11 Minerals and Waste

Strategic Context

11.1 The **Core Strategy Policies MIN1 to MIN4** set out the overall strategic context for minerals development (winning and working of minerals and related development) in the National Park. The general direction of policy is to continue to enable progressive reduction in mineral working in the National Park. Policies CC3 and CC4 set out the overall strategic context for waste development. The policies in this DPD are applicable alongside the Core Strategy policies but only become relevant if an application is acceptable in principle when considered against the core strategy policy. For practical purposes the development management criteria for both minerals and waste management development are brought together in this chapter owing to the close similarity in issues that require consideration.

11.2 Mineral working is one of the most sensitive types of development in the National Park both for its potential impact on the landscape, biodiversity and cultural heritage, but also on the communities around such sites. The activity can harm the natural resources and valued characteristics of the National Park. If the proposed development is likely to have significant environmental effects, an Environmental Impact Assessment will be required in accordance with government regulations.

11.3 Sensitive methods of working, restoration and aftercare are essential to minimise impacts on the amenity and environment during the operation, and in the longer term may enhance the environment in accordance with the principles of sustainable development.

11.4 Most mineral working in the National Park is concerned with the winning and working and processing of limestone and gritstone and processing and working of fluorspar. Under the Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015 proposals for oil, gas or unconventional hydrocarbon proposals can only come forward below 1200 metres. In the event that an application was made in relation to unconventional hydrocarbon below 1200 metres then Core Strategy Policy MIN1 would be used to determine whether there are exceptional circumstances that may justify development. Development management criteria set out below will then be utilised depending upon their relevance to each of the three phases of development (exploration, appraisal and production).

The justification for the development

11.5 Minerals development approved under MIN1 of the Core Strategy is only permitted where the working is properly justified as demonstrating exceptional circumstances applying the major development tests. In both these cases and development involving waste management facilities the following evidence is required:

- The availability of other permitted or allocated mineral supply or the availability of secondary or recycled materials or the availability of other permitted or allocated waste sites or developments, both within and outside the National Park. The proximity of the mineral extraction to the end-user market or the proximity of the waste operation to the supply-chain.
- 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.
- Information relating to durability and aesthetic qualities of the stone together with precise details of its compatibility with any repair or restoration project it is proposed to supply.
- Information relating to any claimed impact of the development on the local economy and job opportunities.
- Information relating to the contribution of any planning benefits to the local community;

DMMW1 The justification for mineral and waste development

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 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 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.

Impact on landscape, biodiversity, cultural heritage and local amenity

11.6 The impact of mineral working can be long term, even though technically the operations themselves are temporary. The legacy of the operations means permanent changes to the landscape. This is relevant to the National Park landscapes, biodiversity and cultural heritage and the communities living in it. It is also relevant to those coming to visit and enjoy the area. For this reason it is important that the proposed operating methodology is understood, and that sites are worked to the highest possible standards.

11.7 Planning conditions will be imposed as appropriate to ensure proposals satisfactorily address the above issues. The Authority will also use planning conditions to control ancillary development. Use of conditions for this purpose helps prevent quarry sites becoming isolated industrial units unconnected with mineral extraction.

11.8 Planning obligations will be sought to address matters which cannot be dealt with by means of planning conditions, including where the extinguishment of existing planning permissions is appropriate and necessary

11.9 Permitted development rights will generally be removed in order to control the design and siting of buildings, plant and machinery. This enables the Authority to conserve and enhance the special landscape of the National Park and other valued characteristics of the area, and also helps prevent conflicts with neighbour and visitor amenity that could otherwise be created by the exercise of permitted development rights.

11.10 The following policies will be applied alongside other development management policies impacting on landscape, biodiversity, wildlife and local amenity.

DMMW2 – the Impact of Mineral and Waste Development on Amenity

A. Mineral development or the development of waste management facilities will only be permitted where the adverse impacts on amenity can be reduced to an acceptable level or eliminated, in relation to:

(i) Nuisance and general disturbance resulting from transport, including number of vehicles, access arrangements, preventing transfer of mud onto roads and routes proposed for use to and from the site;

(ii) Noise, including noise of a level, type and hours of operation, likely to have negative impacts on areas of tranquility;

(iii) Vibration;

(iv) Fumes and smell;

(v) Water run-off and flooding;

(vi) Visual impact;

(vii) The potential effects of land instability arising from the development;

(viii) Effects on human health including effects of air pollution, smells, and fumes; and

(ix) Minimise impact on recreation and public rights of way.

