

STANTON – IN – PEAK PARISH COUNCIL: Minutes

Minutes of the Parish Council Meeting held on 19th October 2022
At 7:30 pm in Stanton in Peak Village Hall

PRESENT: Cllr S Fogg, Cllr Ros Griffith, Cllr P Morris and Cllr I Mortimore (Chair)
In attendance: Parish Clerk and 11 members of the public

1828 **To receive apologies for absence**

Apologies were received and accepted from – none required

1829 **Variation of order of business and Clerk's request for inclusion of Time Constrained items**

No variations required. Additional planning items:

1830 **Declarations of Members Interests**

Cllr R Griffith declared that the DDDC Tree Reduction planning application was for her property and took no part in that item. No other declarations were required in respect of this meeting.

1831 **Public Speaking**

a) Members of the public –

Parishioners attended to ask questions and submit information on the Quarry extension application. Points raised covered the legitimacy of a S73 application and its creating two parallel applications unless all clauses from the existing are transferred. The provision of a bond to ensure restoration and absolute assurance that if granted 2 years cannot be extended. To note that as all grandfather rights have expired there is nothing on the table to sway the PDNPA to extend. Quarrying has always been on demand and not at capacity. Queries as to whether 50000 tonnes was a right – and assured that it was up to and not permission for that tonnage. Environmental aspects of more lorry movements for two more years. Noting that until this variation the description of the development shouldn't change which it has – part of the haul road is missing, so it should be dismissed. To note the offer of £12500 payment to the parishes affected as to whether it should be accepted if the extension is granted. A query on tonnages already taken was confirmed by council as it and PDNPA receive this on a weekly basis, but cannot share details as it is commercially sensitive, under a monitoring agreement as part of its representation on the PDNPA Minerals Committee.

A parishioner updated the meeting on the works to prove incremental creep at Enthoven studying 10 years of applications, finding evidence of increased staff numbers and noting conditions from 2018 on no new building or height increases. The research suggests a case can be brought to the ombudsman or to ask the Secretary of State to get a screening to determine if the current application is invalid as it breaches transparency rules and requires an intervention in the planning process.

b) DCCllr Sue Hobson and PCSO B Morris sent apologies

PDNPA Parish Member Kath Potter spoke first in Public Speaking and left the meeting before the PDNPA planning item (above) was opened to the public. She thanked council for chasing the tree felling on Lees Road although several others now need attention and noted her attendance at Parishes day where housing was a topic with the viability of bringing barns back into local use was raised as now being a national level campaign

DDDCllr Matt Buckler attended and assured council that he would do his best to ensure the PSPO for Stanton Moor is pursued by DDDC and notices are put up expediently.

1832 **To confirm the Non-exempt minutes of the previous meeting**

RESOLVED to confirm as a correct record the minutes of the meeting held on 5th July 2022 were signed by the Chair.

STANTON – IN – PEAK PARISH COUNCIL: Minutes

1833 **To determine which if any from Part 1 of the Agenda should be taken with the public excluded:** The Green – replacement gate tender

1834 **Planning Applications** – due to the 28-day return deadline, Council will discuss any applications received between publication of the agenda and the meeting date at this meeting.

i) **Decisions received** – 22/00817/FUL - Permission Granted 10th October

Applications returned due to time constraints: 22/00817/FUL – Demolition of existing conservatory and erection of two storey extension to front elevation. Erection of part single, part two storey extension to rear elevation and associated alterations at Warren Carr House Oldfield Lane

Council supports this application, the design of which will improve the existing especially with the removal of the conservatory. It notes the rear extension outlook may need consideration for any comments from immediate neighbours.

NP/DDD/0722/0956 - Proposed landscaping works including erection of garage – Beighton House, Coach Lane

Council supports this application, providing it meets DCC Highways access requirements, especially liking the wild flower garage roof. It notes that there is no mention of external lighting and due to the prominent position on an exposed hillside would prefer to see a clause allowing only discrete preferably timed external lights to minimise the impact on the landscape in support of PDNPA Dark Skies quality policy.

22/00873/FUL H J Enthoven And Sons Darley Dale Smelter - Erection of portal framed housing over previously approved oxygen generator area

Stanton in Peak Parish Council objects to this application on the following grounds:

The application seeks permission to construct yet another building on the site, where one currently doesn't exist. A previous granted application for the oxygen generating area was submitted with no need for a building to be created. When the previous application was granted the applicant was clearly satisfied that siting the oxygen plant outside provided all the necessary protection for both the equipment, workforce and environmental aspects. To now cite NOISE ATTENUATION as the reason for yet another large building indicates that either the company do not investigate their equipment requirements thoroughly enough, lack detailed knowledge of environmental impact of the equipment and processes they undertake or think they can enclose every processing area in a building so long as they manipulate the planning process. ie apply for re-siting existing equipment, then once agreed slip in an application to increase the overall built up 'massing' on site.

