

PDNP post EiP Modifications

Representations on behalf of the Mineral Products Association.

Contact: Mark E North (Director of Planning)

Tel: 07568 427719

Email: mark.north@mineralproducts.org

MoD. No. MM137, page 16, Para.11.1

We believe that the text proposed in this modification is unsound as it goes against National Policy in that it still in effect advocates a policy of *managed retreat* for minerals within the National Park. As put forward by the MPA at the examination the Core Strategy predates the NPPF 2012 and would today be found unsound as it goes beyond the requirement of paragraph 116 of the NPPF (2012) explicitly seeking to reduce mineral workings within the national Park. Adjustment to the wording are set out below to remove any reference to reduction of aggregates and other land won mineral.

(New wording in **bold**, deletion of words with ~~strike through~~.)

*The Core Strategy policies MIN1 to MIN4 set out the overall strategic context for minerals development in the National Park. The NPPF (2012) 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 to continue to enable the gradual reduction of aggregates and other land won minerals.~~ **When considering mineral development proposals, the Council will take** ~~taking~~ account of the requirements in national policy for ensuring adequate supplies of minerals, and in doing so ~~take~~ ~~taking~~ account of the availability of minerals both inside and outside the National Park. However, the Core Strategy recognises that a different approach will be taken to fluorspar and ~~small-scale building and roofing stone~~, which may be permitted in accordance with Core Strategy policies MIN2 and MIN3.*

We have concerns about the wording of the second part of this paragraph .We consider that the wording is not consistent with the revised wording of policy DMMW1, and is more prescriptive, in that it acts as a catch all for all mineral development, both new and extensions to existing operations, without recognising the potential for such developments to vary in scale and nature as reflected in DMMW1. Suggested rewording is set out below;

(New wording in **bold**, deletion of words with ~~strike through~~.)

*Core Strategy policy MIN1 provides that in order to reflect the approach to major development, new mineral extraction or extensions to existing mineral operations (other than fluorspar proposals and small-scale building and roofing stone) will **be considered against the requirements of Policy DMMW1** ~~not be permitted other than in exceptional circumstances and where it can be demonstrated they are in the public interest.~~ Core Strategy policies CC3 and CC4 set out the overall strategic context for waste development. The policies in this Development Management document provide a further level of policy detail for all minerals and waste related developments alongside the Core Strategy policies. Applications that are acceptable in principle with Core Strategy policy will need to be sequentially assessed against these Development Management policies. 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.

ME NORTH

24/01/209

From: Steven Buffery (Economy Transport and Environment)
<Steven.Buffery@derbyshire.gov.uk>
Sent: 25 January 2019 16:15
To: Policy
Subject: Post-hearing modifications to the publication version of the DMP

Dear Sir / Madam,

Post-hearing modifications to the publication version of the DMP

Thank you for consulting Derbyshire County Council on the post-hearing modifications (PHM). Below are Derbyshire County Council's officer technical comments on the PHM, relating to Travel and Transport, Broadband and Landscape.

Travel and Transport

Paragraph 9.9 makes reference to Core Strategy Policy 3, which requires that necessary transport infrastructure should be designed and maintained in a manner that is in keeping with the valued characteristics of the National Park. It is considered that this is not an appropriate requirement for inclusion in the Local Plan Part 2 Development Management Policies as the maintenance and improvement of the highway network are the responsibility of the County Council, as Highway Authority, and which are subject to permitted development rights in any event.

Paragraph 9.22 includes minor alterations to the supporting text relating to reference to Core Strategy Policy T3A, which sets out principles in relation to the need for high quality of design of transport infrastructure expected within the National Park. Reference is made to the emerging Transport Design Guide Supplementary Planning Document (SPD), which is being developed by the Peak District National Park Authority. As you will be aware, Derbyshire County Council was consulted on the Consultation Draft SPD and submitted extensive comments on 12 January 2018. These comments expressed significant concerns that the SPD had no jurisdiction over the Highway Authority's highway improvement schemes, which were permitted development and therefore outside the planning system; and that Derbyshire County Council had its own protocols for ensuring that environmental and heritage matters were considered as part of these schemes and accordingly it was not the role of the PDNPA to determine whether the County Council's schemes were acceptable or not. The County Council's comments also highlighted the potential conflicts of the SPD with the County Council's mandate to ensure that highway improvement schemes were designed with safety being of paramount importance in the design process as opposed to the approach set out in the SPD, which required schemes to be of a high quality design. The County Council's concerns, therefore, are reaffirmed in respect of Paragraph 9.22 and Policy DMT3.

Paragraph 9.24 still makes reference to the 2012 version of the National Planning Policy Framework (NPPF), which has been replaced by the revised NPPF published in July 2018. In this context, there is an incorrect reference to paragraph 32 of the previous version of the NPPF relating to opportunities for sustainable transport modes. Paragraph 108 of the revised NPPF is now the approach reference.

Policy DMT3 Access and Design Criteria

In the context of the comments above, it is considered that Sections A, B, C and D of Policy DMT3 introduce elements associated with new transport related infrastructure, which are beyond that required for highway regulatory purposes. For example, the Highway Authority could not refuse to adopt an access which met all necessary technical design criteria simply because it detracted from the character of the locality.

Broadband

In respect of the additional new text on Broadband in MM132, reference should more appropriately be made to 'superfast broadband' (rather than 'high speed' broadband) defined by the Government as having download speeds of 24megabits per second.

With regard to new developments, it is recommended that reference should be made to the fact that broadband suppliers are now working with developers and the Home Builders Federation (HBF) to install superfast and fibre optic broadband services into new developments.