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

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.

Management of existing mineral sites

11.11 Mineral permissions will be reviewed periodically under the provisions of the Environment Act 1995, and the Authority will aim to negotiate the best possible package to protect the interests of the National Park. New conditions (and legal agreements where appropriate) will be sought to ensure working schemes will minimise the adverse effects of mineral working on the environment, and secure restoration and aftercare in accordance with other policies within the Plan. Where necessary, the Authority will amend submitted schemes through the imposition of conditions.

11.12 When devising working schemes and conditions, proposals considered under the Review of Mineral Permissions (ROMP)81 will be generally assessed against the material considerations set out in this Plan, having regard to the existing consent(s). The focus of review will be on minimising impacts on, and achieving significant enhancements for, the environment and communities.

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.

Waste Management and Waste management facilities

11.14 Waste management facilities, accommodating only waste from the immediate area will be supported in principle subject to the requirements of **Policy CC3 and CC4 of the Core Strategy**. Facilities that require extensive import of waste will be refused.

11.15 The Core Strategy states that facilities for the disposal of domestic, industrial and commercial waste are incompatible with national park purposes because of their adverse environmental impacts. The small and dispersed population means that waste facilities would not be viable operations unless waste is imported from outside local communities. Policy therefore presumes against new waste facilities within the National Park, and no sites are allocated. Specialised processing sites such as commercial composting and recycling plants will also be inappropriate, because of the likely landscape impacts and potential for air, land and water contamination.

11.16 The Joint Municipal Waste Management Strategy identifies National Park designation and the geographical nature of the area as barriers to the local provision of facilities. Most of the waste generated in the National Park will continue to be dealt with outside the National Park given the proximity of facilities in nearby towns and the small population of the National Park itself. Any proposals that are acceptable under the Core Strategy policies will needs to be assessed against these policies to ensure that the effects of the development can be reduced or mitigated.

11.17 The policy outlines a sequential approach to the development of waste management facilities to ensure that, in accordance with the Core Strategy, where they are developed they are in accessible sustainable locations with compatible surrounding land uses.

81 http://planningguidance.communities.gov.uk/blog/guidance/minerals/review-of-minerals-planning-conditions/

DMMW4 – Waste Management Facilities

A. A. In accordance with Policies CC3 or CC4 of the Core Strategy waste management facilities should be located in accordance with the following sequential approach having regard where appropriate to the relevant Municipal Waste Management Strategy:

(i) existing authorised waste management sites located in DS1 settlements within the National Park;

(ii) existing or allocated industrial land within DS1 settlements;

(iii) previously developed land within DS1 settlements;

(iv) industrial land or previously developed land outside DS1 settlements;

(v) vacant or under-utilised agricultural buildings;

(vi) Greenfield sites or any other land.

and

B. Proposals for waste management facilities must :

(i) Be of appropriate scale, reflecting the needs of the local resident and business community to create and dispose of waste; and

(ii) Minimise the need for transportation of waste to the facility; and

(iii) Minimise and where possible avoid any requirement for outside storage of waste; and

(iv) Minimise and where possible avoid any adverse impact on valued characteristics of the area; and

(v) Minimise and where possible avoid any adverse impact on the amenity of resident and visitor communities.

Restoration and Aftercare

11.18 Although mineral working and waste disposal are temporary, the permanent legacy is the restoration. This can have a permanent negative effect on the landscape and other valued characteristics of the National Park if not properly controlled. In granting planning permission for mineral extraction or waste development the resulting permanent changes to the landscape must be understood and be acceptable. However, opportunities for enhancement can help to mitigate this landscape change (where the development is otherwise acceptable). In restoration, including during progressive restoration, sites, can and should make a contribution to targets for biodiversity and to amenity and geodiversity in the National Park.