. The application is backed up by a report on 'Noise Egress Comparison' which samples noise around the area of the proposed building 'to provide baseline environmental conditions' and 'predict the potential change to the existing sound climate with the introduction of the proposed building operation' yet, concludes 'at the time of writing this report 'no operational sound levels or mechanical plant and equipment and operational sound levels are available' and recommends 'that once the proposals for plant, equipment and operational sound levels are available, these are checked'

. The Noise Monitoring Report prepared by Red Consulting and carried out on 11th November 2021 is by its' own admission incomplete and therefore not fit for purpose.

In their own summary on Page 3 Red Acoustic state:-

. "At the time of writing this report no operational sound levels or mechanical plant and equipment acoustic data were available for the LOX/VSA building. It is recommended that once the plant, equipment and operational sound levels are available, these be checked by Red Acoustic to confirm potential impact."

STANTON – IN – PEAK PARISH COUNCIL: Minutes

. As previously stated, there is no information included anywhere in this application relating to the proposed equipment, operational sound levels of the equipment or noise attenuation qualities of the proposed structure.

. It is apparent that the Noise Monitoring report was carried out even before the previous planning application (21/ 00500/FUL) was determined in January this year.

Therefore, this report has no basis in fact pertaining to future operational use. It's therefore irrelevant for use in any form of submission to try to prove the building proposed would be required/suitable. This has been produced merely to try to placate 'the feedback from the neighbouring community' - but once again if approved, would expand the overall 'massing' on site.

. This new application follows on 4 years after a significant planning application and approval of expansion in 2018 and 9 months since a further application and approval for the extension of height to C Bay 2022. In the interim there has also been a planning application for a further 2 buildings, which was approved in 2019 without consideration by Planning Committee. The site expansion as we understand it has increased 4082 sq m in the last 4 years with this application adding a further 357 sq m for a structure not needed when the oxygen generator was applied for.

. The Site Block plan only shows existing buildings:

The Oxygen Regenerator needs to be seen in the context of those approved in 2018 including Cbay and FGD extensions.

There is no Site Lay-Out Plan 3D view existing/proposed

There is no Sketch showing distance from settlements

. In the Design Statement supporting the planning app. the consultants refer to the Phases 1, 2 and 3 and Future Phase 4, but omit to detail which Phased works have been completed, there is no indication of timescales either, Approval for the works was in 2018, with the time constraints placed on all planning approvals for works to commence, clear indication of just what has commenced and what is outstanding should be included. There is a glaring omission on the Condition that planners imposed, the demolition of the redundant A Bays isn't mentioned in the commentary or in the phases – when is this condition of the last granted permission scheduled for and should this not be completed before any further buildings are permitted.

. Para 2.1 of the Supporting Design Statement reads 'Over the years the business has seen a natural progressive growth with subsequent expansion of the site to meet economic demands' so I would raise the question, is this application yet another attempt to expand the site? as the Noise Egress Comparison report, provides nothing relating to projected noise expected to be emitted from the proposed Oxygen generation equipment.

. Once again, we have a variety of company names being banded around, Enthoven, Darley Dale Smelter, but although the whole of the site is now advertising itself as Ecobat, no mention of that name. The application only found on DDDC website under Darley Dale Smelter!

. In the Section on Biodiversity and Geological Conservation - the form has omitted that the boundary of the Clough Wood SSI falls within the perimeter of the Ecobat (Enthoven) site. In addition, the form does not acknowledge that the site can be seen from "a public road, public footpath or public bridleway or other public land."

. "For modifications to existing development, planning authorities must take proper account of the cumulative effects of progressive development. They should now look at the likely effects of progressive development, and not just those of the modification alone." Enthoven should be asked to produce an Environmental Impact Statement before further applications are approved.

This application needs to go before the full planning committee with all questions answered and inconsistencies corrected beforehand.

Council noted at this meeting that when this comes to Planning Committee a Councillor will attend to present a pre-agreed statement of Council's objections on behalf of our parishioners.

STANTON – IN – PEAK PARISH COUNCIL: Minutes

ii) for Decision –

Tree Works

T/22/00146/TCA | Reduce height of 1no. T1 Pine tree by 25-30 feet and prune branches in contact/too close to stables | 2 Lees Terrace Lees Road Stanton Lees Matlock Derbyshire DE4 2LQ

Council supports the cutting back of this invasive softwood species.