Landscape

A number of the modifications, particularly MM3 and MM6, relate to landscape matters. Derbyshire County Council has no further comments to make on these modifications.

I hope the comments above are of assistance

Kind regards

Steve

Steve Buffery | Team Leader

Policy and Monitoring

Economy, Transport and Environment | Derbyshire County Council

County Hall, Matlock, Derbyshire, DE4 3AG

01629 539808

The Planning Service Privacy Notice can be found [here](#)

This email or email thread section has been classified CONTROLLED - This email requires controlled access by Council personnel and / or intended recipient(s) only. This email may contain business or personal information.

Action Grants – apply now for cash for community activities. Find out more on our [website](#).

Think before you print! Save energy and paper. Do you really need to print this email?

Derbyshire County Council works to improve the lives of local people by delivering high quality services. You can find out more about us by visiting 'www.derbyshire.gov.uk'. If you want to work for us go to our job pages on 'www.derbyshire.gov.uk/jobs'. You can register for e-mail alerts, download job packs and apply on-line.

Please Note

This email is confidential, may be legally privileged and may contain personal views that are not the views of Derbyshire County Council. It is intended solely for the addressee. If this email was sent to you in error please notify us by replying to the email. Once you have done this please delete the email and do not disclose, copy, distribute, or rely on it.

Under the Data Protection Act 2018 and the Freedom of Information Act 2000 the contents of this email may be disclosed.

Derbyshire County Council reserves the right to monitor both sent and received emails.

Wilkins Clare

From: Deeming, Roslyn (NE) <Roslyn.Deeming@naturalengland.org.uk>
Sent: 28 January 2019 16:41
To: Policy
Cc: Stubbs, Andrew (NE)
Subject: Modifications to the Publication Version of the Development Management Policies

F.A.O. Brian Taylor, Head of Policy and Communities

I can confirm that Natural England has no further comments on the above document.

Regards
Roslyn Deeming

Roslyn Deeming
Lead Adviser
Sustainable Growth & Marine Team
East Midlands Area
Ceres House
2, Searby Road
Lincoln
LN2 4DT
02080268500
roslyn.deeming@naturalengland.org.uk
www.gov.uk/natural-england.

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services – The Discretionary Advice Service ([DAS](#)) provides pre-application, pre-determination and post-consent advice on proposals to developers and consultants as well as pre-licensing species advice and pre-assent and consent advice. The Pre-submission Screening Service ([PSS](#)) provides advice for protected species mitigation licence applications.

These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

Our ref:
Your ref:

Elisa Atkinson

Brian Taylor
Policy Planning Manager
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE

3 SOUTH
Lateral
8 City Walk
Leeds LS11 9AT

Direct Line: 0300 470 2317

20 December 2018

Dear Brian

Peak District National Park Local Plan Modifications Consultation

Thank you for your consultation of 7th December 2018 on the Modifications to the Publication Version of the Development Management Policies [DMP] Document, forming Part 2 of the Local Plan for the Peak District National Park. We have reviewed this with the primary interest of the safe and efficient operation of the Strategic Road Network [SRN] in mind.

Within the Peak District, the A628 and A616 form part of the SRN, hence the requirement for Highways England to be consulted through this process to ascertain the impact of the policies within the DMP at the SRN.

As part of Highways England's previous review of the Local Plan, the key policies of interest were identified as:

- *Policy DMT1 is important in the context of the Trans-Pennine Upgrade Programme which is investigating ways to improve connectivity between Manchester and Sheffield. Any SPD should recognise the Strategic Road Network within the National Park and in particular Highways England's responsibility for its management and the appropriate standards to be applied (Design Manual for Roads and Bridges); and*
- *Policy DMT2 Access and Design criteria references the intention to bring forward a park wide Transport Design Guide Supplementary Planning Document which should be taken into account when developing transport schemes. We therefore request to be kept informed with the development of this document.*

As such, these key policies remain of interest, alongside any modifications which may impact upon the capacity, operation and safety of the SRN. In addition, Highways England has the following comments on the schedule of main modifications that fall within the Travel and Transport section:

- The deleted text in MM112 is not considered to cause Highways England any issues;
- The following additional text added in MM113 - *The creation of sub-National transport bodies such as Transport for the North is likely to increase the pressure for new or significantly improved roads across the National Park. Improved transport connectivity between major cities is seen as a key factor in driving economic growth. Because east-west connections through the southern Pennines are considered to be poor in comparison with other key corridors, this is a key area for major investment by Transport for the North* – is not considered to cause Highways England an issue. In addition, the deleted text within MM113 regarding reopened railways is consistent with MM112;
- MM115 has modified Policy DMT1 to remove references to railways, consistent with the changes to the text made in MM112 and MM113; again, this is accepted; and
- Highways England supports the additional text identified in MM116 as it encourages collaborative working between the National Park Authority and Highways England regarding improvements to the local road network. In addition, the supplementary text for DMT2 in MM117 is also supported.

In summary, Highways England are content with the modifications to the text of the DMP, in relation to the capacity, operation and safety of the SRN.

Furthermore, Highways England will continue to work with the Peak District National Park as the Local Plan emerges, through the statutory consultation processes, to ensure Highways England's interests are protected.

Yours sincerely

Elisa Atkinson
 NDD Yorks & NE Asset Development
 Email: elisa.atkinson@highwaysengland.co.uk

Wilkins Clare

From: Hase, Mike <mike.hase@derbyshiredales.gov.uk>
Sent: 28 January 2019 15:38
To: Policy
Cc: Taylor Brian
Subject: [OFFICIAL (SENSITIVE)] Peak District National Park - Development Management Procedures..