DMMW5 – Restoration and Aftercare

A. Mineral development or the development of waste management facilities will only be permitted where the restoration and aftercare contributes to the enhancement of the National Park. All proposals must demonstrate that:

(i) Restoration can be achieved in the timescale proposed; and

(ii) Sufficient material is available to achieve the levels proposed; and

(iii) No future land stability or public safety issues will arise; and

(iv) All buildings, plant and machinery including bases, foundations and utilities will be removed; and

(v) Restoration will contribute to enhancement of ; biodiversity, geodiversity and amenity, and be acceptable within the context of the Landscape Strategy for the National Park; and

(vi) A comprehensive scheme for the aftercare of the restored land shall be implemented to bring the restored land to the required standard for use for woodland, nature conservation or amenity within a five year aftercare period. If the required standard cannot be reached within a five year period, or the benefits of the restoration in contributing to the biodiversity, amenity or geodiversity of the National Park cannot be maintained without long term management, an extended period of aftercare should be secured.

Cumulative Impact of Mineral and Waste Development

11.19 There may also be situations where the impact of mineral or waste activity is unacceptable because of the cumulative harm it triggers. This could arise because of a concentration of sites in a particular locality or because of intensification or commencement of additional processing at a single site. Therefore, whilst individual applications may appear benign, the Authority will also consider the cumulative impact that individual schemes, when considered together, would trigger.

11.20 It is not possible to quantify the number of sites, or quantity of ancillary development that would trigger cumulative impact. This is dependent on the particular locality and will be assessed on a case by case basis. However, gradual industrialisation can erode the very qualities of landscape biodiversity and cultural heritage that underpin National Park designation and erode the tranquillity and quiet enjoyment that residents and visitors experience. The valued characteristics of an area are many and varied and will therefore always be key material considerations when assessing applications for mineral further working.

DMMW6 The Cumulative Effect of Mineral and Waste Development

A. Mineral development or the development of waste management facilities will only be permitted where the cumulative impact of the development is considered to be acceptable, taking into account existing operations on the site and in the locality and exiting impacts from other development, its setting, both concurrently and successively, including the off-site impact of any utility or infrastructure improvements necessary to serve the development.

Safeguarding of Local Building and Roofing Mineral Resources and Safeguarding of Existing Permitted Mineral Operations from Non-mineral Development

11.21 **Policy MIN4 of the Core Strategy** sets out the overall framework for the safeguarding of mineral resources. It prevents development that would effectively sterilise the mineral resource, so that in the event that at some future point in time that resource needs to be extracted, it could be extracted. The policy established that "a selection of small individual areas for local small-scale building and roofing stone for conservation purposes would be identified for safeguarding".

11.22 The safeguarded areas are identified on the Policies Map. Proposals for any non-mineral development in these areas will be refused unless it can be demonstrated that there is no current or future need to protect the mineral resource for heritage conservation.(i.e. no continued need to safeguard the resource)

11.23 The plan also seeks to safeguard existing permitted mineral sites from new and adjacent development. Permitting incompatible uses such as housing next to a potential quarry site would threaten the continued operation of the mineral site and prevent extraction of stone and slate needed for conservation schemes. Development of such incompatible uses is therefore to be avoided.

11.24 For the avoidance of doubt, safeguarding does not imply that future extraction will actually occur, nor does it imply that an application for extraction would automatically be permitted. However, the long term interest of the heritage and conservation of the National Park is best served by ensuring that such a resource could, if absolutely necessary, be made available in the future.

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

A. A selection of small individual areas for local small-scale buildings and roofing stone for conservation purposes is safeguarded from non-mineral surface development through the definition of a Mineral Safeguarding Area on the Policies Map

Ancillary mineral processing

11.25 In certain cases mineral processing can cause considerable disturbance to local residents, especially due to noise from early morning or weekend working or lorry despatch. Where on-site processes exist or new proposals are acceptable, they should cease when the parent operation ceases. Permitted development rights, under the GPDO 1995, are excluded by condition in order to safeguard the special landscape of the National Park and to allow input into the design and siting of buildings, plant and machinery. Together with Policies DMMW2 and DMMW3, the following policy is considered appropriate to control ancillary development to prevent quarry sites becoming isolated industrial units unconnected with mineral extraction.

DMMW8: Ancillary mineral development

A. Ancillary mineral-related development will be permitted provided that:

(i) there are clear benefits in a close link between the industrial and mineral developments because the material to be used is produced mainly on-site; and

(ii) when planning permission for mineral working expires (or if the plant becomes redundant before the completion of mineral working) all plant, buildings and machinery will be removed, and the site will be satisfactorily reclaimed to an agreed after-use. This will be achieved by a planning obligation or condition imposed at the time of the grant of planning permission.