T/22/00153/TCA, Fell 1no. Elm tree due to Dutch Elm - Disease at Land East Of Lees Road Stanton Lees Derbyshire

Council supports this regrettable but necessary loss of native hardwood species.

NP/DDD/1022/1238 S.73 application for the variation of conditions 5 and 71 on NP/DDD/0712/0760. - New Pilhough Quarry Lees Road

Council objects to this application as it seeks to overturn the existing planning permission agreed in 2017, which had a mineral extraction cessation date of 31 December 2022, that date had also previously been set in a permission granted in 2002.

For the last 20 years the local community has waited patiently for the quarrying at New Pilhough (NPQ) to cease, they endured years of the threatened reopening of Stanton Moor Quarry close to the PDNPA 'Jewel in the Crown' the Scheduled Ancient Monument of Stanton Moor. Blockstone Ltd. agreed to the end date of 31 December 2022, giving full assurance at their public meeting prior to the granting of the 2017 extension, that all quarrying would cease at New Pilhough Quarry by end of 2022 if they got their additional 50,000 tonnes. The relief for the whole community was palpable. In line with PDNPA remit to phase out old mineral permissions the community were reassured that the quarrying would reduce over the agreed timetable for all the quarries.

At our Council meeting in October, we received major representation in person and via correspondence from the community that their expectation is that no further quarrying at New Pilhough beyond 31 December 2022 should take place and that a stop notice should be issued if this planning application has not been resolved by the stated end date.

It was also brought to Council's attention that the application would not be valid under a Section 73 as it constitutes a new planning application due to the material change in the application site (removal of the inclusion of the haul road and alteration of site boundaries) and if it were to be approved under this section of planning would remove all existing conditions previously applied to the application site. Council would like an explanation from PDNPA Mineral Officers as to why they have accepted this application under those terms.

For a more detailed analysis we refer the Mineral Planners to Mr John Boulby's representation letter published on PDNPA Planning Portal on 26.10.2022.

Furthermore, as this application seeks to vary the conditions of the 2017 planning consent Council would also like to question why those who made representation on that application have not been advised and invited to comment further on this material change.

In the documentation supporting this application from the Company and their Agents they state that 'the quarry is a very strategically important site for the company' however, they also state that 'historically, the quarry has typically not operated all year round but on a supply and demand basis when required to replenish stocks at their storage facility at Cadeby'

STANTON – IN – PEAK PARISH COUNCIL: Minutes

They give details of the reduced output in 2017, the actual year they were granted an additional 50,000 tonnes, with 'just 26% of the permitted 18,000 tonnes pa removed from NPQ unsold and stored', they cite the lead to Brexit as being responsible for this. The company's lack of planning for Brexit which was known about prior to 2017, their lack of foresight and contingency planning should not be allowed to blight this community by extending the life of the quarry beyond the agreed 2022 end date.

In 2018 they state 'there was simply no demand, only 0.03% of the permitted tonnage was achieved' 'the site was not worked for the majority of the year' once again, the company's resistance to remove their permitted tonnage and store it off site should not be allowed to blight this community by extending the life of the quarry beyond the agreed 2022 end date.

In 2019 just 46% of the permitted 18,000 tonnes pa was actually removed from the site, 'not all were sales, some of which was used to replace the previous years stock at our storage depot' it should be noted that just 0.03% was removed the previous year. It is clear from these figures and this comment on storage facilities, that the company chose to reduce quarrying rather than increase their stock and stocking facilities, which should not result in this community being impacted by any time extension.

The company representatives were at that time already being asked how they would meet their allowed tonnage figures within the permitted timescales long before any Brexit or pandemic scenarios, at discussions at the Mineral Liaison meeting, as there were clear shortfalls. Representatives of PDNPA, Parish Councils and local community representatives were all raising these questions.

It should also be noted that in 2019 the company asked for pre application advice regarding the possibility of a 10 year time extension, which they subsequently did not pursue. All the above are clear indicators of a lack of foresight as to market conditions and lack of provision of additional storage facilities. This is all prior to any pandemic.

The company statement regarding the restrictions they faced due to Covid are somewhat at odds with the government guidelines. Furloughing the quarry team between the end of March until August. In fact, no loads were removed from the quarry from 26 March (lock down) until week commencing 4 January. The Government guidelines from 10 May stated that 'those who could not work from home should return to the workplace - avoiding public transport' so, clearly a company decision not to work NPQ was taken, thereby reducing the time they had to remove all the permitted stone.

