

**Derbyshire County Council
Director of Economy, Transport and Environment**

**Town and Country Planning (Environmental Impact Assessment)
Regulations 2017**

**Screening Report
Incorporating a Screening Opinion**

Code Nos: SCRW/1/148, SCR/1/149, SCRW/1/150, SCRW/1/151
File Nos: 1.778.21,22,23,24

In August 2025 Derbyshire County Council (the Council) received four requests from Everwaste Solutions Ltd for pre-application advice on proposals for developments at 'Arden and Birch Vale Quarry'. Each request included a Supporting Statement setting out basic details of the proposal together with a chapter containing a screening opinion appraisal using the criteria set out in the Environmental Impact Assessment Regulations 2017 (the EIA Regs), and in each instance, a request for the Council to provide its own screening opinion.

This document sets out the Council's response to these screening requests.

The Site

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

The combined site set out in the proposals covers an area in excess of 20 hectares (Ha), and includes the Arden Quarry licensed landfill site and the unrestored Birch Vale Quarry. Each quarry has access onto Oven Hill Road and the boundary between the two quarries is unrestricted.

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

The site is within the Green Belt and in Flood Zone 1. The Peak District National Park Boundary is within 100 metres of the site, and Bluebell Woods Local Nature Reserve (LNR) (c.840m north-east) and Kinder Scout National Nature Reserve (NNR) (c.3.5km east). The Dark Peak Site of Special Scientific Interest (SSSI) (c.1.9km east), South Pennine Moors Special Area of Conservation (SAC) (c.1.9km east) and Park District Moors South Pennine Moors Phase 1 Special Protection Area (SPA) (c.1.9km east). Midland Meres & Mosses - Phase 1 Ramsar site (c.27km south-west). The site is not within a sensitive locality with regard to heritage assets, or their designations.

Planning Background

Mineral Permissions

Arden Quarry was granted a ministerial planning permission in 1951 (1441/9/1), with further permissions in 1953 (NEM/453/2), 1956 (NEM/1155/8), and 1962 (NEM/1061/10). The Environment Act 1995 implemented procedures for the review of long-standing mineral permissions and required each mineral planning authority (MPA) to draw up and publish a 'First List' of sites with permissions granted from 1948 to 1969 that were either active or dormant. Neither Arden Quarry nor Birch Vale Quarry are included in the published First List. Where sites were omitted from the list owners and operators had three months to notify the Mineral Planning Authority (MPA) if they considered that a site should be included. No notifications were received with regard to Arden and Birch Vale and, as a result of this process, all of the mineral permissions granted up to and including that of 1962 have ceased to have effect.

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

In 2017 planning permission CM1/1115/117 was issued on appeal allowing the extraction and removal of mineral reserves (Gritstone) from an area within the Arden Quarry area. This permission has not been implemented and has now lapsed.

Waste Permissions

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

In 2010, planning permission CW1/0110/190 was granted for a waste recycling facility within the Birch Vale Quarry void with access to the highway via the Arden Quarry entrance. A separate green waste composting permission, CW1/0514/23, was granted in 2014 on roughly the same area of the quarry void and with the same access arrangements. Neither of these permissions were implemented in any substantive way and on-going infilling works have for quite some time made any efforts at implementation impossible.

The Proposals

Northern and South-Eastern Landfill Extension (SCRW/1/151)

The most substantive proposal is for an extension of the existing Arden Quarry Landfill Site to the north and south-east into areas of the former Arden and Birch Vale quarries. This would create approximately 2 million cubic metres of further void space for landfilling, which it is estimated would take 20 years to complete.

Excavation, Processing and Removal of Existing Remaining Stone Deposits (SCRM/1/149)

The proposed mineral development would involve the excavation, processing and removal of unworked stone deposits within the Birch Vale Quarry site. It is estimated that a total of 150,000 tonnes would be extracted over a 3-year period (i.e. 50,000 tonnes per annum). This would be exported to local markets to be used for construction aggregate, fill material, and possibly building stone.

Materials Recycling Facility (SCRW/1/150)

The proposed Materials Recycling Facility (MRF) would be located within the Birch Vale Quarry site. The initial concept for the development is for a building approximately 85 metres(m) x 40m, which would have an annual throughput of 135,000 tonnes of non-hazardous construction and demolition waste and commercial and industrial waste. No indication is given of the proportion of this material that would be exported following recycling/processing. It is stated

that the lifespan of the MRF development would be linked to that of the landfill site.

