and restoration of the whole quarry site. The diversion of the Robin Hood Railway line will be the subject of a Transport and Works Act application at a later date.

4.9 In order to secure the ongoing supply of suitable kiln feed dolomite from Whitwell Quarry it is proposed that four extensions are made to the site together with an associated extension in the operating timescales. These comprise the North extension, the North East extension, the East extension and the South East extension as shown on Figure PS2. None of the extensions are located outside the existing planning consent boundaries (Figure PS3). As part of this application working areas will be regularised to take account of small areas where working has
taken place beyond the approved extraction boundary. The extraction boundary proposed in this planning application is shown on Figure PS2.

4.10 The calculated kiln feed resource and civil stone resource in the proposed extension areas are presented below:

**Calculated kiln feed resource and civil stone resource in the proposed extension areas**

<table>
<thead>
<tr>
<th>Extension area (Figure PS2)</th>
<th>Kiln feed resource (tonnes)</th>
<th>Civils stone resource (tonnes)</th>
<th>Total (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>North extension</td>
<td>2,300,000</td>
<td>730,000</td>
<td>3,030,000</td>
</tr>
<tr>
<td>North East extension</td>
<td>640,000</td>
<td>520,000</td>
<td>1,160,000</td>
</tr>
<tr>
<td>East extension</td>
<td>56,000</td>
<td>37,000</td>
<td>93,000</td>
</tr>
<tr>
<td>South East extension</td>
<td>230,000</td>
<td>260,000</td>
<td>490,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>3,226,000</strong></td>
<td><strong>1,547,000</strong></td>
<td><strong>4,773,000</strong></td>
</tr>
</tbody>
</table>

4.11 It is anticipated that the sales of mineral from the site will continue at the same average rate as currently hence 500,000 tonnes per annum (tpa) of kiln feed stone and 500,000tpa of civils stone. The proposed extensions will provide a supply of kiln feed stone for a further 4 to 5 years beyond that for the reserves which are currently consented for the extraction at the Whitwell Quarry Complex.

4.12 The quarry will continue to be worked and the mineral will continue to be processed in the same way as currently. Appropriate mitigation will continue to be applied as described in more detail in subsequent Sections of this statement in order to minimise the environmental impacts of the proposed extensions. Details of the mitigation measures are presented in the relevant Sections of the Environmental Statement.

4.13 In accordance with the current planning consents the site will be restored using materials generated as part of the site activities including overburden, kiln residues and colliery spoil. The principles of the restoration scheme for the site are approved in accordance with the current planning consents. The details of the restoration scheme have been reviewed and the amended restoration scheme shown on Figure PS4 is presented as part of this application. The principles of the concept
restoration scheme for the site will remain consistent with the scheme that was approved initially under the extant planning consents. As explained in Section 5 of the Environmental Statement the quantities of materials available for use in the restoration of the site have been reviewed based on the most up to date information and the restoration profile has been amended accordingly. The proposed restoration scheme is designed on the basis that prior to the completion of extraction works at Whitwell Quarry the railway will have been diverted and the tunnel corridor will be removed in accordance with the extant consent. Proposals for phased restoration of areas of the site are explained in Section 5 of the Environmental Statement. It is considered that the restoration of the quarry areas will be completed 3 years after the completion of extraction operations. Restoration operations will therefore be completed by 2043. It is anticipated that the detailed restoration scheme will be agreed at a later date consistent with the current approach at the site.

4.14 At present the area of the site consented through the ROMP, including the railway tunnel, is consented to operate until 26 November 2019 and the areas of the site consented through planning permission reference CM5/0206/178 are consented to operate to 20 October 2025. Taking into account the remaining reserves and the proposed extension areas, it is anticipated that the life of the site for the extraction and sale of mineral will extend to 2033 for kiln feed stone and 2040 for civils stone. Final restoration of the site will take a further 3 years and would be completed by 2043.

4.15 As part of the development it is proposed to enable the creation of two new rights of way at the site. Hodthorpe and Belph Footpath 13 can be extended in a west south west direction adjacent to the B6042 Hennymoor Lane. The footpath would run to the south of the eastern extension extraction area and to the north of the hedge adjacent to the road approximately 15m from the road verge. This will increase connectivity with Hodthorpe and Belph Bridleway 10 and Hodthorpe and Belph Bridleway 5. Hodthorpe and Belph Bridleway 5 can be extended to formalise an existing non-official route as a footpath. The footpath currently runs in a northerly direction adjacent to the western boundary of the main quarry between Hodthorpe and Belph Bridleway 5 and Elmton Footpath 1. The proposed footpath routes are shown on Figure PS2.

4.16 In summary this planning application is for:
The continuation of working of dolomite at the existing operational Whitwell Quarry.

The extension of the existing mineral extraction areas into four new areas and the continuation of mineral extraction and restoration operations at the site from 2019/2025 to 2040 with the completion of restoration by the end of 2043.

The clearance of the remaining surface features, vegetation, soils and overburden in each of the four extension areas using earth moving equipment and other plant.

The creation of storage areas for excavated soils and overburden and the retention of soils and mineral waste for use in restoration.

The continued blasting, drilling and excavation of rock.

The continuation of the proposals for the principles and route for the diversion of the railway line in order for the mineral forming the tunnel to be extracted and utilised.

The continued detailed monitoring and subsequent modelling of the effects of blasting on the railway tunnel and the nearby Creswell Crags.

The continued movement of excavated dolomite, the crushing, processing and blending of extracted stone to produce kiln feed and industrial and aggregate products.

The continued excavation and transport through the existing Crags Road underpass of colliery spoil for deposition in Whitwell Quarry void as part of the restoration of the site and to enable the extraction of mineral in the eastern area of the site.

The continued use of site infrastructure including silos, storage buildings, readymix plant, mobile plant, visual/acoustic screens, haul roads, mineral storage areas, weighbridge, wheelwash, water management, settlement and discharge facilities, welfare facilities and access and egress points to the public highway.
• The continued transport within the Whitwell Quarry Complex of kiln grade mineral to the adjacent Whitwell Lime Works for processing and subsequent transport to markets by road.

• The continued transport of civils grade mineral to markets by road.

• The progressive restoration and aftercare of Whitwell Quarry including the creation of new public rights of way and waterbodies.

4.17 Consistent with the current operations at the site the site will be operated during the following hours:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Proposed hours</th>
</tr>
</thead>
</table>
| Site development, colliery spoil tip removal, colliery material transfer and tipping and surface restoration | 0700 to 1900 hours on Mondays to Fridays  
0700 to 1300 hours on Saturdays |
| Drilling, mineral extraction, stockpiling and conveyance, kiln waste cell construction and disposal of kiln and mineral waste | 0600 and 1900 hours Mondays to Fridays  
0600 and 1300 hours on Saturdays |
| The carriage and delivery of mineral to the adjacent kilns | Daily over 24 hours |
| The carriage and conveyance of kiln waste | Daily over 24 hours |
| Hours of blasting | 1000 to 1200 and 1400 to 1600 hours Mondays to Fridays  
1000 to 1200 on Saturdays with prior written approval of the MPA |

4.18 There will be no working except pumping of water and essential maintenance outside these operational hours.

4.19 The sequence of working within each extraction area can, subject to geological anomalies, be well defined however the timescale over which individual areas of extraction can be completed cannot be prescribed other than within the overall life of the extraction operations at the quarry to 2040.

4.20 The northern area will extend closer to the properties to the north than the current extent of extraction. In order to minimise the duration of the works in the proposed
northern extension it is intended that the mineral from this area is extracted, whilst maintaining product balance in as short a time as possible which will be within at least 5 to 6 years. On the assumption that extraction commences in 2017, all mineral in the North extension, other than that in the lowest (civils grade) bench, will be removed by the end of 2020. The remaining basal civils grade material will be removed by 2022.

4.21 The South East extension which is located closest to Creswell Crags, will be extracted as an extension of operations in the already consented southern area of the quarry. It is anticipated that mineral will be extracted from this extension over a period of approximately 2 years.

4.22 Aggregates and the products from the Readymix plant as well as those from the adjacent Whitwell Lime Works are removed from the site by HGVs. The site is accessed by HGV traffic through a dedicated entrance on Crags Road which leads to the internal haul roads. HGVs exit the site through a separate exit only onto Southfield Lane. Heavy goods vehicles are directed to access and depart the site along Southfield Lane, Crags Road and Hennymoor Lane to the A60 along the approved route shown on Figure PS2. The regulated route is designed to avoid neighbouring village centres and to provide short connections to the primary transport network. Written instructions are given to all drivers who visit the site. A signpost showing the approved route from the site is installed at the Southfield Lane exit. Drivers not adhering to the designated route will be subject to discipline which will include a site ban if necessary.

4.23 The proposed scheme for the restoration of the site is shown on Figure PS4. The restored site will comprise a mix of land uses; agricultural land will be created together with areas of calcareous grassland, three lakes, fen and woodland as well as the establishment of new hedgerows. Thousands of native trees and shrubs will be planted within the woodland areas and hedgerows. Some areas will be left to colonise naturally with rock faces retained in places to leave the dolomite strata exposed mirroring some of the natural features of the locality. The retention of these exposed faces will allow the continued benefit of the current Regionally Important Geological Site (RIGS) designation of the site due to the unique cross section provided through the deposit and for use as an educational resource. The location of the exposed faces will ensure that access and visibility will be maintained to all levels of the deposit from its base up to the point of unconformable
contact with the overlying Permian Marl. The restoration design incorporates the development of the habitats present in the Region of Nature Conservation Interest in the north of the eastern quarry area.

4.24 Restoration planting will be carried out progressively following the placement of restoration materials in accordance with a detailed restoration, planting and aftercare scheme which will be agreed with the planning authority. Restoration works will be completed within 3 years of the completion of mineral extraction operations. A ten year aftercare period will be implemented.

4.25 No new footpath diversions are proposed as a result of this application for the extensions to the quarry. When the site is restored there will be increased public access to the restored areas. On restoration of the eastern quarry area it is intended that the existing footpath (Hod thorpe and Belph FP13) is extended westward from the point where it stops opposite footpath FP 14 which is located to the south of Hennymoor Lane. The westward extension, as shown on Figure PS2, will extend the footpath to Crags Road. In addition, the section of informal footpath which currently runs to the north at the junction of Hod thorpe and Belph bridleway BW5 and Elmton bridleway BW19 at the south western corner of the site to join Elmton FP1 which runs adjacent to the western boundary of the site, will be designated as a formal footpath as part of the restoration works.
5. Planning policy context

5.1 The fundamental objective of the planning system is to facilitate development which is appropriate in a particular context having regard to relevant planning policies, government guidance and other material planning considerations. In development control terms appropriate development is that which is suitable for the location in which it is proposed, does not conflict with surrounding land uses and which does not result in significant detriment to the environment or amenity. The contribution which a particular development makes to the achievement of strategic national and local planning policy objectives such as economic development, employment and sustainable use of resources are material considerations that should be taken into account in determining applications.

5.2 Planning law in the UK principally is the subject of the Town and Country Planning Act 1990\(^1\) as amended, the Planning and Compulsory Purchase Act 2004\(^2\) and the Planning Act 2008\(^3\) as amended by the Localism Act 2011\(^4\) and associated regulations. At a national level the objectives of the planning acts together with government policy in respect of planning are delivered through guidance published in the National Planning Policy Framework\(^5\) (NPPF) and the accompanying Planning Practice Guidance Notes (PPGNs).

5.3 Land use planning in the UK is a plan led system. In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 all planning decisions should be in accordance with the development plan unless material considerations indicate otherwise. In Section 38 of the Act it is stated that:

'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

5.4 Paragraphs 14 and 15 of the NPPF state that there is a presumption in favour of sustainable development where it is stated inter alia that:

\(^1\) Town and Country Planning Act 1990 c.8  
\(^2\) Planning and Compulsory Purchase Act 2004 c.5  
\(^3\) Planning Act 2008 c.29  
\(^4\) Localism Act 2011 c.20  
\(^5\) National Planning Policy Framework (NPPF) Department for Communities and Local Government. March 2012
'14. At the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking.

For decision taking this means:

- Approving development proposals that accord with the development plan without delay;'

'15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.'

5.5 Chapter 13 of the NPPF presents government policy on facilitating the sustainable use of minerals. It is stated in the NPPF paragraph 142 that:

‘Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation’

Local Development Framework

5.6 The development plan for the site comprises the saved policies contained within the Derby and Derbyshire Minerals Local Plan (adopted 2000 and amended 2002) (MLP) and the saved policies of the Bolsover District Local Plan 2000 (LP).

5.7 Derbyshire County Council is currently working together with Derby City Council preparing a new Minerals Local Plan (NMLP). Consultation is currently ongoing for different elements of the NMLP through strategy papers and supporting papers including consultation papers entitled Towards a Strategy for Industrial Limestone
and Towards a Strategy for Crushed Rock. Although the NMLP is in the very early stages of drafting, the proposed development has been assessed against the aims of the NMLP where these have been set out.

5.8 Bolsover District Council is currently preparing a New Local Plan (NLP). Preparation commenced in October 2014 with the most recent round of consultation ending in December 2015. Consultation has been carried out on a Sustainability Appraisal of the emerging policies and proposals and on the Identified Strategic Options for the NLP. The NLP is at very early stages of drafting with no specific policies yet identified. The Bolsover Local Development Scheme anticipates that the draft NLP will be published for consultation in late 2016 with the final submitted for examination in November 2017. Although the NLP remains in the early stages of development the strategic options identified within the Identified Strategic Options paper have been considered where relevant.

5.9 The principal issues associated with the proposals the subject of this planning application are the importance of the mineral and why the extensions in the working areas and the extension to the operational timescale are needed as well as compliance with policies associated with the effects of the development on or as a result of landscape and visibility, blasting and vibration, traffic and transport, noise, water resources and flood risk, archaeology and cultural heritage, ecology, soil resources, the potential impact on amenity and sustainable development.

5.10 The policies relating to the need for the mineral are addressed in Section 6 of this statement and the policies relating to the environmental effects of the proposals are considered in Section 7 of this statement. An assessment of the overall sustainability of the proposals with respect to the sustainable development policies is presented in Section 8.
6. The need for the mineral

6.1 The mineral resource at Whitwell Quarry comprises high purity Magnesian Dolomitic Limestone referred to as dolomite. The chemistry of the dolomite changes with depth and the mineral generally is extracted at three levels or benches to generate the raw material for different uses and products. The upper two benches generate mineral with a higher iron content than that in the bottom bench, with higher iron content in the top bench and lower iron content in the middle bench. The higher and lower iron content stone are both used in the kilns at Whitwell Lime Works and are referred to collectively as kiln feed. The mineral from the bottom bench is used in the production of construction aggregates for use in applications such as civil engineering and agricultural lime and is referred to as civils grade stone. The kilns and the adjacent Whitwell Lime Works are operated by Lhoist. The demand for the products varies and it is necessary for the quarry to provide the higher and lower iron content stone and civils stone at varying rates to meet demand.

6.2 The kiln generates products made from dolomite. The dolomitic lime is termed dolime, which is a mixture of calcium oxide and magnesium oxide. Dolime typically contains at least 20% magnesium oxide. The dolomitic lime is obtained by calcination of dolomite (calcium magnesium carbonate). Different methods of calcination are used in the kilns to produce two forms of dolime, soft-burned and dead-burned dolime which have different uses.

- Soft-burned dolime (sold as Dolomet) is softer and more reactive than sintered dolime and is used as flux in the steel-making process. Fluxes are used in smelting for several purposes, mainly catalysing the desired reactions and chemically binding to unwanted impurities or reaction products. Soft-burned dolime acts partly as a source of calcium oxide which reacts with and thereby removes impurities from the molten metal. It is also a source of magnesium oxide which:

  (i) reacts with impurities in the steel slag which prevents damage to the refractory linings and therefore extending their lifespan;

  (ii) forms compounds with other components in the slag which allows the viscosity of the slag to be modified; and
(iii) is used as part of the modified slag to coat the surface of the furnace after the steel has been tapped out to further protect the refractory lining therefore reducing the need for repairs.

- Sintered/dead-burned dolime is denser and less reactive than soft-burned dolime and produced in two grades. The higher specification grade (marketed as Dolopel) is used in the manufacture of refractory bricks. The lower specification grade (marketed as Dolofrit) is used by steel producers to repair refractories in-situ in electric arc furnaces or converters.

6.3 In addition to use in steel making, small amounts of dolime (typically Dolomet) are used in other industries:

- Glass/fibreglass production. Dolime serves a similar purpose as in steelmaking as a source of magnesium and calcium oxides.

- Agriculture. Dolime can be used as a form of fertiliser and to control the acidity levels in soils.

6.4 The chemical quality of the dolomite used in the kiln feed is critical to customer acceptance of the product. The dolomite is sampled during mineral proving, drilling for blasting and during processing and analyses are undertaken to determine the chemical quality of the stone. The results of the analyses of samples collected during mineral proving are used to develop the proposed quarry working sequence. The results of the analyses of samples collected during drilling for blasting are used to monitor the quality of the stone in the quarry during working and to refine the working method and sequence and to provide information to Whitwell Lime Works of the nature of the reserves in the current working area. The results of the analyses of the samples collected during processing facilitates decision making in terms of storage and blending to produce the necessary kiln feed and products. The use of mineral is optimised by ongoing adjustment of the screening and crushing plant together with the blending of materials to achieve the desired product.

6.5 As a result of the variability in the chemistry of the dolomite it is necessary to work selectively different areas and different quarry benches to generate suitable quality stone to meet the kiln input specification for the output products. The iron content of the dolomite varies vertically and laterally hence face heights in the quarry are adjusted to ensure the consistency of the product. Due to variability of product
demand and the mineral geology, in order to ensure that the necessary quality of dolomite with the appropriate iron content can be provided to Whitwell Lime Works it is essential that several extraction areas are available for working at any one time. Unlike the majority of quarries in the UK the extraction areas at Whitwell Quarry are not worked in series but in parallel switching between benches and faces as necessary. As a result while the sequence of working for each extraction area can, subject to the exposure of geological anomalies, be well defined, the timescale over which individual areas of extraction cannot be prescribed other than within the overall lifetime of the quarry.

6.6 The rate of working the dolomite is determined principally by the rate of use of the kiln feed stone. The rate of extraction of the underlying civils stone is determined by the rate of extraction of the kiln feed stone and the market demand for civils stone. The rate of production typically ranges between 500,000 tonnes per annum (tpa) for kiln feed stone and 500,000 tpa for civils stone.

6.7 It is necessary to provide a continued supply of the unique blend of dolomite of suitable kiln grade to allow the ongoing production of materials for use in the steel manufacturing industry, particularly when the steel industry is in a difficult economic state and facing increasing competition from overseas supplies. Furthermore a significant proportion of the output from the adjacent kilns is exported which provides a significant contribution to the UK economy.

6.8 The total consented reserves of dolomite at Whitwell Quarry at the end of 2015 were approximately 21.9 million tonnes. The distribution of the stone is as follows:

<table>
<thead>
<tr>
<th>Reserve area (Figure PS2)</th>
<th>Kiln feed reserves (tonnes)</th>
<th>Civils stone reserves (tonnes)</th>
<th>Total (tonnes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railway tunnel</td>
<td>4,513,000</td>
<td>2,372,000</td>
<td>6,885,000</td>
</tr>
<tr>
<td>Southern area</td>
<td>1,996,000</td>
<td>1,537,000</td>
<td>3,533,000</td>
</tr>
<tr>
<td>South East area</td>
<td>0</td>
<td>252,000</td>
<td>252,000</td>
</tr>
<tr>
<td>North East area</td>
<td>0</td>
<td>263,000</td>
<td>263,000</td>
</tr>
<tr>
<td>Eastern quarry area</td>
<td>4,479,000</td>
<td>6,508,000</td>
<td>10,987,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,988,000</strong></td>
<td><strong>10,932,000</strong></td>
<td><strong>21,920,000</strong></td>
</tr>
</tbody>
</table>
6.9 At the current rate of extraction, the remaining areas of consented kiln mineral excluding that in the tunnel area would be exhausted in 8 years. The total mineral reserve including that in the tunnel area would be exhausted within 13 years. In practice, these consented reserves are not readily accessible within the necessary time frames to achieve the necessary blended input quality. In particular, there are significant reserves in the mineral forming the tunnel surrounding the railway which crosses the site and extraction of these reserves is already consented. Extraction of the mineral from this tunnel area has been limited for a number of years as a result of proceeding with Network Rail over future development in the area. It is considered likely by the Company that the conclusion of this matter could take a number of years. The works then needed to divert the railway could take a number of years. Meanwhile the quality of the mineral in the other consented reserve areas (predominantly the southern and eastern parts of the quarry), even with blending of the different faces available, is not sufficient to sustain the kiln feed quality at current production rates.

6.10 The mineral quality data for the proposed extension areas show that they will provide stone of a quality suitable for blending with mineral from other areas of the quarry, including in the southern and eastern areas, to generate suitable quality kiln feed. These lateral extensions represent areas that the Company consider currently are the last remaining economic reserves of kiln grade mineral at Whitwell Quarry. Granting consent for the extraction of these remaining reserves will extend the life of the quarry from 2025 (and some areas from 2019) to 2033 for the kiln grade stone.

6.11 The quarry is operated to maximise the use of the mineral which is suitable for use in kiln feed. However, Whitwell Quarry also holds an important role in the supply of Type 1 civils stone and concrete aggregate both within Derbyshire and the surrounding counties. There are other quarries in the area that produce aggregates (such as Harrycroft and Nether Langwith) but these are much smaller operations in terms of output. It is considered that Whitwell Quarry will hold an increasingly important role in the provision of Type 1 civils stone and concreted aggregate throughout Derbyshire, Nottinghamshire and South Yorkshire especially Doncaster. In addition to the increased amount of permitted reserves made available the proposed extensions to the site will allow flexibility in the production of civils stone to meet with market changes.
6.12 The civils grade stone bench is exposed where the kiln quality stone has been extracted. While the civils stone is not such a nationally important mineral as the kiln grade stone, given that the upper benches of kiln grade stone are extracted it represents best practice to employ the existing infrastructure to extract the underlying civils grade limestone for use in agriculture and the construction industry in order that this mineral resource is not sterilised. Continuation of the current approach and extraction of the civils grade stone as well as the kiln grade stone will maximise the sustainable husbanding of the crushed rock aggregate reserve. Granting consent for the extraction of these remaining civils stone reserves will extend the life of the quarry from 2025 (and some areas from 2019) to 2040 for the civils grade stone with a further 3 years for the completion of restoration of the whole site by 2043.

6.13 Whitwell Quarry Complex currently, across all its activities, supports more than 220 jobs and makes a contribution to the local economy of over £6million per year. Without a suitable supply of high magnesium limestone for the kiln feed, Tarmac will have no option other than to reduce the scale of its operations which will directly affect not only the quarry itself but also the operation of the Whitwell Lime Works and the industries which depend on the outputs for their operations.

6.14 The alternative sources of mineral that have been considered in determining the need for the extension of the resource at Whitwell Quarry are explained in Section 6 of the Environmental Statement and are not repeated here.

6.15 As explained in Section 6 of the Environmental Statement, notwithstanding the potential future availability of the resource at Holbeck, given the national importance of the mineral at the site, failure to extract the remaining workable deposits associated with Whitwell Quarry would represent sterilisation of important mineral reserves and a failure to make best use of existing infrastructure.

6.16 It is demonstrated that there is a justifiable need to maximise the extraction of the resource in the proposed lateral extensions to the reserves at Whitwell Quarry and to extend the operational period of the quarry so that the materials can be blended and used as kiln feed to maximise the beneficial use of this national industrial resource. Based on the findings of the assessment of the environmental impacts as presented in the Environmental Statement, it is considered appropriate and sustainable that the nationally important mineral resource and the associated civils
grade stone at Whitwell Quarry should be extracted to its full potential. The products produced through Whitwell Lime Works which is fed solely by the stone from Whitwell Quarry are shipped both nationally and internationally and have a significant role in the UK economy. The continued operation of Whitwell Quarry is in the national interest.
7. Policies related to the supply of mineral

7.1 There are no national demand targets for the supply of industrial minerals but it is required through the NPPF for Mineral Planning Authorities to ensure that they have an adequate provision to support their use in industrial and manufacturing processes. Guidance set out in the National Planning Policy Guidance states that recognition should be given to any marked differences in geology, physical and chemical properties, markets and supply and demand between different industrial minerals which can have different implications on their extraction.

7.2 Policy MP2 of the MLP states that proposals for mineral development will be permitted provided that, where there is an adverse environmental impact, there is sufficient need for the development taking into account the local, regional and national demand for the development, the scale and nature of permitted reserves, the availability of alternative sources of supply or materials, the nature and extent of the mineral deposit and the necessity for the mineral to be worked in that location and the implications for employment, investment and the economy, and for providing other relevant benefits to the community.

7.3 The environmental impact assessment set out in the Environmental Statement demonstrates that the proposed development will not have a significant adverse environmental benefit. As explained in Section 6 the kiln feed mineral at Whitwell Quarry has very particular and rare chemical properties which feed a specific and important demand from the steelmaking and other industries. Reserves of high magnesium limestone mineral is only accessible in the location of Whitwell Quarry as well as one other quarry in the UK (Thrislington Quarry in County Durham). The kiln associated with Thrislington Quarry has been mothballed with an uncertain future therefore the Whitwell Quarry Complex will be the only operating quarry and kiln supplying the specialist magnesium limestone products which are vital to the steelmaking and other industries in the UK. Whitwell Quarry supplies directly the adjacent Whitwell Lime Works and supports the jobs and wider service industry benefits to the local community as well as national industries and the national economy. It is considered that the development is consistent with the aims of Policy MP2 of the MLP.

7.4 Policy MP18 states that proposals for extensions to established mineral working sites will be permitted in preference to new sites provided they can be
accommodated in an environmentally acceptable manner. The application is for proposed extensions in area and time which will make use of existing infrastructure at the site and will not increase the production rate, traffic or environmental impacts compared with the existing consented operations. As described in Section 4, the proposed extensions are lateral extensions which comprise limited additional areas of extraction and represent the last remaining considered economic reserves of kiln grade mineral at Whitwell Quarry. The extension areas do not extend beyond the planning boundary of the current Whitwell Quarry. It is considered that the development is consistent with the aims of Policy MP18 of the MLP.

7.5 Policy MP25 of the MLP states that proposals to extract industrial limestone will not be permitted unless they are required to meet a proven need for materials with particular specifications which could not be otherwise met and the development is designed to maximise the recovery of the particular materials required to supply that need or they involve extensions or variations to the boundaries of existing operations which would result in significant net environmental benefit without significantly increasing the amount of permitted reserves. At the time of preparing the MLP the justification for the policy in favour of no further development in the County was based on the level of permitted reserves and the anticipated production requirement over the plan period to 2006. It is acknowledged in the MLP that there is a shortage of alternative sources for the type of mineral present at Whitwell Quarry and that Whitwell Quarry Complex is only one of two major producers of this type of high quality refractory materials from adjacent kilns. As noted earlier, since the changes at Thrislington, the quarry and kilns at Whitwell are now the only producers of this material in the UK. The MLP also acknowledges that the mineral deposit at Whitwell is of national importance in terms of its special quality and its rarity as well as its value as an export product.

7.6 Policy MP25 is in favour of new development where there is a proven need for mineral of a specific composition that could not otherwise be met. The reasoning for this policy is that the diversity of the industrial limestone markets and the complex specifications and mix of minerals that they often require can result in shortages in the availability of particular qualities of mineral which cannot be supplied from elsewhere. The policy also aims to ensure that industrial grade limestone is used for those purposes as opposed to aggregate uses to meet the aims of sustainable development and efficient use of mineral resources.
7.7 It is considered that the proposed extensions to Whitwell Quarry are compliant with MP25 of the MLP as the continued extraction of mineral in the four extension areas will ensure a continued supply of a specific, specialist and rare composition of limestone to satisfy a demand that cannot be met elsewhere (see Section 6). The four extension areas will ensure a continued supply of industrial limestone until 2033. The quarry will continue to be operated to maximise the production of kiln grade stone and only material that is not suitable for use as kiln feed will be sold as limestone aggregate. The use of high grade stone for industrial purposes can be controlled through legal agreement as is the case currently for Whitwell Quarry where a Section 106 Agreement is in place to provide the appropriate level of confidence.

