

Matter 13 – Minerals and Waste

Issue 1: Are the policies consistent with the Framework?

The policies are not compliant with the NPPF policies on mineral supply.

Policy DMMW2

Policy DMMW2 ‘The Impact of Mineral and Waste Development on Amenity’ is considered to be unsound as it goes further than the guidance within NPPF to avoid unacceptable adverse impacts (paragraph 144 of NPPF). Paragraph 143 states that in connection with mineral extraction ‘some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable’.

Overarching national-level planning policy does not support the removal/elimination of the full list of amenity issues listed in DMMW2. The potential for planning controls to require the elimination of potential adverse amenity impacts where this is not supported within NPPF and Planning Practice Guidance is therefore not consistent with national policy and guidance. Positive preparation of the Development Management Policies document should state that amenity impacts should be made acceptable, rather than removed entirely / eliminated, as appropriate.

Policy DMMW3

Policy DMMW3 addresses the need to make acceptable the impact of mineral and waste management development proposals on the environment. Policy DMMW3 includes an even wider scope of potential features and receptors that are typically impacted upon by mineral development than the list within Policy DMMW2. As with Policy DMMW2, this Policy states that development 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’. The current wording of Policy DMMW3 is unsound as it is not consistent with national policy. The potential to require the elimination of the listed potential adverse environmental impacts through planning controls is not supported within NPPF and Technical Guidance.

Policy DMMW8

Policy DMMW8 ‘Ancillary mineral development’ states that ancillary mineral-related development is to be permitted provided that all plant, buildings and machinery are removed when permission for mineral working expires or if a plant becomes redundant prior to the completion of mineral working. Tarmac maintain that this is unnecessarily onerous on the mineral operator, as at certain phases throughout the greater scheme of development across large-scale quarry operations, plant, buildings and machinery may become temporarily redundant.

Furthermore, in exceptional circumstances there remains a need for the retention of mineral-related facilities upon cessation of mineral extraction. The retention of mineral-related plant, buildings and machinery should be considered on a case-by-case basis. A requirement to remove temporarily redundant plant is not contained

within national policy and is considered to be overly onerous for the mineral operator. The requirement to remove plant which is not in use is against the overall spirit of the NPPF in that it constrains the efficient use of mineral sites.

Policy DMMW1: The justification for mineral and waste development

Point 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’?

Policy DMMW1 should reflect the NPPF and the criteria of paragraph 116 for applicants to demonstrate a need for the development including any national considerations and the impact of permission/refusal upon the local economy. Furthermore, the cost and scope for developing elsewhere or meeting the need for it in some other way should be considered in addition to any detrimental effect on the environment, landscape and recreational opportunities, and the extent to which they could be moderated recognising that mineral development can only be worked where it occurs. Greater recognition of the national importance of mineral operations within the Peak Park is required in order to fully translate national policy into the Development Management Policies document – see Point 2.

Point 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?

National policy states that, ‘as far as is practical’ provide for the maintenance of land banks of non-energy minerals from outside National Parks. The policy document should distinguish between mineral types and the scarcity of certain types of resource and acknowledge they can only be worked where they are found. The wording of the NPPF guidance allows flexibility to acknowledge that whilst there is an overall intention to limit extraction in National Parks, there has to be recognition that some mineral working will still be considered acceptable under the exception tests of paragraph 116 of the NPPF.

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

There are mineral operations that contribute nationally to mineral supply (not solely building stone operations) and the requirement of policy DMMW1 to demonstrate mineral would be supplied to local markets is not applicable in all circumstances. This

should be removed. At present, the Policy is not positively prepared and fails the test of soundness.

The policy should be reworded to read:

Mineral and waste development will only be permitted where evidence is provided in relation to the viability and need for the development. This 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) 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;*
- (iv) The need for the mineral;*
- (v) The impact of permitting or refusing the development on the economy;*
- (vi) The cost of, and scope for, developing elsewhere outside the national park;*
- (vii) Since minerals are a finite natural resource, and can only be worked where they are found, preference for securing the long-term supply of minerals through extending sites in time, or in depth or in lateral extent.*

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?

As we have previously stated, the Policy cannot be found sound as it conflicts with Policy MIN4 of the Core Strategy DPD (2011). The Policy also conflicts with NPPF at paragraph 143 which states that:

“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 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”
(emphasis added)

In the Annex 2 (Glossary) of the NPPF ‘Minerals of local and national importance’ are defined as *“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 all known building stone resources to be safeguarded through policy. The inclusion of safeguarding limestone resources would bring the document into greater alignment with the Core Strategy.

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

Policy DMMW7 at present is unsound as it does not refer to prior extraction of minerals where practicable. Reference should be included in the Policy to make it compliant with paragraph 43 of the Framework.

I trust that these comments are helpful. Should you wish to discuss in more detail, please do not hesitate to contact us.

Kind regards,

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