

Rachel Simpkin,
Senior Planning Officer,
Buxton Town Hall,
Market Place,
Buxton,
Derbyshire,
SK17 6EL.

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Consultation response – planning application reference HPK/2022/0352

We are writing in respect of the above planning application for the erection of 147 dwellings including the provision of two vehicular access points, the construction of roads, footways, and a pedestrian link with Tongue Lane, drainage infrastructure, public open space, landscaping, and other associated works.

As you are aware, Breedon Trading Limited operate the adjacent Ashwood Dale Quarry which is currently subject to a review of old mineral permission (ROMP) (reference R1/0315/31, which is currently being determined by Derbyshire County Council.

Breedon have significant concerns regarding the proposed development and the impact it could have on the existing operations at Ashwood Dale.

Breedon would like to stress the importance of the amendments to the National Planning Policy Framework (NPPF), which was updated in 2021, especially with regard to Paragraphs 185 and 187 which specifically relate to pollution. Paragraph 185 states:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*

This statement is further enhanced in paragraph 187 which states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.



Paragraph 187 of the NPPF introduces the 'Agent of Change' principle which requires the person or business making any change to an area to take responsibility for managing the impacts associated with that change.

It is acknowledged that the site that is subject to the application is allocated for housing under Policy DS18 of the adopted High Peak Local Plan, however there are specific requirements that need to be met before the site can be considered to be acceptable in planning terms and some of these are outlined in Policy DS18 and in its supporting text.

Para 6.108 of the local plan, with regard to the allocation, states:

In order to ensure that blasting at the quarry and its potential extension does not have an unacceptable adverse impact on residential properties, particularly in terms of vibration and noise, all dwellings (excluding curtilages) will be located at least 200 metres away from the potential blasting area as identified on the Policies Map until such time that blasting permanently ceases. This is expected to be beyond the plan period.

The above paragraph is very clear in its requirements for the site outlining that any new housing should be **at least** 200m away from the potential blasting area.

Furthermore, Policy DS18 states that with regard to this site, the applicants should undertake *engagement with the Minerals Planning Authority and quarry operator to resolve issues related to the existing working and proposed extension to the Ashwood Dale quarry.*

The 200m stand off zone is also recommended in the blasting report that forms part of planning application reference R1/0315/31, stating¹:

Should the proposed housing development progress as planned, a 200m buffer zone is also more than adequate to allow successful quarry blasting operations to be carried out while at the same time keeping the environmental emissions well within guidance levels.

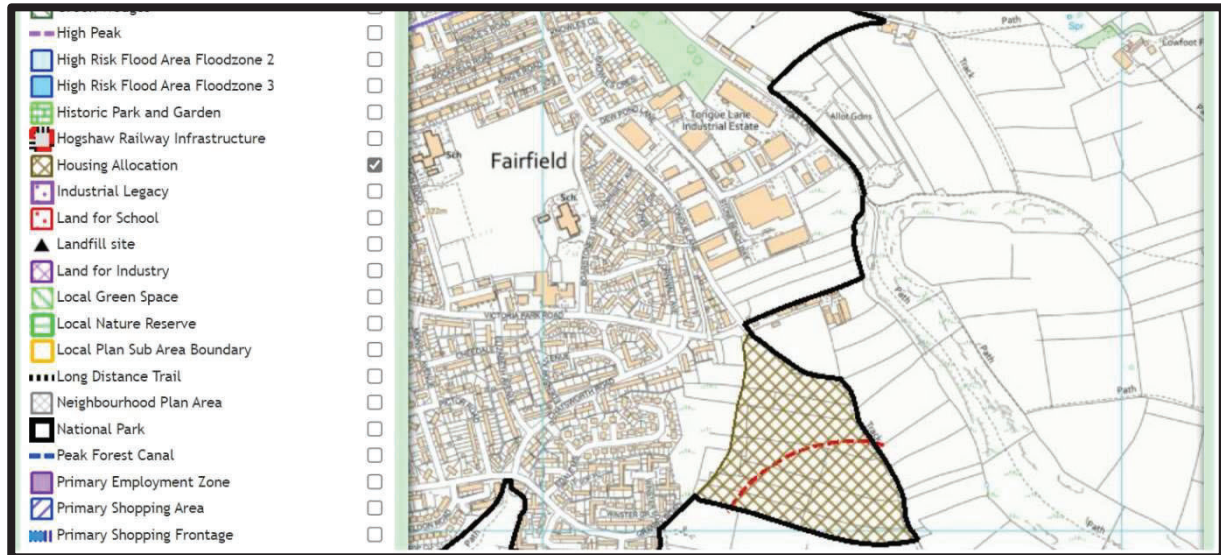
We are unaware of any engagement with the Mineral Planning Authority and where discussions have been held between Breedon and the landowner/applicant, we have set out our position that we would not support any development within the 200m standoff zone.

The stand off zone is defined on adopted High Peak Local Plan proposals map, as shown in figure 1² below.