7.8 Policy MP25 is not compliant with the NPPF as the policy is not worded as a presumption in favour of sustainable development but rather as a presumption against working. As stated in Section 5, work has commenced on the preparation the New Minerals Local Plan for Derbyshire. The NMLP will be compliant with the NPPF and be in favour of sustainable development.

7.9 It is reported in the latest draft of the consultation paper ‘Towards a Strategy for Industrial Limestone’ dated June 2015 that the evidence base prepared to support the NMLP has established that the overall demand for industrial limestone is not anticipated to increase significantly over the plan period. Simply taking into account the level of permitted reserves suggests that, based solely on the quantum of the currently permitted reserves, the Plan area has more than sufficient permitted reserves to meet anticipated demand for industrial limestone over the Plan period to 2030. It is recognised however in the strategy paper that there are other factors that the Plan will need to take into account in planning for an adequate and steady supply of industrial limestone. In reality and as explained in Section 6, due to the wide diversity of the industrial limestone markets and the need for complex specifications of mineral and associated kiln outputs, shortages may occur of particular qualities of mineral which cannot be supplied from elsewhere. This gives rise to the need for additional reserves over the plan period to ensure a continued supply of the appropriate mix of mineral. This is important in particular to the type and quality of the mineral at Whitwell Quarry as explained in Section 6. In addition, as explained in Section 6, the time restrictions associated with the development of the currently consented reserves in the railway tunnel mean that blending of the
other reserves in the south and east of the quarry to meet the kiln feed specification will become restricted without the mineral in the extension areas.

7.10 It is noted in the Industrial Limestone Strategy paper that it has been identified that there are insufficient permitted reserves to maintain production throughout the plan period at Whitwell Quarry. The extension areas which are the subject of this application are included in the areas put forward by the operator as part of the Plan development process to contribute towards making up that shortfall.

7.11 Although the NMLP has not yet been published, based on the direction taken and suggested in the current strategies it is anticipated that the proposed extensions to Whitwell Quarry will be in accordance with the policies relating to industrial limestone. As stated in Section 6 the extension areas to the quarry will ensure the continued supply of a specialist type of limestone which comprises a nationally significant resource and is needed to meet the demand from industry.

7.12 Policy MP23 relates to crushed rock for aggregates and states that proposals for extensions or variations to the boundaries of existing operations will be permitted only where they would result in significant net environmental benefits without significantly increasing the level of permitted reserves. The proposed extensions in area and time will make use of existing infrastructure at the site and will not increase the production rate, traffic or environmental impacts compared with the existing consented operations. As described in Section 4, the proposed extensions are lateral extensions which comprise limited additional areas of extraction and represent the last remaining considered economic reserves of kiln grade mineral at Whitwell Quarry therefore also represent the last exploitable reserves of the underlying mineral used for limestone aggregate. The extension areas do not extend beyond the planning boundary of the current Whitwell Quarry. The proposed restoration scheme will be integrated across the whole of the quarry areas and result in a restored site which provides agricultural land together with areas of conservation limestone grassland, three lakes, fen and woodland as well as the establishment of new hedgerows. Thousands of native trees and shrubs will be planted within the woodland areas and hedgerows. Some areas will be left to colonise naturally with rock faces retained in places to leave the Magnesian Limestone strata exposed mirroring some of the natural features of the locality. The retention of these exposed faces will allow the continued benefit of the current Regionally Important Geological Site (RIGS) designation of the site for use as an
educational resource. When the site is restored there will be increased public access to the restored areas and net benefits will be achieved in terms of habitat biodiversity. It is considered that the development is consistent with the aims of Policy MP23 of the MLP.

7.13 Policy MP16 of the MLP states that a landbank of permitted reserves for the county’s non-energy minerals will be maintained at appropriate levels throughout and at the end of the plan period. For crushed rock the landbank will be sufficient for at least 15 years production. As part of the process for the development of the NLMP a strategy paper has been published entitled ‘Towards a Strategy for Aggregate Crushed Rock’. The strategy paper acknowledges that there is a need for crushed rock aggregate from Derbyshire to make up shortfalls in provision in other plan areas. Notwithstanding resolution of the appropriate period which should be used to calculate the 10 year rolling average in order to ensure that the industrial downturn in recent years does not adversely affect predictions for current and future needs, the most recent East Midlands Aggregates Working Party Local Aggregates Assessment suggests that the scale of the aggregates landbank in Derbyshire means that there should be no overall requirement in overall numerical terms for new reserves in the plan period.

7.14 The NPPF National Planning Practice Guidance (NPPG) for Minerals states that need for the mineral is one aspect of a number which should be considered when assessing the suitability of a proposed site, whether an extension to an existing site or a new site. The NPPG states that each site or extension must be considered on its individual merits taking into account issues such as the need for the specific mineral, the economic considerations (such as being able to continue to extract the resource, retaining jobs, being able to utilise existing plant and other infrastructure), the positive and negative environmental impacts and the cumulative impacts of proposals in an area. As demonstrated in the Environmental Statement there will be no unacceptable individual or cumulative environmental impacts as a result of the proposals and the extraction of the civils stone as well as the kiln grade stone in the proposed extensions will retain the jobs associated with the quarry up to 2040. The extraction of mineral will continue using the same plant and other infrastructure which is present and effective at the site currently. It is considered that the proposed extraction of crushed rock aggregate from the basal benches in the proposed extensions is in accordance with the policies in the NPPF and associated NPPG for Minerals.
7.15 Policy MP17 of the MLP states that the planning authority will resist proposals for any development which would sterilise or prejudice the future working of important economically workable mineral deposits. The national importance and need for the kiln grade mineral at Whitwell Quarry is explained above together with the fact that the only mineral extracted at the site for the generation of crushed rock aggregate is that not suitable for use as an industrial mineral which is present at the base of the strata which are extracted. If this basal strata is not extracted following extraction of the kiln grade industrial mineral and the site is then restored this will result in sterilisation in practice of the aggregate reserves as they will no longer be economically workable as a result of aspects including the colliery spoil placed as restoration materials above the mineral, the need to reinstate site infrastructure and the need to recommence the dewatering regime. Accordingly not extracting the basal mineral for use as crushed rock aggregate following extraction of the kiln grade mineral would be contrary to Policy ML17 of the MLP. Extraction of the civils grade mineral in the lowest benches at the proposed extension areas is therefore necessary to comply with Policy ML17 of the MLP.
8. Environmental policy

Restoration

8.1 Policy MP3 of the MLP states that proposals for mineral development will be permitted provided that any adverse effects on the environment can be eliminated or reduced to an acceptable levels, with particular regard to the measures which are proposed to minimise the environmental impact or proposals, the duration of the proposed operations, the extent to which proposals maximise the efficient use of materials and minimise the production of waste, the proposals for reclamation and after-use, the potential for reinstating or making alternative provision for features which are affected and any wider environmental benefits resulting from the proposal which would help to offset adverse environmental impacts.

8.2 Policy MP10 of the MLP 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. Policy TRA12 of the LP states that planning permission will not be granted for development where it would adversely affect an existing footpath.

8.3 The restoration of the site will be carried out on a phased basis as areas of the quarry become available following completion of limestone extraction and are no longer required operationally. The proposed restoration profile and scheme for the site are shown on Figure PS4 and explained in detail in Section 5 of the Environmental Statement. The initial phase of restoration, which will take place within 2 years of commencement of the development of the extraction areas, will start on the western side of the quarry.

8.4 The proposed restoration for the extensions at Whitwell Quarry is in accordance with the principles already permitted and agreed under current planning permissions. The restored site will comprise a mix of land uses, agricultural land will be created together with areas of conservation limestone grassland, three lakes, fen and woodland as well as the establishment of new hedgerows. Thousands of native trees and shrubs will be planted within the woodland areas and hedgerows. Some areas will be left to colonise naturally with rock faces retained in places to leave the Magnesian Limestone strata exposed mirroring some of the natural features of the locality. The retention of these exposed faces will allow the
continued benefit of the current Regionally Important Geological Site (RIGS) designation of the site for use as an educational resource.

8.5 Restoration planting will be carried out progressively following the placement of restoration materials in accordance with a detailed restoration, planting and aftercare scheme which will be agreed with the planning authority. Restoration works will be completed within 3 years of the completion of mineral extraction operations. A ten year aftercare period will be implemented.

8.6 The site will be restored making full use of the materials available at the site including overburden, residues from air pollution control at the adjacent Whitwell Lime Works and colliery spoil from the Belph Tip thus maximising the efficient use of materials and minimising the production of waste. The restoration proposals continue the principle of the removal of the surface colliery spoil tip to a more environmentally and visually benign location below the natural ground level in the quarry itself.

8.7 There are no new proposals to remove or divert any footpaths or bridleways as a result of the proposed lateral extensions to Whitwell Quarry. The diversion of the footpath which runs over the top of the railway tunnel is approved, subject to secondary legislation, as part of the currently consented activities. As part of the restoration of the site it is proposed that two extensions to existing footpaths are created to provide better connectivity between the public rights of way in the vicinity of the site. When the site is restored there will be increased public access to the restored areas.

**Landscape and visibility**

8.8 The proposed development the subject of this planning application is the subject of a landscape and visual impact assessment which is presented at Appendix D of the Environmental Statement and summarised in Section 9 of the Environmental Statement. In Paragraph 109 of the NPPF it is stated that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. In Paragraph 144 of the NPPF it is stated that when reaching a decision on minerals projects planning authorities should ensure that there are no unacceptable adverse impacts on the natural and historic environment and that projects should provide for restoration and aftercare at the earliest opportunity. Paragraph 59 of the National Planning Practice Guidance
(NPPG) for minerals states that a site specific landscape strategy to accompany applications for either a new site or any significant extensions to an existing working site should include defining the key landscape opportunities and constraints, considering potential directions of working, significant waste material locations, degrees of visual exposure etc., identifying the need for additional screening during operations and identifying proposed afteruses and options for the character of the restored landscape.

8.9 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the visual effect of the proposals and the effect on character and quality of the landscape including the effects on trees, hedgerows woodland and topographical features.

8.10 In the LP policy GEN1 states that unless there is a specific and acceptable reason for an exception to be made all development proposals will be required to satisfy the principle that landscaping of the site shall be undertaken as appropriate to meet the recreational and amenity needs of users and to integrate the development with surrounding landscape. Policy GEN2 states that consideration will be given to the character and sensitivity of the land and uses around the proposed development site in relation to the character and type of development proposed. GEN2 also states that planning permission will not be granted for development which creates materially harmful impacts on the local environment, unless these are outweighed by the social or economic benefits to the community offered by the development or the wider environmental benefits. Objective C in the NLP states that the plan aims to protect and enhance the quality and character of the countryside, its landscapes and villages and ensure that development which takes place contributes positively to countryside character.

8.11 It is concluded in the landscape and visual assessment that the impacts on landscape and visibility associated with the proposed extensions to the quarry will be localised and temporary. Potentially significant impacts relating to the removal of screening vegetation have been minimised by retaining areas of planting where possible.

8.12 As part of the restoration of the site it is proposed that two extensions to existing footpaths are created to provide better connectivity between the public rights of way
in the vicinity of the site. When the site is restored there will be increased public access to the restored areas. Some areas of the quarry will be left to colonise naturally with rock faces retained in places to leave the Magnesian Limestone strata exposed mirroring some of the natural features of the locality. The retention of these exposed faces will allow the continued benefit of the current Regionally Important Geological Site designation of the site for use as an educational resource. The restoration proposals of the site therefore provide recreational and amenity benefits to users of the restored site.

8.13 It is considered that although large depressions are not commonplace in the landscape character area, exposed rock formations form an important component of the landscape. Upon restoration of the site it is considered that with the use of advanced planting there would be no significant impact on landscape and visibility. It is considered that the proposed development is compliant with both national and local policy with respect to impacts associated with landscape and visibility.

**Blasting and vibration**

8.14 The development proposed in this application is the subject of a blasting and vibration impact assessment which is presented at Appendix E of the Environmental Statement and summarised in Section 10 of the Environmental Statement. Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should ensure that any blasting vibrations are controlled, mitigated or removed at source.

8.15 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the effect on local communities and neighbouring land uses by reason of vibration. Policy GEN2 states that in considering the environmental impact of every proposal for development regard will be given to the extent of the generation of vibration.

8.16 The blasting and vibration assessment concludes that with the proposed mitigation measures in place it is considered that no potentially vibration sensitive receptors will receive vibrations above those already permitted for current operations at the site. With best practice techniques for blast design and execution employed the impacts resulting from blasting and vibration will be low and have no unacceptable consequences. It is considered that the proposed development is in accordance
with the relevant national and local planning policies relating to impacts associated with blasting and vibration.

**Traffic and transport**

8.17 The proposed development the subject of this application is the subject of a transport statement which is presented at Appendix F of the Environmental Statement and summarised in Section 11 of the Environmental Statement. Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.

8.18 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the transport implications, and in particular the scale and nature of the traffic likely to be generated and its implications for site access, highway capacity, road safety, and the environment generally.

8.19 Policy MP4 of the MLP states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, in particular where the transportation of materials in connection with the development would have an unacceptable effect on the environment or would create unacceptable road traffic problems with regard to highway capacity or road safety, which could not be satisfactorily resolved by improvement schemes or mitigation measures.

8.20 Policy MP5 of the MLP states that proposals for mineral development involving the transport of mineral by road will be permitted provided there is no feasible alternative which would be environmentally preferable, the proposed access arrangements would be satisfactory and the highway network is adequate to accommodate the traffic generated and the impact of the traffic generated would not be detrimental to road safety nor have an unacceptable impact on the environment. MP5 further states that the Mineral Planning Authority will seek to prevent heavy lorries associated with mineral operations from using unsuitable roads by means of traffic management or other measures which may be secured under Section 106 of the Town and Country Planning Act 1990.
8.21 Policy GEN1 of the LP states that unless there is a specific and acceptable reason for an exception to be made all development proposals will be required to satisfy the principle that the local highway network shall be able to accommodate the vehicular traffic from the site without causing material harm to highway safety or unacceptable safety.

8.22 Policy GEN2 of the LP states that in considering the environmental impact of proposed developments regard will be given to the amount of traffic generated by the proposal and the type and frequency of that traffic in relation to the quality and character of the proposed access and local highway system.

8.23 Policy TRA10 of the LP states that the local planning authority will where appropriate seek to negotiate with developers to provide traffic measures which will promote road safety, reduce the impact of through traffic, particularly heavy goods vehicles and ensure the most efficient use of highway capacity to minimise congestion. Policy TRA10 also states that where significant volumes of traffic are likely to arise from a proposed development, the proposal will be accompanied by a Traffic Impact Assessment study to determine the likely effects of the development on the local transport network.

8.24 The proposed development represents a continuation of the currently consented extraction rate therefore there will be no increase in the number of HGVs using the facility. There will be no changes to the site access or to the approved lorry route which is currently and will continue to be secured through a Section 106 Agreement. It is concluded that the proposed extensions to the quarry will have no material impact on traffic and transport as there will be no increase in HGV movements due to the continuation of mineral extraction at the current rates. Crags Road, Hennymoor Lane and the Crags Road/Hennymoor Lane and Hennymoor Lane/A60 junctions will continue to operate within their capacity for the life of the extraction operations at the development until 2040.

8.25 Policy TRA2 of the LP states that planning permission will not be granted for development which would prejudice the re-use of the Robin Hood line (Worksop to Nottingham). The extraction and restoration proposals for the currently permitted mineral extraction at Whitwell Quarry includes the diversion of the Robin Hood Railway to access the mineral below. The approved proposals for the diversion of
the railway are not affected by the four proposed extensions to the quarry other than by the extension in time of the overall site operations.

8.26 Policy TRA5 of the LP states that planning permission will not be granted for development which would prejudice the reinstatement of railway sidings at a number of specified locations including at Whitwell Quarry unless it can be shown that the provision of the sidings is not technically feasible or would not be required in the foreseeable future. The railway sidings at Whitwell Quarry have not been used for over 20 years. Despite the fact that it is unlikely that the sidings would be required in the foreseeable future the limit of the boundary of the North East extension is such that the extraction and restoration of the proposed North East extension will not prejudice the reinstatement of railway siding.

8.27 It is concluded that there are no material reasons why the proposed extensions should not be granted on highway safety or traffic grounds. It is considered that the proposed development is in accordance with the relevant national and local policies relating to the transport network and traffic matters.

Noise

8.28 The proposed development the subject of this application is the subject of a noise impact assessment which is presented at Appendix G of the Environmental Statement and summarised in Section 12 of the Environmental Statement. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of noise pollution. Paragraph 144 of the NPPF states that when determining planning applications, local planning authorities should ensure that any unavoidable noise is controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Paragraph 123 of the NPPF states that planning decisions should recognise that development will often create some noise.

8.29 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the effect on local communities and neighbouring land uses by reason of noise. Policy GEN2 of the LP states that in considering the environmental impact of
proposed developments regard will be given to the extent of the generation of noise.

8.30 It is concluded that the predicted noise levels for short term operations and normal mineral extraction operations with the noise mitigation measures in place are below the limits set in the National Planning Practice Guidance for Minerals hence there would be no unacceptable adverse impacts resulting from noise from the proposed development. The proposed development is in accordance with the relevant national and local planning policies with regard to noise.

**Water resources and flood risk**

8.31 The proposed development the subject of this planning application is the subject of a water resources impact assessment and a flood risk assessment which are presented at Appendix H of the Environmental Statement and summarised in Section 13 of the Environmental Statement.

8.32 In Paragraph 109 of the NPPF it is stated that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely effected by unacceptable levels of water pollution. Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the effect on the quality and quantity of water resources including on water supply and flood protection interests. Policy MP4 of the MLP states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, in particular where development would adversely affect the quality and quantity of water resources, water supply, land drainage or flood protection interests, or create water pollution problems.

8.33 Policy GEN2 of the LP states that in considering the environmental impact of proposed developments regard will be given to the effect of the proposal on nearby land during times of flood and the effect of surface water run off and the effect on water resources. Policy GEN5 of the LP states that planning permission will only be granted for developments that interact positively with the natural watercourse and land drainage system.
8.34 It is demonstrated in the water resources impact assessment that the operation and restoration of the small areas of additional reserve and the extension of time of operations at the site will not have a significant impact on the hydrogeological and hydrological regime in the vicinity of the site hence on the licensed and private water abstractions or the ecological SSSIs in the vicinity of the site.

8.35 It is demonstrated in the flood risk assessment that the proposed development will not result in a significant increase in flood risk at or in the vicinity of the site. During mineral extraction there will be an increase in flood storage capacity at the site. In the long term as restoration will include a surface water system with the discharge controlled to the greenfield runoff rate there will be no increase in flood risk at or in the vicinity of the site as a result of the proposed development.

8.36 It is concluded that the proposed development is in accordance with the relevant national and local planning policies with regard to the protection of water resources and flood risks.

Cultural heritage

8.37 The proposed development the subject of this application is the subject of a cultural heritage assessment which is presented at Appendix I to the Environmental Statement and summarised in Section 14 of the Environmental Statement. Paragraph 128 of the NPPF states that in determining applications where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.

8.38 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the effect on sites of archaeological importance and their settings and the effect on the built environment and especially features of architectural, historical or heritage importance, and their settings. Policy MP4 of the MLP states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, in particular where development would adversely affect sites and features of national heritage importance or particular archaeological importance, including scheduled ancient monuments, unscheduled features of national
importance and listed buildings or where development would cause significant disturbance to other sites and features of heritage importance including conservation areas and archaeological remains. Policy MP7 of the MLP states that where proposals for mineral development would affect areas of known or potential archaeological importance, the mineral planning authority will require the submission of an archaeological evaluation and impact assessment, and, where appropriate, mitigation proposals, prior to determining the application.

8.39 Policy GEN2 of the LP states that in considering the environmental impact of proposed developments, regard will be given to the extent of any damage or despoliation of land or buildings on or near the proposed site which have noted significance in terms of archaeology, architecture or history. Policy CON1 of the LP states that planning permission will not be granted for development in a Conservation Area which would have a detrimental effect on the special character or appearance of the area. Policy CON1 also states that in assessing the effect of a proposal on the special character of the Conservation Area, particular regard will be given to the impact of the proposed development on views into, out from and within the Conservation Areas, including views of important buildings.

8.40 Policy CON13 of the LP states that planning permission will only be granted for development which affects archaeological sites or their settings if an appropriate archaeological appraisal is submitted as part of the planning application to allow proper account to be taken of the archaeological potential of the site.

8.41 Objective D in the NLP states that the plan will aim to safeguard, enhance, and where necessary regenerate the District’s distinctive historic environment including the wider settings associated with the District’s outstanding heritage assets.

8.42 The cultural heritage assessment has considered the locations and structures of archaeological and cultural importance in the vicinity of the site. Particular attention has been given to the assessment of the effect of the proposals on the Creswell Conservation area and the potential effects on the setting and status of Creswell Crags. It is concluded that the proposed development would have no adverse effects upon known features of cultural heritage and that an archaeological watching brief will be suitable to mitigate any potentially significant impacts resulting from the proposed extensions. It is considered that the proposed extensions are compliant with the national and local policy with respect to cultural heritage.
Ecology

8.43 The proposed development the subject of this application is the subject of an Ecological Impact Assessment (EcIA) which is presented at Appendix J of the Environmental Statement and summarised in Section 15 of the Environmental Statement. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

8.44 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the effect on sites and features of wildlife importance. Policy MP4 of the MLP states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, in particular where development would adversely affect nature conservation interests of international or national importance including special protection areas, special areas of conservation, sites of special scientific interest, national nature reserves and the habitats of protected species or where development would cause significant disturbance to other sites of importance for nature conservation including local nature reserves, country wildlife sites, regionally important geological sites and the habitats of locally rare or endangered species. Policy MP6 of the MLP states that where proposals for mineral development would affect areas of known or potential importance for nature conservation, the mineral planning authority will require the submission of a field evaluation and impact assessment and, where appropriate, mitigation proposals, prior to determining the application.

8.45 Policy GEN2 of the LP states that in considering the environmental impact of proposed developments regard will be given to the extent of any adverse effect upon the nature conservation interests of the area and the extent of any adverse effect on features of the landscape which are of major importance for wild flora and fauna. Policy ENV5 of the LP states that in granting planning permission the local authority will require development to, where possible, retain locally important habitats, make provision for replacement habitats, incorporate creative conservation measures, incorporate native species, regulate surface water and incorporate geological features and habitats attractive to wildlife. Policy ENV6 of the LP states that planning permission will not be granted for development which would be likely
to result in material harm to any sites of special scientific interest or have significant adverse impacts on sites of importance for nature conservation or local nature reserves. Planning permission will only be granted for development which is likely to materially harm the above sites provided measures are secured which minimise the impact, facilitate the survival of creatures and/or plants, and/or provide suitable alternative habitats. Objective C of the NLP states that the plan aims to protect and enhance wildlife and habitats and Objective I states that the NLP aims to protect and where possible expand an integrated network of green infrastructure.

8.46 Overall the quarry site includes a variety of different habitats which range from site to county importance. Surveys of the site found that the proposed extension areas were utilised by birds and as foraging areas for bats. The extension areas are also considered to be suitable for invertebrates and badger foraging and sett building. The proposed phased restoration means that for the majority of species there will always be suitable habitat on site for the duration of operations.

8.47 Following restoration, the character of the site would be restored to a combination of arable and grazing fields with areas of amenity grassland on low lying ground. In the low lying areas there will be an emphasis on nature conservation associated with the watercourse and lakes with wetland habitats provided together with increased public access. The ecological potential of the site will be enhanced resulting in a positive gain for biodiversity following restoration. It is considered that the proposed development is compliant with national and local policy with respect to ecological impacts and enhancement.

Soil resources

8.48 The proposed development is the subject of a soil resources report which is presented at Appendix K to the Environmental Statement and summarised in Section 16 of the Environmental Statement. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing soils and preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of soils pollution. Paragraph 112 of the NPPF states that local planning authorities should take into account the economic and other benefits of the best and most versatile land with local planning
authorities seeking to use areas or poorer quality land in preference to that of a higher quality.

8.49 Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is acceptable having regard to the effect on agricultural interests including the extent and quality of agricultural land loss and the feasibility of achieving a high standard of restoration. Policy MP4 of the MLP states that proposals for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance, in particular where development would result in the irreversible loss of the best and most versatile agricultural land.

8.50 Policy ENV1 of the LP states that planning permission will not be granted for development which involves the loss of grades 1, 2 and 3a agricultural land unless there is a strong need for development on the particular site which overrides the national need to protect such land.

8.51 As a result of the proposed development there would be no overall loss of grade 3a or 3b agricultural land as suitable soils will be stripped and stored in a manner which will maintain their condition. These soils will be reused in the restoration of the site including areas for agriculture. The restoration scheme for the wider quarry area includes areas of arable farmland. All agricultural topsoils, particularly those husbanded from areas of best and most versatile agricultural soil areas, such as part of the North East extension, will be used in the restoration of the areas of the site which will be returned to agriculture. Once the site is restored these areas will be leased to agricultural tenants as areas of the site are currently. There will be no overall loss of agricultural land as a result of the development proposals. The proposed development is in accordance with the national and local policies with regard to soil resources and agricultural land.

Dust

8.52 The proposed development the subject of this application is the subject of a dust assessment which is presented in Section 17 of the Environmental Statement. Paragraph 144 of the NPPF states that local planning authorities should ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source. Policy MP1 of the MLP states that proposals for mineral development will be permitted provided that their impact on the environment is
acceptable having regard to the effect on local communities and neighbouring land uses by reason of dust. Policy GEN2 of the LP states that in considering the environmental impact of proposed developments regard will be given to the extent of the generation of dust.

8.53 Based on the qualitative assessment of the proposed development it is concluded that subject to the proposed controls it is unlikely that there will be significant dust emissions from the site. The continued working will be consistent with the current working which it has been shown by monitoring does not result in adverse impact due to dust. It is concluded that dust emissions from the site can be controlled to a standard that ensures the development does not cause a significant impact with respect of nuisance relating to dust. The proposed development is in accordance with the national and local policies with regard to dust.
9. **Sustainability policy**

9.1 Sustainable development is the core principle underpinning land use planning. National policy in respect of sustainable development is provided in the NPPF. It is stated in the NPPF (page 2) that:

> ‘The UK Sustainable Development Strategy Securing the Future\(^6\) set out five ‘guiding principles’ of sustainable development: living within the planets environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; using sound science responsibly’

9.2 At paragraph 7 of the NPPF it is stated that:

> ‘There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural wellbeing; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural

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resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

9.3 In paragraphs 14 and 15 of the NPPF there is a presumption in favour of sustainable development where it is stated that;

'14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- Approving development proposals that accord with the development plan without delay
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
  - Specific policies in this framework indicate development should be restricted.

15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.'

9.4 Paragraph 3.2 of the MLP states that planning authorities have a responsibility to work towards the goal of sustainability and that mineral planning guidance has emphasised the overarching importance of sustainability principles, stressing the
need to balance economic growth with care for the environment. There are no specific policies contained within the MLP relating to sustainability but paragraph 3.3 states that policies MP1 and MP2 together give effect to the requirement of balance between concern to protect the environment and the need for mineral development.

9.5 Policy MP4 of the MLP states that permissions for mineral development will not be permitted where irreparable or unacceptable damage would result to interests of acknowledged environmental importance and in particular where development would result in an unacceptable cumulative impact on the environment of an area either in relation to an individual proposal having regard to the collective effect of different impacts, or in relation to the effects of a number of mineral developments occurring either concurrently or successively.

9.6 Paragraph 2.2 of the LP states that Bolsover District Council readily accepts its obligation to incorporate these principles in the Bolsover District Local Plan. Sustainability is therefore one of the four themes of the local plan. Paragraph 2.3 of the LP states that the principles underlying sustainable development include making decisions in a way that pays proper attention to their environmental impact, a cautious approach to irreversible changes, and decision making and corrective action based on the best possible scientific information and analysis of risks. Objective A of the NLP states that the plan aims to support sustainable growth and the prudent use of resources through a sustainable pattern of development and careful consideration of the impacts of proposed developments.