Wash Plant for Soils Recycling (SCRW/1/148)

The proposed wash plant would be located within the Birch Vale Quarry site. This would consist of a feed hopper, conveyors, screens, tanks and other items of plant on a concrete base. The wash plant would process up to 100,000 tonnes of soils-based wastes per year from non-hazardous construction and demolition waste and commercial and industrial waste sources. Processed material would either be placed in the landfill, used for the restoration of the landfill, or exported as secondary soils and aggregates. It is indicated that the lifespan of the wash plant development would be linked to that of the landfill site.

Assessment

The EIA screening process is not intended to involve a detailed assessment of factors relevant to the grant of planning permission; that comes later and will ordinarily include an assessment of environmental and other factors. Nor does it require "a full assessment of any identifiable environmental effects". What is involved in a screening process is only an opinion, almost inevitably on the basis of less than complete information, as to whether an EIA needs to be undertaken at all. An assessment of the significance of an impact or impacts on the environment is essentially a fact-finding exercise which requires the exercise of judgments on "likelihood" and "significance".

Everwaste has provided a separate assessment for each proposal using the criteria set out in the EIA Regulations and concludes that, with the exception of the landfill extension, each proposed development does not individually meet the relevant threshold criteria that would require an EIA assessment and the submission of an Environmental Statement in support of a planning application. When assessing the landfill extension proposal it acknowledges that the indicative threshold criteria in relation to creation of new landfill capacity is exceeded both in terms of tonnage and area.

In deciding whether development is likely to have significant effects on the environment, a particular planning application should not be considered in isolation if, in reality, it should be regarded as an integral part of a more substantial development or project. The Council must, therefore, assess whether these proposals are clearly separate individual developments or

whether they can reasonably better be considered to be a single project for the purposes of the assessment of potential environmental effects.

It is clear from the submitted documents that the proposals would all be functionally interdependent; the need for the mineral extraction, MRF facility, and wash plant is overwhelmingly due to the proposed extension to the landfill. It is clear to the Council that these proposals, as presented in the submitted documents, constitute a single project and should be assessed as such when considering the potential environmental effects. It is noted that the landfill proposal would itself meet the thresholds for considering the requirement for an EIA, however it is considered that a proper assessment of all the effects of the proposals in combination is necessary.

The following assessment therefore relates to all the proposals set out above considered as a single integrated project.

The EIA Regulations provide that the local planning authority shall adopt a screening opinion as to whether or not proposals are 'EIA development'. An application or submission for EIA development cannot be determined unless an Environmental Statement has been submitted by the applicant and considered by the local planning authority.

'EIA development' is development

- of a class listed in Schedule 1 of the EIA Regulations, or
- of a class listed in Schedule 2 of the EIA Regulations likely to have significant effects on the environment by virtue of factors such as its size, nature or location.

The proposed development is not Schedule 1 development as it does not fall into any category in that Schedule.

The proposed development is Schedule 2 development falling within paragraph 11(b) 'Installations for the disposal of waste' of that schedule. It should be noted that the Courts have held that the 'disposal' of waste also covers its recovery (Commission of the European Communities v Italy (Case C-486/04) [2006]). The proposal site would be more than 20 hectares and so exceeds threshold criteria (ii) of 0.5Ha by a significant margin.

The Government guidance setting out the indicative criteria threshold for Schedule 2 developments states that there is likely to be a requirement for an EIA for:

“Installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require Environmental Impact Assessment.”

The submitted documents state that the whole Arden-Birch Vale site is approximately 24Ha. Within this the proposed area of phased landfill would be 15.6Ha, encompassing an area of the existing landfill site of 7.7Ha, and 7.9Ha of previously quarried land currently outside the landfill site. Whilst the area of previously quarried land is below the 10Ha indicative threshold, it is considered that the true operational area of landfilling would be 15.6Ha, which is well above the threshold.

The new capacity, equating to 141,000 tonnes per annum (tpa) would also exceed the 50,000 Tpa threshold by a significant margin. The total tonnage imported annually to the site for processing, recycling/export, and landfill is not set out. But, as the MRF would import 135,000 tpa, the soils wash-plant 100,000 tpa, and a proportion of the 141,000 being placed directly into landfill, it is reasonable to assume that the total tonnage imported each year could be in the region of 300,000 tonnes.

I have given consideration to the likelihood of significant effects on the environment having regard to the selection criteria for Schedule 2 development in Schedule 3 of the EIA Regulations. The proposal would be EIA development if, in the opinion of the Waste Planning Authority, it was likely to have ‘significant effects on the environment by virtue of factors such as its nature, size or location’. The selection criteria are:

- Characteristics of the development;
- Location of the development;
- Characteristics of the potential impacts.

