

Statement on behalf of the Mineral Products Association (MPA).

Independent Examination of Peak District National Park Development Management Policies; Examination in Public.

Matter 3 – Overview of Soundness

2. Paragraph 116 of the Framework resists major developments in National Parks except in exceptional circumstances and where it can be demonstrated they are in the public interest. Would policies DMC1 and DMMW1 be consistent with the Framework and the Core Strategy policies GSP1 and DS1 in as far they would restrict major development? Should any modifications to those policies be considered?

Both DMC1 and DMMW1 are considered unsound as they do not reflect properly paragraph 116 of the NPPF in that major development is allowed in National Parks in ‘*exceptional circumstances*’ as set out in paragraph 116 of the NPPF.

In respect of DMMW1, the policy omits mention of any national considerations of need, and the impact of permission or refusal on the local economy, and the costs of developing elsewhere as set out in NPPF paragraph 116, and to the sustainability of long term mineral conservation (NPPF para 142). All these considerations are an integral part of national policy but are proposed not to be translated into local policy, which downplays for example, the economic benefits of mineral working in the consideration of mineral proposals and does not mention mineral conservation at all.

In addition, the consideration of proximity to market may or may not be, relevant to considerations of the public interest. If the justification for national need is demonstrated on the special qualities of the mineral it is unlikely that it would only serve a local market. As such, the policy should only require such evidence where it is relevant and appropriate.

Finally, it is unlikely that existing dimension stone quarries would be able to continue to supply either purely local markets or single construction/repair

projects and remain viable and we propose to strike reference to individual projects for building stone.

The Local Authority's interpretation of National Policy is simplistic and partial especially in the context of the core strategy which predates the current NPPF.

National planning policy, as set out in the NPPF, requires that '*great weight*' is given to the benefits of mineral extraction, and that planning authorities should '*as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks...*' (para 144)

The '*as far as practical*' clause is important as it reflects the fact that minerals can only be worked where they occur, and it may not be practical or viable to provide for or extract material from outside of National Parks and ensures in the interests of sustainable development that finite workable mineral resources are not sterilised.

Para 116 of the NPPF also provides further qualification about the public interest and exceptional circumstances that may justify permitting major development (including mineral extraction) in National Parks, including the following considerations:

- *The need for the development, including any national considerations, and the impact of permitting it or refusing it, upon the local economy;*

Minerals are essential to support economic growth and our quality of life (NPPF para 142). This includes aggregates for construction and building stone that supply local markets, and industrial minerals that are of national and international importance in terms of size and extent of market.

- *The cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way;*

Minerals can only be worked where they occur, and locally, nationally and internationally important resources occur and can be concentrated within National Parks, including Dartmoor. Extraction involves substantial investment in gaining consent, mitigation of impacts, and in access, processing and transport. The scope for development elsewhere is often not practicable or may incur excessive costs and other economic and environmental impacts.

- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Minerals development usually includes considerable mitigation in terms of physical development and operation, to make the development and its impacts acceptable. Quarrying is essentially a temporary activity, even though this may be over several decades, and restoration offers opportunities for enhancement particularly for recreation and biodiversity.

Of equal concern is the supporting text for DMMW1 at paragraph 11.1, notwithstanding the proposed modification (M11.1; page 60) of the DMP document which as modified states;

*The Core Strategy Policies MIN1 to MIN4 set out the overall strategic context for minerals development in the National Park. The NPPF requires that when determining planning applications, local planning authorities should, as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks. **The general direction of core strategy policy is therefore to continue to enable progressive reduction in mineral working in the National Park.***

This text is unsound because it is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

The effective conclusion in the last sentence, which states, *'The general direction of core strategy policy is therefore to continue to enable progressive reduction in mineral working in the National Park'*, constitutes a policy of *managed retreat* for minerals from the National Park which is far in excess of

the requirement of National Planning Policy and is unsound. As previously stated the 'as far as practical' clause is important as it reflects the fact that minerals can only be worked where they occur, and it may not be practical or viable to provide for or extract material from outside of National Parks and ensures in the interests of sustainable development that finite workable mineral resources are not sterilised.