9.7 As stated in Paragraph 6.7 of this report Paragraph 142 of the NPPF recognises that minerals are essential to support sustainable economic growth and our quality of life and that it is important that there is sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. The need for the development is explained in Section 6 of this report. The proposed development will provide an ongoing supply of nationally valuable kiln feed limestone to the kiln at Whitwell Lime Works and will generate crushed rock from the reserves underlying the kiln grade stone. The use of industrial grade limestone only for industrial purposes as opposed to use as aggregate meets the aims of sustainable development and efficient use of mineral resources. The continued extraction of mineral in the four extension areas at Whitwell Quarry will ensure a continued supply of a specific, specialist and rare composition of limestone to
satisfy a demand that cannot be met elsewhere. The quarry will continue to be operated to maximise the production of kiln grade stone and only material that is not suitable for use as kiln feed will be sold as limestone aggregate. The use of high grade stone for industrial purposes can be controlled through legal agreement as is the case currently for Whitwell Quarry where a Section 106 Agreement is in place to provide the appropriate level of confidence.

9.8 The proposed extensions will make use of existing infrastructure at the site and will not increase the production rate, traffic or environmental impacts compared with the existing consented operations. As described in Section 4, the proposed extensions are lateral extensions which comprise limited additional areas of extraction and represent the last remaining economic reserves of kiln grade mineral at Whitwell Quarry. The extension areas do not extend beyond the planning boundary of the current Whitwell Quarry. The proposed development represents that sustainable utilisation of the remaining reserves in this area of specialised mineral deposit using already available infrastructure.

9.9 The proposed development is the subject of an Environmental Impact Assessment (EIA) in which the environmental characteristics of the area are defined and the potential impacts are assessed. The results of the EIA are set out in the Environmental Statement (ES) and it is demonstrated that there will be no unacceptable adverse impacts on the environment as a result of the proposed development. Whitwell Quarry Complex currently, across all its activities, supports more than 220 jobs and makes a contribution to the local economy of over £6million per year.

9.10 In accordance with the objectives set out in the NPPF, the MLP and the policies in the LP the proposed development will contribute to sustainable development without adversely affecting the environment and will result in the continuation of a significant contribution to the local economy.

Conclusion

9.11 It is concluded that the proposed development for the extraction of limestone from four extension areas and the extension in time of the operation of the site represents sustainable development and is in accordance with the relevant policies of the NPPF and the Development Plan.
Table PS1

Distances to properties in the vicinity of the quarry

<table>
<thead>
<tr>
<th>Location</th>
<th>Type of property</th>
<th>Closest extension area</th>
<th>Approximate distance to closest point of extraction (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No.110 Southfield Lane (Whitwell)</td>
<td>Residential</td>
<td>North</td>
<td>285</td>
</tr>
<tr>
<td>No.20 Franklin Avenue (Whitwell)</td>
<td>Residential</td>
<td>North</td>
<td>205</td>
</tr>
<tr>
<td>Lower Mill Farm (Creswell)</td>
<td>Residential</td>
<td>North</td>
<td>535</td>
</tr>
<tr>
<td>Bank House Farm (Creswell)</td>
<td>Residential</td>
<td>South East</td>
<td>730</td>
</tr>
<tr>
<td>Crags Lodge</td>
<td>Residential</td>
<td>South East</td>
<td>160</td>
</tr>
<tr>
<td>Hennymoor Farm</td>
<td>Residential</td>
<td>South East</td>
<td>350</td>
</tr>
<tr>
<td>Outbuilding (Whitwell)</td>
<td>Unoccupied</td>
<td>North</td>
<td>125</td>
</tr>
<tr>
<td>Creswell Crags Visitor Centre</td>
<td>Public</td>
<td>South East</td>
<td>330</td>
</tr>
<tr>
<td>Whitwell MOT Centre</td>
<td>Commercial</td>
<td>North East</td>
<td>160</td>
</tr>
<tr>
<td>Robin Hoods Cave</td>
<td>Structure</td>
<td>South East</td>
<td>380</td>
</tr>
<tr>
<td>Mother Grundy’s Parlour</td>
<td>Structure</td>
<td>South East</td>
<td>310</td>
</tr>
</tbody>
</table>
Notes:
- The boundaries shown have been taken from the approved plans associated with the planning consents. Due to the poor quality of the approved plans, the boundaries shown here are approximate.
APPENDIX A

CONSENT REFERENCE R5/0705/13 (THE ROMP)
LET7276

DERBYSHIRE COUNTY COUNCIL

TO: Lafarge Redland Aggregates Limited
    Northern Region
    PO Box 36
    Retford Road
    Worksop S81 7YU

c/o M J Carter Associates
    Baddesley Colliery Offices
    Main Road
    Baxterley
    Atherstone
    Warwickshire CV9 2LE

County Hall
Matlock
Derbyshire
DE4 3AG
5.541.R

ENVIRONMENT ACT 1995
TOWN AND COUNTRY PLANNING ACT 1990

Initial Review of Old Planning Permissions:
Submission of a Scheme of Conditions for part of Whitwell Quarry
Planning Permissions Code Nos: CLO/1156/3 and BOL/1082/484

In pursuance of the powers vested in the Council under the above Act and all
related Acts and Orders, and with reference to your application Code No
R5/0705/13 submitted on 30 October 1998, as amended by the
Environmental Statement, Tables, Appendices A1 to P inclusive and revised
conditions submitted on 26 July 2005, to determine the conditions to which
the relevant planning permissions at Whitwell Quarry, Whitwell are to be
subject NOTICE IS HEREBY GIVEN, that the Council has decided upon
the application and has determined that the conditions shall be:

CONDITIONS:

Section One: General Principles

1) The Site and Scope of Conditions: For the purposes of these
conditions the term 'the site' shall mean the whole of the area shown within
the black dotted line delineated 'Site Boundary' on Plan A attached to Form
TCP3 dated 27 November 1984 (planning permission Code No:
BOL/1082/484) reproduced on a smaller scale, outlined in red and attached
to this document as Plan No: DCC/5.541.R/Site. Nothing specified, required
by or provided for in these conditions shall be taken to permit any operations

Date  7 July 2006  Signed  D. C. Harward
Authorised Officer of the Council
or uses associated with the approved development outside any of the boundaries of the site.

These conditions shall apply to the whole of that part of the site of the Whitwell Quarry complex to which the planning permissions Code Numbers CLO/1156/3 and BOL/1082/484 (the "relevant permissions") relate, and shall replace all the conditions in those planning permissions with effect from the date upon which these new conditions are finally determined in accordance with paragraph 1 (7) of Schedule 13 of the Environment Act 1995.

From the date that these conditions are finally determined, the development shall be carried out only in accordance with these conditions, subject to such minor amendments as may have received the prior approval in writing of the Mineral Planning Authority. The Mineral Planning Authority shall not be bound to consider under the terms of this condition an amendment to the development, the plans or other conditions below which the Authority considers is a material or other alteration such as to warrant the submission of a planning application.

2) Limit of Quarrying: No quarrying of stone shall take place outside the areas outlined in yellow and orange and delineated 'Previously Approved Extraction Area' and 'New Extraction Area' on the attached Plan No: DCC/5.541.R/Site. For the purposes of delineating the boundaries of the extraction area, measurements shall be taken from Plan A attached to Form TCP3 dated 27 November 1984 (planning permission Code No: BOL/1082/484).

3) Approved Details: Unless otherwise approved in writing by the Mineral Planning Authority, the development shall be carried out only in accordance with the details in the submitted Environmental Statement entitled 'An environmental impact assessment for the review of the mineral planning permissions for Whitwell Quarry, Derbyshire' report reference 'LAFWT/LBR/1279/01' dated July 2005, as amended and supplemented by the letters from MJCA to Derbyshire County Council dated 19 December 2005 and 28 February 2006, and from MJCA to Bolsover District Council dated 31 March 2006 (with dust monitoring report R550-1-RO1 dated January 2006).

4) Availability of Plans: From the commencement of the development and until completion of the restoration of the site, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available on the site for inspection during the prescribed working hours.

Date 7 July 2006
Signed

[Signature]
Authorised Officer of the Council
Section Two: Timescales (Life of Planning Permission and Operating Times)

5) Duration of Planning Permission: The "relevant permissions" as defined in Condition 1 shall not be valid after 26 November 2019. On or before that date all mineral extraction operations shall have ceased and the quarry and approved extension areas shall have been restored in accordance with the other conditions to this permission.

6) Notification Dates: The following dates shall be notified in writing to the Mineral Planning Authority no later than seven working days before each date:-

a) commencement of quarrying within 70 metres to the south of the railway tunnel;

b) commencement of quarrying within 80 metres to the north of the railway tunnel;

c) commencement of importing Belph Tip material to the site;

d) final cessation of importing Belph Tip material to the site;

e) completion of restoration of the site (excluding the Whitwell Works area specified at (f) below);

f) completion of restoration of the Whitwell Works Processing Plant area shown outlined in purple on the attached Plan No: DCC/5.541.R/Site.

7) Restriction on Site Development Times: Unless otherwise agreed in writing by the Mineral Planning Authority beforehand, no site development work which involves the destruction or disturbance of trees and hedgerows shall be undertaken during the bird nesting season (April to August).

[See Note 3(b)]

8) Approved Times of Operation: Except in emergencies to maintain safe operational practices, the nature and circumstances of which shall be notified to the Mineral Planning Authority as soon as practicable, or unless the Mineral Planning Authority has agreed otherwise in writing, the following operations shall only be carried out between the times and on the days specified. None of these operations shall be carried out at any other time or on Sundays or Public Holidays:

Date 7 July 2006

Signed D. C. Harney

Authorised Officer of the Council
a) **Approved Hours of Works for Site Development, Colliery Tip Material Transfer and Tipping, and Surface Restoration:** Site preparation, plant and services installation, soil stripping, bund formation and dismantling, ground raising, the importation, movement and tipping of colliery tip materials, surface restoration work including the replacement and treatment of soils, site clearance and access removal shall only be carried out:

between 0700 and 1900 hours on Mondays to Fridays; and between 0700 and 1300 hours on Saturdays.

b) **Hours of Works for Drilling, Mineral Extraction, Stockpiling and Conveyance, Kiln Waste Cell Construction and Disposal of Mineral (other than colliery and kiln) Waste:** The operation of plant and machinery for drilling, quarrying, overburden removal and tipping within the quarry (excluding ground raising and bund formation), mineral extraction operations (other than blasting), the conveyance of minerals and the formation of mineral stockpiles within the quarry, the removal and transport of mineral from stockpiles to the processing plant, the construction of cells for kiln waste disposal, the backfilling of worked areas and the disposal of mineral waste (other than colliery and kiln waste) shall only be carried out:

between 0600 and 1900 hours on Mondays to Fridays; and between 0600 and 1300 hours on Saturdays.

c) **Hours of Mineral Processing and the Disposal of Kiln Waste:** The operation of plant and machinery for the processing of mineral extracted at the quarry, the batching of readymix concrete and the carriage and disposal of kiln waste may be carried out daily over 24 hours.

d) **Hours of Blasting:** The detonation of explosives shall only take place:

between 1000 and 1200 hours; and between 1400 and 1600 hours on Mondays to Fridays.

Provided the prior written approval of the Mineral Planning Authority has been obtained, blasting may also be carried out between 1000 to 1200 hours on Saturdays.

No blasting shall take place within the area shown hatched as ‘railway tunnel corridor’ on the submitted Figure 2 (Drawing Reference LAF/WT/05-04/11507) when the existing or replacement railway line across the site is in use by a train unless otherwise approved in writing by the Mineral Planning Authority in consultation with Network Rail.

Date 7 July 2006

Signed [Signature]

Authorised Officer of the Council
Section Three: Working Method

9) Scheme of Operations: The progressive extraction of minerals (including working the railway tunnel area) and restoration of the site shall be carried out in accordance with the details in Part II and plan reference LAF/WT/05-05/12212 (Figure 7) and the phased operations specified at Appendix M and in the 'Romp Working Detail' Plans Phases A to L inclusive of the submitted Environmental Statement, except as otherwise required by other conditions to this permission, or such variations as may otherwise have received prior written approval of the Mineral Planning Authority in consultation with Network Rail.

[See Note 5(a) and 5(b)]

10) Revised Scheme of Operations: In the event that it is agreed between the applicant and the Mineral Planning Authority that the approved scheme of operations can be revised to bring forward the Belph Tip removal, a revised scheme of operations shall be implemented in accordance with details, including revised phasing plans, which have received the prior written approval of the Mineral Planning Authority.

Section Four: Access, Highway Works, Lorry Routeing and Highway Protection

11) Approved Heavy Goods Vehicle Site Access and Egress: Access into Whitwell Quarry and Works by heavy goods vehicles shall only be taken via the existing access off Crags Road, and egress out of Whitwell Quarry and Works by heavy goods vehicles shall only be taken to Crags Road via the existing Southfield Lane egress.

12) Site Parking and Manoeuvring: Adequate parking, loading/unloading, turning and manoeuvring areas suitable for all vehicles visiting the site shall be provided, suitably surfaced and maintained within the site at all times.

13) Instructions for Routeing of Heavy Vehicles:

a) The sign specified in drawing number 53372/1210 at Appendix D2 of the submitted Environmental Statement shall be maintained for the duration of the approved development at the egress onto Southfield Lane. The sign shall face inwards and shall clearly instruct the drivers of all lorries and other heavy goods vehicles, vehicles servicing the site or exporting stone or kiln products to approach and depart the site only from and to the A60 Mansfield Road via Hennymoor Lane and Crags Road, and not to travel via Whitwell village, Millash Lane nor through Creswell Crags.

Date 7 July 2006

Signed D. C. Hare
Authorised Officer of the Council
b) Written instructions of the notice given on the sign, together with a route map, shall be issued to all heavy goods vehicle drivers associated with the development including sub-contractors.

14) Highway Cleanliness: No mud or other material shall be taken from the site and deposited on to any public highway. No vehicles shall enter or cross the public highway from any part of the site without first using the existing or new vehicle wheel, underside, carriageside and cabside washing facilities. Any new facilities shall be installed in accordance with details which have received the prior written approval of the Mineral Planning Authority. Other facilities for keeping the public highway clean of any contamination from the site and to prevent the spillage of materials, including wagon overload control and sheeting, shall be provided and used at all times. Additional facilities for keeping the highway and the site access and egress clean and to prevent the spillage of materials shall be provided at the written request of the Mineral Planning Authority and shall be used at all times during the implementation of the development.

Section Five: Ancillary Development (Installations, Plant, Machinery and Stockpiles)

15) Restriction on Permitted Development Rights: Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no fixed plant or machinery, buildings or structures in the nature of plant or machinery and no mobile processing plant shall be placed or erected outside the area of the Whitwell Works Processing Plant shown outlined in purple on the attached Plan No: DCC/5.541.R/Site, except as existing, or unless otherwise approved in writing beforehand by the Mineral Planning Authority. The Mineral Planning Authority shall not be bound to consider under the terms of this condition an ancillary building or structure which requires the submission of a planning application.

16) Details of Plant and Buildings: The design and colours of all proposed buildings, structures, plant, fences and gates shall be in accordance with details which have received the prior written approval of the Mineral Planning Authority.

17) Whitwell Works Visual Improvement Scheme: The visual appearance of the Whitwell Works Processing Plant, as seen from Craggs Road and Southfield Lane, shall be improved in accordance with a scheme and programme of implementation (for the painting, maintenance and landscaping of plant and buildings) approved under the terms of Condition 71 of the planning permission Code No: CM5/598/7.

Date 7 July 2006 Signed D. C. Harr... Authorised Officer of the Council
18) **Mineral Stockpiles:** Mineral stocking on the site including the:-

a) existing mineral stocking grounds;
b) mineral stockpile requirements;
c) containment of stocks within designated area(s);
d) phased relocation of stocking areas to enable progressive restoration;

shall only take place in accordance with the scheme shown on drawing reference LAF/WT/07-03/10677 at Appendix P of the submitted Environmental Statement unless otherwise approved by the Mineral Planning Authority in writing.

19) **Parking of Plant and Vehicles Operating Within Approved Quarry Areas:** No mobile plant or vehicles shall be parked outside the excavations except for the purposes of carrying out approved operations within those areas.

20) **Clearance of Ancilliary Development:** At such time as they are no longer required for the approved development all plant, structures, other installations, tanks, machinery and temporary buildings shall be removed from the site.

**Section Six: Control of Noise**

21) **Noise Suppression Measures:** At all times during the carrying out of the approved operations all practicable noise suppression measures shall be applied to the operation of mobile plant, machinery and vehicles, drilling rigs, crushing and screening and other process plant. All vehicles, plant and machinery shall operate on the site only during the permitted hours, except in emergency, and shall be maintained in accordance with manufacturers' specifications at all times, and shall be fitted with and use effective silencers or other acoustic mitigation devices/shrouds as appropriate. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

22) **Noise Limits During Normal Operations:** Except as provided at Condition 23, below, the free-field Equivalent Continuous Noise Level $L_{Aeq,1\text{ Hour}}$, received at any noise sensitive property adjoining the mineral site, due to operations within the site, shall not exceed:

a) limits set in accordance with Annex 2: Noise to Minerals Policy Statement 2 (MPS2): Controlling and Mitigating the Environmental Effects of Minerals Extraction in England; and
b) in particular, at those representative dwellings specified in column 1 of the table below, the limits set out in Column 2 opposite;

whichever is the lower. Measurements shall be taken in accordance with BS4142: 1997 and the advice in Annex 2 to MPS2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Noise Levels dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 New Street</td>
<td>50</td>
</tr>
<tr>
<td>Bakestone Moor</td>
<td>50</td>
</tr>
<tr>
<td>1 Vine Cottages</td>
<td>46</td>
</tr>
<tr>
<td>23 Franklin Avenue</td>
<td>51</td>
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<tr>
<td>Bridge Close</td>
<td>55</td>
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<tr>
<td>Southfield Villas</td>
<td>55</td>
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<tr>
<td>Penny Green Cottages</td>
<td>49</td>
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<tr>
<td>Hennymoor Farm</td>
<td>51</td>
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<tr>
<td>Crags Lodge</td>
<td>51</td>
</tr>
<tr>
<td>Crags Cottages</td>
<td>50</td>
</tr>
<tr>
<td>Crags Visitor Centre</td>
<td>55</td>
</tr>
<tr>
<td>Crags Footpath</td>
<td>53</td>
</tr>
<tr>
<td>Bank House Farm</td>
<td>50</td>
</tr>
<tr>
<td>Brookfield/Meadow View</td>
<td>51</td>
</tr>
<tr>
<td>Brookside Farm</td>
<td>52</td>
</tr>
<tr>
<td>Bridge House</td>
<td>50</td>
</tr>
<tr>
<td>Lower Mill Farm</td>
<td>50</td>
</tr>
<tr>
<td>Peter More Cottage</td>
<td>49</td>
</tr>
</tbody>
</table>

23) **Noise Limits During Temporary Operations**: The noise limits in Condition 22 may be exceeded for noise emitted from temporary operations and received at any individual noise sensitive property for a period not exceeding eight weeks in any calendar year provided that the noise received shall not exceed:-

a) limits set in accordance with Annex 2: Noise to Minerals Policy Statement 2 (MPS2): Controlling and Mitigating the Environmental Effects of Minerals Extraction in England; and

b) in particular, at those representative dwellings specified in Column 1 of the table below, the limits set out in Column 2 opposite;

whichever is the lower. Measurements shall be taken in accordance with BS4142: 1997 and the advice in Annex 2 to MPS2.

Date 7 July 2006  Signed  D. C. Harrison  
Authorised Officer of the Council
<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Noise Levels $\text{dB(A)}$</th>
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</thead>
<tbody>
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<td>38 New Street</td>
<td>61</td>
</tr>
<tr>
<td>Bakestone Moor</td>
<td>62</td>
</tr>
<tr>
<td>1 Vine Cottages</td>
<td>62</td>
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<tr>
<td>23 Franklin Avenue</td>
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<td>Bridge Close</td>
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<tr>
<td>Southfield Villas</td>
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<tr>
<td>Penny Green Cottages</td>
<td>70</td>
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<tr>
<td>Henny Moor Farm</td>
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<td>Bank House Farm</td>
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<td>Brookfield Meadow View</td>
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<td>Brookside Farm</td>
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<td>Bridge House</td>
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<td>Lower Mill Farm</td>
<td>62</td>
</tr>
<tr>
<td>Peter More Cottage</td>
<td>70</td>
</tr>
</tbody>
</table>

Temporary operations shall be defined as site preparation, soil stripping, storage and replacement, bund formation and removal, site surface restoration and any other temporary activities that shall be agreed with the Mineral Planning Authority. The Mineral Planning Authority shall be notified of the commencement date of each period of temporary operations so defined.

24) **Reversing Alarms:** Reversing alarms used on vehicles on the site shall be either non-audible, ambient related or low tone devices.

25) **Site Noise Monitoring:** Noise monitoring shall be undertaken in accordance with the noise monitoring scheme dated 20 June 2003, at the noise sensitive locations shown on Drawing Number W28/PL1 dated July 2001, together comprising Appendix J2 of the submitted Environmental Statement, or in accordance with such amended scheme as has received the prior written approval of the Mineral Planning Authority. Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, nor during periods of plant breakdown, nor when the wind is blowing towards the site from a monitoring point or curing wind speeds in excess of 5 metres per second (average over the monitoring period), nor during periods of heavy rain. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results shall be kept during the life of working in the approved areas and made available to the Mineral Planning Authority upon request.

Date 7 July 2006  
Signed D. C. Marrage  
Authorised Officer of the Council
After the first year of operation, the frequency of such monitoring may be reviewed by agreement with the Mineral Planning Authority.

(See note 1)

26) Noise Complaints:

a) Noise Complaints Procedure: The applicant shall maintain a procedure for recording and responding to noise complaints throughout the period of the approved development including the restoration. All complaints received (whether from local residents or others) shall be logged. Each log shall provide details of the complainants address (in the case of local residents), contact information, the date, time and details of the complaint, the results of investigation including the source of the noise (if identified), corrective action taken and where appropriate, further preventative action. Each log shall be kept for the duration of the development and shall be made available to the Mineral Planning Authority upon request.

b) Monitoring Noise in Response to Complaint: In the event of complaint that the Mineral Planning Authority considers, justifies the monitoring of noise from the site, the operator shall undertake the monitoring of site noise levels at the appropriate noise sensitive property at the request of, and submit the results to, the Mineral Planning Authority. The monitoring shall be undertaken during those working hours specified in Condition 8 for the operation or operations responsible for the complaint. Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, nor during periods of plant breakdown nor when the wind is blowing towards the site from a monitoring point or during wind speeds in excess of 5 metres per second (average over the monitoring period). Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results of the noise monitoring shall be made available to the Mineral Planning Authority upon request.

(See note 1)

Section Seven: Control of Dust, Smoke, Fumes and Waste

27) Dust Generation and Control: All operations for the winning and working of minerals, restoration works and ancillary operations and development, shall be carried out in a manner to minimise the generation of dust, and suitable dust prevention and control measures shall be implemented and maintained at all times during the carrying out of the approved development.

Date 7 July 2006 Signed D. C. Hargre Miss

Authorised Officer of the Council
28) Specific Dust Prevention and Control Measures: Specific measures to prevent or minimise the generation of dust shall be implemented in accordance with Table 2 Part III and the Dust Action Plan (DAP) dated March 2005 at Appendix K1 of the submitted Environmental Statement, or in accordance with such amended DAP as may be required by or has received the prior written approval of the Mineral Planning Authority.

29) Control of Dust from Drilling and Blasting: The operators shall take steps to prevent or minimise dust arising from drilling and the use of explosives. All exploration drilling rigs and blast hole drilling equipment used within the quarry shall be fitted and operated with suitable dust arrestment, and extraction equipment and filters in accordance with the manufacturers’ recommendations and be so operated at all times to minimise airborne dust emissions from the site. All blast holes shall be appropriately stemmed and attention paid to prevailing wind direction and proximity of residential property in advance of each blast event.

30) Dust Monitoring Scheme: Dust monitoring shall be undertaken in accordance with the dust monitoring scheme dated March 2005 at Appendix K2 of the submitted Environmental Statement, or in accordance with such amended scheme as may be required by or has received the prior written approval of the Mineral Planning Authority.

31) Cessation of Operations in the Event of Dust Nuisance: In the event of dust from the site becoming a nuisance to local residents such as to give rise to justifiable complaint, or in the event that dust deposits exceed the 'nuisance threshold' of 200mg/m²/day identified in paragraph 3.6.4.7 of the Supporting Statement that accompanied the planning application Code No: CM5/598/7, the operation causing the excessive dust shall cease until such time as conditions improve or the operation can be effectively controlled.

32) Burning (Smoke and Fumes): There shall be no burning of rubbish or wastes or other fires on the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

33) Rubbish, Scrap Materials and Disused Machinery: All rubbish, debris, scrap and other waste material generated on the site (other than mineral waste) shall be regularly collected and stored in a tidy manner in a contained and inconspicuous location within the quarry until disposed of in a suitable facility.

Section Eight: Control of Explosives

34) Scheme of Blasting: No blasting shall be carried out except in accordance with the details in Part III Section 22 and the scheme of blasting dated February 2005 at Appendix O1 of the submitted Environmental.

Date 7 July 2006
Signed D.C. Hamper
Authorised Officer of the Council
Statement, and such amended or additional details as may be later required or approved in writing by the Mineral Planning Authority having regard to blasting performance, the complaints register and other relevant issues arising including the requirements of Network Rail. For the avoidance of doubt the Mineral Planning Authority reserves the right to request amended or additional details about blasting times and frequency, good blast design, methods of initiation, adaption of charge weights to local circumstances and conservation interests, response to prevalent weather conditions, and measures to minimise ground vibration, flyrock, and air overpressure.

35) **Ground Vibration Levels at Occupied Vibration Sensitive Buildings:** Ground vibration as a result of blasting operations measured at or in close proximity to any occupied vibration sensitive building shall not exceed a peak particle velocity of 6mm/second in 95% of all blasting events over a six months period, and no individual blast event shall generate a peak particle velocity in excess of 8.5mm/second. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.

36) **Ground Vibration Levels at Commercial and Uninhabited Vibration Sensitive Buildings:** Ground vibration as a result of blasting operations measured at or in close proximity to any offices, workshops, or uninhabited vibration sensitive buildings not in the ownership or control of the applicant, shall not exceed a peak particle velocity of 12.8mm/second in 95% of all blasting events over a six month period, and no individual blast event shall generate a peak particle velocity in excess of 15mm/second. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.

37) **Blasting: Whitwell Tunnel:** The level of vibration on Whitwell Tunnel (until decommissioned) and at the railway boundary, shall not exceed a maximum peak particle velocity of 12mm/second unless otherwise approved in writing by the Mineral Planning Authority in consultation with Network Rail.

[See Note 5(a) and (b)]

38) **Monitoring of Ground Vibration and Air Overpressure:** All blasting operations and resultant vibration and air overpressure at the site shall be monitored in accordance with the scheme, (including sample blast logs) dated February 2005, at Appendix O1 of the submitted Environmental Statement and in the locations shown on Drawings Numbers WHIT0502.1.A and WHIT0502.2.A both dated 15 February 2005, and submitted under cover of the letter from MJCA dated 6 April 2005, or such amended details as may be later required or approved in writing by the Mineral Planning Authority having

Date 7 July 2008 Signed D. C. Havers
Authorised Officer of the Council
regard to blasting location and performance, the complaints register and other relevant issues arising. The Mineral Planning Authority reserves the right to request amended or additional blast monitoring locations.

39) Monitoring of Ground Vibration and Air Overpressure in the Event of Complaint: In the event of complaint which the Mineral Planning Authority considers, justifies the monitoring of vibration or air overpressure outside the site, the operator shall undertake the monitoring of ground vibration or air overpressure at the appropriate vibration sensitive property or air blast sensitive property at the request of, and shall submit the results to the Mineral Planning Authority. For the purposes of this condition the terms 'vibration sensitive property' and 'air blast sensitive property' shall be taken to mean any occupied residential building and curtilage, and buildings within the Whitwell, Belph and Creswell Crags Conservation Area.

Section Nine: Drainage and Pollution Control

40) Surface Water Drainage and Field Water Supplies in the Vicinity of the Site: There shall be no interruption to the surface water and field drainage systems or field water supplies surrounding the site except for any necessary diversion or rearrangement of them which shall be implemented where affected by the approved quarrying operations.

41) Contaminated Site Drainage: There shall be no discharge of foul or contaminated drainage from the site into the ground, groundwater or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, groundwater system or underground strata.

42) Colliery Spoil Placement - Contaminated Groundwater: During and following the period of colliery spoil placement in the quarry excavations, monitoring and hydraulic containment of contaminated groundwater (by pumping to prevent migration) shall be carried out in accordance with a scheme and programme which has the written approval of the Mineral Planning Authority in consultation with the Environment Agency.