Dear Brian

I refer to your letter of 7th December in connection with the above.

I am writing to advise you that the District Council has the following comments it wishes to make in respect of the published modifications. I would be grateful if you could pass these onto the Inspector, as appropriate for his consideration.

Modification	District Council Response to Modification
AD1.8	<p>Under the heading <i>Understanding the statutory purposes and duty of the National Park</i> the two purposes have been made explicit but not the duty to: seek to foster the economic and social well-being of local communities within the national parks when carrying out these purposes. Reference is made once later in the document but is hidden away. This duty should be stated within the actual policy in support of the comments we made in Jan 2018 regarding a more positive approach to sustainable development (which meets the social economic and environmental aspirations of the NPPF)</p>
MM24	<p>Amend DMC 10 (iii) to....<i>"the changes brought about by the new use, and any associated infrastructure (such as access and services), conserves OR enhances the heritage significance..."</i></p> <p>This modification came forward from the Peak District National Park at the EIP as a proposed modification to the Plan and has not been subject to consultation until now.</p> <p>The NPPG indicates the following: <i>Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.</i></p> <p>The Inspector in his report also mentions the following: <i>Part A (iii) of policy DMC10 takes a restrictive approach to conversion of heritage assets to higher intensity uses where these are outside settlements, farmsteads and groups. Higher intensity uses are defined in the supporting text as including recreation use, holiday accommodation, business use and housing. Paragraph 28 of the Framework supports the sustainable growth and expansion of business in rural areas, including through conversion of rural buildings, and sustainable rural tourism. Paragraph 55 allows for the use of heritage assets for housing in rural areas. The restrictive approach of DMC10 A(iii) is inconsistent with national policy in these respects. It is also inconsistent with other policies in the Plan, notably DME5, DMR3, DMH1, DMC10C and HC1 of the Core Strategy. This inconsistency should be addressed.</i></p> <p>The District Council therefore consider that the requirement to conserve and enhance is unduly restrictive and should be modified to OR</p>
MM36	<p>DME2 – delete: ...<i>"operation associated with the agricultural unit"</i>. The additional policy text added</p>

	<p>prior to this is adequate and allows non related uses as long as ancillary</p> <p><i>The Inspector at the EIP asked for the justification for requiring farm diversification businesses to remain ancillary to the farming operation and how would this be monitored ?</i></p> <p>The justification given by the National Park was essentially that buildings should remain in uses ancillary to agriculture because of its need to maintain a relationship with land management. This, new modification, added after the EIP, could lead to a situation where farm buildings valuable within the context of the character of the landscape could result in such buildings falling into disrepair if not reused rather than being in a productive economic use.</p> <p>As such the District Council consider that this modification should be deleted.</p>
MM116	<p>The Inspector advocates the need for a local roads policy to improve highway safety OR accommodate new development but both the text and policy only cover the former and are therefore in adequate with regard to facilitating development.</p>

I would be grateful if you could acknowledge receipt of these comments, and I would also be grateful for an indication, if possible of the timeframe to the issuing of the Inspectors Letter and/or adoption.

Happy to discuss these issues with you as necessary.

I look forward to hearing from you again in the near future.

Mike Hase
Policy Manager



Derbyshire Dales District Council
Town Hall
Bank Road
Matlock
Derbyshire DE4 3NN

e-mail mike.hase@derbyshiredales.gov.uk

Tel No. 01629 761251
Fax No. 01629 761163

Sign up for email updates about special promotions and any changes to our services at www.derbyshiredales.gov.uk/enewsreg

The views expressed in this e-mail are personal and may not necessarily reflect those of Derbyshire Dales District Council, unless explicitly stated otherwise.

This e-mail, and any files transmitted with it, is confidential and intended for the sole use of the addressee. The unauthorised use, disclosure or copying of the e-mail is strictly prohibited.

Information on how Derbyshire Dales District Council use your data and our Privacy



The Coal Authority

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Date

16 January 2019

Dear Policy Team

Peak District National Park Local Plan - Development Management Policies - Main Modifications Consultation

Thank you for your notification received on the 7 December 2018 in respect of the above consultation.

I have revised the Main Modifications proposed and wish to make the following comments:

MM29 – Policy DC15 Contaminated and unstable land

The Coal Authority has no objection to the modifications proposed to this policy wording.

MM140 – Policy DMMW1 – The justification for minerals and waste development

The Coal Authority has no objection to the modifications proposed to this policy wording.

Please do not hesitate to contact me should you wish to discuss these comments further.

Regards

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader

Policy Planning Team,
Peak District National Park Authority,
Aldern House,
Baslow Road,
Bakewell, DE45 1AE

NHS Property Services Ltd
99 Gresham Street
London
EC2V 7NG
local.plans@property.nhs.uk
www.property.nhs.uk

Date: 25th January 2019

Dear Sir/Madam

NHS Property Services – Modifications to the Publication Version of the Development Management Policies (DMP) Document, forming Part 2 of the Local Plan for the Peak District National Park

Thank you for the opportunity to comment on the above document. The following comments are submitted by NHS Property Services (NHSPS).

Foreword

NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable and modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.

Policy DMS2 – Change of use of shops, community services and facilities

We note the alterations made to paragraph 7.23, which inserts a new paragraph as below;

7.23 The loss or change of use of existing public services, including existing health facilities, will be acceptable if it is shown that this forms part of a wider estate reorganisation programme to ensure the continued delivery of services. Evidence of such a programme will be accepted as a clear demonstration that the facility under consideration is neither needed nor viable and that adequate facilities are or will be made available to meet the ongoing needs of the local population. In such cases policy DMS2A would not apply and no viability or marketing information will be required.