The text proposed in paragraph 11.1 and Policies DMC1 and DMMW1 should be modified to properly reflect the NPPF as set out in the above comments. Furthermore, any statements implying any form of managed retreat for mineral development from the PDNP should be removed as not being consistent with National Policy.

3. Would the policies concerning designated heritage assets (policies DMC5 to DMC10) be consistent with the Framework in terms of balancing less than substantial harm against public benefits and should modifications be considered?

Yes, modifications are required. Paragraph 128 of the NPPF states in part;

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. **The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance** (emphasis added).*

Both DMC5 and DMC10 assume in effect that all heritage assets have the same significance. This clearly not the case and is not consistent with national policy and therefore both policies are unsound.

4. How would the DMP policies on the economy requiring restrictions on further changes of use, removal of permitted development rights, time limited permissions and personal permissions be justified? Would those policies be consistent with national policy in the Planning Practice Guidance?

See response to 5 below.

5. Would such restrictions be consistent with the need to support economic growth in rural areas (paragraph 28 of the Framework)? Would requirements such as demonstrating need for a business be consistent with the Framework? Are the employment policies sufficiently supportive of economic growth?

No, such restrictions are not consistent with the requirements of paragraph 28 of the NPPF. Furthermore, in addition to NPPF paragraph 28 we also refer to the *English National Parks and the Broads: UK Government Vision and Circular 2010*. This aims to capture the statutory purposes and duty of the Authorities in a modern vision (paragraph 11). The Circular also states that the Parks' socio-economic duty has been given added weight by the Taylor report and the Rural Advocate's report on the potential of rural England. It continues: -

*"Both reports point to the need to accommodate growth, development and investment in all rural areas at an appropriate scale and form. This should **not be interpreted as meaning that development cannot be accommodated**; (emphasis added) rather, it means that additional and concerted efforts are required to ensure communities, planners and business have clear consistent advice regarding the acceptable forms development might take, so that the Park communities are places where people can live and work by maintaining sustainable livelihoods."* (Paragraph 70)

The Circular has specific guidance on minerals and states that the Parks are a vital source of minerals that society and the economy need, recognising that quarrying provides employment. It advises that the need for minerals, the impacts of extraction on people and the environment should be managed in an integrated way (paragraph 141).

Statement on behalf of the Mineral Products Association (MPA).

Independent Examination of Peak District National Park Development Management Policies; Examination in Public.

Matter 13 – Minerals and Waste

Issue 1: Are the policies consistent with the Framework?

Issue 2: Are the policies consistent with the Core Strategy?

Issue 3: Are the policy requirements sufficiently clear?

Issue 4: Would the policy requirements be effective?

Policy DMMW1: The justification for mineral and waste development

1. Policy MIN1 of the Core Strategy restricts new mineral extraction other than in exceptional circumstances as provided for by national policy. Policy DMMW1 does not include such a requirement but requires evidence of need for, and viability of the development. This partly reflects the criteria in paragraph 116 of the Framework. Should the policy state the requirement that major development will be refused except in exceptional circumstances? Should there be a definition either in the policy or the supporting text as to what is meant by ‘major development’?

No, there should not be a definition of ‘major development’. National Planning Practice Guidance states; “Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision maker.” Attempting to define major development will be pre-judging developments that are yet to come forward.

On the question of whether the policy should state that major development should be refused except in exceptional circumstances goes to the wider issue of the soundness of the policy as it does not reflect the NPPF at paragraph 116. As stated in the MPA representations to the plan and subsequent

modifications it is considered that Policy DMMW1 is unsound as it is not consistent with National Policy.