The suggested payment of £12,500 to be distributed locally, met with derision from those attending the Parish Council meeting. The community would have liked the company to utilise their funds to ensuring quarrying ceases at the agreed date of 31 December 2022.

Both Birchover and Stanton villages would have to continue to endure HGV movements for any extension period. Birchover would have up to 5 fully loaded vehicles each day travelling down through their village narrow lanes with Stanton -in-Peak affected by similar numbers of return vehicles travelling up Main Road to access the haul road and return to the quarry. That gives a potential of 50 HGV movements per week through villages with limited infrastructure for the time required to remove the remaining block.

In conclusion, Council do not believe that Condition 5 was materially affected by the reasons being stated, a lack of foresight and management has precluded the company from nearing the agreed cessation date without obtaining all the tonnage allowed and agreed. It follows that Council cannot accept the premise of this application and request that the variation to Condition 5 be refused.

STANTON – IN – PEAK PARISH COUNCIL: Minutes

The requested variation of Conditions 71 and Condition 80 relate to the agreed landscaping and restoration.

Council can clearly see that the main aim of revising these particular conditions is to retain the section of haul road which runs from Lees Road to Birchover Road. The section of haul road within the quarrying area is still planned to be restored. Although there is no defined statement on the main section of haul road from the revised restoration plan submitted, that is clearly the intention.

The agreed permission clearly states that the restoration must include all sections of the haul road, why are Blockstone proposing to renege on this particular part of the restoration agreement? Their permission clearly states both parts have to be restored (as per the maps /plans quoted in the permission) The access point to this section of haul road creates a pinch point whenever revellers congregate on Stanton Moor at Summer Solstice, Equinox's and all other Pagan ceremonies, complete restoration will reduce areas which have become dumping grounds for vehicles, which create and cause road blockages and impact on emergency services reaching Stanton village via Lees Road. There is no benefit to the local community or PDNPA in retaining any sections of haul road. Emergency access to Stanton Moor for the Thornhill Estate and Emergency Services are already long established, being provided by the existing Mast Track/Drug Road which is under the control of Thornhill Estate.

The alterations proposed to the planned restoration of the quarry area itself, if the mineral planners and ecologists think it will improve the finished restoration of the quarry area itself, then Council have no issue with a few boulders being added to the finished scheme (as described by the Quarry Manager at the public presentation on 14 September 2022)

Change to Condition 80

The current period of 5 years aftercare is proposed to be extended to 10 years. Due to failure of some restoration species, extending any aftercare period would be potentially beneficial, however, that benefit does not outweigh the proposed detrimental outcome any time extension to stone extraction would bring. Reference is made to potential 'restoration and upkeep of the heritage assets that surround the site' The landowner has the responsibility for that upkeep and attempting to use this as a planning gain with regard to MIN I has no place in this application, nor is it seen by the community as relevant.

Council cannot accept and objects to any retention of sections of the haul road, it was permitted purely for the removal of stone for this specific quarry, therefore at the end of quarrying, which we expect to see by 31 December 2022, but if permitted for an additional two years, removal of the full haul road should still take place

In conclusion, Council on behalf of its parishioners, cannot accept and object strongly to any time extension proposed. This community has waited long enough for Blockstone Ltd to remove its permitted tonnage of stone. The lack of foresight, contingency planning and the Company's lack of commitment to ending quarrying at NPQ, cannot and should not be considered as an excuse to extend the life of this quarry. It would also set a precedent for other quarries in the vicinity.

If this quarry was so 'strategically important' to Blockstone they would have met their commitment to end quarrying this year - they have had ample time, but lacked the business commitment to do so. A permission granted in 2017 was just 2 years later being considered by them as requiring a potential 10 year time extension - nothing to do with Brexit or Covid. They have highhandedly expected both the PDNPA and the community to let them have longer, therefore, it would be logical that if granted this time extension they would find more excuses to prolong quarrying even further, the Quarry Manager indicated that would be the case at the public presentation in September.

STANTON – IN – PEAK PARISH COUNCIL: Minutes

Any time extension goes against the PDNPA remit to reduce quarrying and makes a mockery of all the work undertaken on the Stanton Moor Principles.

Council urges Officers and Members to refuse this application, to consider the long-term implications of why it is being submitted as a Section 73 Application and recommend a Stop Notice be issued on 31 December 2022.

A subsequent planning application NP/DDD/0922/1193 has also been submitted on behalf of another party regarding the section of haul road under consideration in this planning application. Mineral Planners cannot allow that application to be determined until this S73 application is verified and a decision made.

iii) Planning updates/issues:

Tonnage sheets have been received for loads out meeting movement conditions.