43) Storage of Potential Contaminants: Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow

Date 7 July 2006
Signed D. C. Hovis
Authorised Officer of the Council
outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

44) Protection of the Water Quality of Rivers, Brooks and the Great Lakes: The development hereby approved shall be undertaken in accordance with the quarry water management scheme, to protect the water in the River Wollen, the Millash and Millwood Brooks, and the Welbeck Great Lakes from pollution, as presented in the Report Reference LAF/WT/GW/2046/01c dated May 2004 with Appendices A to E inclusive and shown on Drawing Reference LAF/WT/02-02/10007 at Appendix H3 of the submitted Environmental Statement. The scheme shall be implemented in accordance with the details as approved or such amendments as may subsequently be approved in writing by the Mineral Planning Authority.

45) Protection of Flows in Watercourses: There shall be no net derogation of baseflows in the Millash Brook or Millwood Brook, other watercourses, licensed abstractions or private water supplies in the area as a result of the approved quarrying and associated pumping operations.

46) Quarry Water Discharge Strategy: The development hereby approved shall be undertaken in accordance with the quarry water discharge strategy, including provision to avoid derogation of water flows and supplies in the River Wollen, the Millash Brook and the Millwood Brook, and the arrangements for the monitoring of discharges, as presented in the Report Reference LAF/WT/GW/2046/01c dated May 2004 with Appendices A to E inclusive and shown on Drawing Reference LAF/WT/02-02/10007 at Appendix H8 of the submitted Environmental Statement, or such appropriate amendment(s) to the strategy as may subsequently be required or approved by the Mineral Planning Authority in writing, in consultation with the Environment Agency. The approved discharge arrangements shall be maintained and continuous metering as close as practicable to the approved discharge points using suitable and reliable apparatus shall be carried out. Recording and the making available of discharge records shall be undertaken throughout the period of pumping operations at Whitwell quarry.

47) Monitoring of Flows in the River Wollen, Millash Brook and Millwood Brook: No quarrying shall take place other than in accordance with the River Wollen, Millash Brook and Millwood Brook groundwater and surface water flow monitoring schemes presented in the Report Reference LAF/WT/GW/2046/01c dated May 2004 and shown on Drawing Reference LAF/WT/02-02/10007 both at Appendix H8 of the submitted Environmental

Date 7 July 2006 Signed D. C. Hartrop

Authorised Officer of the Council
Statement, or such appropriate amendment(s) to the scheme(s) as may subsequently be required or approved by the Mineral Planning Authority in writing in consultation with the Environment Agency. The monitoring shall be undertaken in accordance with the programme specified at Table 1 in Appendix H8.

48) Drainage Adjacent to Network Rail Property: Storm or surface water shall not be discharged from the site onto or towards Network Rail property. Suitable drainage or other works shall be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Section Ten: Protection of Potential Archaeological Interests

49) Programme of Archaeological Work: Unless otherwise approved in writing by the Mineral Planning Authority, the quarry development hereby approved shall only be undertaken in compliance with the implementation of a programme of archaeological work in accordance with the written scheme of investigation dated 10 July 2003, at Appendix L2 and Appendix L3 of the submitted Environmental Statement. In the event that any archaeological discovery merits full archaeological preservation in situ, the operators shall, upon the written request of the Mineral Planning Authority, submit detailed proposals for the preservation of the interest and a revised working scheme for the extension area in which it is located.

Section Eleven: Protection of Ecological Interests

50) Nature Conservation and Protected Species: All necessary measures which shall include those proposed in the submitted Environmental Statement shall be taken to protect wildlife interests of acknowledged importance within the site and adjacent areas under the control of the applicant throughout the period of the approved development. No site preparation for quarrying or restoration activities shall take place within the quarry area unless:

a) the applicant has undertaken a resurvey of trees and the ground within the appropriate area for the presence or use by species and/or their habitats protected by the Wildlife and Countryside Act 1981 and amending and related legislation; and

b) the applicant has submitted to the Mineral Planning Authority a report of each resurvey, with location plans as necessary, together with a scheme as necessary for species and habitat protection and/or appropriate mitigation of impact thereon; and

Date 7 July 2006  Signed D. C. Harper
Authorised Officer of the Council
c) the Mineral Planning Authority in consultation with English Nature has given its approval in writing to the scheme referred to at (b).

Site preparation and restoration work in the quarry shall only take place in accordance with the scheme as approved.

[See Note 3(a) and 3(b)]

51) Conservation of Seed Resource: Prior to the removal of any vegetation from the areas within the site remaining to be quarried, a programme and arrangements for the collection and safe storage of seed of local provenance from existing hedgerow, shrub and tree species for eventual use in restoration landscaping and ecological schemes as provided for under Conditions (82) and (83) shall be implemented in accordance with the methodology and details specified in the Appendix C titled 'Proposal for Harvesting and Storage of Seeds from Hedgerow Trees and Shrubs for use in a Restoration Landscape Scheme' (with plan Appendix A) submitted under cover of the letter from MJCA dated 14 November 2005.

Section Twelve: Protection of Trees and Hedgerows

52) Retention of Trees and Tree Felling: No trees shall be felled, damaged or disturbed without the prior written approval of the Mineral Planning Authority, save for those trees within the extraction area shown on the drawing reference LAF/WT/05-05/12212 entitled 'Approximate principal areas of working for the ROMP' at Figure 8 of the submitted Environmental Statement. The extraction boundaries shall be defined by marker posts and buntlings or other suitable method and no trees shall be felled until the boundaries so defined have been checked and agreed by a representative of the Mineral Planning Authority. All trees to be felled shall be clearly marked and there shall be careful site supervision to ensure that no damage occurs to other trees during the site clearance and preparation phase.

53) Protection of Trees, Hedgerows and Boundary Features: All of the existing trees, hedges, walls and fences on and adjacent to the site boundary shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying operations and until the restoration of the whole of the Whitwell Quarry complex, except as allowed by this permission or as may otherwise have received the prior written approval of the Mineral Planning Authority. For the purposes of this condition the retained trees and hedgerows shall be protected as necessary from the quarrying operations by the provision of standoffs, with machinery and storage exclusion areas that extend to the edge of all hedge and tree boundaries, and fencing or hedgerows shall be subject to a programme of management, all in accordance with a scheme which has the approval in writing of the Mineral Planning Authority.

Date 7 July 2006
Signed D. C. Harrop
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54) Retention of Existing Hedgerows: No hedgerows shall be removed, damaged or destroyed other than as necessary to implement the approved development.

Section Thirteen: Soil Conservation and Protection

55) Vegetation Clearance of Soils to be Stripped: Immediately prior to the stripping of any soils from the site all vegetation above a height of 154mm (6") above ground level, or in the case of arable fields all standing crops, shall be removed from the areas to be stripped.

56) Soil Handling Conditions: The stripping, movement, storage, excavation, lifting and placement of topsoil and subsoil shall only take place in accordance with the good practice techniques specified in Sections 3.3.4.3 C, D and E of the Environmental Statement that accompanied the planning application Code No: CM5/598/7 and Section 18 of the submitted Environmental Statement. No soil stripping or soil respreading shall take place except during periods of dry weather when the full depth of soil to be stripped or replaced is in a suitably dry and friable soil moisture condition (non-plastic state) such that damage to its structure is avoided, and the topsoil can be separated from the subsoil without difficulty. The Mineral Planning Authority shall be notified at least seven days prior to any soil stripping, excavation or placement event, and opportunity shall be given to a representative of the Mineral Planning Authority for inspection of the condition of the soil to be handled prior to handling.

[See Note 4(a)]

57) Topsoil Stripping: Before any part of the site is excavated, or traversed by heavy vehicles or machinery (except for the purpose of stripping soil or stacking topsoil on that part), or used for the storage of subsoil or overburden, or for land raising or the formation of screening mounds, or for the construction of haul roads or placement of plant, all available topsoil shall be separately stripped from that part, taking care to handle different types of topsoil separately where they are present in the profile.

58) Subsoil Stripping: Following the stripping of topsoil all available subsoil shall be stripped from the areas to be excavated, or traversed by heavy vehicles or machinery (except for the purpose of stripping or stacking topsoil or subsoil on that part), or used for the storage of overburden, or for landraising or the formation of screening mounds, or for the construction of haul roads or placement of plant.

59) Topsoil and Subsoil Stripping, Storage and Placement Methodology: The stripping, storage and placement of topsoil and subsoil shall only take place in accordance with the good practice methodology

Date 7 July 2006  Signed D. C. Hargreaves
Authorised Officer of the Council
specified in Section 3.3.4.3 E and F using only the machinery specified in
paragraph 3.3.4.3 D of the Environmental Statement that accompanied the
planning application Code No: CM5/598/7, Section 18 of the submitted
Environmental Statement, save for such alternative good practice methods as
may be agreed on site with a representative of the Mineral Planning Authority
as being necessary or preferable during the monitoring of the soil handling
operations.

[See Note 4(a)]

60) Soil Forming Materials: Soil forming materials encountered during
the carrying out of the development shall be separately recovered for use for
landraising, screen mounding or restoration.

61) Retention, Conservation and Storage of Soils: All turf, topsoil,
subsoil and soil forming materials shall be retained on the site for use for
landraising, screen mounding and restoration. The temporary storage of soils
pending reuse shall conform to a scheme or schemes approved in writing by
the Mineral Planning Authority and which shall include details of the following:

a) the separate storage of separately stripped and different soil types and
   sub-types;

b) the separate storage of species rich soils stripped from ephemeral
   habitats/communities in conditions suitable to maintain viable seed
   banks;

c) the height, width, form, angles of repose and treatment of soil mounds,
   including measures to minimise compaction and water infiltration, and
   to ensure stability, grading and seeding to grass or other approved
   vegetation;

d) the location of all soil storage mounds in areas safe from standing
   water, trafficking, erosion and contamination;

e) measures for soil mound sward management, maintenance, weed and
erosion control.

[See Note 4(a)]

62) Prevention of Compaction of Soils in Store: All soil storage mounds
shall be constructed to keep compaction to the minimum necessary to ensure
stability. In accordance with Section 18(2) in Part II of the submitted
Environmental Statement, no new topsoil mound shall be higher than 3
metres and no new subsoil mound shall be higher than 5 metres, unless

Date 7 July 2006  Signed  D. C. Haynes
Authorised Officer of the Council
otherwise approved in writing by the Mineral Planning Authority in consultation with DEFRA (Rural Development Service).

[See Note 4(b)]

63) Prevention of Trafficking Over Soils in Store: No soil storage mound shall be traversed by heavy vehicles, plant or machinery except as necessary for the purposes of construction and dismantling of each mound.

64) Quantification of Soils in Store: Following construction of each soil storage mound the quantity of soil in that mound shall be measured, and a detailed soils audit shall be maintained throughout the life of the development and updated annually. Between July and August of each year of the development a plan shall be submitted to the Mineral Planning Authority identifying the location, soil type and volumes of all temporary storage mounds then present on the site and movements of material to and from the stores.

Section Fourteen: Phased Post-Quarrying Restoration and Drainage

65) Restoration Scheme: The plan and scheme(s) required at (a) and (b) below shall (save for the future availability of colliery spoil from the Whitwell North Colliery Tip 11/091) have regard to the restoration strategy described in Part 2 Section 19 of the Environmental Statement and shown on the drawing entitled ‘Illustrative Masterplan’ Figure 27 (4.4) at Appendix E of the submitted Environmental Statement:

a) Pending the submission and approval of the details required at (b) below, the progressive infilling of the quarry shall take place in accordance with a restoration contour plan approved under the terms of Condition 82 of the planning permission Code No: CM5/598/7.

b) Within three years of the date on which, in accordance with paragraph 1(7) of Schedule 13 to the Environment Act 1995, these conditions are finally determined, or within such longer period(s) as may be approved in writing by the Mineral Planning Authority, a comprehensive scheme or schemes for the phased and progressive restoration of the site, shall be submitted to the Mineral Planning Authority. The restoration of each part of the site shall take place in accordance with the scheme or schemes as approved or such amended details as may subsequently be approved in writing by the Mineral Planning Authority, and shall include details of the following:

Date 7 July 2000
Signed D. C. [Signature]
Authorised Officer of the Council
i) proposals for after-use of the land, which shall comprise agriculture, woodland, grassland including limestone grassland, wildlife and lakes, and amenity areas with public access, and shall include a restoration land use plan to a scale of not less than 1:1250 with the location and details of different agriculture, woodland and grassland types;

ii) detailed restoration contour drawing(s) to a scale of not less than 1:1250 with contour intervals of not more than 1 metre;

iii) progressive infilling, levelling, and grading of overburden, colliery tip discard and processing plant waste material;

iv) progressive compaction of backfill/colliery waste each side of the proposed new railway track bed (subject to the terms of approval for the rail track and associated infrastructure);

v) method of containment, sealing and pollution control, quantities and locations for the placement of kiln dust and colliery spoil;

vi) retention where practicable of important geological features;

vii) selective blasting and cosmetic treatment of quarry rims, cliffs and benches, and scree slope formation;

viii) selective use of available soil forming materials, subsoils and topsoils appropriate for the intended after-uses of the site, including details of the areas to receive soils, the soil units to be used and the depths of replacement;

ix) sequential and uniform spreading of soils within each replacement area;

x) provision of interim drainage arrangements;

xi) attention to the importance of correct ground and water levels, having regard to ground settlement, to ensure the success of the wetland proposals;

xii) preparatory work for the provision of wildlife habitats in association with the scheme required by Condition 83.

66) Drainage After Working: Within three years of the date on which, in accordance with paragraph 1(7) of Schedule 13 to the Environment Act 1995, these conditions are finally determined, or within such longer periods as may be approved in writing by the Mineral Planning Authority, a detailed scheme
or schemes of permanent restoration land drainage for the site, which take into account the drainage during working and after restoration of the quarry extension areas approved under the planning permission Code No: CM5/598/7, shall be submitted to the Mineral Planning Authority. The drainage scheme(s) shall be implemented in accordance with the details as approved or such amended details as may subsequently be approved in writing by the Mineral Planning Authority. The scheme(s) shall include where appropriate details of the following:

a) the Whitwell Lake;

b) the Creswell Lake;

c) for each lake the shape, size, depth, levels, inlet and overflow/outlet arrangements;

d) measures to regulate lake volume and area, including sluices and piped connections;

e) grading to promote natural drainage;

f) surface water drainage catchment and regime, including ditches, culverts and grips;

g) subsoiling and mole drains;

h) piped underdrainage;

i) arrangements for existing field drainage systems severed by the quarrying;

j) arrangements for sustaining field water supplies affected by the quarrying;

k) erosion control measures including revetment works as necessary;

l) a programme of implementation.

67) Alternative Restoration and Drainage Scheme(s) if Premature Cessation of Quarring: If the Mineral Planning Authority and all the persons with an interest in the site agree that quarrying operations have ceased before site levels or landform such as to permit the reclamation of the site or areas thereof in accordance with any scheme approved under any other condition of this permission have been achieved, the areas referred to in those conditions shall be restored and drained in accordance with an alternative restoration and drainage scheme or schemes which has/have the

Date 7 July 2008

Signed

Authorised Officer of the Council
approval in writing of the Mineral Planning Authority. The scheme(s) shall be based upon the principles of the reclamation and drainage details in those other conditions and shall include a programme of implementation. The scheme(s) shall be submitted not later than six months from the date of agreement that quarrying has ceased, or such later date as the Mineral Planning Authority may specify in writing and shall be implemented within the timescale approved by the Mineral Planning Authority.

68) Alternative Restoration and Drainage Scheme(s) if Spoil Becomes Available from Whitwell Colliery (North) Tip No: 11/091: In the event that a scheme subject to the grant of any necessary planning permission is implemented for the reclamation involving the whole or partial removal of the Whitwell Colliery (North) Tip 11/091, and material from that tip is made available for infilling part of the Whitwell Quarry excavations, the site shall be restored and drained in accordance with an alternative restoration and drainage scheme or schemes which take account of the additional material and which has/have the prior approval in writing of the Mineral Planning Authority.

69) Limitations on Source of Infilling Materials: The infilling of the quarry shall take place using only quarry waste material derived from within Whitwell Quarry, kiln waste derived from Whitwell Quarry Processing Works, colliery waste from the Whitwell (South)(Belph) Colliery Tip No: 11/092, and if available from the Whitwell (North) Colliery Tip 11/091. There shall be no importation to the site of materials from other sources for infilling the quarry excavations.

70) Transportation of Infilling Materials: The routeing of all vehicles, plant and machinery to and from the areas to be infilled for the purposes of restoration shall not involve the use of public roads.

71) Void Lining for Tipping of Colliery Waste: The permeability of the material used to line the quarry floor and sides prior to the tipping of colliery spoll shall be $10^{-9}$ m/s or less as it is laid, or as may otherwise be approved in writing by the Mineral Planning Authority in consultation with the Environment Agency. Tests shall be carried out throughout the period of construction of the liner to verify this permeability in accordance with a programme of testing approved by the Mineral Planning Authority in consultation with the Environment Agency.

72) Achievement of Approved Restoration Levels: Infill materials shall be deposited in such quantity as necessary to ensure that, after replacement of the soils, the surface of the land conforms to the approved surface contours.

Date 7 July 2006

Signed [Signature]

Authorised Officer of the Council
73) **Monitoring of Restoration Levels:** Prior to the replacement of any soils or soil forming material at the conclusion of each phase of infilling the operators shall meet on site the representatives of the Mineral Planning Authority for the following purposes:

a) to ensure that the replaced ground conforms generally with the levels as set out in the approved restoration contour plan;

b) to ensure that the contours, after allowing for settlement and the replacement of soils, shall be satisfactory to facilitate the intended after-use(s);

c) to ensure that where appropriate there will be no impediment to surface water runoff;

d) to determine the treatments necessary to the surface of the fill prior to the replacement of subsoil or soil forming material.

74) **Treatment of Infill Surface:** Prior to the replacement of subsoil or soil forming material the surface of the infill material shall as appropriate be subsoiled (rooted) and deleterious material removed in accordance with such details as may be determined under Condition 73. Such treatment shall ensure that within a total depth of 1.3 metres below the surface of the topsoil once replaced there is:

a) no sterile material injurious to plant life;

b) within the proposed agricultural areas, no rock, stone, boulders or other materials capable of preventing or impeding normal agricultural or land drainage operations, including mole ploughing and subsoiling;

c) no wire rope, cable or other foreign objects.

The treatment shall also ensure that the fill surface has a reasonably graded but uncompacted and unsmeared surface suitable to receive subsoil.

Stones or other material at the surface of the subsoiled overburden which exceed 200mm in any dimension shall be buried on the site not less than 2 metres below final surface levels.

Date 7 July 2006  
Signed [Signature]  
Authorised Officer of the Council
Section Fifteen: Phased Post-Quarrying Soil Replacement and Treatment

75) Importation of Soils and Soil Ameliorants: There shall be no importation of soils or soil ameliorants to the site without the prior written approval of the Mineral Planning Authority.

76) Replacement of Soils: Soils supplemented where necessary by soil forming materials shall be spread on the proposed agricultural areas and other areas in accordance with the approved phased restoration scheme in the manner stated in the conditions below, to a depth sufficient to ensure that on the agricultural areas there is no interference with any subsequent artificial field underdrainage at normal agricultural depths.

77) Soil Forming Materials and Subsoil Replacement: Soil-making materials and subsoil shall be spread over the infill material, and any other ground from which soils were previously stripped, evenly and sequentially (better quality material forming the upper horizon). The areas which shall receive these materials shall be the proposed agricultural areas and such other areas as are identified in the approved restoration scheme.

78) Treatment of Subsoil: Prior to the spreading of topsoil, after the conclusion of each phase of replacement of soil forming materials and subsoil, the operator shall meet on site the representatives of the Mineral Planning Authority to determine the appropriate treatments to the subsoil which shall include the following:-

a) each replaced subsoil layer shall be subsoilled (rooted) through its full depth to penetrate at least 150mm into the underlying layer using a winged-lined implement with a tine spacing of not more than one and a half times the working depth to relieve compaction at the interface;

b) boulders, rocks or stones at the surface of the replaced subsoil which exceed 150mm in any dimension and other deleterious materials, wire rope, wire cable, shale, bind, or other sterile material injurious to plant growth shall be buried on the site not less than 2 metres below final surface levels.

79) Topsoil Replacement: After replacement of the subsoil all available topsoil shall be replaced over all of the proposed agricultural areas and other areas in accordance with the approved restoration scheme(s).

80) Treatment of Topsoil: After the conclusion of each phase of replacement of topsoil the operator shall meet on site the representatives of
the Mineral Planning Authority to determine the appropriate treatments to the topsoil which shall include the following:

a) each replaced topsoil layer shall be subsoiled (rooted) through its full depth into the underlying subsoil with an agricultural (light) winged-tined implement with a tine spacing of not more than one and a half times the working depth to relieve compaction at the interface with the subsoil;

b) boulders, rocks or stones at the surface of the subsoiled (rooted) topsoil which exceed 75mm in any dimension and other deleterious materials, wire rope, wire cable, shale, bind, or other sterile material injurious to plant growth shall be buried on the site not less than 2 metres below final surface levels;

c) cultivations using as appropriate disc and rotary cultivators, plough and harrow, and lime and fertiliser applications, according to soil analysis, shall be undertaken.

81) Unstripped Soils: Any areas of unstripped topsoil or subsoil upon which other soil has been stored shall be subsoiled (rooted) and cultivated in the manner specified in Condition 80.

Section Sixteen: Phased Post-Quarrying Landscaping and Habitat Creation

82) Restoration Landscaping Scheme: Within three years of the date on which, in accordance with paragraph 1(7) of Schedule 13 to the Environment Act 1995, these conditions are finally determined, a comprehensive scheme for the post-restoration landscaping of the site shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved or modified by, or such amended details as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme may be based on the generality of the drawing entitled ‘Illustrative Masterplan’ Figure 27 (4.4) at Appendix E of the submitted’ Environmental Statement. The scheme shall have regard to the Council’s Landscape Character Assessment of the site and surrounding area, the Countryside Agency’s description of the Southern Magnesian Limestone Character Area 30, the integrity of the Creswell Crags Conservation Area, the ecological scheme required by Condition 83, and to the proposed after-uses, and shall amongst other matters include the following:

a) detailed planting proposals, including the use only of healthy stock grown from seed sources of local provenance, and the locations, numbers, groupings, species, planted heights and details of planting of native trees, shrubs and hedgerows, in the form of schedules of

Date 7 July 2006 Signed D. O. Hartley
Authorised Officer of the Council
planting for each area of the site, general location/distribution details on
a revised masterplan and photomontage, and specific details on a
series of plans to a scale of not less than 1:1250;
b) selective planting around quarry cliff edges, scree slopes and
cosmetically treated benches;
c) detailed drawings to a scale of not less than 1:1250 together with
profile and viewpoint drawings showing the integration of the planting
proposals with the adjacent landscape;
d) a detailed schedule of initial, pre-emergence and post-emergence
fertiliser applications;
e) the seeding of appropriate areas to grass or other suitable ley,
including a specification of seed mixes, which shall include wild flower
seeds and diverse seed mixes where appropriate, and the sowing of
seeds beneath hedgerows to establish ground flora;
f) a cultivation programme;
g) measures for the protection of all plantings, including rabbit proofing
and fencing;
h) arrangements for the drainage of all planted areas;
i) the retention, replacement or repair of fences where appropriate, and
the provision of new fencing, gates, stiles and stone walls;
j) the establishment of field boundaries;
k) a programme of implementation.

83) Restoration Ecological Scheme: Within three years of the date on
which, in accordance with paragraph 1(7) of Schedule 13 to the Environment
Act 1995, these conditions are finally determined, a comprehensive scheme
for the post-restoration development of wildlife habitats on the site shall be
submitted to the Mineral Planning Authority. The scheme shall be
implemented in accordance with the details as approved or modified by or
such amended details as may subsequently be approved in writing by the
Mineral Planning Authority in consultation with English Nature and Derbyshire
Wildlife Trust. The scheme shall have regard to the progressive restoration,
drainage (including lake and wetland establishment) and landscaping
proposals for the site, existing species and habitat biodiversity and breeding
requirements, and the Council’s Landscape Character Assessment of the site
and surrounding area, and shall amongst other matters include the following:-

Date 7 July 2006 Signed D. C. Authorised Officer of the Council
a) the creation of calcareous grassland habitats where appropriate during the restoration phase using seed sources of local provenance, with details of the target community, species and method of monitoring successful establishment;

b) details of lake margins and, as appropriate, shallows, mudflats, channels, islands and target waterfowl community, small water features and margins (ponds and ditches suitable for habitats for amphibians and reptiles), soiling for emergent aquatic vegetation and provision for allowing natural development of vegetation and animal communities;

c) phased and where practicable early implementation;

d) an establishment and management plan.

[See Note 3(a) and 3(b)]

Section Seventeen: Community Access Provision

84) Community Access Scheme: Within three years of the date on which, in accordance with paragraph 1(7) of Schedule 13 to the Environment Act 1995, these conditions are finally determined, a comprehensive scheme for the post-restoration development of a community access network within the site shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved or modified by, or such amended details as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall have regard to the restoration, lake establishment and landscaping proposals for the site, and shall amongst other matters include the following:-

a) a plan to a scale of not less than 1:2500 showing points of access, and where suitable and appropriate, pedestrian, wheelchair, bridleway, cycleway and green lane routes, including local circular walks and connections between local villages, and where necessary bridges over watercourses;

b) access to amenity areas, including lakeside access;

c) footpath, bridleway and green lane design, and details of construction, surfacing materials and maintenance;

d) provision for the safety of footpaths where they meet roads and lake margins;

e) as appropriate, bridge design and maintenance;

Date 7 July 2006

Signed D. C. Hanger

Authorised Officer of the Council
f) provision of signs, barriers and seats;

g) a programme of implementation.

Section Eighteen: Aftercare and Management

85) Aftercare Scheme(s): No later than 12 months prior to the programmed completion of restoration of the site or any part of it, the date(s) of which shall be notified to the Mineral Planning Authority in writing, an aftercare scheme for the site or the relevant part of it, providing for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland, nature conservation and amenity within a five year aftercare period, shall be submitted for the approval of the Mineral Planning Authority. Aftercare shall be carried out in accordance with the scheme as approved and such detailed annual programmes as may subsequently be approved in writing by the Mineral Planning Authority. The aftercare scheme shall include details of:-

a) In the case of land restored for use for agriculture:
   i) secondary soil treatments stone-picking, moling and subsoiling;
   ii) fertiliser applications based on soil analysis;
   iii) cultivations, cropping pattern, seeding and crop management;
   iv) shelter belts and hedges;
   v) pruning regimes of hedgerows;
   vi) weed control;
   vii) field drainage;
   viii) field water supplies;
   ix) grazing management;
   x) protection from poaching by grazing animals.

b) In the case of land restored for use for woodland:
   i) cultivation practices;
   ii) secondary soil treatments;
   iii) fertiliser applications based on soil analysis;
   iv) drainage;
   v) weed control.

c) In the case of land restored for use for nature conservation and amenity:
   i) habitat development and maintenance;
   ii) grassland establishment and maintenance;
   iii) fertiliser applications based on soil analysis;
   iv) cultivation practices;

Date 7 July 2006

Signed D.C. Harper
Authorised Officer of the Council
v) watering and draining;
vi) lake margins establishment;
vii) wetland maintenance.

86) Aftercare Commencement: The five year agricultural, woodland or nature conservation and amenity aftercare period for the site or each part thereof shall commence on the date of written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

87) Aftercare Records: Records of the agricultural, woodland, and nature conservation and amenity aftercare operations shall be kept by the operators throughout the period of aftercare. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 March and 31 May each year.

88) Agricultural Aftercare Meetings: Provision shall be made by the operators for annual meetings with the Mineral Planning Authority between June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Separate meetings shall be arranged to inspect and evaluate progress in the agricultural, woodland, and nature conservation and amenity aftercare respectively.

89) Maintenance of Screening and Landscaping Schemes/Woodland Management: All trees and shrubs and grassed areas planted in accordance with approved schemes shall be maintained in accordance with the principles of good forestry and husbandry and replaced as necessary for the period of the approved quarrying, or for a period of six years following the planting of any landscaped area within six years of the cessation of quarrying, whichever is the later date. For the purposes of this condition the Mineral Planning Authority shall consider replacement planting to be necessary, with the same species or such alternative species as may be approved by the Mineral Planning Authority, in the event of trees or shrubs dying, or becoming seriously damaged or diseased.