Within the purview of the justification for mineral and waste development, the policy omits mention of any national considerations of need, and the impact of permission or refusal on the local economy, and the costs of developing elsewhere as set out in NPPF para 116, and to the sustainability of long term mineral conservation (NPPF para 142). All these considerations are an integral part of national policy but are proposed not to be translated into local policy, which downplays for example, the economic benefits of mineral working in the consideration of mineral proposals and does not mention mineral conservation at all.

In addition, the consideration of proximity to market may or may not be, relevant to considerations of the public interest. If the justification for national need is demonstrated on the special qualities of the mineral it is unlikely that it would only serve a local market. As such, the policy should only require such evidence where it is relevant and appropriate.

Finally, it is unlikely that existing dimension stone quarries would be able to continue to supply either purely local markets or single construction/repair projects and remain viable and we propose to strike reference to individual projects for building stone.

Proposed Changes (deletions in ~~striketrough~~; new text in **bold**)

A. Mineral and waste development will only be permitted where evidence is provided in relation to the viability and need for the development. This ~~must~~ **should** include evidence of:

(i) the availability of other permitted or allocated mineral supply or the availability of secondary or recycled materials;

(ii) the availability of other permitted or allocated sites or developments, both within and outside the National Park;

(iii) **Where relevant and appropriate** ~~e~~Evidence of the proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain

(iv) Evidence by way of suitable geological and other information on the quality, availability and volume of the mineral reserves, ensuring that high quality materials are retained for appropriate end uses.

(v) Evidence of the durability and aesthetic qualities of the stone together with precise details of its compatibility with ~~the repair or restoration project it is proposed to supply~~ **its proposed market.**

(vi) The need for the mineral including any national considerations, which should demonstrate the public interest in proceeding with the development

(vii) The impact of permitting or refusing the development on the local economy,

(viii) The cost of, and scope for, developing elsewhere outside the national park

(ix) Since minerals are a finite natural resource, and can only be worked where they are found, the desirability of securing the long-term conservation of minerals through extending sites in time, or in depth or in lateral extent.

Additionally, the proposed supporting text for the DMMW1 at paragraph 11.1, including the proposed modifications (Mod No.M11.1) is unsound as it is not consistent with National Policy.

The Local Authority's interpretation of National Policy is simplistic and partial especially in the context of the core strategy which predates the current NPPF

National planning policy, as set out in the NPPF, requires that '*great weight*' is given to the benefits of mineral extraction, and that planning authorities should '*as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks...*' (para 144)

The '*as far as practical*' clause is important as it reflects the fact that minerals can only be worked where they occur, and it may not be practical or viable to

provide for or extract material from outside of National Parks and ensures in the interests of sustainable development that finite workable mineral resources are not sterilised.

Para 116 of the NPPF also provides further qualification about the public interest and exceptional circumstances that may justify permitting major development (including mineral extraction) in National Parks, including the following considerations:

- *The need for the development, including any national considerations, and the impact of permitting it or refusing it, upon the local economy;*

Minerals are essential to support economic growth and our quality of life (NPPF para 142). This includes aggregates for construction and building stone that supply local markets, and industrial minerals that are of national and international importance in terms of size and extent of market.

- *The cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way;*

Minerals can only be worked where they occur, and locally, nationally and internationally important resources occur and can be concentrated within National Parks. Extraction involves substantial investment in gaining consent, mitigation of impacts, and in access, processing and transport. The scope for development elsewhere is often not practicable or may incur excessive costs and other economic and environmental impacts.

- *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

Minerals development usually includes considerable mitigation in terms of physical development and operation, to make the development and its impacts acceptable. Quarrying is essentially a temporary activity, even though this may be over several decades, and restoration offers opportunities for enhancement particularly for recreation and biodiversity.

The effective conclusion in the last sentence, which states, *'The general direction of core strategy policy is therefore to continue to enable progressive reduction in mineral working in the National Park'*, constitutes a policy of managed retreat for minerals from the National Park which is far in excess of the requirement of National Planning Policy and is unsound.