NHSPS welcomes additional supporting text to clarify how Draft Policy DMS2 will be applied, support is particularly welcomed for the specific mention of health facilities in the supporting text. The clarification that viability and marketing information will not be required where it can be demonstrated that the loss is part of a wider estate reorganisation programme will allow for valuable time to be saved in the disposal process of NHS properties. It is important that following the appropriate consultation and tests, when an NHS property has been declared surplus that it can be disposed of as soon as possible to avoid any disruption to service. Unnecessary marketing periods can hinder this disposal process and therefore the altered wording of the paragraph is welcomed.

Yours sincerely

Evelyn Jones | Graduate Town Planner

NHS Property Services Ltd



United Utilities Water Limited
Developer Services and Planning

1st Floor Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WA5 3LP

Telephone 01925 234 000

unitedutilities.com

Date 28th January 2019

FAO Brian Taylor

Head of Policy and Communities
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
DE45 1AE

By Email (policy@peakdistrict.gov.uk)

Dear Sir / Madam,

DEVELOPMENT MANAGEMENT POLICIES – PART 2 OF THE LOCAL PLAN FOR THE PEAK DISTRICT NATIONAL PARK – SCHEDULE OF MAIN MODIFICATIONS

Thank you for your consultation seeking the views of United Utilities as part of the Development Plan process.

United Utilities wishes to build a strong partnership with all Local Planning Authorities (LPAs) to aid sustainable development and growth within its area of operation. We aim to proactively identify future development needs and share our information. This helps:

- ensure a strong connection between development and infrastructure planning;
- deliver sound planning strategies; and
- inform our future infrastructure investment submissions for determination by our regulator.

When preparing the Development Plan and future policies, we can most appropriately manage the impact of development on our infrastructure if development is identified in locations where infrastructure is available with existing capacity. It may be necessary to co-ordinate the delivery of development with the delivery of infrastructure in some circumstances.

United Utilities wishes to submit the following comments as part of the consultation on the schedule of Main Modifications to the published version of the DMP document. This representation is submitted in line with the consultation deadline of 28th January 2019.

GENERAL COMMENTS

United Utilities (UU) wishes to highlight that we will work closely with the Council during the Local Plan process to develop a coordinated approach to delivering sustainable growth in sustainable locations which are accessible to local services and infrastructure. United Utilities will continue to work with the Council to identify any infrastructure issues and most appropriately manage the impact of development on our infrastructure during the preparation of the Local Plan.

Sustainable Drainage and Climate Change

We strongly believe that a critical element of the response to managing the impact of climate change is how we respond at the development plot level. United Utilities therefore welcomes the helpful provisions within the Core Strategy and Climate Change and Sustainable Building Supplementary Planning Document regarding sustainable drainage. That being said, United Utilities recommends that it would be more appropriate to incorporate the detail on the development management issues associated with the delivery of sustainable drainage directly within the Development Management Policies rather than the associated supplementary planning document.

POLICY SPECIFIC COMMENTS

Main Modification 8

UU supports the reference to managing water quality at paragraph 3.20 of the chapter on Protecting and Managing the Natural Zone. However, for completeness, we have suggested the following addition (in red) to the proposed wording:

“...the impact of development in any parts of the Natural Zone may need to be very carefully monitored and controlled because of potential adverse impact on the water environment (including groundwater and public water supply resources), soil and air quality, noise levels and dark skies, as outlined in policy DMC14.”

Main Modification 28

UU supports the addition of the sentence at paragraph 3.128 of the DMD, which deals with (inter alia) development affecting Groundwater Source Protection Zones. We recommend, however, the following additional amendments:

“New development sites are more appropriately located away from locations which are identified as Groundwater Source Protection Zone 1 (SPZ1). Groundwater is a vital resource, supplying around one third of mains drinking water in England, however groundwater supplies are under pressure from development associated with an increasing population. Development within groundwater source protection zones or on water catchment land may need to be supported by appropriate risk assessments and inclusion of mitigating measures identified in liaison with the relevant statutory bodies and water undertaker.”

Main modification 129 & 130

United Utilities strongly supports the addition of the following wording under paragraph 10.6:

“This may include the necessity to coordinate the delivery of development with timing for the delivery of infrastructure improvements such as for surface water management and connection into the foul sewer network. Where a development is of a significant size, there may be a case for a phased delivery, with parts of the site coming on-stream over time. It is accepted that the works to connect with new infrastructure may not be delivered ahead of the whole development being completed. Nevertheless, delivery should be synchronous with each phase of development, and full details of the required service provision should be disclosed at the planning application stage”.

United Utilities wishes to state that development should not impact the right to access, maintain and repair its infrastructure or the integrity of infrastructure assets (both during and after construction). United Utilities would expect planning applications coming forward in the vicinity of utility assets to be accompanied by risk assessments, construction management plans and demonstrate the implementation of mitigating measures. It may also be necessary to remove permitted development rights to protect the integrity of the utility assets and future occupiers where development takes place in close proximity to such assets. We therefore suggest the following additional sentence for inclusion in this paragraph.

“Development should not impact the integrity of infrastructure assets (both during and after construction). Applicants will be expected to incorporate utility infrastructure within development layouts to allow for future access, maintenance and repair in liaison with the statutory undertaker. A management plan which demonstrates how infrastructure will be protected during and after construction may also be required. If development is located in proximity to utility assets, it may also be necessary to restrict permitted development rights through the development management process.”

