

Development Management Policies

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

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Representations of the Mineral Products Association

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DMMW1: The justification for mineral and waste development

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.

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 of 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 ~~strike through~~; 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** 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.**

DMMW2: The Impact of Mineral and Waste Development on Amenity

Supported

DMMW3 – The Impact of Minerals and Waste Development on the Environment

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.

This policy contains some elements that stray outside of a planning remit and into operational concerns that might conflict with the requirements of other legislation, e.g. health and safety, which would be contrary to national policy which is to avoid potential overlap between regulatory regimes. The issue may be a function of the way the policy has been worded.

However, the MPA cannot accept that the efficiency and effectiveness of working schemes or the prevention of unauthorised access to sites are a valid concern of the local planning authority (criteria (viii) & (ix)). As such, these criteria need to be amended accordingly to remove such conflict.

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

A. Mineral development or the development of waste management facilities will only be permitted where the impacts of the development on the environment of the National Park are reduced to an acceptable level, or eliminated, in relation to:

- (i) The risk and impact and potential pollution on environmental receptors;
- (ii) The need to minimise landscape and visual impact;
- (iii) The need to minimise impacts on cultural heritage assets and the setting of these assets;
- (iv) The need to minimise the residual waste arising from the development along with the proposals for the disposal of residual waste;
- (v) Any potential effects on groundwater, rivers or other aspect of the water environment;
- (vi) The potential effects of land instability;
- (vii) The impact on agricultural and forestry interests, including to soil resources;
- (viii) The ~~efficiency and effectiveness of the proposed working scheme or operation including the phasing proposals and the likelihood of the development being carried out as proposed;~~
- (ix) The need to ~~prevent unauthorised public access and/or stock ingress, and to ensure adjacent land can be appropriately managed;~~
- (x) The proposed scale, siting, colour and design of buildings plant and structures;
- (xi) The functional need for any buildings, plant and structures.

Paragraph 11.13

The paragraph 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.

This paragraph requires public consultation prior to submission of any ROMP scheme which goes further than national guidance and policy. Although pre-application engagement is encouraged by 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.

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

~~11.13 Applicants should 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. The application should 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~~

DMMW5: Restoration and Aftercare

Supported

DMMW6: The Cumulative Effect of Mineral and Waste Development

The policy is unsound because it is not **Effective** – the plan should be deliverable over its period and the plan is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

This policy contains non sequiturs and is difficult to understand fully. There is a typographical error where 'exiting' should be 'existing'. However, it is not clear how the next phrase 'its setting' fits in with the text around it. For this reason the MPA offers no suggested alternative wording until the policy wording is clarified.

Proposed Changes

None

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

The policy is unsound because it is not **Effective** – the plan should be deliverable over its period and the plan is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

We have no objection to safeguarding building stone and roofing stone resources but we note there is no reference to this policy in the online version of the Policies Map. There is an inconsistent reference to Policy DMMW1 and to MIN4 on all building stone safeguarding areas as far as we can see. We believe this should be policy DMMW7. In addition, there is no policy reference on the Policies Map to areas of safeguarded limestone.

Proposed Changes

We believe to be consistent the Policies Map should reference these areas to Policy MIN4.

DMMW8: Ancillary mineral development

Supported

Policies Map

The Policies Map is unsound because it is not **Effective** – the plan should be deliverable over its period and the plan is not **Consistent with National Policy** – the plan does not enable the delivery of sustainable development in accordance with the policies in the Framework.

We note there is no reference to Policy DMMW7 in the online version of the Policies Map. There is an inconsistent reference to Policy DMMW1 and to MIN4 on all building stone safeguarding areas as far as we can see. We believe this should be policy DMMW7. In addition, there is no policy reference on the Policies Map to areas of safeguarded limestone.

Proposed Changes

We believe to be consistent the Policies Map should reference these areas to Policy MIN4.

Mark E North

18 January 2017