Proposed Changes;

The text proposed should be modified to properly reflect the NPPF as set out in the above comments. Furthermore, any statements implying any form of managed retreat for mineral development from the PDNP should be removed as not being consistent with National Policy.

2. Should the policy include requirements for restricting production of aggregates, limestone and shale for cement manufacture, limestone for industrial and chemical products and large-scale building and roofing stone as provided for in the Core Strategy?

No. There is no National Policy basis for such a restriction and would make the plan unsound if it was. NPPF paragraph 144 (bullet 2) states;

***as far as is practical** (emphasis added), provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;*

In the event a mineral development is proposed, and is considered major development, then it will be tested against paragraph 116 of NPPF otherwise known as the *'major development test'*.

There is not a blanket restriction on future mineral development in National Parks nor should paragraph 144 be seen as justifying a policy of managed retreat of mineral development from the National Park areas as some would have it. The words '*as far as practical*' are key as the words reflect the fact that minerals can only be worked where they occur, and it may not be viable or practical or viable to provide for or extract minerals from outside the National Parks and ensures that finite workable mineral resources are not sterilised in the interests of sustainable development.

Furthermore, such a restriction would be against the requirements of paragraph 28 of NPPF which requires local plans to support the rural economy. To this end we provide a link to an independent report commissioned by the High Peak Borough Council in partnership with Derbyshire Dales District Council and Derbyshire County Council and considers the economic impact of quarrying and mineral extraction in the area, with a focus on the economies of High Peak and Derbyshire Dales. The key purpose for this was to raise awareness and profile of this sector at both a local and regional level and highlight its importance as a key economic contributor in the rural and wider economy.

https://www.highpeak.gov.uk/media/2674/Minerals--Aggregate-Extraction-in-High-Peak--Derbyshire-Dales---Draft-Report/pdf/Minerals_Aggregate_Extraction_in_High_Peak_Derbyshire_Dales_-_Draft_Report.pdf

In addition to NPPF paragraph 28 and, we refer to the *English National Parks and the Broads: UK Government Vision and Circular 2010*. This aims to capture the statutory purposes and duty of the Authorities in a modern vision (paragraph 11). The Circular has specific guidance on minerals and states that the Parks are a vital source of minerals that society and the economy need, recognising that quarrying provides employment. It advises that the need for minerals, the impacts of extraction on people and the environment should be managed in an integrated way (paragraph 141).

The Circular also states that the Parks' socio-economic duty has been given added weight by the Taylor report and the Rural Advocate's report on the potential of rural England. It continues: -

*"Both reports point to the need to accommodate growth, development and investment in all rural areas at an appropriate scale and form. This should **not be interpreted as meaning that development cannot be accommodated**; (emphasis added) rather, it means that additional and concerted efforts are required to ensure communities, planners and business have clear consistent advice regarding the acceptable forms development might take, so that the Park communities are places where people can live and work by maintaining sustainable livelihoods."* (Paragraph 70)

It should also be noted that the Core Strategy predated the current NPPF being adopted in 2011 and is overdue for review as required by PPG ID: 12-008-20140306. Furthermore, The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, regulation 4 "*Review of local development documents*" states that reviews of local plans must be completed every five years, starting with the date of adoption of the local plan. This regulation came into force on 6 April 2018.

There is an argument in this case that NPPF should take precedent over the Core Strategy.

3. Should the requirement of Core Strategy policy GSP1 that there would be significant net benefit to the National Park be made clear and should this be elaborated upon?

No.

The test for major development is set out at paragraph 116 of the NPPF, and this does not state a requirement to show development has to have a net benefit to the National Park. Also, as stated earlier the Core Strategy is overdue a review and predated the current NPPF.