90) Records of Landscaping Maintenance: Records of landscaping maintenance shall be kept by the operators throughout the period of maintenance and shall be made available for inspection by the Mineral Planning Authority on request.

91) Management of Habitats: Wildlife habitats established on the site in accordance with the approved restoration ecological scheme shall be managed as appropriate from the date of their establishment throughout the period ending five years following completion of the final restoration and landscaping of the site.

Date 7 July 2006  Signed  D. C. Harvey
Authorised Officer of the Council
92) Records of Habitat Management: Records of habitat management shall be kept by the operators throughout the period of management and shall be made available for inspection by the Mineral Planning Authority on request.

Reasons for Conditions

1) To clarify (a) the site to which the new scheme of conditions applies; (b) the relevant planning permissions the conditions of which are hereby replaced by the new conditions; and (c) the intentions of the Mineral Planning Authority with regard to the consideration of minor amendments.

2) To define the approved area of mineral extraction.

3) To clarify the approved details and undertakings given by the applicant, and to ensure the containment of operations within a sensitive local environment and landscape.

4) To ensure that the site operators are fully aware of the conditions and the details of the approved plans at all times for the purpose of compliance.

5) To limit the duration of the quarrying and restoration operations in the interests of the local environment and landscape, the conservation interests of Creswell Crags, and residential amenity.

6) To enable the Mineral Planning Authority to properly monitor the progress and timing of key stages of the approved operations having regard to the restrictions on the timescale of the development, and to determine the aftercare periods.

7) To protect nesting birds.

8) To prevent disturbance to local communities at unacceptable times and to protect the railway and railway operators and passengers.

9) To ensure that the working of the quarry is compatible with the protection of the local environment, the restoration of the site, and railway safety and interests.

10) To ensure the earliest possible removal of the Belph Tip in accordance with a working scheme compatible with the protection of the local environment and the restoration of the site.

11) In the interests of road safety and avoidance of disturbance to other areas.

Date 7 July 2006  Signed  D. C. Harper
Authorised Officer of the Council
12) To prevent parking on the public highway in the vicinity of the site access in the interests of highway safety and local amenity.

13) To prevent drivers taking shortcuts through residential areas and contrary to weight limits, to minimise the impact on the local public highways and communities by heavy goods vehicles and other vehicles and plant serving the site in the interests of highway and pedestrian safety, environmental amenity and the conservation of Creswell Crags.

14) To prevent contamination of the public highway in the interests of highway safety and appearance.

15) To control the unnecessary spread, siting and appearance of plant, machinery, buildings and structures in the interests of the appearance of the site within an Area of Local Landscape Significance.

16) To protect visual amenity.

17) To mitigate the visual impact of Whitwell Works, having regard to its scale, visual dominance and appearance.

18) To control the unnecessary spread of mineral stockpiles to minimise visual intrusion.

19) To minimise the visual impact of plant and vehicles.

20) To ensure the clearance of the site in the interests of visual amenity.

21) To minimise and prevent unnecessary disturbance from machine noise.

22) To ensure noise emissions during the carrying out of normal operations are kept to acceptable levels to protect the local residential environment.

23) To ensure noise emissions during the carrying out of temporary (noisier) operations are kept to acceptable levels to protect the local residential environment.

24) To prevent noise disturbance by intermittent bleepers.

25) To ensure effective monitoring and implementation of the noise control measures.

26) To ensure effective monitoring in response to complaints to ensure the adequacy of noise control measures.

Date 7 July 2006

Signed D. C. [Signature]

Authorised Officer of the Council
27) To ensure that dust from the quarrying and associated operations does not cause a nuisance to the local community nor adversely affect the local environment.

28) To ensure the implementation of specific measures to prevent or minimise the generation of dust in accordance with approved details.

29) To avoid a dust nuisance arising from drilling and blasting operations.

30) To assess the performance of the applicant's fugitive dust dispersion model and ensure that dust received at dust sensitive locations does not exceed the 'nuisance threshold' of 200mg/m²/day.

31) To protect amenity and the local environment from dust emissions.

32) To protect local amenity and the environment from smoke emissions.

33) In the interests of the appearance of the area.

34) To protect residential amenity and other interests including the railway and railway operators and passengers.

35) To limit ground vibration to protect residential amenity and other interests.

36) To limit ground vibration to protect commercial and unoccupied vibration sensitive property.

37) To maintain the safe use and integrity of the railway tunnel until decommissioned.

38) To ensure compliance with the approved scheme of blasting and vibration limits.

39) To provide an appropriate response to complaints by ensuring compliance with the approved scheme of blasting and vibration limits.

40) To ensure that all existing drainage systems continue to operate effectively and to protect the quality of the water environment in the interests of drainage and flood control.

41) To protect the groundwater quality in the area.

42) To prevent groundwater pollution.

Date 7 July 2006 Signed D. C. [Signature]
Authorised Officer of the Council
43) To protect the quality of and prevent pollution of the water environment and to ensure adequate provision to deal with contaminants in the interests of pollution control.

44) To minimise the risk of contamination to the local river/brook courses and effect on the ecology of those courses and the Welbeck Lakes Site of Special Scientific Interest (SSSI).

45) To minimise the risk of water loss to the local river/brook courses and effect on the ecology of those courses and the Welbeck Lakes SSSI.

46) To avoid derogation of water flows in the River Wollen, Millash Brook and Millwood Brook and derogation of supplies in consequence of the quarry pumping operations, and for hydrological assessment given the requirements for flow monitoring.

47) To gauge any direct impact of quarrying on base flow in the River Wollen, the Millash and Millwood Brook and into the Welbeck Lakes.

48) To maintain the integrity of the existing surface water regime and prevent flooding of railway property.

49) To ensure the preservation either in situ or by record of any archaeological remains which may come to light during the soil stripping operations.

50) To ensure that the development takes place without detriment to species protected by the Wildlife and Countryside Act 1981 or other legislation, and to cover the possibility that species and their habitats may not have been recorded or present during previous wildlife surveys, in line with development plan policies for protection of priority Biodiversity Action Plan habitats.

51) To ensure the availability of locally collected seed for the re-establishment of indigenous species on the site once restored, in the interests of the compatible landscaping of the restored site and in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

52) To prevent unnecessary loss or damage to trees in this Area of Local Landscape Significance having regard to local amenity and site screening.

53) To conserve and protect trees, site boundaries and boundary features in the interests of the appearance of the area and to protect adjacent interests.

Date 7 July 2006
Signed
Authorised Officer of the Council
54) To protect hedgerows.

55) To avoid bind in the recovered soils.

56) To avoid damage to soils by handling in inappropriate conditions.

57) To conserve and protect topsoil for use in the restoration of the site, and to enable the nature conservation potential of the restoration scheme to be realised.

58) To conserve and protect subsoil for use in the restoration of the site.

59) To conserve and protect soils for use in the restoration of the site.

60) To provide a supplementary soil resource to improve the restoration.

61) To conserve and protect subsoil for use in the restoration of the site, and to enable the nature conservation potential of the restoration scheme to be realised.

62) To protect the condition and structure of the soils.

63) To conserve and protect the structure of the soil.

64) To keep a record of soils available for strategic replacement in the restoration of the site.

65) To ensure the implementation of a comprehensive scheme of restoration for the site in line with development plan policies, and to retain important geological features within the Whitwell Quarry Regionally Important Geological Site.

66) To ensure the satisfactory drainage of the restored land and adjacent areas, and the satisfactory restoration of the agricultural land.

67) To ensure the satisfactory restoration and drainage of the site in accordance with approved scheme(s) in the event that implementation of the approved restoration scheme for the site or parts thereof is rendered impracticable by premature cessation of quarrying.

68) To ensure the satisfactory restoration and drainage of the site in accordance with approved scheme(s) in the event that additional infilling material is made available from the Whitwell North Colliery Tip.

69) To prevent the site being used for the purposes of waste disposal, to limit quarry infilling to the disposal of colliery waste derived from the Whitwell

Date 7 July 2006

Signed D. C. Honey

Authorised Officer of the Council
Colliery Tips and other mineral waste derived from Whitwell Quarry (whether or not passed through the Whitwell Works kilns), to comply with the groundwater pollution controls of the Environment Agency, and ensure compatibility with the restoration of the site.

70) To prevent unnecessary traffic generation on the local highway network and ensure the use only of internal tipping routes within the approved quarry areas.

71) In the interests of the protection of groundwater and the aquifer.

72) To ensure that the site is restored to approved levels.

73) To ensure that the infilled surface is suitable for the replacement of soils and the satisfactory restoration of the land.

74) To ensure that the infilled surface is suitable for the replacement of soils and the satisfactory restoration of the land.

75) To control the importation of soils and soil ameliorants, in order to minimise disturbance in the area, in particular the use of local roads.

76) To ensure the satisfactory restoration of the land.

77) To ensure the satisfactory restoration of the land.

78) To ensure that the subsoil is suitably treated prior to replacement of the topsoil.

79) To ensure the satisfactory restoration of the land.

80) To ensure that the topsoil is suitably treated for the satisfactory restoration of the land.

81) To repair any damage to unstripped soils caused by storage activities.

82) To ensure the implementation of a comprehensive scheme of landscaping for the restored site, and in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

83) To ensure the re-establishment of wildlife habitats within the site, to mitigate for the loss of part of an area of regional nature conservation importance, to minimise and offset short term impacts and to bring forward potential long term increased biodiversity benefits, in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

Date 7 July 2006

Signed D. C. Name

Authorised Officer of the Council
84) To provide for public access and amenity, in particular to benefit the local communities.

85) To ensure the aftercare of the reinstated land to the required standard in accordance with approved schemes and annual programmes.

86) To ensure that the land is brought into aftercare at the appropriate stage in its rehabilitation.

87) To monitor aftercare performance.

88) To assess the condition of the land and aftercare required for each year.

89) To ensure the successful establishment of the landscaping scheme.

90) To ensure the satisfactory programme of landscape management.

91) To ensure the successful establishment of the wildlife habitats.

92) To ensure the satisfactory programme of habitat management.

**Development Plan Policies:** The principal planning policies relevant to this Environment Act 1995 determination are:-

- Adopted Derby and Derbyshire Minerals Local Plan (MLP) Policies MP1 'The Environmental Impact of Mineral Development', MP3 'Measures to Reduce Environmental Impact' and MP8 'Planning Conditions'.

- The Derby and Derbyshire Joint Structure Plan (JSP) Mineral Policies 1 'Safeguarding the Environment' and 3 'Conditions on Mineral Development'.

In the context of MLP Minerals Policy MP8 and JSP Minerals Policy 3, and to ensure conformity with the other principal policies, and with regard to the 2004 planning permission CM5/598/7, the following policies are also relevant to the conditions imposed:-

- MLP Policies MP4 'Interests of Acknowledged Environmental Importance', MP5 'Transport', MP6 'Nature Conservation - Mitigation Measures', MP7 'Archaeology - Mitigation Measures', and MP10 'Reclamation and After-Use'.

- JSP General Development Strategy Policies 1 'Sustainable Development', 2 'Scale and Nature of Development' and 5 'Agricultural Land'; Transport

Date 7 July 2006

Signed D. C. [Signature]

Authorised Officer of the Council

- District of Bolsover Local Plan Policies GEN 2 (Impact of Development on the Environment), GEN 5 (Land Drainage), GEN 7 (Land Stability), CLT 10 (Countryside Recreation Facilities), TRA 2 (Protection of Rail Routes), TRA 5 (Safeguarding Potential Railway Sidings), TRA 10 (Traffic Management), TRA 12 (Protection of Existing Footpaths and Bridleways), CON 4 (Development Adjoining Conservation Areas), CON 13 (Archaeological Sites and Ancient Monuments), ENV 2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings), ENV 3 (Development in the Countryside), ENV 5 (Nature Conservation Interests throughout the District), ENV 6 (Designated and Registered Nature Conservation Sites), ENV 7 (Development affecting Protected Species), ENV 8 (Development Affecting Trees and Hedgerows), ENV 9 (New Trees on Development Sites), and ENV 11 (Reclamation of Derelict Land).


Notes for Applicant

1. Bolsover Environmental Health: With reference to Conditions 25 and 26(b) the results of all site noise monitoring should be forwarded to the Head of Environmental Health and Street Services, Bolsover District Council, Sherwood Lodge, Bolsover, Derbyshire, S44 6NF.

Date 7 July 2006

Signed D. C. Hainge
Authorised Officer of the Council
2. **Environment Agency:** The Environment Agency comments on the proposed conditions are to the effect that:

a) No groundwater dependent sites of conservation interest shall be negatively affected by the quarrying and associated operations;

b) Species and habitats of conservation interest shall be protected and/or enhanced during the operation and restoration of the site;

c) Discharges to surrounding watercourses require discharge consent or permit and the applicant must ensure that each outlet/discharge point is governed by a current consent;

d) In relation to the Belph Tip material the applicant must ensure that adequate treatment is in place to ensure consent conditions for discharges are satisfied.

The Agency’s previous comments on this site remain relevant.

3(a) **English Nature:** English Nature has advised that:-

a) If disturbance to badgers proves likely, the applicant should apply for a licence from English Nature.

b) If any disturbance to bats or damage to their roosts is likely then it will be necessary for the applicant to seek the opinion of the Department of the Environment, Transport and the Regions (DETR) as to whether a licence will be required. All such enquiries should be directed to Kevin Rye, European Wildlife Division, Tollgate House, Houlton Street, Bristol, BS2 9DJ (telephone 0117 987 8291).

3(b) **Derbyshire Wildlife Trust:** The Trust has stated that:-

i) **Conservation:** measures previously identified with respect to protected species should be reviewed as necessary and resurvey work is required at the appropriate time(s) to address the possible presence of:-

- Bats (refer to English Nature for further guidance)
- Reptiles.

ii) **Nesting Birds:** any works which may disturb the following species should take place outside of the bird breeding season:-

- Peregrine Falcon
- Little Ringed Plover

Date 7 July 2006

Signed D. C. HARVEY

Authorised Officer of the Council
[Note from Derbyshire County Council: It is a criminal offence (subject only to certain exceptions) to disturb nesting birds.]

iii) Restoration: The restoration design should incorporate suitable habitats (including nesting and breeding habitats) for:-

- Amphibians
- Peregrine Falcon
- Little Ringed Plover.

4. DEFRA Rural Development Service (RDS):

a) With reference to Conditions 56, 59 and 61, the RDS has stated that to minimise the risk of degrading the soil resources during the various stages of soil handling, the procedures set out in Sheets 1-4 and/or Sheets 13-15 of the “Good Practice Guide for Handling Soils” should, it is recommended, be adopted. These can be accessed and downloaded from the Internet at: www.defra.gov.uk/environ/landuse/soilguid/index.htm.

b) With reference to Condition 62, the RDS has stated that soils are more likely to be degraded (by compaction and the development of anaerobic conditions) in deep bunds than shallow ones. RDS strongly recommend that the height of bunds should be restricted, if possible, to 3 metres for topsoil and 5 metres for subsoil.

5 (a) Network Rail: Requirements and Operational and Safety Informatives Relating to the Approved Development:

Blasting:

i) The existing blasting consultation procedure, between Lafarge Aggregates and Network Rail, should continue.

ii) Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effect of blasting on the railway, and Network Rail shall be supplied with a copy of the results.

iii) Before excavations advance closer to the tunnel, an agreed method of blasting must be determined to maintain a maximum vibration level at the tunnel of 12mm/sec ppv.

iv) Agreement shall be reached between Network Rail and Lafarge Aggregates on the design and operation of a ‘Safe System of Work’ to ensure the protection of rail traffic whilst blasting is being undertaken.

Date 7 July 2006
Signed D. C. Harvey
Authorised Officer of the Council
v) Where possible the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations.

vi) The developer shall meet the costs of all reasonable protective works carried out by Network Rail which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions and shall indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by negligence of Network Rail, their servants, agents or licensees.

Reason for (i) – (vi): To maintain the integrity of railway infrastructure and the safety of rail traffic.

Development Within 10 Metres:

v) Where alterations to existing levels are proposed within 10 metres of the railway boundary, including the construction of storage mounds, fully detailed plans of the development together with cross-sections should be forwarded to Network Rail before development commences.

Reason for (v): To ensure that the adjacent railway property and works will not be adversely affected during and after the execution of the development.

Plant and Machinery:

vi) Cranes and jibbed vehicles, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway property or within 3 metres of the nearest rail if the boundary is closer than 3 metres.

vii) All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.

Reason for (vi) – (vii): For the safety of rail traffic.

Fencing:

viii) The developer shall provide and maintain a suitable trespass-proof fence adjacent to the existing railway boundary.

Reason for (viii): To prevent public access onto railway property.

Date 7 July 2006
Signed D. C. Harrow
Authorised Officer of the Council
Restoration:

ix) Only truly inert earth spoils should be used as the backfill material. In the event that biodegradable waste is imported to the site Network Rail will hold the operator responsible for the escape of hazardous landfill gas/leachate which may affect railway interests.

Reason for (ix): To prevent contamination of railway property.

x) Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

Reason for (x): Derailment of trains can occur when trees are blown down across railway tracks.

xi) It would be preferable if deciduous trees and pines were not planted close to the railway.

Reason for (xi): Shedding of foliage can present operational difficulties.

Liaison:

xii) Network Rail must be notified of any significant alteration to the site parameters, in terms of depth of working, limits of extraction, etc.

Reason for (xii): In the interests of safety Network Rail needs to be aware of all development adjacent to its property.

5 (b) Network Rail: Advice and Requirements Relating to the Proposed Railway Diversion:

i) The permanent diversion of a railway is subject to the provisions of the Transport and Works Act 1992 and an application for the proposed diversion should be made at an early stage.

ii) To achieve the proposed alignment of the diversion, within acceptable safety tolerances, Network Rail may require the alteration and/or reconstruction of the existing rail overbridges.

iii) The proposed diversion must be constructed in accordance with Network Rail specifications for all aspects of the works including linespeed, levels, alignment, gauge, signalling etc.

iv) All existing railway crossings, connections and rights must be maintained.

Date 7 July 2006

Signed D. C. Hera

Authorised Officer of the Council
v) A possible alternative to diverting the railway, to be considered by Network Rail and Lafarge Aggregates, could be to maintain the existing alignment of the railway and remove the tunnel during a blockade, with the subsequent working of the new cutting sides.

6. **Central Networks:** The attention of the applicant is drawn to the advice and requirements in the letter dated 17 January 2006 from Central Networks, Guidance Document for Working in the Proximity of Overhead Lines and Underground Cables, and two plans dated 17 January 2006 (copies attached).

Date 7 July 2006

Signed [Signature]

Authorised Officer of the Council
Environment Act 1995 Initial Review of Old Planning Permissions (ROMP)

Plan No: DCC/5.541.R/Site

(June 2006)

(Reproduced from Plan ‘A’ attached to the planning permission Code No: BOL/1062/484)

This plan shows the ROMP site at Whitwell Quarry
Planning Permissions Code Nos: CLO/1156/3 and BOL/1062/484
APPENDIX B

CONSENT REFERENCE CM5/0206/178
DERBYSHIRE COUNTY COUNCIL

TO: Lafarge Aggregates Limited
    Northern Service Centre
    PO Box 36
    Retford Road
    Worksop S81 7YU

    c/o M J Carter Associates Limited
    Baddesley Colliery Offices
    Main Road
    Baxterley
    Atherstone
    Warwickshire CV9 2LE

COUNTY HALL
Matlock
Derbyshire
DE4 3AG

5.541.12

TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Council under the above Act and all related Acts, Orders and Regulations, and with reference to your application Code No CM5/0206/178 submitted on the 6 February 2006 for permission for non-compliance with Condition 10 of the planning permission Code No: CM5/598/7 to vary the working sequence of the approved quarry extension areas to enable earlier working of the south eastern and north eastern areas, Whitwell Quarry, land west of Crags Road and Southfield Lane, Whitwell in the manner described in the application and shown on the accompanying plan(s) and drawing(s), NOTICE IS HEREBY GIVEN that permission for the proposed development is GRANTED subject to compliance with the following conditions:

CONDITIONS

Section One: General Principles

1) The Site and Scope of Conditions: For the purposes of this permission the term 'the site' shall mean the whole of the area shown outlined in red on the attached Plan No: DCC/5.541.12/A. Nothing specified, required by or provided for in these conditions shall be taken to permit any operations or uses associated with the approved development outside any of the boundaries of the site.

Date 23 OCT 2006
Signed D. C. Harvey
Authorised Officer of the Council
These conditions shall apply to the whole of that part of the site of the Whitwell Quarry complex to which the planning permission Code Number CM5/598/7 relates, and shall replace all the conditions in that planning permission with effect from the date upon which this new permission is taken up, as notified to the Mineral Planning Authority in accordance with Condition 4 to this permission.

2) **Approved Details:** The development shall be carried out only in accordance with the details specified in Condition 2 of the planning permission Code No: CM5/598/7 except as amended by the documents and plans submitted with the application Code No: CM5/0206/178 hereby approved or otherwise approved under cover of the letters (with schedules) from Derbyshire County Council to M J Carter Associates dated 6 May 2005 and 7 July 2006 and subject to the other conditions to this permission.

3) **Availability of Plans:** From the commencement of the development and until completion of the restoration of the site, a copy of this permission including all plans and documents hereby approved, and any other plans and documents subsequently approved in accordance with this permission, shall always be kept available on the site for inspection during the prescribed working hours.

**Section Two: Timescales (Life of Planning Permission and Operating Times)**

4) **Commencement:** This permission shall be taken up within one year of the date of the permission and the date it is taken up shall be notified in writing to the Mineral Planning Authority beforehand. For the purposes of this permission the date the development is taken up shall be the date of commencement of any site preparatory works within the approved south eastern or the north eastern extension areas whichever is commenced first.

5) **Duration of Planning Permission:** This planning permission shall not be valid after 20 October 2025. On or before that date all mineral extraction operations shall have ceased, and the existing quarry and approved extension areas shall have been restored in accordance with the other conditions to this permission.

6) **Duration of Working Extension Areas:** Except as may otherwise be approved in writing by the Mineral Planning Authority the working of the

Date 23 OCT 2006

Signed [Signature]

Authorised Officer of the Council
approved extension areas shall be completed within the timescales specified on Drawing Nos: LAF/WT/01-06/12647.

7) **Notification Dates:** The following dates shall be notified in writing to the Mineral Planning Authority no later than seven working days before each date:

   a) Commencement of operations within each of the south eastern, north eastern and southern extension areas;

   b) commencement and completion of construction of the Crags Road underpass;

   c) commencement of the Belph Tip removal operations;

   d) construction, commissioning and decommissioning of the mobile crushing and screening plant in the eastern extension area;

   e) completion of the Belph Tip removal operations and final cessation of importing Belph Tip material to the existing quarry;

   f) completion of quarrying within each of the five extension areas;

   g) completion of restoration within the existing quarry (including the Phase 1 area);

   h) completion of restoration within the Phase 2a area and, if worked, the Phase 2b area;

   i) completion of restoration within each of the five extension areas;

   j) completion of restoration of the whole site.

8) **Restriction on Site Development Times:** Unless otherwise agreed in writing by the Mineral Planning Authority beforehand, no site development work which involves the destruction or disturbance of trees and hedgerows shall be undertaken during the bird nesting season (April to August).

   [See Note 9(b)]

9) **Approved Times of Operation:** Except in emergencies to maintain safe operational practices, the nature and circumstances of which shall be notified to the Mineral Planning Authority as soon as practicable, or

   Date 23 OCT 2006

   Signed D. C. Harrag

   Authorised Officer of the Council
unless the Mineral Planning Authority has agreed otherwise in writing, the following operations shall only be carried out between the times and on the days specified. None of these operations shall be carried out at any other time or on Sundays or Public Holidays:

a) **Approved Hours of Works for Site Development, Colliery Tip Removal, Colliery Material Transfer and Tipping, and Surface Restoration:** Site preparation, plant and services installation, soil stripping, bund formation and dismantling, ground raising, the removal of the Belph Colliery Tip 11/092 down to original ground level, the movement and tipping of colliery tip materials, surface restoration work including the replacement and treatment of soils, site clearance and access removal shall only be carried out:

between 0700 and 1900 hours on Mondays to Fridays; and between 0700 and 1300 hours on Saturdays.

b) **Hours of Works for Drilling, Mineral Extraction, Stockpiling and Conveyance, Kiln Waste Cell Construction and Disposal of Mineral (other than colliery and kiln) Waste:** The operation of plant and machinery for drilling, quarrying, overburden removal and tipping within the quarry (excluding ground raising and bund formation), mineral extraction operations (other than blasting), the conveyance of minerals and the formation of mineral stockpiles within the quarry, the removal and transport of mineral from stockpiles to the processing plant, the construction of cells for kiln waste disposal, the backfilling of worked areas and the disposal of mineral waste (other than colliery and kiln waste) shall only be carried out:

between 0600 and 1900 hours on Mondays to Fridays; and between 0600 and 1300 hours on Saturdays.

c) **Approved Hours for the Disposal of Kiln Waste:** The carriage and disposal of kiln waste may be carried out daily over 24 hours.

d) **Hours of Blasting:** The detonation of explosives shall only take place:

between 1000 and 1200 hours; and between 1400 and 1600 hours on Mondays to Fridays.

---

**Date:** 23 OCT 2006

**Signed:** [Signature]

**Authorised Officer of the Council**
Provided the prior written approval of the Mineral Planning Authority has been obtained, blasting may also be carried out between 1000 to 1200 hours on Saturdays.

Section Three: Working Method

10) Scheme of Operations: The progressive extraction of minerals and restoration of the site shall be carried out in accordance with the details specified in condition 10 of the planning permission Code No: CM5/598/7 except as amended by the documents and plans submitted with the application Code No: CM5/0206/178 hereby approved, and modified as necessary to have regard to the approved scheme of operations for working the ROMP area specified in condition 9 determined under the Environment Act 1995 Review under Code No: R5/0705/13, or as otherwise required by other conditions to this permission, or such minor variations as may otherwise have received prior written approval of the Mineral Planning Authority.

[See Note 11(a) – (f)]

11) Revised Scheme of Operations: In the event that it is agreed between the applicant and the Mineral Planning Authority that the approved scheme of operations can be revised to bring forward the Belph Tip removal, a revised scheme of operations shall be implemented in accordance with details, including revised phasing plans, which have received the prior written approval of the Mineral Planning Authority.

12) Detailed Methodology for Working the Southern Extension Area: No quarrying shall take place within the southern extension area other than in accordance with a detailed working method scheme which has received the prior approval in writing of the Mineral Planning Authority. The scheme shall include details of the following:

   a) a drawing to a scale of not less than 1:1250 showing the precise limits of excavation relative to the Crags Woodland and the land and vegetation to remain unaffected to the north-east and south-west;

   b) the order, direction and phasing of extraction;

   c) methods to minimise the ‘lead-in’ box cut in a southerly direction;

   d) methods to minimise blasting on faces parallel to the Creswell gorge, and to direct ground vibration away from the gorge, primarily but not exclusively from the west end of the gorge;

Date 23 OCT 2006

Signed D. C. Harvey
Authorised Officer of the Council
e) a detailed analysis of blast frequency and strength and prediction of
MIC levels and ground vibration levels and direction of transmission
of vibration during each phase of extraction, with particular attention
to blasts instigated on faces parallel to the gorge;

f) opportunities for mechanical extraction of shattered rock;

g) opportunities for staggered working to enable closer monitoring and
evaluation of any effects on Creswell Crags and Caves.

Section Four: Access, Highway Works, Lorry Routing and
Highway Protection

13) Approved Heavy Goods Vehicle Site Access and Egress:

a) except as provided at (b) below, or as may otherwise be approved in
writing by the Mineral Planning Authority, access into Whitwell
Quarry and Works by heavy goods vehicles shall only be taken via
the existing access off Crags Road, and egress out of Whitwell
Quarry and Works by heavy goods vehicles shall only be taken to
Crags Road via the existing Southfield Lane egress;

b) heavy goods vehicles removing civil engineering stone from the
eastern extension area shall, unless using the access and egress
specified at (a) above, use the approved new access/egress onto
Hennymoor Lane.