Items for clarification with PDNPA: an update on outstanding cases awaited.

Items for clarification with DDDC: Ecobat – Frost Lighting glare not yet commented on.

DCC Highways to be queried as to whether there is a mechanism to revisit planning applications for larger scale development especially where objections show concern for affects relating to obvious Highways issues they haven't challenged – more scrutiny appears to be given to houses than commercial concerns.

1835 Footpaths and Highways

Pilhough Crossroads is to be closed on 4th November for kerb works. The Stand – no news.

Highways – 30-mph move still awaits action but the Village sign has been replaced.

The gully clearing at a low point on the Lees – Pilhough has been carried out.

Council have been asked to support a repeat flooding issue on the road outside Stanton Lees. The Lees Road closure barriers are missing and signage needs maintenance.

Road collapse outside the chapel. Darley Bridge repair works awaiting BT Pole alterations before setting an installation date to combine the repair and VAS. Clerk to ask DCC what the VAS is designed to do so we can inform our users of this major artery to our community.

1836 Reports and Decisions

i. The Green / Parish assets

The wall appears to have been hit today next to the lower entrance and will be investigated.

ii. Defibrillator update and CHT. Pilhough Kiosk – now live on the Webnos system and thanks were expressed to Cllr Fogg for her hard work both practical and fund raising. CHT have clarified that the 8th year on maintenance needs paying to complete the contract and note we will be purchasing parts thereafter as needed.

iii. Stanton Moor

The PSPO came into effect on 10th October and covers fires on the Moor and continues to protect The Green. New signage will be erected and DDDC Community and Environmental Committee meets on 1st November to give more consideration to enforcement. A request to reinstate the Stanton Moor Liaison committee at PDNPA will be made.

iv. PDNPA Minerals Meeting

The quarrying application was notified to and discussed at the last meeting and the next will be in the new year.

v. Ecobat Resources Liaison meeting

STANTON – IN – PEAK PARISH COUNCIL: Minutes

The next is now on 11th November. Woodland Management report and Site meeting regarding lighting to be chased as Ecobat promises not yet met and feedback needs to be given to this meeting.

vi. HGV infringements

One large foreign lorry and one with no details. Every lorry needs reporting to Trading Standards to ensure the scale of the problem is registered even if foreign lorries often escape the net.

vii. PDNPA Parishes Day

Local Plan Review – settlement status was a confusing issue in the questionnaire but PDNPA will be consulting further on housing before proposing which settlements could be eligible. Member Elections – as this has to take place after Parish Council elections there is a very small window to give support for candidates at the first meeting of the new council. State of the Park – environmental issues and suggestions were discussed in the afternoon.

1837 Items for information and DALC (already circulated by email)

DALC Circulars/briefings; PDNPA;

DCC liaison meeting noted the possibilities of a Mayor for Derby City and County and Nottingham City County combined – it was noted that this is to put another tier of bureaucracy on top of existing rather original idea to replace District level. It will mainly look at combining transport across the new region and consultation is due in January. DCC Highways celebrated its restructure and improvements as two years was deemed “not fit for purpose”! Bus services are being restructured as many county routes are unprofitable.

Cllr Fogg is assisting a PDNPA transferred PHD Archaeologist's research request on Council's behalf.

1838 Finance

Resolved to authorise the following:

(a) Accounts for Payment

Cheque No	Net	Vat
UB EON green electricity	£20.21	£1.01
UB HM Lovell (Sept salary)	£253.71	
Ddr NEST (Sept)	£18.78	
Ub HM Lovell (expenses Sept)	£24.66	
UB EON green electricity	£12.49	£0.62
UB HM Lovell (Oct salary)	£253.71	
Ddr NEST (Oct)	£18.78	
UB CHT Telephone chain annual	£200.00	
UB CHT Final contract maintenance	£134.00	
UB RBL wreath	£25.00	

(b) Income – Interest £9.10

c) Budget Appraisal/Risk Assessment

Current balance at 19th October	£2326.50
Savings Account at 30th September	£6025.62

1839 Date of next meeting – Tuesday 22nd November - Stanton Lees Chapel at 7:30pm

2023: 17th January SiPVH, 21st March (+APM) SLC, elections 4th May, 1st New Council Meeting 23rd May SiPVH, 4th July SLC, 19th September SiPVH, November SLC

PART II – CONFIDENTIAL INFORMATION

The Green - We have received two quotes for the gate and Council agreed to place an order with Eley Agri Services for a 5' replacement to cover the gap.

There being no further business the meeting closed at 9:30 pm