4. The policy applies to all minerals development including fluorspar and local building stone and its detailed requirements do not distinguish between the

different types of mineral. Should the detailed policy requirements for each mineral differ?

Yes, the policy requirements for each mineral type should reflect the NPPF which deals with different minerals in different ways. Minerals are essential to support economic growth and our quality of life (NPPF para 142). This includes aggregates for construction and building stone that supply local markets, but also supply regionally and nationally, and industrial minerals that are of national and international importance in terms of size and extent of market.

Albeit the Core Strategy predated the NPPF and is outdated the DMMW1 does not consider MIN 2 & 3 of the Core Strategy.

5. Criterion (ii) is similar to (i). Could these be combined?

This would make sense however, it would be better if the policy reflected the NPPF at paragraph 116 (see response to question 1).

6. What is the justification for (iii) in terms of proximity of the mineral to the end user market?

There is no justification. Aggregates, industrial minerals and building stone trade not only locally, but regionally and in some cases internationally when it comes to building stone and industrial minerals. The market of the mineral is not relevant in land use planning terms

7. Criterion (iv) requires that high quality materials are retained. Should this be more specific in stating how and where the materials would be retained and for what specific use?

There is no justification for this. High quality materials will attract higher prices and no operator will knowingly sell high quality material for a lesser price nor is the customer likely to pay a premium for material where a cheaper alternative would suffice.

8. What evidence would be required to demonstrate viability?

There is no need to prove viability. Any application needs to be judged on whether it is appropriate use in respect of land use planning. No other business sector is required to show viability.

9. The policy applies to both minerals and waste sites. As the only waste facilities allowed by policy CC3 of the Core Strategy are small-scale local facilities what is the justification for criterion (iii) 'proximity of the waste operation to the supply-chain'? Should this be explained further?

No comment.

Policy DMMW4: Waste management facilities

10. Should part A of the policy make clear that it does not apply to on-farm anaerobic digestion as provided for by Core Strategy policy CC4?

No comment.

Policy DMMW7: Safeguarding local building and roofing stone resources and safeguarding existing permitted minerals operations from non-mineral development

11. As the policy only requires safeguarding within the Mineral Safeguarding Areas what is the policy requirement of the DMP for the Building Stone and Roofing Stone Safeguarding Areas shown on the Policies Map?

12. Does the absence of a policy for safeguarding building and roofing stone conflict with policy MIN4 of the Core Strategy?

Not only does it conflict with Policy MIN4 of the core strategy but it also more importantly in our view conflicts with the NPPF, which postdates the Core Strategy, and therefore makes the Plan unsound. NPPF at paragraph 143 states;

In preparing Local Plans, local planning authorities should:

- *(3rd bullet) **define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised** [emphasis added] by non-mineral development, whilst not creating a presumption*

that resources defined will be worked; and define Mineral Consultation Areas based on these Mineral Safeguarding Areas

In the Annex 2 (Glossary) of the NPPF Minerals of local and national importance are defined as follows;

Minerals of local and national importance: *Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including hydrocarbons), tungsten, kaolin, ball clay, potash* **and local minerals of importance to heritage assets and local distinctiveness** (emphasis added).

It is clear from the above that NPPF requires that all known building stone resources should be safeguarded through policy and identified on the policy map.

It should be noted that the BGS website host the Strategic Stone Study. Historic England commissioned the BGS to expand its database of UK quarries, mines and mineral workings to accommodate a database called England's Building Stone Pits (EBSPits). The data is freely available on a Geographical Information System accessed through the British Geological Survey's web site. In addition, the data for each county can be freely downloaded as a series of Excel spread sheets. Written accounts of the building stones of each county are contained within a series of atlases (see link below)

[Strategic Stone Study \(SSS\) | MineralsUK](#)

13. Should the policy refer to the Framework requirement (paragraph 143) to encourage prior extraction of minerals where practicable?

Yes, to make it compliant with National Policy otherwise the plan is unsound.