Summary

Moving forward, we respectfully request that the Council continues to consult with United Utilities for all future planning documents. We are keen to continue working in partnership with Peak District National Park Authority to ensure that all new growth can be delivered sustainably and with the necessary infrastructure available in line with the Council’s delivery targets.

If you have any queries or require further clarification on the above matters, please do not hesitate to contact me on **01925 731 285**.

Yours faithfully

Andrew Leyssens
Developer Services & Metering
United Utilities Water Ltd

Brian Taylor,
Head of Policy and Communities,
Peak District National Park Authority,
Aldern House,
Baslow Road,
Bakewell,
Derbyshire,
DE45 1AE

My Ref: TAR-050-M/DMPD/MM/001

Your Ref:

Date 28th January 2019

Sent by email to policy@peakdistrict.gov.uk

Dear Mr Taylor,

PEAK DISTRICT DEVELOPMENT MANAGEMENT POLICIES DOCUMENT EXAMINATION IN PUBLIC: CONSULTATION ON MAIN MODIFICATIONS

Heatons (under previous name Heaton Planning) have previously submitted representations to the Peak District Development Management Policies Document in response to the Publication Draft and Inspector's Matters and Issues consultations on behalf of our client Tarmac Trading Ltd and Tarmac Cement and Lime Ltd (Tarmac). Heatons also attended the Examination in Public.

Tarmac operate Ballidon and Tunstead Quarries situated within the Peak Park. Ballidon is a limestone aggregate quarry whilst Tunstead/Old Moor supply high purity industrial limestone for use within the chemical and other industries as well as contributing limestone aggregate for the construction market. Powders are manufactured on site at Tunstead and Tarmac have an operational cement plant. Tunstead is of national importance in mineral supply terms.

This letter is submitted to the Peak District National Park Authority (PDNPA) with regard to the recommended Main Modifications to the Development Management Policies Document. Our comments on specific Main Modifications are outlined below:

Mod No. MM137

We support the acknowledgement in MM137 that account should be taken of the availability of minerals both inside and outside the National Park. This is an important point as minerals can only be worked where they are found. It also emphasises and acknowledges the importance of mineral supply but also the specialist nature of some mineral resources, which is supported.

It should be further re-iterated that large-scale and specialist mineral extraction and operations currently take place within the Peak District National Park and the minerals industry makes a significant contribution to the National Park in terms of socioeconomic benefits.

Heatons

9 The Square, Keyworth, Nottingham NG12 5JT

tel: 0115 937 5552 email: consultants@heatonplanning.co.uk web: www.heatonplanning.co.uk

Heatons is the trading name for Heaton Planning Ltd.

Registered office – 12 Bridgford Road, West Bridgford, Nottingham, NG2 6AB. Registered No. 4786259

We do not support the proposed wording of MM137 as it aims to accord with the “general direction” of the Peak District National Park Core Strategy. The adopted Core Strategy predates the 2012 NPPF and would today be found unsound as it goes beyond the requirement of paragraph 144 of NPPF (2012). Paragraph 144 seeks ‘as far as practical’ for Authorities to provide for the maintenance of landbanks of non energy minerals from outside National Parks. However, paragraph 116 establishes ‘exceptional circumstances’ where development would be acceptable having regard to need, impact on the economy, scope and cost for developing outside the designated area and the impact this would have on the environment. The general principle of seeking a ‘gradual reduction’ of mineral workings within a National Park is not aligned or consistent with that policy approach. Therefore, reference to the Core Strategy and gradual reduction of aggregates in the National Park in minerals policy is in our view superseded by the NPPF.

The start of Paragraph 11.1 should therefore be worded as follows:

~~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 NPPF (2012) 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 to continue to enable the gradual reduction of aggregates and other land-won minerals, taking account of the requirements in national policy for ensuring adequate supplies of minerals, and in doing so taking account of the availability of minerals both inside and outside the National Park. However, the Core Strategy recognises that a different approach will be taken to fluorspar and small-scale building and roofing stone, which may be permitted in accordance with Core Strategy policies MIN2 and MIN3.~~

The revised wording of the second paragraph states that “Core Strategy policy MIN1 provides that in order to reflect the approach to major development, new minerals extraction or extensions to existing mineral operations ... will not be permitted other than in exceptional circumstances and where it can be demonstrated that they are in the public interest.” Whilst we support the acknowledgement that there are ‘exceptional circumstances’ where major development is appropriate within the National Park, we consider that this revised wording requires some additional flexibility in that it acts as a catch all for all mineral development, both new and extensions to existing operations, without recognising the potential for such developments to vary in scale and nature, as reflected in revised policy DMMW1. It also fails to acknowledge the sustainability benefits of maintaining production from extensions to existing mineral sites. It is suggested that this part of paragraph 11.1 is not required and should be deleted.

Mod No. MM139

As per comments above, reference to the strategy/approach in the Core Strategy where not compliant with the NPPF should be deleted. It also fails to acknowledge the varying scale in minerals development in requiring all development is subject to the major development/exception test. Proposed modifications to Policy DMMW1 do not advocate this approach.

Mod No. MM140

Amendments to Policy DMMW1 are supported. Policy DMMW1 reflects a proportionate approach to the justification of minerals and waste development. An approach requiring greater justification for larger scale development, and vice versa, is appropriate in that it does not place an onerous burden on mineral operators to justify minor extensions or ancillary minerals development. Appropriate weight should be attributed to the economic and sustainability benefits of development at or extending an existing operation where significant investment, infrastructure and markets already exist. In particular, the need for development should be given appropriate weight in cases where there are clear economic benefits and continuation in supply of mineral resources are of national importance.

