

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).