14) Site Parking and Manoeuvring: Adequate parking, loading/unloading,
turning and manoeuvring areas suitable for all vehicles visiting the site
shall be provided, suitably surfaced and maintained within the site at all
times.

15) New Access onto B6042 Hennymoor Lane: No civils grade or other
stone shall be taken from the approved eastern extension area directly
onto the B6042 Hennymoor Lane prior to the construction of the new
access from that area onto the lane in accordance with the specifications
shown on Figure 5 (3.7) in the applicant's supporting statement, these
being:

a) the provision of 4.5 metres x 160 metres visibility splays in each
direction along Hennymoor Lane;

b) the provision of 20 metres radii.

Date 23 OCT 2006

Signed  D. C. Harvey
Authorised Officer of the Council
The areas in advance of the sightlines within the visibility splays shall be constructed and maintained as grass verges throughout the period of approved use of the access.

16) Instructions for Routeing of Heavy Vehicles:

a) The inward facing sign specified in drawing number 53372/1210 at Appendix D2 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13 shall be maintained for the duration of the approved development at the egress onto Southfield Lane.

b) The proposed new access onto Hennymoor Lane from the eastern (Belph Tip) extension area shall not be brought into use until a sign or signs to a specification and in location(s) which have been approved in writing by the Mineral Planning Authority have been erected at or near the point of access. Thereafter the sign(s) shall be maintained for the remaining duration of the approved development. The sign(s) shall face inwards and shall clearly instruct the drivers of all lorries and other heavy goods vehicles, vehicles servicing the site or exporting stone to approach and depart the site only from and to the A60 Mansfield Road, in the case of departures via Hennymoor Lane and in the case of arrivals via Hennymoor Lane and (if required) Crags Road, and not to travel via Whitwell Village, Millash Lane, through Creswell Crags, nor along the new Crags Road Diversion. The sign(s) shall be the minimum size necessary to be clearly read by drivers in the cabs of their vehicles and shall be so coloured as not to be bright or obtrusive.

c) Written instructions and a route map shall be issued to the drivers of all lorries, other heavy goods vehicles, vehicles servicing the site or exporting stone or kiln products. The instructions shall require the drivers to approach and depart the site only from and to the A60 Mansfield Road via Hennymoor Lane and Crags Road, and not to travel via Whitwell Village, Millash Lane, nor through Creswell Crags or along the new Crags Road Diversion.

17) Highway Cleanliness: No mud or other material shall be taken from the site and deposited on to any public highway. No vehicles shall enter or cross the public highway from any part of the site without first using the existing or new vehicle wheel, undersides, carriageside and cabside washing facilities. Any new facilities shall be installed in accordance with details which have received the prior written approval of the Mineral Planning Authority. Other facilities for keeping the public highway clean of any contamination from the site and to prevent the spillage of

Date 23 OCT 2006

Signed [Signature]

Authorised Officer of the Council
materials, including wagon overload control and sheeting, shall be provided and used at all times. Additional facilities for keeping the highway and the site access and egress clean and to prevent the spillage of materials shall be provided at the written request of the Mineral Planning Authority and shall be used at all times during the implementation of the development.

Section Five: Ancillary Development (Installations, Plant, Machinery and Stockpiles)

18) Restriction on Permitted Development Rights: Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no fixed plant or machinery, buildings or structures in the nature of plant or machinery and no mobile processing plant shall be placed or erected on the site except as existing or authorised or required by this permission, or unless otherwise approved in writing beforehand by the Mineral Planning Authority. The Mineral Planning Authority shall not be bound to consider under the terms of this condition an ancillary building or structure which requires the submission of a planning application.

19) Details of Plant and Buildings: The design and colours of all proposed buildings, structures, plant, fences and gates shall be in accordance with details which have received the prior written approval of the Mineral Planning Authority.

20) Whitwell Works Visual Improvement Scheme: The visual appearance of the Whitwell Works Processing Plant, as seen from Crags Road and Southfield Lane, shall be improved in accordance with a scheme and programme of implementation (for the painting, maintenance and landscaping of plant and buildings) approved or modified under the terms of Condition 71 of the planning permission. Code No: CM5/598/7.

21) Eastern Extension Crushing and Screening Plant: The proposed civils stone crushing and screening plant in the eastern extension shall be constructed and used only in accordance with a scheme which has received the prior written approval of the Mineral Planning Authority. The scheme shall include plans and drawings as appropriate and shall give details of the following:

a) location and layout;

b) specifications and appearance;

Date 23 OCT 2006
Signed D.C. [Signature] Authorised Officer of the Council
c) measures for visual and acoustic screening.

22) **Mineral Stockpiles:** Mineral stocking on the site including the:

a) existing mineral stocking grounds;
b) mineral stockpile requirements;
c) containment of stocks within designated area(s);
d) phased relocation of stocking areas to enable progressive restoration;

shall only take place in accordance with the scheme shown on drawing reference LAF/WT/07-03/10677 at Appendix P of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13 unless otherwise approved by the Mineral Planning Authority in writing.

23) **Parking of Plant and Vehicles Operating Within Approved Quarry Areas:** No mobile plant or vehicles shall be parked outside the excavations except for the purposes of carrying out approved operations within those areas.

24) **Clearance of Ancillary Development:** At such time as they are no longer required for the approved development all plant, structures, other installations, tanks, machinery and temporary buildings shall be removed from the site.

**Section Six: Control of Noise**

25) **Noise Suppression Measures:** At all times during the carrying out of the approved operations all practicable noise suppression measures shall be applied to the operation of mobile plant, machinery and vehicles, drilling rigs, crushing and screening and other process plant. All vehicles, plant and machinery shall operate on the site only during the permitted hours, except in emergency, and shall be maintained in accordance with manufacturers' specifications at all times, and shall be fitted with and use effective silencers or other acoustic mitigation devices/shrouds as appropriate. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

26) **Noise Limits During Normal Operations:** Except as provided at Condition 27, below, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 Hour}$, received at any noise sensitive property adjoining the mineral site, due to operations within the site, shall not exceed:

Date: 23 OCT 2006
Signed: [Signature]
Authorised Officer of the Council
a) limits set in accordance with Annex 2: Noise to Minerals Policy Statement 2 (MPS2): Controlling and Mitigating the Environmental Effects of Minerals Extraction in England; and

b) in particular, at those representative dwellings specified in column 1 of the table below, the limits set out in column 2 opposite;

whichever is the lower. Measurements shall be taken in accordance with BS4142: 1997 and the advice in Annex 2 to MPS2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Noise Levels dB $L_{\text{Aeq, 1 hour}}$ (free field)</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 New Street</td>
<td>50</td>
</tr>
<tr>
<td>Bakestone Moor</td>
<td>50</td>
</tr>
<tr>
<td>1 Vine Cottages</td>
<td>46</td>
</tr>
<tr>
<td>23 Franklin Avenue</td>
<td>51</td>
</tr>
<tr>
<td>Bridge Close</td>
<td>55</td>
</tr>
<tr>
<td>Southfield Villas</td>
<td>55</td>
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<tr>
<td>Penny Green Cottages</td>
<td>49</td>
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<tr>
<td>Penny Green</td>
<td>49</td>
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<tr>
<td>Springfield Farm</td>
<td>50</td>
</tr>
<tr>
<td>Hennymoor Farm</td>
<td>51</td>
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<tr>
<td>Crags Lodge</td>
<td>51</td>
</tr>
<tr>
<td>Crags Cottages</td>
<td>50</td>
</tr>
<tr>
<td>Crags Visitor Centre</td>
<td>55</td>
</tr>
<tr>
<td>Crags Footpath</td>
<td>53</td>
</tr>
<tr>
<td>Bank House Farm</td>
<td>50</td>
</tr>
<tr>
<td>Brookfield/Meadow View</td>
<td>51</td>
</tr>
<tr>
<td>Brookside Farm</td>
<td>52</td>
</tr>
<tr>
<td>Bridge House</td>
<td>50</td>
</tr>
<tr>
<td>Lower Mill Farm</td>
<td>50</td>
</tr>
<tr>
<td>Peter More Cottage</td>
<td>49</td>
</tr>
</tbody>
</table>

27) Noise Limits During Temporary Operations: The noise limits in Condition 26 may be exceeded for noise emitted from temporary operations and received at any individual noise sensitive property for a period not exceeding eight weeks in any calendar year provided that the noise received shall not at any time exceed:

a) limits set in accordance with Annex 2: Noise to Minerals Policy Statement 2 (MPS2): Controlling and Mitigating the Environmental Effects of Minerals Extraction in England; and

Date 23 OCT 2006

Signed D. C. [Signature]

Authorised Officer of the Council
b) in particular, at those representative dwellings specified in column 1 of the table below, the limits set out in column 2 opposite; whichever is the lower. Measurements shall be taken in accordance with BS4142: 1997 and the advice in Annex 2 to MPS2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Noise Levels dB L&lt;sub&gt;Aeq. 1 hour (free field) &lt;/sub&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 New Street</td>
<td>61</td>
</tr>
<tr>
<td>Bakestone Moor</td>
<td>62</td>
</tr>
<tr>
<td>1 Vine Cottages</td>
<td>62</td>
</tr>
<tr>
<td>23 Franklin Avenue</td>
<td>60</td>
</tr>
<tr>
<td>Bridge Close</td>
<td>61</td>
</tr>
<tr>
<td>Southfield Villas</td>
<td>64</td>
</tr>
<tr>
<td>Penny Green Cottages</td>
<td>70</td>
</tr>
<tr>
<td>Penny Green</td>
<td>66</td>
</tr>
<tr>
<td>Springfield Farm</td>
<td>70</td>
</tr>
<tr>
<td>Hennymoor Farm</td>
<td>61</td>
</tr>
<tr>
<td>Crags Lodge</td>
<td>68</td>
</tr>
<tr>
<td>Crags Cottages</td>
<td>61</td>
</tr>
<tr>
<td>Crags Visitor Centre</td>
<td>61</td>
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<tr>
<td>Crags Footpath</td>
<td>63</td>
</tr>
<tr>
<td>Bank House Farm</td>
<td>63</td>
</tr>
<tr>
<td>Brookfield/Meadow View</td>
<td>62</td>
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<tr>
<td>Brookside Farm</td>
<td>59</td>
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<tr>
<td>Bridge House</td>
<td>60</td>
</tr>
<tr>
<td>Lower Mill Farm</td>
<td>62</td>
</tr>
<tr>
<td>Peter More Cottage</td>
<td>70</td>
</tr>
</tbody>
</table>

Temporary operations shall be defined as site preparation, soil stripping, storage and replacement, bund formation and removal, site surface restoration and any other temporary activities that shall be agreed with the Mineral Planning Authority. The Mineral Planning Authority shall be notified of the commencement date of each period of temporary operations so defined.

28) **Specific Noise Condition for Peter More Cottage:** In the event that Peter More Cottage is in residential occupancy during the drilling works on the top bench of the north-western extension area, additional acoustic screening shall be provided for the cottage in accordance with details which have received the approval in writing of the Mineral Planning Authority.

Date 23 OCT 2006

Signed [Signature]

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29) **Specific Noise Condition for Crags Lodge:** In the event that Crags Lodge is in residential occupation during the working of the southern, south-eastern and eastern extension areas, additional acoustic screening shall be provided for Crags Lodge in accordance with details which have received the approval in writing of the Mineral Planning Authority to reduce the normal site generated noise level at the premises to 51 dB $L_{A_{eq},1\,\text{hour}}$. Measurements shall be taken in accordance with BS4142:1997 and the advice in MPS2.

30) **Noise from the Eastern Extension Crushing and Screening Plant:** Noise levels from the proposed crushing and screening plant on the Belph Tip shall not at any time exceed the $L_{A90}$ ambient level (as recorded in 1995) + 10 dB(A) as measured outside the noise sensitive premises adjoining the eastern area, as specified below at those representative dwellings. Measurements shall be taken in accordance with BS4142:1997 and the advice in MPS2.

<table>
<thead>
<tr>
<th>Location</th>
<th>Maximum Noise Levels ($L_{A90} + 10$) measured as $L_{A_{eq},1,\text{hour}}$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southfield Villas</td>
<td>55</td>
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<tr>
<td>Penny Green Cottages</td>
<td>49</td>
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<tr>
<td>Springfield Farm</td>
<td>50</td>
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<tr>
<td>Hennymoor Farm</td>
<td>51</td>
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<tr>
<td>Crags Cottages</td>
<td>51</td>
</tr>
<tr>
<td>Crags Visitor Centre</td>
<td>53</td>
</tr>
<tr>
<td>Crags Footpath</td>
<td>49</td>
</tr>
</tbody>
</table>

31) **Reversing Alarms:** Reversing alarms used on vehicles on the site shall be either non-audible, ambient related or low tone devices.

32) **Site Noise Monitoring:** Site noise monitoring shall be undertaken in accordance with the noise monitoring scheme dated 20 June 2003, at the noise sensitive locations shown on Drawing Number W28/PL1 dated July 2001, together comprising Appendix J2 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, or in accordance with such amended scheme as has received the prior written approval of the Mineral Planning Authority.

Any amended scheme shall include amended noise monitoring locations, details of noise monitoring equipment to be used, frequency and duration of measurements which shall be for a minimum of 15 minutes per monitoring event at each location, recording and presentation of prevailing weather conditions, presentation of results.

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Signed [Signature]

Authorised Officer of the Council
which shall include $L_{A90', \tau}$ free-field and $L_{A90', \tau}$ free-field noise levels, comments on noise sources controlling the noise climate, modelling procedures and procedures to be adopted if noise limits go above certain levels.

Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, nor during periods of plant breakdown, nor when the wind is blowing towards the site from a monitoring point or during wind speeds in excess of 5 metres per second (average over the monitoring period), nor during periods of heavy rain. Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results shall be kept during the life of working in the approved areas and made available to the Mineral Planning Authority upon request. After the first year of operation, the frequency of such monitoring may be reviewed by agreement with the Mineral Planning Authority.

(See note 7)

33) Noise Complaints:

a) **Noise Complaints Procedure:** The applicant shall maintain a procedure for recording and responding to noise complaints throughout the period of the approved development including the restoration. All complaints received (whether from local residents or others) shall be logged. Each log shall provide details of the complainant's address (in the case of local residents), contact information, the date, time and details of the complaint, the results of investigation including the source of the noise (if identified), corrective action taken and where appropriate, further preventative action. Each log shall be kept for the duration of the development and shall be made available to the Mineral Planning Authority upon request.

b) **Monitoring Noise in Response to Complaint:** In the event of complaint that the Mineral Planning Authority considers justifies the monitoring of noise from the site, the operator shall undertake the monitoring of site noise levels at the appropriate noise sensitive property at the request of, and submit the results to, the Mineral Planning Authority. The monitoring shall be undertaken during those working hours specified in Condition 9 for the operation or operations responsible for the complaint. Monitoring shall not be undertaken during meal breaks except where the purpose is to monitor noise from fixed plant, nor during periods of plant breakdown nor when the
wind is blowing towards the site from a monitoring point or during wind speeds in excess of 5 metres per second (average over the monitoring period). Measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The results of the noise monitoring shall be made available to the Mineral Planning Authority upon request.

(See note 7)

Section Seven: Control of Dust, Smoke, Fumes and Waste

34) Dust Generation and Control: All operations for the winning and working of minerals, restoration works and ancillary operations and development, shall be carried out in a manner to minimise the generation of dust, and suitable dust prevention and control measures shall be implemented and maintained at all times during the carrying out of the approved development.

35) Specific Dust Prevention and Control Measures: Specific measures to prevent or minimise the generation of dust shall be implemented in accordance with Table 2 Part III and the Dust Action Plan (DAP) dated March 2005 at Appendix K1 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, or in accordance with such amended DAP as may be required by or has received the prior written approval of the Mineral Planning Authority.

36) Control of Dust from Drilling and Blasting: The operators shall take steps to prevent or minimise dust arising from drilling and the use of explosives. All exploration drilling rigs and blast hole drilling equipment used within the quarry shall be fitted and operated with suitable dust arrestment and extraction equipment and filters in accordance with the manufacturers’ recommendations and be so operated at all times to minimise airborne dust emissions from the site. All blast holes shall be appropriately stemmed and attention paid to prevailing wind direction and proximity of residential property in advance of each blast event.

37) Dust Monitoring Scheme: Dust monitoring shall be undertaken in accordance with the dust monitoring scheme dated March 2005 at Appendix K2 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, or in accordance with such amended scheme as may be required by or has received the prior written approval of the Mineral Planning Authority. The monitoring of dust emissions shall be carried

Date 23 OCT 2006

Signed D. C. Horsey
Authorised Officer of the Council
out throughout the duration of the soil handling, land raising, bund formation, quarrying, restoration, Belph Tip removal and all associated operations.

38) Cessation of Operations in the Event of Dust Nuisance: In the event of dust from the site becoming a nuisance to local residents such as to give rise to justifiable complaint, or in the event that dust deposits exceed the 'nuisance threshold' of 200mg/m²/day identified in paragraph 3.6.4.7 of the Supporting Statement that accompanied the planning application Code No: CM5/598/7, the operation causing the excessive dust shall cease until such time as conditions improve or the operation can be effectively controlled.

39) Burning (Smoke and Fumes): There shall be no burning of rubbish or wastes or other fires on the site, except as may be required by the Mines and Quarries Act 1954 and any other relevant legislation.

40) Rubbish, Scrap Materials and Disused Machinery: All rubbish, debris, scrap and other waste material generated on the site (other than mineral waste) shall be regularly collected and stored in a tidy manner in a contained and inconspicuous location within the quarry until disposed of in a suitable facility.

Section Eight: Control of Explosives

41) Scheme of Blasting: No blasting shall be carried out except in accordance with the details in Part III Section 22 and the scheme of blasting dated February 2005 at Appendix 01 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, and such amended or additional details as may be later required or approved in writing by the Mineral Planning Authority having regard to blasting performance, the complaints register and other relevant issues arising including the requirements of Network Rail.

For the avoidance of doubt the Mineral Planning Authority reserves the right to request amended or additional details about blasting times and frequency, good blast design, methods of initiation, adaption of charge weights to local circumstances and conservation interests, response to prevalent weather conditions; and measures to minimise ground vibration, flyrock, and air overpressure.

The initiation of high explosive secondary blasting shall be avoided where practicable and any low explosive secondary blasting including
face dressing shall be minimised to that which may be necessary in the interests of safety and the appearance of final quarry faces in the restoration of the site.

No blasting shall take place within 300 metres of the Hennymoor Farm house other than in accordance with an approved scheme for blasting in the Eastern (Belph) Extension Area which incorporates specific measures for the protection of the house from superficial damage from ground vibration.

42) Ground Vibration Levels at Occupied Vibration Sensitive Buildings: Ground vibration as a result of blasting operations measured at or in close proximity to any occupied vibration sensitive building shall not exceed a peak particle velocity of 6mm/second in 95% of all blasting events over a six months period, and no individual blast event shall generate a peak particle velocity in excess of 8.5mm/second. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.

43) Ground Vibration Levels at Commercial and Uninhabited Vibration Sensitive Buildings: Ground vibration as a result of blasting operations measured at or in close proximity to any offices, workshops, or uninhabited vibration sensitive buildings not in the ownership or control of the applicant, shall not exceed a peak particle velocity of 12.8mm/second in 95% of all blasting events over a six month period, and no individual blast event shall generate a peak particle velocity in excess of 15mm/second. In all cases the measurement of the ground vibration shall be the maximum of three mutually perpendicular directions (longitudinal, vertical and transverse) taken at the ground surface at any vibration sensitive building.

44) Blasting: Whitwell Tunnel: The level of vibration on Whitwell Tunnel (until decommissioned) and at the railway boundary, shall not exceed a maximum peak particle velocity of 12mm/second unless otherwise approved in writing by the Mineral Planning Authority in consultation with Network Rail.

[See Note 11]

45) Monitoring of Ground Vibration and Air Overpressure: All blasting operations and resultant vibration and air overpressure at the site shall be monitored in accordance with the scheme, (including sample blast

Date 23 OCT 2006
Signed [Signature]
Authorised Officer of the Council
logs) dated February 2005, at Appendix O1 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, and in the locations shown on Drawings Numbers WHIT0502.1.A and WHIT0502.2.A both dated 15 February 2005 and submitted under cover of the letter from MJCA dated 6 April 2005, or such amended details as may be later required or approved in writing by the Mineral Planning Authority having regard to blasting location and performance, the complaints register and other relevant issues arising. The Mineral Planning Authority reserves the right to request amended or additional blast monitoring locations.

The results of blast monitoring shall be presented to the Mineral Planning Authority on request.

46) Monitoring of Ground Vibration and Air Overpressure in the Event of Complaint: In the event of complaint which the Mineral Planning Authority considers justifies the monitoring of vibration or air overpressure outside the site, the operator shall undertake the monitoring of ground vibration or air overpressure at the appropriate vibration sensitive property or air blast sensitive property at the request of, and shall submit the results to the Mineral Planning Authority. For the purposes of this condition the terms ‘vibration sensitive property’ and ‘air blast sensitive property’ shall be taken to mean any occupied residential building and curtilage, and buildings within the Whitwell, Belpth and Creswell Crags Conservation Area.

Section Nine: Drainage and Pollution Control

47) Surface Water Drainage and Field Water Supplies in the Vicinity of the Site: There shall be no interruption to the surface water and field drainage systems or field water supplies surrounding the site except for any necessary diversion or rearrangement of them which shall be implemented where affected by the approved quarrying operations.

48) Contaminated Site Drainage: There shall be no discharge of foul or contaminated drainage from the site into the ground, groundwater or any surface waters, whether direct or via soakaways. All necessary measures shall be taken to prevent effluents, oil, fuel or lubricant being discharged to any watercourse, groundwater system or underground strata.

49) Colliery Spoil Placement - Contaminated Groundwater: During and following the period of colliery spoil placement in the quarry excavations, monitoring and hydraulic containment of contaminated groundwater (by
pumping to prevent migration) shall be carried out in accordance with a scheme and programme which has the written approval of the Mineral Planning Authority in consultation with the Environment Agency.

50) **Storage of Potential Contaminants:** Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. All facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of each bunded compound shall be at least equivalent to the capacity of the tank and associated pipework plus 10%. If there is multiple tankage within a bund, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels and associated pipework plus 10%. All filling and emptying points, associated valves, vents, tank overflow outlets, pipework, gauges and sight glasses shall be located within the bund or have separate secondary containment. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund. There shall be no drain through any bund floor or walls. The drainage system of each bund shall be sealed with no discharge to any watercourse, land or underground strata.

51) **Protection of the Water Quality of Rivers, Brooks and the Great Lakes:** The development hereby approved shall be undertaken in accordance with the quarry water management scheme, to protect the water in the River Wolien, the Millash and Millwood Brooks, and the Welbeck Great Lakes from pollution, as presented in the Report Reference LAF/WT/GW/2046/01c dated May 2004 with Appendices A to E inclusive and shown on Drawing Reference LAF/WT/02-02/10007 at Appendix H8 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13. The scheme shall be implemented in accordance with the details as approved or such amended details as may subsequently be approved in writing by the Mineral Planning Authority.

52) **Protection of Flows in Watercourses:** There shall be no net derogation of baseflows in the Millash Brook or Millwood Brook, other watercourses, licensed abstractions or private water supplies in the area as a result of the approved quarrying and associated pumping operations.

53) **Quarry Water Discharge Strategy:** The development hereby approved shall be undertaken in accordance with the quarry water discharge

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**Date:** 23 OCT 2006  
**Signed:** [Signature]

Authorised Officer of the Council
strategy, including provision to avoid derogation of water flows and supplies in the River Wollen, the Millash Brook and the Millwood Brook, and the arrangements for the monitoring of discharges, as presented in the Report Reference LAF/WT/GW/2046/01c dated May 2004 with Appendices A to E inclusive and shown on Drawing Reference LAF/WT/02-02/10007 at Appendix H8 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, or such appropriate amendment(s) to the strategy as may subsequently be required or approved by the Mineral Planning Authority in writing, in consultation with the Environment Agency. The approved discharge arrangements shall be maintained and continuous metering as close as practicable to the approved discharge points using suitable and reliable apparatus shall be carried out. Recording and the making available of discharge records shall be undertaken throughout the period of pumping operations at Whitwell quarry.

54) Monitoring of Flows in the River Wollen, Millash Brook and Millwood Brook: No quarrying shall take place other than in accordance with the River Wollen, Millash Brook and Millwood Brook groundwater and surface water flow monitoring schemes presented in the Report Reference LAF/WT/GW/2046/01c dated May 2004 and shown on Drawing Reference LAF/WT/02-02/10007 both at Appendix H8 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, or such appropriate amendment(s) to the scheme(s) as may subsequently be required or approved by the Mineral Planning Authority in writing in consultation with the Environment Agency. The monitoring shall be undertaken in accordance with the programme specified at Table 1 in Appendix H8.

55) Monitoring of Discharges: No quarrying shall take place within the approved extension areas until suitable and reliable apparatus and arrangements are in place and operational for the continuous metering and recording of quarry water discharges into the River Wollen (as close as practicable to the monitoring locations specified in the schemes referred to in Condition 54), and into the Millash Brook. Metering, recording and the making available of discharge records shall be undertaken throughout the duration of pumping operations at the quarry.

56) Drainage Adjacent to Network Rail Property: Storm or surface water shall not be discharged from the site onto or towards Network Rail property. Suitable drainage or other works shall be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Date 23 OCT 2006
Signed D. C. Herzy
Authorised Officer of the Council
Section Ten: Protection of Potential Archaeological, Palaeontological and Geological Interests

57) Protection or Recording of Known Archaeological Interest in the South-Eastern Extension Area: Unless otherwise approved in writing by the Mineral Planning Authority, the approved quarry development within the south-eastern area shall only be undertaken in compliance with the implementation of the programme of archaeological work in accordance with the written scheme of investigation specified at Appendix L2 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13. In the event that the Mineral Planning Authority reasonably considers that any items of archaeological interest merits full archaeological preservation in situ, the operators shall, upon the written request of the Mineral Planning Authority, submit detailed proposals for the preservation of the interest and a revised working scheme for the south eastern extension area.

58) Protection of Potential Archaeological Interests in the Extension Areas: Unless otherwise approved in writing by the Mineral Planning Authority, the approved quarry development shall only be undertaken in compliance with the implementation of the programme of archaeological work in accordance with the written scheme of investigation specified at Appendix L2 and Appendix L3 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13. In the event that any archaeological discovery merits full archaeological preservation in situ, the operators shall, upon the written request of the Mineral Planning Authority, submit detailed proposals for the preservation of the interest and a revised working scheme for the extension area in which it is located.

59) Protection of Archaeological, Palaeontological and Geological Interests During Quarrying in the Southern Extension Area: Unless otherwise approved in writing by the Mineral Planning Authority, the approved quarry development shall only be undertaken in compliance with the implementation of a programme of palaeontological, geological and archaeological work in accordance with the written scheme of investigation specified at Appendix L3 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13. The quarrying operation shall be monitored for this purpose and, if appropriate, there shall be temporary cessation of quarrying in any area found to be of interest for investigation, excavation, measurement, recording, sampling, recovery and evaluation of any...
Section Eleven: Protection of Ecological Interests

60) Nature Conservation and Protected Species: All necessary measures which shall include those proposed in the submitted Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13 shall be taken to protect wildlife interests of acknowledged importance within the site and adjacent areas under the control of the applicant throughout the period of the approved development. No site preparation for quarrying or restoration activities shall take place within each of the approved quarry extension areas or any other area of the site unless:

a) the applicant has undertaken a resurvey of trees and the ground within the appropriate area for the presence or use by species and/or their habitats protected by the Wildlife and Countryside Act 1981 and amending and related legislation; and

b) the applicant has submitted to the Mineral Planning Authority a report of each resurvey, with location plans as necessary, together with a scheme as necessary for species and habitat protection and/or appropriate mitigation of impact thereon; and

c) the Mineral Planning Authority in consultation with English Nature has given its approval in writing to the scheme referred to at (b).

Site preparation and restoration work in each area shall only take place in accordance with the scheme as approved.