Mod No. MM148

Policy DMMW8 'Ancillary mineral development' states that ancillary development at mineral extraction sites is to be permitted provided, inter alia:

"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 "mineral related development (including processing, stocking, storage or sorting of minerals) will not be permitted on sites which are not operational mineral extraction sites" (our emphasis).

As we have stated previously and at the Examination in Public, Tarmac maintain that the requirement to remove all plant, buildings and machinery "when redundant" 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.

The policy wording at point (ii) at present relies upon flexibility in its application as it is not practical to require mineral operations to remove any plant or machinery that may be temporarily redundant throughout the life of mineral operations. We consider that the policy wording should greater reflect the flexibility required to allow appropriate ancillary development to be permitted that may become temporarily redundant throughout the life of mineral sites, but may need to be retained for use prior to final restoration. The policy wording should be revised for the avoidance of doubt and to make the policy wording more practically test-able to state:

"(ii) when planning permission for mineral working expires (or if the plant becomes permanently redundant before the completion of mineral working) ..."

Finally, point (iii) of policy DMMW8 states that "mineral related development (including processing, stocking, storage or sorting of minerals) will not be permitted on sites which are not operational mineral extraction sites". The first sentence of the revised policy DMMW8 modifies "mineral related development" to "ancillary development at mineral extraction sites". We feel that for clarity and consistency, point (iii) should refer to "ancillary development at mineral extraction sites" rather than "mineral related development".

The thrust of point (iii) is that ancillary development will not be permitted at 'non-operational' mineral sites. We consider that greater clarity is required to define either what is considered 'ancillary' or what is considered a 'non-operational' site. It may be the case that ancillary development is required in order to bring a currently non-operational site back into operation. These sites may still have active permissions. Under the current wording of policy DMMW8, it would not be possible to permit such ancillary development, however necessary it may be to the site's operation. An inability to enable mothballed sites to become operational again would effectively force their premature permanent cessation and could result in unnecessary sterilisation of mineral reserves.

At present, the policy wording is not considered reasonable and is unsound. Ancillary development at mineral extraction sites are temporary in nature through their ties to the wider mineral operation. In the absence of specific guidance in NPPF, ancillary development at mineral extraction sites should be treated as part of 'proposals for mineral extraction' which are covered by paragraph 205 of the 2018 NPPF. Whilst paragraph 205 acknowledges that "as far as practical" mineral landbanks should be sourced from outside National Parks (point (a)), points b-g set out clear and specific environmental tests against which proposals for mineral development can be judged. It is appropriate to test ancillary development at mineral sites against these tests where necessary and better reflect the "great weight" given to the benefits of mineral extraction (and ancillary development that may better enable the delivery of such benefits).

I trust that the points above are clear and provide sufficient detail. If you would like any further information, please do not hesitate to contact me.

Kind regards,

Joel Jessup
Heatons

Wilkins Clare

From: Worrall, Rosamund <Rosamund.Worrall@HistoricEngland.org.uk>
Sent: 25 January 2019 14:38
To: Policy
Subject: Historic England response - Post-hearing modifications to the publication version of the DMP document

Dear Brian and team

Further to the Inspector's comments on the Plan, I can confirm that Historic England has no issues to raise in relation to the proposed post-hearing modifications to the publication version of the DMP document.

Yours sincerely,

Rosamund Worrall
Historic Environment Planning Adviser

Historic England | Windsor House
Northampton | NN1 5BE

m. 07917 596058

www.HistoricEngland.org.uk



Historic England

We are the public body that helps people care for, enjoy and celebrate England's spectacular historic environment, from beaches and battlefields to parks and pie shops.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.

Wilkins Clare

From: CLH Pipeline System Ltd <CLHPipelineSystem@fishergerman.co.uk>
Sent: 12 December 2018 10:47
To: Policy; Wilkins Clare
Subject: RE: Post-hearing modifications to the publication version of the DMP document
Attachments: PLANNING_plan.pdf

Dear Sirs,

Thank you for your email to CLH Pipeline System Ltd dated 7 December 2018 regarding the above. Please find attached a plan of our client's apparatus. We would ask that you contact us if any works are in the vicinity of the CLH-PS pipeline or alternatively go to www.linerearchbeforeudig.co.uk, our free online enquiry service.

Kind regards
CLH Pipeline System Ltd

Kind Regards,

CLH Pipeline System Ltd

This e-mail message is confidential and for the use of the addressee only. If the message is received by anyone other than the addressee it must be deleted. Internet e-mails are not secure and we do not accept responsibility for changes made to the message.