1. Characteristics of development

The characteristics of development must be considered having regard, in particular, to –

- (a) the size of the development;
- (b) the cumulation with other development;
- (e) pollution and nuisances;

2. Location of development

The environmental sensitivity of geographical areas likely to be affected by development must be considered, having regard, in particular, to –

(a) the existing land use;

3. Characteristics of the potential impact

The potential significant effects of development must be considered in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to –

(a) the extent of the impact (geographical area and size of the affected population);

(b) the magnitude and complexity of the impact;

(c) the probability of the impact;

(d) the duration, frequency and reversibility of the impact.

Characteristics of the Development

The proposal is to import up to 2,000,000 cubic metres of inert waste materials over 20 years at a rate of up to 141,000 tonnes per annum. A MRF facility would process up to 135,000 tonnes per annum. A wash plant processing 100,000 tonnes per annum. Quarrying of remaining mineral reserves totalling 150,000 tonnes over a 3 year period. The site would be in excess of 20 Ha.

The operations at the site would involve the following:

- Material delivered to the site by Heavy Goods Vehicles
- Placement of material in landfill using heavy plant (bulldozers haul lorries etc.)
- Storage and processing of imported inert and waste materials prior to export or placement in the landfill
- Winning and working of minerals using excavators, haul lorries and other plant etc.)

The characteristics of the development, together with the scale of operations as discussed above, are considered to warrant the requirement for an environmental impact assessment.

Location of Development

The site is located close to residential properties on Oven Hill Road and A6015 at Birch Vale. The site is in an elevated position relative to these and more distant properties in the valley below, and this has historically given rise to amenity issues related to odour emissions from operations at the site.

The proximity of sensitive receptors to the site, primarily residents of nearby properties, means that they could be adversely affected by traffic, noise, emissions to air and visual impacts. Therefore, the potential effects of the proposal on these receptors should be assessed in order that their environmental acceptability can be assessed.

Characteristics of the Potential Impacts

A development of this nature has the potential to cause significant impacts associated with the operations being carried out. Such impacts include noise, emissions to air, visual, traffic and ecology. Whilst such impacts can often be mitigated, no assessment of the potential impacts or details of proposed mitigation measures has been provided at this stage.

Noise: Site operations including vehicles tipping, the loading and operation of plant, and movements of materials within the site would all have associated noise impacts. Given the proximity of noise sensitive receptors, I consider there is a clear need for the potential noise impacts of the proposal to be properly assessed.

Emissions to Air: the operations described above would also have the potential to create dust; I therefore consider there is a clear need for the potential dust impacts of the proposal to be properly assessed. Whilst inert waste does not generally have significant issues relating to odours, given the close proximity of sensitive receptors the need to assess and manage odours cannot be discounted at this stage.

Visual Impacts: Operations involving the storage and processing of waste and inert material often carry associated adverse visual impacts. Whilst these can be mitigated through a range of measures the proximity of sensitive receptors means that these impacts have the potential to be significant.

Traffic: The numbers of Heavy Goods Vehicles accessing the site may be significant and so the potential requirement for an assessment of the impacts of vehicle movements cannot be discounted at this stage.

Ecology: The proposed site has been left to regenerate for several decades and so has the potential to accommodate a range of flora and fauna that thrive in 'open mosaic' habitats that sites such as this tend to evolve into over long periods of time. Such sites are often found to contain several protected and notable species and therefore a suitably broad ranging survey and analysis of the habitats within the site should be undertaken.

Flood Risk: The development site is greater than 1 hectare and so a Flood Risk Assessment is required.

Conclusion

The Council considers that, for reason of their clear interrelationship, the individual proposals for an extension to landfilling operations, extraction of stone reserves, materials recycling facility and wash plant should be regarded as an integral part of a more substantial project and that such cumulative effects raising form this need to be considered when establishing the environmental effects.

The project exceeds the threshold in Schedule 2 paragraph 11 (b) by a substantial margin, therefore the council has carried out an assessment taking into account the criteria set out in Schedule 3 and in Planning Practice Guidance. Considering the scale, location and nature of the development the County Council as waste planning authority cannot discount the potential for adverse environmental impacts in relation to ecology, noise, emissions to air, traffic, visual impacts, and flood risk, therefore the Council concludes that the project would be EIA development.

Decision: The proposal would be EIA development.

In reaching this decision account has been taken of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the guidance contained in Planning Policy Guidance.

Opinion: Council's formal opinion is that the proposals form a single project which would be EIA development.

Signed



Dated 3 February 202

Nigel Atkinson

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