[See notes 9(a) and 9(b)]

61) Protection of Eastern Extension Area of Regional Nature Conservation Importance: Prior to carrying out any development affecting the ecological integrity of the area of Regional Nature Conservation Importance identified on the attached Plan No: DCC/5.541.12/B, the applicant shall submit for the approval of the Mineral Planning Authority a scheme for the protection where practicable of this area. The scheme shall include:

a) a review of the tip working, quarrying and landscape proposals to examine the feasibility and extent of the area which can be physically retained;

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Signed D. C. Harvey
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b) proposals for the retention and management of the scrub and all or part of the ephemeral communities in this area;

c) the conservation and storage for re-use of soils from those parts of this area which are unavoidably affected by the tip dismantling operations;

d) the adoption of best practice in the working methodology to avoid damage or disturbance to the area identified for retention and protection;

e) a programme of management of the area identified for protection.

The development shall only take place in accordance with the scheme as approved or modified by the Mineral Planning Authority in consultation with English Nature and Derbyshire Wildlife Trust.

62) Conservation of Seed Resource: Prior to the removal of any vegetation from each of the approved extension areas or other areas within the site remaining to be quarried, a programme and arrangements for the collection and safe storage of seed of local provenance from existing hedgerow, shrub and tree species for eventual use in restoration landscaping and ecological schemes as provided for under Conditions 97 and 98 shall be implemented in accordance with:

a) for the Eastern (Belph Tip) Extension area, details which have the written approval of the Mineral Planning Authority;

b) for the rest of the site, the methodology and details specified in the Appendix C titled ‘Proposal for Harvesting and Storage of Seeds from Hedgerow Trees and Shrubs for use in a Restoration Landscape Scheme’ (with plan Appendix A) submitted under cover of the letter from MJCA dated 14 November 2005.

Section Twelve: Protection of Trees and Hedgerows

63) Protection of Crags Northern Woodland: No development shall take place which will adversely affect the Creswell Crags Woodland shown on the attached Plan No: DCC/5.541.12/C.

64) Retention of Trees and Tree Felling: No trees shall be felled, damaged or disturbed without the prior written approval of the Mineral Planning Authority, save for those trees within the extraction area shown outlined in red on the plan titled ‘Location of Extension Areas’ (Figure 4

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submitted with the planning application Code No: CM5/598/7 and on the drawing reference LAF/WT/05-05/12212 entitled 'Approximate principal areas of working for the ROMP' at Figure 8 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13. Prior to development works commencing in each extension or other area of the site the extraction boundaries shall be defined by marker posts and bunttings or other suitable method and no trees shall be felled until the boundaries so defined have been checked and agreed by a representative of the Mineral Planning Authority. All trees to be felled shall be clearly marked and there shall be careful site supervision to ensure that no damage occurs to other trees during the site clearance and preparation phase.

65) **Protection of Trees, Hedgerows and Boundary Features:** All of the existing trees, hedges, walls and fences on and adjacent to the site boundary, including the existing screen vegetation in the south-east extension area, shall be retained and protected from disturbance, damage or destruction throughout the approved period of quarrying operations and until the restoration of the whole of the Whitwell Quarry complex, except as allowed by this permission or as may otherwise have received the prior written approval of the Mineral Planning Authority. For the purposes of this condition the retained trees and hedgerows shall be protected as necessary from the quarrying operations by the provision of standoffs, with machinery and storage exclusion areas that extend to the edge of all hedge and tree boundaries, and fencing and hedgerows shall be subject to a programme of management, all in accordance with a scheme which has the approval in writing of the Mineral Planning Authority.

66) **Retention of Existing Hedgerows:** No hedgerows shall be removed, damaged or destroyed other than as necessary to implement the approved development.

67) **Roadside Hedgerow Translocation:** All existing roadside hedgerows affected by the visibility splay for the proposed Crags Road/Henny Moor Road and Henny Moor Road/A60 Mansfield Road junction improvements, and by the proposed new access from the eastern extension onto Henny Moor Lane, shall be lifted and transplanted in the appropriate season behind the visibility splay, and shall for the duration of the approved development be maintained in accordance with the principles of good hedgerow management. Any translocated hedges which die or become seriously damaged or diseased during the maintenance period shall be replaced using plants of the same species.

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mix or such alternative species as may be approved by the Mineral Planning Authority.

68) **Hedgerow and Shrub Translocation from Approved Extension Areas:** Selective hedges and shrubs and/or hedgerow soils and root matter within the approved extension areas, and in particular along Tommy Moor Lane in the southern extension area, shall where practicable and appropriate be translocated in accordance with a scheme or schemes which has/have received the written approval of the Mineral Planning Authority, prior to undertaking any works which affect them. The scheme shall:

a) identify on a plan the donor areas and the receptor areas of all hedges and shrubs to be translocated;

b) specify the methods to be used in translocation;

c) where practicable propose the use of translocated hedges to form suitable 'green lanes' and boundaries, and alongside access to the proposed Whitwell Lake and in the vicinity of the new Crags Road diversion;

d) where appropriate incorporate translocated shrubs in the new screening and landscaping schemes;

e) provide for monitoring of success; and

f) the maintenance for the duration of the approved development of all translocated plants in accordance with the principles of good hedgerow management.

Any translocated hedges or shrubs which die or become seriously damaged or diseased during the maintenance period shall be replaced using plants of the same species mix or such alternative species as may be approved by the Mineral Planning Authority.

**Section Thirteen: Visual Screening and Landscaping**

69) **Ground Raising, Screen Bunding and Advance Landscaping Scheme(s):**

a) **In the North-Western Extension Area:** The approved scheme Code No: SM892 implemented in the north western extension area under Condition 70 of the planning permission Code No: CM5/598/7,

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in accordance with Appendix M in the 'Application for the Discharge of Reserved Matters' submitted under cover of the letter from MJCA dated 16 July 2004, as amended by Drawing No: 2.321/10C submitted under cover of the letter from MJCA dated 12 October 2004, shall be maintained for the duration of quarrying operations until the implementation of approved restoration works. Permanent advanced planting implemented as part of this scheme shall be maintained in compliance with condition 104 to this permission.

b) **In the North Eastern and South Eastern Extension Areas:** The schemes Code Nos: SM1095 and SM1105 for the north eastern and south eastern extension areas approved under Condition 70 of the planning permission Code No: CM5/598/7 shall be implemented and maintained for the duration of the quarrying operations in compliance with the approved details. The permanent advance planting implemented as part of these schemes shall be maintained in compliance with Condition 104 to this permission.

c) **In the Southern and Eastern Extension Areas:** No operations shall take place within the southern and eastern extension areas until comprehensive schemes for, as appropriate, the ground raising, screen bunding and advance landscaping of those areas has been submitted to and approved in writing by the Mineral Planning Authority. Each scheme shall be implemented in accordance with the details as approved or modified by or such amended details as may subsequently be approved in writing by the Mineral Planning Authority.

The schemes shall be based on the generality of Figure 24 (4.4) 'Mitigation Proposals; Southern Extension' in the book of 'Landscape and Visual Assessment Plans' submitted with the planning application Code No: CM5/598/7 and the revised Figure 19 (4.4) 'Mitigation Proposals: Eastern Extension' in the applicant's 'Response to Consultation April 2000'.

The schemes shall have regard to the Council’s Landscape Character Assessment of the site and surrounding area, the Countryside Agency’s description of the Southern Magnesian Limestone Character Area 30, the integrity of the Creswell Craggs Conservation Area, and shall amongst other matters include details of the following:

a) and form proposals, with contour intervals no less than 1 metre, for land raising and permanent or temporary bunding and merging of the new landform into the adjoining land;

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b) the materials of construction of each raised or bunded area and the use of soils;

c) screen planting proposals, including the use only of healthy stock grown from seed sources of local provenance, and the locations, numbers, groupings, species, planted heights and details of planting of native trees, shrubs and hedgerows, in the form of schedules of planting for each area of the site, general location/distribution details on a revised masterplan and photomontage, and specific details on a series of plans to a scale of not less than 1:1250;

d) drawings to a scale of not less than 1:1250 together with profile and viewpoint drawings showing the integration of the planting proposals with the adjacent landscape;

e) schedules of initial, pre-emergence and post-emergence fertiliser applications;

f) seeding of appropriate areas to grass or other suitable ley, including a specification of seed mixes, which shall include wild flower seeds and diverse seed mixes where appropriate, and the sowing of seeds beneath hedgerows to establish ground flora;

g) a cultivation programme;

h) measures for the protection of all plantings, including rabbit proofing and fencing;

i) arrangements for the drainage of all planted areas;

j) the retention, replacement or repair of fences where appropriate, and the provision of new fencing, gates, stiles and stone walls;

k) a programme of implementation.

Section Fourteen: Soil Conservation and Protection

70) Vegetation Clearance of Soils to be Stripped: Immediately prior to the stripping of any soils from the site all vegetation above a height of 154mm (6") above ground level, or in the case of arable fields all standing crops, shall be removed from the areas to be stripped.

71) Soil Handling Conditions: The stripping, movement, storage, excavation, lifting and placement of topsoil and subsoil shall only take

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place in accordance with the good practice techniques specified in Sections 3.3.4.3 C, D and E of the Environmental Statement that accompanied the planning application Code No: CM5/598/7 and Section 18 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13. No soil stripping or soil respreading shall take place except during periods of dry weather when the full depth of soil to be stripped or replaced is in a suitably dry and friable soil moisture condition (non-plastic state) such that damage to its structure is avoided, and the topsoil can be separated from the subsoil without difficulty. The Mineral Planning Authority shall be notified at least seven days prior to any soil stripping, excavation or placement event, and opportunity shall be given to a representative of the Mineral Planning Authority for inspection of the condition of the soil to be handled prior to handling.

[See Note 10)]

72) **Topsoil Stripping:** Before any part of the site is excavated, or traversed by heavy vehicles or machinery (except for the purpose of stripping soil or stacking topsoil on that part), or used for the storage of subsoil or overburden, or for land raising or the formation of screening mounds, or for the construction of haul roads or placement of plant, all available topsoil shall be separately stripped from that part, taking care to handle different types of topsoil separately where they are present in the profile.

73) **Subsoil Stripping:** Following the stripping of topsoil all available subsoil shall be stripped from the areas to be excavated, or traversed by heavy vehicles or machinery (except for the purpose of stripping or stacking topsoil or subsoil on that part), or used for the storage of overburden, or for landraising or the formation of screening mounds, or for the construction of haul roads or placement of plant.

74) **Topsoil and Subsoil Stripping, Storage and Placement Methodology:** The stripping, storage and placement of topsoil and subsoil shall only take place in accordance with the good practice methodology specified in Section 3.3.4.3 E and F using only the machinery specified in paragraph 3.3.4.3 D of the Environmental Statement that accompanied the planning application Code No: CM5/598/7, and Section 18 of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, save for such alternative good practice methods as may be agreed on site with a representative of the Mineral Planning

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Authority as being necessary or preferable during the monitoring of the soil handling operations.

[See Note 10]]

75) Soil Forming Materials: Soil forming materials encountered during the carrying out of the development shall be separately recovered for use for landraising, screen mounding or restoration in accordance with approved schemes.

76) Retention, Conservation and Storage of Soils: All turf, topsoil, subsoil and soil forming materials shall be retained on the site for use for landraising, screen mounding and restoration in accordance with approved schemes. The temporary storage of soils pending reuse shall conform to a scheme or schemes approved in writing by the Mineral Planning Authority and which shall include details of the following:

a) the separate storage of separately stripped and different soil types and sub-types;

b) the separate storage of species rich soils stripped from ephemeral habitats/communities in conditions suitable to maintain viable seed banks;

c) the height, width, form, angles of repose and treatment of soil mounds, including measures to minimise compaction and water infiltration, and to ensure stability, grading and seeding to grass or other approved vegetation;

d) the location of all soil storage mounds in areas safe from standing water, trafficking, erosion and contamination;

e) measures for soil mound sward management, maintenance, weed and erosion control.

[See Note 10]]

77) Prevention of Compaction of Soils in Store: All soil storage mounds shall be constructed to keep compaction to the minimum necessary to ensure stability. No new topsoil mound shall be higher than 3 metres and no new subsoil mound shall be higher than 5 metres, unless otherwise approved in writing by the Mineral Planning Authority in consultation with DEFRA (Rural Development Service).

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78) **Prevention of Trafficking Over Soils in Store:** No soil storage mound shall be traversed by heavy vehicles, plant or machinery except as necessary for the purposes of construction and dismantling of each mound.

79) **Quantification of Soils in Store:** Following construction of each soil storage mound the quantity of soil in that mound shall be measured, and a detailed soils audit shall be maintained in accordance with section 3.3.4.3 F paragraph 8 of the Environmental Statement that accompanied the planning application Code No: CM5/598/7 throughout the life of the development and updated annually. Between July and August of each year of the development a plan shall be submitted to the Mineral Planning Authority identifying the location, soil type and volumes of all temporary storage mounds then present on the site and movements of material to and from the stores.

**Section Fifteen: Phased Post-Quarrying Restoration and Drainage**

80) **Restoration Scheme:** The plan and scheme(s) required at (a) and (b) below shall (save for the future availability of colliery spoil from the Whitwell North Colliery Tip 11/091) have regard to the restoration strategy described in Part 2 Section 19 of the Environmental Statement and shown on the drawing entitled ‘Illustrative Masterplan’ Figure 27 (4.4) at Appendix E of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, and Plan No: 799.15/02A ('Photomontage Masterplan Revision A') in the applicant’s ‘Response to Consultation April 2000’:

a) Pending the submission and approval of the details required at (b) below, the progressive infilling of the quarry shall take place in accordance with a restoration contour plan approved under the terms of Condition 82 of the planning permission Code No: CM5/598/7.

b) Within three years of the date of this permission, or if shorter within the timescale specified in Condition 65 of the Environment Act 1995 determination of application Code No: R5/0705/13, or within such longer period(s) as may be approved in writing by the Mineral Planning Authority, a comprehensive scheme or schemes for the phased and progressive restoration of the site, shall be submitted to the Mineral Planning Authority. The restoration scheme(s) shall take into account the restoration of the Phase 2b quarry extension.

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(railway tunnel) area shown outlined in blue on the attached Plan No: DCC/5.541.12/A, as approved by the planning permission Code No: BOL/1082/484 dated 27 November 1984, subject to the conditions dated 7 July 2006 determined under the Environment Act 1995 under Code No: R5/0705/13. The restoration of each part of the site shall take place in accordance with the scheme or schemes as approved or such amended scheme as may subsequently be approved in writing by the Mineral Planning Authority, and shall include details of the following:

i) proposals for after-use of the land, which shall comprise agriculture, woodland, grassland including limestone grassland, wildlife and lakes, and amenity areas with public access, and shall include a restoration land use plan to a scale of not less than 1:1250 with the location and details of different agriculture, woodland and grassland types;

ii) detailed restoration contour drawing(s) to a scale of not less than 1:1250 with contour intervals of not more than 1 metre;

iii) progressive infilling, levelling, and grading of overburden, colliery tip discard and processing plant waste material;

iv) progressive compaction of backfill/colliey waste each side of the proposed new railway track bed (subject to the terms of approval for the rail track and associated infrastructure);

v) method of containment, sealing and pollution control, quantities and locations for the placement of kiln dust and colliery spoil;

vi) retention where practicable of important geological features;

vii) selective blasting and cosmetic treatment of quarry rims, cliffs and benches, and scree slope formation;

viii) selective use of available soil forming materials, subsoils and topsoils appropriate for the intended after-uses of the site, including details of the areas to receive soils, the soil units to be used and the depths of replacement;

ix) sequential and uniform spreading of soils within each replacement area;

x) provision of interim drainage arrangements;

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xi) attention to the importance of correct ground and water levels, having regard to ground settlement, to ensure the success of the wetland proposals;

xii) preparatory work for the provision of wildlife habitats in association with the scheme required by Condition 98 to this permission.

81) **Drainage After Working:** Within three years of the date of this permission, or if shorter within the timescale specified in Condition 66 of the Environment Act 1995 determination of application Code No: R5/0705/13, or within such longer periods as may be approved in writing by the Mineral Planning Authority, a detailed scheme or schemes of permanent restoration and drainage for the site shall be submitted to the Mineral Planning Authority.

The drainage scheme(s) shall take into account the drainage during working and after restoration of the Phase 2b quarry extension (railway tunnel) area shown outlined in blue on the attached Plan No: DCC/5.541.12/A, as approved by the planning permission Code No: BOL/1082/484 dated 27 November 1984, subject to the conditions dated 7 July 2006 determined under the Environment Act 1995 under Code No: R5/0705/13. The drainage scheme(s) shall be implemented in accordance with the details as approved or such amended details as may subsequently be approved in writing by the Mineral Planning Authority. The scheme(s) shall include where appropriate details of the following:

a) the Whitwell Lake;

b) the Creswell Lake;

c) the Belph Lake;

d) for each lake the shape, size, depth, levels, inlet and overflow/outlet arrangements;

e) measures to regulate lake volume and area, including sluices and piped connections;

f) grading to promote natural drainage;

g) surface water drainage catchment and regime, including ditches, culverts and grips;

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h) subsoiling and mole drains;

i) piped underdrainage;

j) arrangements for existing field drainage systems severed by the quarrying;

k) arrangements for sustaining field water supplies affected by the quarrying;

l) erosion control measures including revetment works as necessary;

m) a programme of implementation.

82) Alternative Restoration and Drainage Scheme(s) if Premature Cessation of Quarrying: If the Mineral Planning Authority and all the persons with an interest in the site agree that quarrying operations have ceased before site levels or landform such as to permit the reclamation of the site or areas thereof in accordance with any scheme approved under any other condition of this permission have been achieved, the areas referred to in those conditions shall be restored and drained in accordance with an alternative restoration and drainage scheme or schemes which have the approval in writing of the Mineral Planning Authority.

The scheme(s) shall be based upon the principles of the reclamation and drainage details in those other conditions and shall include a programme of implementation. The scheme(s) shall be submitted not later than six months from the date of agreement that quarrying has ceased, or such later date as the Mineral Planning Authority may specify in writing and shall be implemented within the timescale approved by the Mineral Planning Authority.

83) Alternative Restoration and Drainage Scheme(s) if Spoil Becomes Available from Whitwell Colliery (North) Tip No: 11/091: In the event that a scheme subject to the grant of any necessary planning permission is implemented for the reclamation involving the whole or partial removal of the Whitwell Colliery (North) Tip 11/091, and material from that tip is made available for infilling part of the Whitwell Quarry excavations, the site shall be restored and drained in accordance with an alternative restoration and drainage scheme or schemes which take account of the additional material and which has/have the prior approval in writing of the Mineral Planning Authority.

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84) Limitations on Source of Infilling Materials: The infilling of the existing quarry material and approved extension areas shall take place using only quarry waste material derived from within Whitwell Quarry, kiln waste derived from Whitwell Quarry Processing Works, colliery waste from the Whitwell (South)(Belph) Colliery Tip No: 11/092, and if available from the Whitwell (North) Colliery Tip 11/092. There shall be no importation to the site of materials from other sources for infilling the quarry excavations.

85) Transportation of Infilling Materials: The routeing of all vehicles, plant and machinery to and from the areas to be infilled for the purposes of restoration shall not involve the use of public roads.

86) Void Lining for Tipping of Colliery Waste: The permeability of the material used to line the quarry floor and sides prior to the tipping of colliery spoil shall be $10^{-8}$ m/s or less as it is laid, or as may otherwise be approved in writing by the Mineral Planning Authority in consultation with the Environment Agency. Tests shall be carried out throughout the period of construction of the liner to verify this permeability in accordance with a programme of testing approved by the Mineral Planning Authority in consultation with the Environment Agency.

87) Achievement of Approved Restoration Levels: Infill materials shall be deposited in such quantity as necessary to ensure that, after replacement of the soils, the surface of the land conforms to the approved surface contours.

88) Monitoring of Restoration Levels: Prior to the replacement of any soils or soil forming material at the conclusion of each phase of infilling the operators shall meet on site the representatives of the Mineral Planning Authority for the following purposes:

a) to ensure that the replaced ground conforms generally with the levels as set out in the approved restoration contour plan;

b) to ensure that the contours, after allowing for settlement and the replacement of soils, shall be satisfactory to facilitate the intended after-use(s);

c) to ensure that where appropriate there will be no impediment to surface water runoff;

d) to determine the treatments necessary to the surface of the fill prior to the replacement of subsoil or soil forming material.

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89) Treatment of Infill Surface: Prior to the replacement of subsoil or soil forming material the surface of the infill material shall as appropriate be subsoiled (rooted) and deleterious material removed in accordance with such details as may be determined under Condition 89. Such treatment shall ensure that within a total depth of 1.3 metres below the surface of the topsoil once replaced there is:

a) no sterile material injurious to plant life;

b) within the proposed agricultural areas, no rock, stone, boulders or other materials capable of preventing or impeding normal agricultural or land drainage operations, including mole ploughing and subsoiling;

c) no wire rope, cable or other foreign objects.

The treatment shall also ensure that the fill surface has a reasonably graded but uncompacted and unsmearred surface suitable to receive subsoil.

Stones or other material at the surface of the subsoiled overburden which exceed 200mm in any dimension shall be buried on the site not less than 2 metres below final surface levels.

Section Sixteen: Phased Post-Quarrying Soil Replacement and Treatment

90) Importation of Soils and Soil Ameliorants: There shall be no importation of soils or soil ameliorants to the site without the prior written approval of the Mineral Planning Authority.

91) Replacement of Soils: Soils supplemented where necessary by soil forming materials shall be spread on the proposed agricultural areas and other areas in accordance with the approved phased restoration scheme in the manner stated in the conditions below to a depth sufficient to ensure that on the agricultural areas there is no interference with any subsequent artificial field underdrainage at normal agricultural depths.

92) Soil Forming Materials and Subsoil Replacement: Soil-making materials and subsoil shall be spread over the infill material, and any other ground from which soils were previously stripped, evenly and sequentially (better quality material forming the upper horizon). The areas which shall receive these materials shall be the proposed

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agricultural areas and such other areas as are identified in the approved restoration scheme.

93) **Treatment of Subsoil:** Prior to the spreading of topsoil, after the conclusion of each phase of replacement of soil forming materials and subsoil, the operator shall meet on site the representatives of the Mineral Planning Authority to determine the appropriate treatments to the subsoil which shall include the following:

a) each replaced subsoil layer shall be subsoiled (rooted) through its full depth to penetrate at least 150mm into the underlying layer using a winged-tined implement with a tine spacing of not more than one and a half times the working depth to relieve compaction at the interface;

b) boulders, rocks or stones at the surface of the replaced subsoil which exceed 150mm in any dimension and other deleterious materials, wire rope, wire cable, shale, bind, or other sterile material injurious to plant growth shall be buried on the site not less than 2 metres below final surface levels.

94) **Topsoil Replacement:** After replacement of the subsoil all available topsoil shall be replaced over all of the proposed agricultural areas and other areas in accordance with the approved restoration scheme(s).

95) **Treatment of Topsoil:** After the conclusion of each phase of replacement of topsoil the operator shall meet on site the representatives of the Mineral Planning Authority to determine the appropriate treatments to the topsoil which shall include the following:

a) each replaced topsoil layer shall be subsoiled (rooted) through its full depth into the underlying subsoil with an agricultural (light) winged-tined implement with a tine spacing of not more than one and a half times the working depth to relieve compaction at the interface with the subsoil;

b) boulders, rocks or stones at the surface of the subsoiled (rooted) topsoil which exceed 75mm in any dimension and other deleterious materials, wire rope, wire cable, shale, bind, or other sterile material injurious to plant growth shall be buried on the site not less than 2 metres below final surface levels;

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c) cultivations using as appropriate disc and rotary cultivators, plough and harrow, and lime and fertiliser applications, according to soil analysis, shall be undertaken.

96) Unstripped Soils: Any areas of unstripped subsoil upon which other soil has been stored shall be subsoiled (rooted) and cultivated in the manner specified in Condition 94. Any areas of unstripped topsoil upon which other soil has been stored shall be subsoiled (rooted) and cultivated in the manner specified in Condition 96.

Section Seventeen: Phased Post-Quarrying Landscaping and Habitat Creation

97) Restoration Landscaping Scheme: Within three years of the date of this permission or, if shorter, within the timescale specified in Condition 82 of the Environment Act 1995 determination of application Code No: R5/0705/13, a comprehensive scheme for the post-restoration landscaping of the site shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, or modified, or such amended details as may subsequently be approved, in writing, by the Mineral Planning Authority.

The scheme may be based on the generality of the restoration strategy described in Part 2 Section 19 of the Environmental Statement and shown on the drawing entitled 'Illustrative Masterplan' Figure 27 (4.4) at Appendix E of the Environmental Statement that accompanied the Environment Act 1995 Review (ROMP) application Code No: R5/0705/13, and Plan No: 799.19/02A ('Photomontage Masterplan Revision A') in the applicant's 'Response to Consultation April 2000'.

The scheme(s) shall take into account the restoration of the Phase 2b quarry extension (railway tunnel) area shown outlined in blue on the attached Plan No: DCC/5.541.12/A, as approved by the planning permission Code No: BOL/1082/484 dated 27 November 1984, subject to the conditions dated 7 July 2006 determined under the Environment Act 1995 under Code No: R5/0705/13. The scheme shall have regard to the Council's Landscape Character Assessment of the site and surrounding area, the Countryside Agency's description of the Southern Magnesian Limestone Character Area 30, the integrity of the Creswell Crags Conservation Area, the implemented and proposed advanced permanent planting schemes, the ecological scheme required by condition 99 to this permission, and to the proposed after-uses, and shall amongst other matters include the following:

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a) detailed planting proposals, including the use only of healthy stock grown from seed sources of local provenance, and the locations, numbers, groupings, species, planted heights and details of planting of native trees, shrubs and hedgerows, in the form of schedules of planting for each area of the site, general location/distribution details on a revised masterplan and photomontage, and specific details on a series of plans to a scale of not less than 1:1250;

b) selective planting around quarry cliff edges, scree slopes and cosmetically treated benches;

c) detailed drawings to a scale of not less than 1:1250 together with profile and viewpoint drawings showing the integration of the planting proposals with the adjacent landscape;

d) a detailed schedule of initial, pre-emergence and post-emergence fertiliser applications;

e) the seeding of appropriate areas to grass or other suitable ley, including a specification of seed mixes, which shall include wild flower seeds and diverse seed mixes where appropriate, and the sowing of seeds beneath hedgerows to establish ground flora;

f) a cultivation programme;

g) measures for the protection of all plantings, including rabbit proofing and fencing;

h) arrangements for the drainage of all planted areas;

i) the retention, replacement or repair of fences where appropriate, and the provision of new fencing, gates, stiles and stone walls;

j) the establishment of field boundaries;

k) a programme of implementation.

98) Restoration Ecological Scheme: Within three years of the date of this permission or, if shorter, within the timescale specified in Condition 83 of the Environment Act 1995 determination of application Code No: R5/0705/13, a comprehensive scheme for the post-restoration development of wildlife habitats on the site shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved or modified by or such
amended details as may subsequently be approved in writing by the Mineral Planning Authority in consultation with English Nature and Derbyshire Wildlife Trust. The scheme shall have regard to the progressive restoration, drainage (including lake and wetland establishment) and landscaping proposals for the site, existing species and habitat biodiversity and breeding requirements, and the Council's Landscape Character Assessment of the site and surrounding area, and shall amongst other matters include the following:

a) the creation of calcareous grassland habitats where appropriate during the restoration phase using seed sources of local provenance, with details of the target community, species and method of monitoring successful establishment;

b) details of lake margins and, as appropriate, shallows, mudflats, channels, islands and target waterfowl community, small water features and margins (ponds and ditches suitable for habitats for amphibians and reptiles), sowing for emergent aquatic vegetation and provision for allowing natural development of vegetation and animal communities;

c) habitat creation in the affected part of the eastern extension Area of Regional Nature Conservation Importance shown on the attached Plan No: DCC/5.541.12/B, to include the:

i) re-establishment of the mosaic of existing vegetation communities;

ii) use of indigenous seed source;

iii) introduction of new indigenous plant communities as appropriate;

iv) use of best practice guidance in the habitat creation;

d) phased and where practicable early implementation;

e) an establishment and management plan.