¹ <https://planning.derbyshire.gov.uk/Planning/Display/R1/0315/31> accessed 21/09/2022

² [Interactive local plan map - High Peak Borough Council](#) accessed 20/09/2022

Figure 1 – Stand off zone from Ashwood Quarry



As can be seen from figure 2 below taken from planning application reference HPK/2022/0352³, the proposed development falls within the 200m buffer zone, as shown on the proposals map, with the amenity space buffering up to the edge of the quarry with residential dwellings located within 150m of the quarry face.

The above distances for the dwellings are contrary to Policy DS18 of the adopted High Peak Local Plan and any dwellings located within 200m of the quarry face are not supported by Breedon.

It is also noted that not all of the housing allocation in the Local Plan is being brought forward in this application, it is suggested that this area should be developed before any housing comes within the 200mm buffer zone.

³ [Planning Applications - High Peak Borough Council](#) accessed 20/09/2022

Figure 2 – Proposed site layout



The quarry is currently subject to numerous planning conditions with regard to noise, which restricts the noise limits to no more than 55dB LAeq, 1 hour free field at the nearest noise sensitive properties during the hours of 0700-1900 and 42dB LAeq, 1 hour between 1900-0700 in condition 20.

Further guidance on the acceptable noise levels is outlined in condition 21, which states:

Where operations which are noisy and temporary (as defined in Minerals Planning Guidance Note 11) are necessary, the daytime noise limit in condition 20 may be exceeded for periods not exceeding eight weeks in any 12 month period throughout the duration of the quarry. During these periods the limit of noise levels shall be 70dB LAeq, 1 hour free field between 0800 and 1800 hours, Mondays to Fridays, and 0800 and 1300 hours Saturdays. Otherwise the limit in condition 20 shall apply.

Vibration limits are also outlined in condition 29, which states:

Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec on 95% of all blasts measured over a six month period and no individual blast shall exceed a peak particle velocity of 12mm/sec as measured in accordance with the scheme



approved under condition 32 below. The measurement of ground vibration shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

It should be noted that these limits do not apply to the proposed development/allocation, only the existing nearest residential receptors.

The noise and vibration survey undertaken to support planning application reference HPK/2022/0352 outlines that *unattended noise monitoring was initially undertaken from the 8th of July 2021 to 3rd August 2021. Further monitoring was undertaken in October, November and December but issues with tampering and theft of batteries meant a continuous period was not possible but 56 full days of noise and vibration results were captured.*

Breedon have concerns that the noise assessment does not capture the worst case in terms of blasting, with the noise and vibration assessment stating:

Furthermore, as noted on site and from photographic evidence, it is likely that no further blasts will be taking place in the northern area, at site level or close to site level, of the quarry given that the operator appears to have reached the water table and removed all potential material from the closest area of the quarry to the site. As such, it is assumed that the blast data from August can be taken as absolute worst-case with vibration at these levels unlikely in the future due to the amount of material already removed from this area.

In addition, Breedon note that noise levels did exceed the existing planning condition in the December monitoring period and as a result additional mitigation measures need to be put in place.

It is also noted that the conditioned levels for blasting were exceeded in the August monitoring period at 150m distance from the quarry edge.

The vast majority of the blasting measurements that have taken place have been from the central area of the quarry and it is planned that further blasting and drilling in the north western area of the site will take place in the future, closest to the proposed development, which would significantly alter the noise predictions outlined in the report.

Breedon, therefore request, that worst case measurements are made to ensure that there would be no impact on the proposed development from the operation of the quarry. This would include undertaking noise and vibration monitoring, up against the north western face, should the need for blasting to occur in the future in that area of the quarry.

Breedon welcome additional mitigation measures being included within the scheme to reduce any impacts from noise and vibration, which would sensibly be the exclusion of any residential development with the 200m buffer zone

At this stage Breedon object to the proposals as the reports provided to support the application do not provide sufficient information to ensure that there would be no adverse effects on the proposed dwellings located dwellings within 200m of an active quarry.

Currently the proposed development is contrary to local planning policy and Breedon would only support the application if the dwellings were relocated to at least 200m away from the quarry in line with Policy DS18 or if detailed noise and vibration surveys were undertaken to justify the current position, outlining a worst case position, if blasting occurred on the north western face of the quarry.



In the event of the application being approved Breedon wish to ensure that the Applicant and the Council implement the 'Agent of Change' principle to ensure that they are responsible for managing the impacts associated with developing a residential scheme adjacent to an existing operation quarry.

Breedon would be willing to discuss the proposals with the Applicant and Council in order to discuss our concerns and advise on any appropriate mitigation measures. It would seem more appropriate for development within the buffer zone to be delayed until quarrying operations at Ashwood Dale have been completed and when no further blasting or mineral processing will take place which is estimated to be in approximately 10 years. This delay will ensure there is no conflict between the existing and proposed land uses.

Yours sincerely,

Niall
Kelly

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Niall Kelly
Planning and Estates Manager