

Development Management Policies

Part 2 of the Local Plan for the Peak District National Park

Publication Version

**Schedule of Modifications to DMP document for public consultation
November 2017 to January 2018.**

Representations of the Mineral Products Association

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This representation should be read in conjunction with the representation made in January 2017 by the Mineral Products Association which still stand in relation to the overall consultation on the DMP.

Mod No.MI.4 (additional text after DM1)

The policy 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 additional text proposed is partial in the consideration of National Policy, and 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 specifically, in the context of minerals and to the sustainability of long term mineral conservation (NPPF para 142). 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.

Proposed Changes

Delete all proposed additional text.

Mod No.M11.1

The proposed additional 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 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.

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.

Mod No.M11.4

The MPA acknowledge the attempt to address our January 2017 representation on this matter however, we feel that it is still unsound as it is not **Consistent with National Policy**.

NPPF para 189 it is explicitly stated there that Ipas cannot compel developers to engage before submitting an application. Neither do PPG paras 20-001 20-014 compel pre-application consultations.

While the insertion of the words '*are encouraged to*' has attempted to reflect our concerns this is negated by the requirement for any application to outline what consultation has been undertaken, who has been consulted and how the applicant has responded to results of the consultation.

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

Applicants ~~should be encouraged to~~ undertake consultation with Statutory Consultees and the local community before applying for any ~~new scheme, any extension to an existing scheme, any proposal for new phasing, or any other amendment to an existing scheme of mineral working involving an area~~

~~of 1 hectare or more major minerals or waste development~~. The application should ~~then~~ outline:

- ~~i. What consultation has been undertaken; and~~
- ~~ii. Who has been consulted; and~~
- ~~iii. How the applicant has responded to the results of consultation; and~~
- ~~iv. How the application responds positively to the views expressed by the local community.~~

Mod No.M11.5

The proposed additional 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 effect of the proposed wording is to limit building and roof stone proposals beyond the requirements on National Policy and is wrong. The policies should be more encouraging of building stone quarries, and plan positively for these and reflect the economic, social and environmental importance of supply of building stone. The NPPF (para 144) refers to '*demand for small scale extraction of building stone*' in terms of determining applications, rather than setting policy. In doing so it requires that the '*small scale nature and impact*' of such quarries is taken into account. 'Small-scale' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than 'local' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations. Indeed, many small sites simply will not be commercially viable if they are only able to supply the 'local' market that exists within the planning authority area – which is likely to be too small, and too infrequent. The demands for such products are just as likely to arise outside the National Park as within it.

Ultimately the National Park is protected by paragraph 116 of the NPPF and restrictions over and above National Policy should not be applied to building and roofing stone.

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

~~Fluorspar proposals approved under MIN2 of the Core Strategy are only permitted where extraction of proven deposits takes place underground and extraction is environmentally acceptable. Local small-scale building and roofing stone proposals will only be permitted under policy MIN3 of the Core Strategy where they meet a demonstrable need within the National Park, which cannot be satisfied from existing permissions inside or outside the National Park; and the stone will be confined to local use only on buildings and structures within the National Park; and the individual and cumulative impacts of working on the environment, amenity and communities can be appropriately mitigated.~~

Mark E North

10 January 2017