[See Note 9(a) and 9(b)]

Section Eighteen: Community Access Provision

99) Community Access Scheme: Within three years of the date of this permission or, if shorter, within the timescale specified in Condition 84 of

Date 23 OCT 2006
Signed [Signature]
Authorised Officer of the Council
the Environment Act 1995 determination of application Code No: R5/0705/13, a comprehensive scheme for the post-restoration development of a community access network within the site shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, or modified by, or such amended details as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall have regard to the restoration, lake establishment and landscaping proposals for the site, and shall amongst other matters include the following:

a) a plan to a scale of not less than 1:2500 showing points of access, and where suitable and appropriate, pedestrian, wheelchair, bridleway, cycleway and green lane routes, including local circular walks and connections between local villages, and where necessary bridges over watercourses;

b) access to amenity areas, including lakeside access;

c) footpath, bridleway and green lane design, and details of construction, surfacing materials and maintenance;

d) provision for the safety of footpaths where they meet roads and lake margins;

e) as appropriate, bridge design and maintenance;

f) provision of signs, barriers and seats;

g) a programme of implementation.

Section Nineteen: Aftercare and Management

100) Aftercare Scheme(s): No later than 12 months prior to the programmed completion of restoration of each extension area or part thereof, or any other area of the site, the date(s) of which shall be notified to the Mineral Planning Authority in writing, an aftercare scheme for each area or the relevant part of it, providing for such steps as may be necessary to bring the land to the required standard for use for agriculture, woodland, nature conservation and amenity within a five year aftercare period, shall be submitted for the approval of the Mineral Planning Authority. Aftercare shall be carried out in accordance with the scheme as approved and such detailed annual programmes as may subsequently be approved in writing by the Mineral Planning Authority. The aftercare scheme shall include details of:-
a) In the case of land restored for use for agriculture:
   i) secondary soil treatments stone-picking, moling and subsoiling;
   ii) fertiliser applications based on soil analysis;
   iii) cultivations, cropping pattern, seeding and crop management;
   iv) shelter belts and hedges;
   v) pruning regimes of hedgerows;
   vi) weed control;
   vii) field drainage;
   viii) field water supplies;
   ix) grazing management;
   x) protection from poaching by grazing animals.

b) In the case of land restored for use for woodland:
   i) cultivation practices;
   ii) secondary soil treatments;
   iii) fertiliser applications based on soil analysis;
   iv) drainage;
   v) weed control.

c) In the case of land restored for use for nature conservation and amenity:
   i) habitat development and maintenance;
   ii) grassland establishment and maintenance;
   iii) fertiliser applications based on soil analysis;
   iv) cultivation practices;
   v) watering and draining;
   vi) lake margins establishment;
   vii) wetland maintenance.

101) Aftercare Commencement: The five year agricultural, woodland or nature conservation and amenity aftercare period for each extension area or part thereof shall commence on the date of written certification by the Mineral Planning Authority that the land concerned has been satisfactorily restored.

102) Aftercare Records: Records of the agricultural, woodland, and nature conservation and amenity aftercare operations shall be kept by the operators throughout the period of aftercare. The records, together with an annual review of performance and proposed operations for the coming year, shall be submitted to the Mineral Planning Authority between 31 March and 31 May each year.

Date 23 OCT 2006

Signed D.C. Harrold
Authorised Officer of the Council
103) **Agricultural Aftercare Meetings:** Provision shall be made by the operators for meetings with the Mineral Planning Authority between June and August each year, to determine the detailed annual programmes of aftercare which shall be submitted for each successive year having regard to the condition of the land and progress in its rehabilitation. Separate meetings shall be arranged to inspect and evaluate progress in the agricultural, woodland, and nature conservation and amenity aftercare respectively.

104) **Maintenance of Screening and Landscaping Schemes/Woodland Management:** All trees and shrubs and grassed areas planted in accordance with approved schemes shall be maintained in accordance with the principles of good forestry and husbandry and replaced as necessary for the period of the approved quarrying, or for a period of six years following the planting of any landscaped area within six years of the cessation of quarrying, whichever is the later date. For the purposes of this condition the Mineral Planning Authority shall consider replacement planting to be necessary, with the same species or such alternative species as may be approved by the Mineral Planning Authority, in the event of trees or shrubs dying, or becoming seriously damaged or diseased.

105) **Records of Landscaping Maintenance:** Records of landscaping maintenance shall be kept by the operators throughout the period of maintenance and shall be made available for inspection by the Mineral Planning Authority on request.

106) **Management of Habitats:** Wildlife habitats established on the site in accordance with the approved restoration ecological scheme shall be managed as appropriate from the date of their establishment throughout the period ending five years following completion of the final restoration and landscaping of the site.

107) **Records of Habitat Management:** Records of habitat management shall be kept by the operators throughout the period of management and shall be made available for inspection by the Mineral Planning Authority on request.

**Reasons for Conditions**

1) To clarify the extent of the site to which these conditions apply.

Date 23 OCT 2006

Signed [Signature]

Authorised Officer of the Council
2) To clarify the approved details and undertakings given by the applicant, and to ensure the containment of operations within a sensitive local environment and landscape.

3) To ensure that the site operators are fully aware of the conditions and the details of the approved plans at all times for the purpose of compliance.

4) In conformity with Section 91 of the Town and Country Planning Act 1990, and taking into account the nature of this permission and the provisions of Sections 73 and 73A of that Act.

5) To limit the duration of the quarrying and restoration operations in the interests of the local environment and landscape, the conservation interests of Creswell Crags, and residential amenity.

6) To limit the duration of mineral extraction in the approved extension areas to protect the local environment and residential amenity.

7) To enable the Mineral Planning Authority to properly monitor the progress and timing of key stages of the approved operations having regard to the restrictions on the timescale of the development, and to determine the aftercare periods.

8) To protect nesting birds.

9) To prevent disturbance to local communities at unacceptable times.

10) To ensure that the working of the quarry is compatible with the protection of the local environment and the restoration of the site.

11) To ensure the earliest possible removal of the Belph Tip in accordance with a working scheme compatible with the protection of the local environment and the restoration of the site.

12) To minimise the risks of damage to Creswell Crags and Caves from blasting within the southern area.

13) In the interests of road safety and avoidance of disturbance to other areas.

14) To prevent parking on the public highway in the vicinity of the site access in the interests of highway safety and local amenity.

Date 23 OCT 2008

Signed D. C. [Signature]

Authorised Officer of the Council
15) In the interests of highway safety.

16) To prevent drivers taking shortcuts through residential areas and contrary to weight limits, to minimise the impact on the local public highways and communities by heavy goods vehicles and other vehicles and plant serving the site in the interests of highway and pedestrian safety, environmental amenity and the conservation of Creswell Crags.

17) To prevent contamination of the public highway in the interests of highway safety and appearance.

18) To control the unnecessary spread, siting and appearance of plant, machinery, buildings and structures in the interests of the appearance of the site within an Area of Local Landscape Significance.

19) To protect visual amenity.

20) To mitigate the visual impact of Whitwell Works, having regard to its scale, visual dominance and appearance.

21) To enable proper control over the development in the interests of the local environment and protection of residential amenity.

22) To control the unnecessary spread of mineral stockpiles to minimise visual intrusion.

23) To minimise the visual impact of plant and vehicles.

24) To ensure the clearance of the site in the interests of visual amenity.

25) To minimise/prevent unnecessary disturbance from machine noise.

26) To keep noise emissions to acceptable levels during the carrying out of normal operations to protect the local residential environment.

27) To keep noise emissions during the carrying out of temporary (noisier) operations to acceptable levels to protect the local residential environment.

28) To protect residents of Peter More Cottage.

29) To protect residents of Crags Lodge.

Date 23 OCT 2006

Signed D.C. Hamlyn
Authorised Officer of the Council
30) To protect residents of property in the vicinity of the proposed plant from unacceptable noise emissions.

31) To prevent noise disturbance by intermittent bleepers.

32) To ensure effective monitoring and implementation of the noise control measures.

33) For effective monitoring in response to complaints to ensure the adequacy of noise control measures.

34) To ensure that dust from the quarrying and associated operations does not cause a nuisance to the local community nor adversely affect the local environment.

35) To ensure the implementation of specific measures to prevent or minimise the generation of dust in accordance with approved details.

36) To avoid a dust nuisance arising from drilling and blasting operations.

37) To assess the performance of the applicant's fugitive dust dispersion model and ensure that dust received at dust sensitive locations does not exceed the 'nuisance threshold' of 200mg/m2/day.

38) To protect amenity and the local environment from dust emissions.

39) To protect local amenity and the environment from smoke emissions.

40) In the interests of the appearance of the area.

41) To protect residential amenity and other interests including the railway and railway operators and passengers.

42) To limit ground vibration to protect residential amenity and other interests.

43) To limit ground vibration to protect commercial and unoccupied vibration sensitive property.

44) To maintain the safe use and integrity of the railway tunnel until decommissioned.

45) To ensure compliance with the approved scheme of blasting and vibration limits.

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Signed

Authorised Officer of the Council
46) To provide an appropriate response to complaints by ensuring compliance with the approved scheme of blasting and vibration limits.

47) To ensure that all existing drainage systems continue to operate effectively and to protect the quality of the water environment in the interests of drainage and flood control.

48) To protect the groundwater quality in the area.

49) To prevent groundwater pollution.

50) To protect the quality of and prevent pollution of the water environment and to ensure adequate provision to deal with contaminants in the interests of pollution control.

51) To minimise the risk of contamination to the local river/brook courses and effect on the ecology of those courses and the Welbeck Lakes Site of Special Scientific Interest (SSSI).

52) To minimise the risk of water loss to the local river/brook courses and effect on the ecology of those courses and the Welbeck Lakes SSSI.

53) To avoid derogation of water flows in the River Wollen, Millash Brook and Millwood Brook and derogation of supplies in consequence of the quarry pumping operations, and for hydrological assessment given the requirements for flow monitoring.

54) To gauge any direct impact of quarrying on base flow in the River Wollen, the Millash and Millwood Brook and into the Welbeck Lakes.

55) For the purposes of hydrological assessment given the requirements for flow monitoring.

56) To maintain the integrity of the existing surface water regime and prevent flooding of railway property.

57) The presence of crop marks on aerial photographs indicates the possible presence of a settlement of late prehistoric or Romano-British date. The condition is designed to ensure the preservation, either in situ or by record, of any archaeological remains.

Date 23 OCT 2006
Signed [Signature]
Authorised Officer of the Council
58) To ensure the preservation either in situ or by record of any archaeological remains which may come to light during the soil stripping operations.

59) To ensure the recording of relevant features, remains and deposits and to recover and preserve information to help understand the wider context of Creswell Crags and its caves and deposits.

60) To ensure that the development takes place without detriment to species protected by the Wildlife and Countryside Act 1981 or other legislation, and to cover the possibility that species and their habitats may not have been recorded or present during previous wildlife surveys, in line with development plan policies for protection of priority Biodiversity Action Plan habitats.

61) To ensure the maximum possible protection of an area of regional nature conservation importance in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

62) To ensure the availability of locally collected seed for the re-establishment of indigenous species on the site once restored, in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

63) To protect the Crags woodland which must not to be disturbed by the operations in the interests of woodland conservation within this Conservation Area of Local and Special Landscape Significance, Ancient Woodland and Natural History Interest, UK and local Biodiversity Action Plans.

64) To prevent unnecessary loss or damage to trees in this Area of Local Landscape Significance having regard to local amenity and site screening.

65) To conserve and protect trees, site boundaries and boundary features in the interests of the appearance of the area and to protect adjacent interests.

66) To protect hedgerows.

67) To mitigate the environmental impact of hedgerow and shrub loss to the proposed road improvements in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

Date 23 OCT 2006
Signed  
Authorised Officer of the Council
68) To mitigate the environmental impact of hedgerow and shrub loss to quarrying, in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

69) To ensure the implementation of a comprehensive scheme of visual and acoustic screening and screen landscaping around the proposed quarry areas.

70) To avoid bind in the recovered soils.

71) To avoid damage to soils by handling in inappropriate conditions.

72) To conserve and protect topsoil for use in the restoration of the site, and to enable the nature conservation potential of the restoration scheme to be realised.

73) To conserve and protect subsoil for use in the restoration of the site.

74) To conserve and protect topsoil and subsoil for use in the restoration of the site.

75) To provide a supplementary soil resource to improve the restoration.

76) To conserve and protect soils for use in the restoration of the site, and to enable the nature conservation potential of the restoration scheme to be realised.

77) To protect the condition and structure of the soils.

78) To conserve and protect the structure of the soil.

79) To keep a record of soils available for strategic replacement in the restoration of the site.

80) To ensure the implementation of a comprehensive scheme of restoration for the site in line with development plan policies, and to retain important geological features within the Whitwell Quarry Regionally Important Geological Site.

81) To ensure the satisfactory drainage of the restored land and adjacent areas, and the satisfactory restoration of the agricultural land.

82) To ensure the satisfactory restoration and drainage of the site in accordance with approved scheme(s) in the event that implementation of

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Signed  
Authorised Officer of the Council
the approved restoration scheme for the site or parts thereof is rendered impracticable by premature cessation of quarrying.

83) To ensure the satisfactory restoration and drainage of the site in accordance with approved scheme(s) in the event that additional infilling material is made available from the Whitwell North Colliery Tip.

84) To prevent the site being used for the purposes of waste disposal, to limit quarry infilling to the disposal of colliery waste derived from the Whitwell Colliery Tips and other mineral waste derived from Whitwell Quarry (whether or not passed through the Whitwell Works kilns), to comply with the ground water pollution controls of the Environment Agency, and ensure compatibility with the restoration of the site.

85) To prevent unnecessary traffic generation on the local highway network and ensure the use only of internal tipping routes within the approved quarry areas.

86) In the interests of the protection of groundwater and the aquifer.

87) To ensure that the site is restored to approved levels.

88) To ensure that the infilled surface is suitable for the replacement of soils and the satisfactory restoration of the land.

89) To ensure that the infilled surface is suitable for the replacement of soils and the satisfactory restoration of the land.

90) To control the importation of soils and soil ameliorants, in order to minimise disturbance in the area, in particular the use of local roads.

91) To ensure the satisfactory restoration of the land.

92) To ensure the satisfactory restoration of the land.

93) To ensure the subsoil is suitably treated prior to replacement of the topsoil.

94) To ensure the satisfactory restoration of the land.

95) To ensure that the topsoil is suitably treated for the satisfactory restoration of the land.

96) To repair any damage to unstripped soils through storage activities.

Date 23 OCT 2006
Signed D. C. H. [Signature]
Authorised Officer of the Council
97) To ensure the implementation of a comprehensive scheme of landscaping for the restored site, and in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

98) To ensure the re-establishment of wildlife habitats within the site, to mitigate for the loss of part of an area of regional nature conservation importance, to minimise and offset short term impacts and to bring forward potential long term increased biodiversity benefits, in line with development plan policies for the protection of priority Biodiversity Action Plan habitats.

99) To provide public access and amenity in particular to benefit the local communities.

100) To ensure the aftercare of the reinstated land to the required standard in accordance with approved schemes and annual programmes.

101) To ensure that the land is brought into aftercare at the appropriate stage in its rehabilitation.

102) To monitor aftercare performance.

103) To assess the condition of the land and aftercare required each year.

104) To ensure the successful establishment of the landscaping scheme.

105) To ensure the satisfactory programme of landscape management.

106) To ensure the successful establishment of the wildlife habitats.

107) To ensure the satisfactory programme of habitat management.

**Development Plan Policies:** The principal planning policies relevant to the grant of this permission are:-


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**Date** 23 OCT 2006

**Signed**

Authorised Officer of the Council
In the context of MLP Minerals Policy MP8 and JSP Minerals Policy 3, and to ensure conformity with the other principal policies, and with regard to the 2004 planning permission CM5/598/7 and the 2006 Review (ROMP) and Determination of Conditions for the old planning permissions Code Nos: CLO/1156/3 and BOL/1082/484 under the Environment Act 1995, the following policies are also relevant to the conditions imposed:—


- **District of Bolsover Local Plan Policies** GEN 2 (Impact of Development on the Environment), GEN 5 (Land Drainage), GEN 7 (Land Stability), CLT 10 (Countryside Recreation Facilities), TRA 2 (Protection of Rail Routes), TRA 5 (Safeguarding Potential Railway Sidings), TRA 10 (Traffic Management), TRA 12 (Protection of Existing Footpaths and Bridleways), CON 4 (Development Adjoining Conservation Areas), CON 13 (Archaeological Sites and Ancient Monuments), ENV 2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings), ENV 3 (Development in the Countryside), ENV 5 (Nature Conservation Interests throughout the District), ENV 6 (Designated and Registered Nature Conservation Sites), ENV 7 (Development affecting Protected Species), ENV 8 (Development Affecting Trees and Hedgerows), ENV 9 (New Trees on Development Sites), and ENV 11 (Reclamation of Derelict Land).

**National Guidelines and Policy:** The relevant national guidelines and policies are in Minerals Planning Statement (MPS) 1 ‘Planning and Minerals’, MPS2 ‘Controlling and Mitigating the Environmental Effects of Minerals Extraction in England’; Minerals Planning Guidance (MPG) Note 2 ‘Applications, Permissions and Conditions’, MPG7 ‘The Reclamation of

**Date** 23 OCT 2006  
**Signed** [Signature]  
Authorised Officer of the Council

Notes for Applicant

1. **Highway Improvement Works**: All works shall be subject to agreement under Section 278 of the Highways Act 1980 and the applicant shall liaise at an early date with the County Highway Authority’s Senior New Works Engineer on 01629 580000 extension 7577.

2. **Crags Road Temporary Closure**: A minimum of six weeks notice to the County Highway Authority will be required relative to the instigation of a temporary road closure for Crags Road.

3. **Road Bridge for Underpass Construction, Crags Road**: A licence under Sections 181 and 184 of the Highways Act will be required before commencement of the construction of the road bridge.

4. **Underpass Maintenance**: The applicant shall be responsible for the maintenance of the underpass for the duration of its use in a manner to be agreed with the County Highway Authority.

5. **Diversion of Tommy Moor Lane**:
   a) The diverted route must be a minimum of 3 metres in width and must be properly surfaced and adequately drained.
   b) A holding area shall be constructed at the Crags Road end of the bridleway so as to provide a safe waiting area for horse riders waiting to cross the road. Design details are available from the County Council’s Rights of Way Team (telephone 01629 580000 ext.7606).
   c) Adequate signage of the diverted bridleway shall be provided at each end of the diversion and maintained throughout the duration of the diversion.

6. **Coal Authority Report on Coal Mining Circumstances**: The attention of the applicant is drawn to the Report on Coal Mining Circumstances

Date  **23 OCT 2006**

Signed  

[Signature]

Authorised Officer of the Council
dated 7 October 1998 attached to the planning permission Code No: CM5/598/7.

7. **Bolsover Environmental Health:** With reference to Conditions 32 and 33 the results of all site noise monitoring should be forwarded to the Head of Environmental Health and Street Services, Bolsover District Council, Sherwood Lodge, Bolsover, Derbyshire, S44 6NF.

8. **Environment Agency:** The attention of the applicant is drawn to the letter from the Environment Agency dated 17 February 2006 with attached letters from the Agency to M J Carter Associates dated 12 July 2005 and 18 October 2005 respectively, copies of which were sent to the applicant under cover of the decision letter from Derbyshire County (as Mineral Planning Authority) dated 7 July 2006 in respect of submissions SM1088 to SM1106 inclusive.

9(a) **English Nature:** English Nature has advised that:

   a) If disturbance to badgers proves likely, the applicant should apply for a licence from English Nature.

   b) If any disturbance to bats or damage to their roosts is likely then it will be necessary for the applicant to seek the opinion of the Department of the Environment, Transport and the Regions (DETR) as to whether a licence will be required. All such enquiries should be directed to Kevin Rye, DETR, European Wildlife Division, Tollgate House, Houlton Street, Bristol, BS2 9DJ (telephone 0117 987 8291).

9(b) **Derbyshire Wildlife Trust:** The Trust has stated that measures previously identified with respect to protected species should be reviewed in line with the changes in the sequence of working. This is particularly relevant to any surveys that are required to address the possible presence of the following protected species:

- Bats (refer to English Nature for further guidance)
- Peregrine falcon (any works undertaken close to areas where Peregrine falcon nests should take place outside of the bird breeding season, and suitable habitat for nesting should be incorporated into the restoration design)
- Little ringed plover (disturbance to this species must be avoided during the breeding season)
- Reptiles (surveys may be required if not already undertaken).

Date 23 OCT 2004
Signed D.C. [Signature]
Authorised Officer of the Council
10. DEFRA Rural Development Service (RDS):

a) To minimise the risk of degrading the soil resources during the various stages of soil handling, the procedures set out in Sheets 1-4 and/or Sheets 13-15 of the "Good Practice Guide for Handling Soils" should, it is recommended, be adopted. These can be accessed and downloaded from the Internet at: www.defra.gov.uk/environ/landuse/soilguid/index.htm.

b) Soils are more likely to be degraded (by compaction and the development of anaerobic conditions) in deep bunds than shallow ones. RDS strongly recommend that the height of bunds should be restricted, if possible, to 3 metres for topsoil and 5 metres for subsoil.

11. Railtrack Requirements and Operational and Safety Informatives:

a) Blasting:

i) Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effect of blasting on the railway, and Railtrack shall have access to the results.

ii) Agreement must be reached between Railtrack and the applicant on the design and operation of a 'Safe System of Work' to ensure the protection of rail traffic whilst blasting is being undertaken.

iii) Where possible the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations.

iv) The developer shall meet the costs of all reasonable protective works carried out by Railtrack which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions and shall indemnify Railtrack against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by negligence of Railtrack, their servants, agents or licensees.

Reason: To maintain the integrity of railway infrastructure and the safety of rail traffic.
b) Development within 10 Metres:

v) Where alterations to existing levels are proposed within 10 metres of the railway boundary, including the construction of storage mounds, fully detailed plans of the development together with cross-sections should be forwarded to Railtrack before development commences.

Reason: To ensure that the adjacent railway property and works will not be adversely affected during and after the execution of the development.

c) Plant and Machinery:

vi) Cranes and jibbed vehicles, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway property or within 3 metres of the nearest rail.

Reason: For the safety of rail traffic.

vii) All machinery and plant must be so positioned and used to prevent accidental entry onto railway property in the event of failure.

Reason: For the safety of rail traffic.

d) Fencing:

viii) The developer shall provide and maintain a suitable trespass-proof fence adjacent to the existing railway boundary where footpaths are to be provided alongside the railway.

Reason: To prevent public access onto railway property due to change of land use.

e) Restoration:

ix) Only truly inert earth spoils should be used as the backfill material. In the event that biodegradable waste is imported to the site Railtrack will hold the operator responsible for the escape of hazardous landfill gas/leachate which may affect railway interests.
Reason: To prevent contamination of railway property.

x) Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

Reason: Derailment of trains can occur when trees are blown down across railway tracks.

xi) It would be preferable if deciduous trees and pines were not planted close to the railway.

Reason: Shedding of foliage can present operational difficulties.

f) Liaison:

xii) Railtrack must be notified of any significant alteration to the site parameters, in terms of depth of working, limits of extraction, etc.

Reason: In the interests of safety Railtrack needs to be aware of all development adjacent to its property.

12. Transco BG Apparatus:

a) Transco BG apparatus will be affected by the proposed development and consideration for the protection or diversion of the apparatus must be given prior to works proceeding where it is affected.

b) The attention of the applicant is drawn to the four Transco plans attached to the planning permission Code No: CM5/598/7. These show the position of its apparatus and in particular its Medium Pressure Main which is the principle gas supply to the village of Creswell and whose integrity must be maintained at all times.


13. East Midlands Electricity (Derbyshire Business Unit):

a) East Midlands Electricity plc (Derbyshire Business Unit) (DBU) has mains and services which could be affected by the proposed development.

Date 23 OCT 2006

Signed 

Authorised Officer of the Council
b) The attention of the applicant is drawn to the 12 East Midlands Electricity (DBU) plans attached to the planning permission Code No: CM5/598/7. These show existing electricity apparatus known to be in the vicinity of the proposed development. Owing to the scale of the records, few service cables are shown. The information contained in these records was believed to be correct at the time they were drawn.

c) The information on the plans is given as a general guide only and in no way relieves the applicant or its contractors from taking every precaution to avoid damage to East Midlands Electricity (DBU) apparatus, wherever situated. Should any damage occur as a result of the development the applicant would be required to meet all costs incurred in carrying out the necessary repairs or replacements.

d) The applicant should have obtained a copy of Guidance Notes HS(G) 47 ‘Avoiding Danger from Underground Services’ and GS6 ‘Avoidance of Danger from Overhead Electricity Lines’ from Her Majesty’s Stationery Office (HMSO) before site work commenced under the provisions of the planning permission Code No: CM5/598/7. The applicant should ensure that a copy remains available for guidance.

e) Trial excavation by hand must always be carried out before the commencement of works in any new area to determine visually the depth and line of East Midlands Electricity (DBU) cables. Mechanical excavators should not be used within 0.5 metre of underground electricity cables. The applicant should note that there is no statutory depth for laying electricity cables.

f) In the event of inadvertent damage contact should be made immediately to the Incident Desk (telephone 01332 226209) to enable East Midlands Electricity (DBU) to limit the effects of the damage and the consequent costs of repair.

g) Should further information be required the applicant should contact East Midlands Electricity, Derbyshire Business Unit, Records Office, Great Northern Road, Derby, DE1 1QF (telephone Mrs J E Nicholson on 01332 226148).

14. East Midlands Electricity (Nottinghamshire Business Unit):

a) East Midlands Electricity (Nottinghamshire Business Unit) (NBU) has underground and overhead circuits within the boundaries of the proposed quarry extensions. It is imperative that the integrity of these
circuits is maintained to ensure continuity of supplies to both the quarry and surrounding areas.

b) The attention of the applicant is drawn to the six East Midlands Electricity (NBU) plans attached to the planning permission Code No: CM5/598/7. These show existing electricity apparatus in the area of the proposed development. Owing to the scale of the records, few service cables are shown. The 1/20000 plan also attached to the planning permission Code No: CM5/598/7 shows the boundary between East Midlands Electricity’s Nottinghamshire and Derbyshire Business Units.

c) Any proposed working in the vicinity of East Midlands Electricity (NBU) circuits should be discussed with it prior to starting any work in any new area to ensure safe methods of working. The road alterations at the Hennymoor Lane/Crags Road junction and the proposed alterations to Crags Road also necessitate realignment of the (NBU) circuits in those areas.

d) The applicant should contact East Midlands Electricity, Nottinghamshire Business Unit, Networks Business, Woolsthorpe Close, off Wigman Road, Bilborough, Nottingham, NG8 3JP (telephone P J Price on 0115 9358702) regarding works which affect the NBU circuits.

e) Any correspondence to East Midlands Electricity should be addressed to both Business Units.
NOTES

The following notes are included as a requirement of the Town and Country Planning (General Development Procedure) Order 1995.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Room 3/17, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council of the county district in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

- These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990.

The following notes are the further advice of the County Council.

- This permission relates to planning control only. Any other statutory consent necessary must be obtained from the appropriate authority.

- Where a vehicle is habitually driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing, or the strengthening of a footway, as the authority considers necessary, or may be required to comply with conditions imposed by the authority.

Alternatively, the occupier may himself construct or arrange for the construction of a carriage crossing subject to the prior approval of the authority and to the work being carried out to their satisfaction.

The Statutory provisions in this respect are contained in Section 184 of the Highways Act 1980.

Date 23 OCT 2006  
Signed D. C. Horace  
Authorised Officer of the Council
This is the Plan referred to in Condition 1 of the Planning Permission Code No: CM5/0206/178 for non-compliance with Condition 10 of the planning permission Code No: CM5/598/7 to vary the working sequence of the approved quarry extension areas to enable earlier working of the south eastern and north eastern areas, Whitwell Quarry, land west of Crags Road and Southfield Lane, Whitwell.
Area of Regional Nature Conservation Importance:
Plan No: DCC/5.541.12/B

This is the Plan referred to in Condition 61 of the Planning Permission Code No: CM5/0206/178 for non-compliance with Condition 10 of the planning permission Code No: CM5/598/7 to vary the working sequence of the approved quarry extension areas to enable earlier working of the south eastern and north eastern areas, Whitwell Quarry, land west of Craggs Road and Southfield Lane, Whitwell.

☐ The Area of Regional Nature Conservation Importance.
Creswell Crags Woodland: Plan No: DCC/5.541.12/C

This is the Plan referred to in Condition 63 of the Planning Permission Code No: CM5/0206/178 for non-compliance with Condition 10 of the planning permission Code No: CM5/598/7 to vary the working sequence of the approved quarry extension areas to enable earlier working of the south eastern and north eastern areas, Whitwell Quarry, land west of Crags Road and Southfield Lane, Whitwell.