From: Wilkins Clare <Clare.Wilkins@peakdistrict.gov.uk> **On Behalf Of** Policy
Sent: 07 December 2018 15:37
Subject: Post-hearing modifications to the publication version of the DMP document

Peak District National Park Authority

Tel: 01629 816200

E-mail: customer.service@peakdistrict.gov.uk

Web: www.peakdistrict.gov.uk

Minicom: 01629 816319

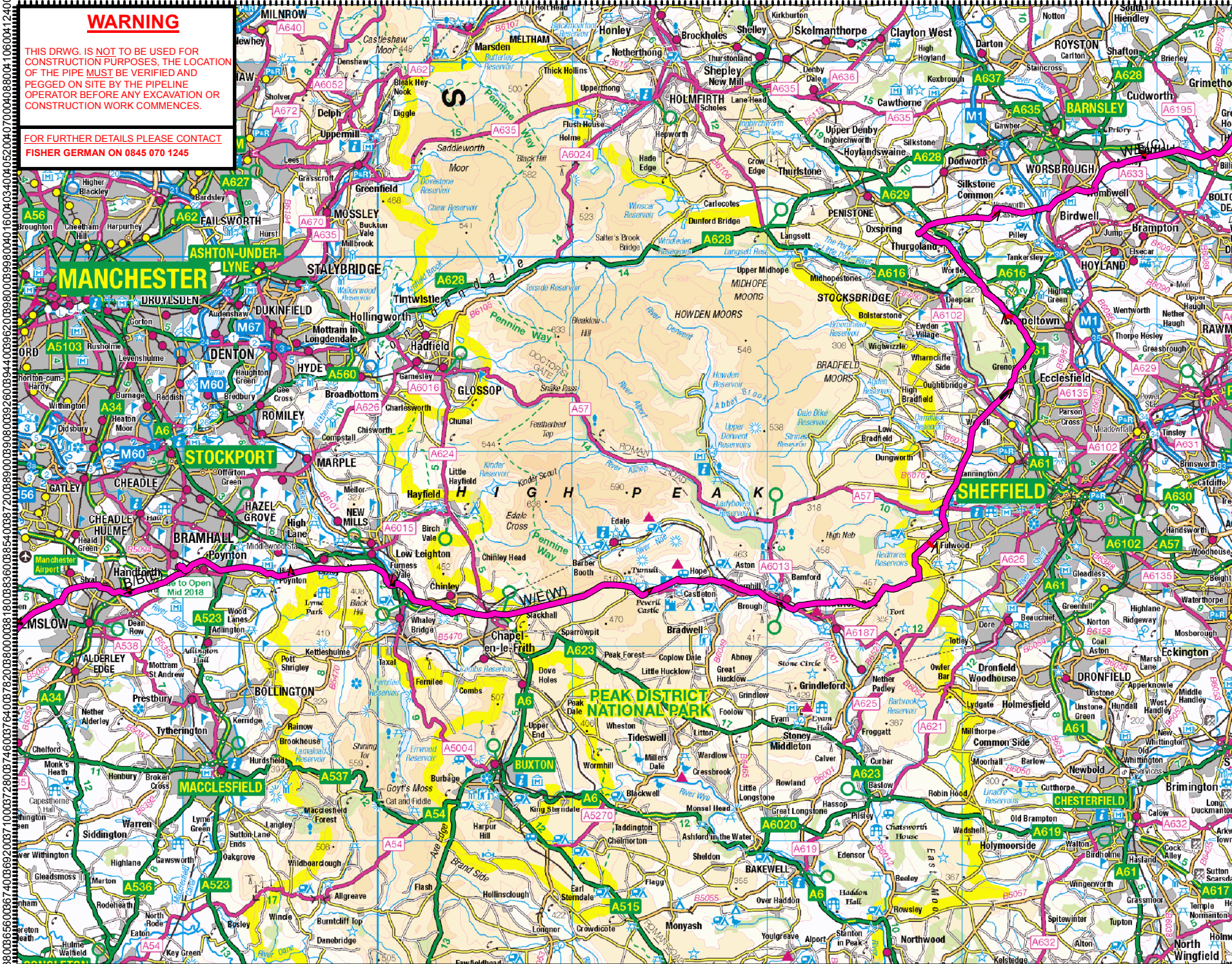
Aldern House, Baslow Road, Bakewell, Derbyshire, DE45 1AE

1600383400852003877000388800390600392400394200396000397800399600401400403200405000406800408600410400412200414000415800417600419400421200423000424800426600428400430200432000433800435600437400439200441000442800

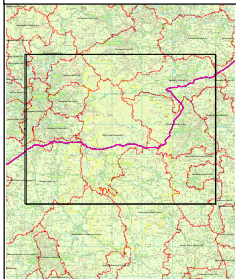
WARNING

THIS DRWG. IS NOT TO BE USED FOR CONSTRUCTION PURPOSES. THE LOCATION OF THE PIPE MUST BE VERIFIED AND PEGGED ON SITE BY THE PIPELINE OPERATOR BEFORE ANY EXCAVATION OR CONSTRUCTION WORK COMMENCES.

FOR FURTHER DETAILS PLEASE CONTACT FISHER GERMAN ON 0845 070 1245



OVERVIEW WINDOW



Legend

- CLH_PS
- Cathodic Protection

Site centre coordinates:
412,845 - 388,295

SCALE: 1:250,000 @ A4
DATE: 07/12/2018

Client:



TITLE:
LOCATION PLAN EXTRACT
OF PIPELINE W/E(W)

© Crown copyright and database rights 2018
Ordnance Survey Licence Number AL10005237



THIS DRAWING IS PROTECTED BY COPYRIGHT. IT MAY NOT BE REPRODUCED IN ANY FORM OR BY ANY MEANS FOR ANY PURPOSE WITHOUT WRITTEN PERMISSION OF FISHER GERMAN LLP. CHARTERED SURVEYORS



The Estates Office,
Norman Court, Ashby de la Zouch,
Leicestershire, LE65 2UZ
Telephone 0845 070 1245

DRAWING NO:
PEAK DISTRICT

36380036560036740036920037100037280037460037640037820038000381800383600385400387200389003908003926003944003962003980039980040160040340040520040700040880041060041240041420041600417800419600421400423200425004268004286004304004322004340043580043760043940044120044300444800446600448400450200452004538004556004574004592004610046280046460046640046820047000471800473600475400477200479004808004826004844004862004880048980049160049340049520049700498800500600502400504200506005078005096005114005132005150051680051860052040052220052400525800527600529400531200533005348005366005384005402005420054380054560054740054920055100552800554600556400558200560005618005636005654005672005690057080057260057440057620057800579800581600583400585200587005888005906005924005942005960059780059960060140060320060500606800608600610400612200614000615800617600619400621200623000624800626600628400630200632000633800635600637400639200641000642800

Wilkins Clare

From: Martin Gadsby
Sent: 18 January 2019 16:16
To: Policy
Subject: Modifications to publication version of Development Management Policies (DMP) document

Thank you for providing Peak Rail with the opportunity to comment on the above document.

Having studied the sections of particular relevance to ourselves dealing with railway construction, we broadly welcome the changes you have made in so far as they better reflect current national trends in encouraging/ facilitating the re-instatement of railways and railway services especially where local pressures arise on adjoining road networks.

We would however like to make the following specific comments with regard to Policy DMT4. This policy dealing with any proposed new railway scheme within the National Park, as written, appears to require the body proposing such a development to meet a number of criteria, particularly with regard to environmental and economic benefits to the National Park. Whilst we can understand the principle behind such a policy we can see problems arising in justifying or meeting these criteria as a consequence of subjectivity. In our opinion, any such policy needs to offer some realistic guidance and parameters which would enable the designing body to address the issues at an early stage. This would assist in ensuring that any scheme is assessed using a transparent set of criteria that can be understood by all concerned.

Our further comment is that whilst Policy DMT4 quite rightly focuses on the National Park's priorities, no account is taken of the wider regional benefits or the potential national interest of any new railway scheme. For example, should the Government at some future stage decide that it was a matter of national priority to re-instate either the Matlock to Chinley or Woodhead routes as part of the National Network then in principle any such proposal would at face value fail to meet any of the criteria in DMT4.

Martin Gadsby
Assistant Project Director
Peak Rail plc

Mr Brian Taylor - Policy Planning
Manager
Peak District National Park Authority
Aldern House Baslow Road
Bakewell
Derbyshire
DE45 1AE

Our ref: LT/2006/000238/SD-
10/PO1-L01

Your ref:

Date: 03 January 2019

Dear Mr Taylor

Modifications to the Publication Version of the Development Management Policies (DMP) Document, forming Part 2 of the Local Plan for the Peak District National Park

Thank you for consulting the Environment Agency on this modification consultation.

Environment Agency Position

We welcome the rewording focused on biodiversity which now asks for net gain in place of the original ask of no net loss (DMC11, Pg 39). We feel this is a positive change focusing on enhancements of biodiversity.

We have no other comments to make on the proposed modifications.

Yours sincerely

**Mr Joseph Drewry
Planning Specialist**

Direct dial 02030 253277

Direct e-mail joe.drewry@environment-agency.gov.uk

Peak District National Park
Aldern Park
Aldern House
Baslow Road
Bakewell
DE45 1AE

Hannah Lorna Bevins
Consultant Town Planner

Tel: 01926 439127
n.grid@woodplc.com

Sent by email to:
policy@peakdistrict.gov.uk

12 December 2018

Dear Sir / Madam

**Peak District National Park: Development Management Policies Modifications
SUBMISSION ON BEHALF OF NATIONAL GRID**

National Grid has appointed Wood to review and respond to development plan consultations on its behalf.

We have reviewed the above consultation document and can confirm that National Grid has no comments to make in response to this consultation.

Further Advice

National Grid is happy to provide advice and guidance to the Council concerning our networks. If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect our assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect our infrastructure. We would be grateful if you could add our details shown below to your consultation database:

Hannah Lorna Bevins
Consultant Town Planner

n.grid@woodplc.com

Wood E&I Solutions UK Ltd
Gables House
Kenilworth Road
Leamington Spa
CV32 6JX

Spencer Jefferies
Development Liaison Officer, National Grid

box.landandacquisitions@nationalgrid.com

National Grid House
Warwick Technology Park
Gallows Hill
Warwick
CV34 6DA



Yours faithfully

[via email]

Hannah Lorna Bevins
Consultant Town Planner

cc. Spencer Jefferies, National Grid

Wilkins Clare

From: Carl Mason <Carl.Mason@staffordshirefire.gov.uk>
Sent: 18 January 2019 16:12
To: Policy
Subject: FW: Post-hearing modifications to the publication version of the DMP document

Hi,

Following a quick review of the modifications, can you please confirm that the risk and prevention of Wildfires has been fully considered and captured, particularly when considering;

DMC1: Conservation and enhancement of nationally significant landscapes

A. In countryside beyond the edge of settlements listed in policy DS1 of the **Core** "The assessment must be proportionate to the proposed development and clearly demonstrate how valued landscape character, including natural beauty, biodiversity, cultural heritage features and other valued characteristics will be conserved and, where possible, enhanced taking into account: development or enhancement of or existing landscapes.

In addition to the section identified I am sure you are more than aware of the devastating impacts of the wildfires from 2018 and a proportionate fire risk assessment and prevention strategy must be a key feature within the plan.

Regards

Carl Mason

Station Manager Leek and Biddulph
Northern Service Delivery Group
Staffordshire Fire and Rescue Service
01785 898598
07967573568
c.mason@staffordshirefire.gov.uk

Visit our website for Safe and Well advice and guidance
www.staffordshirefire.gov.uk



----- Forwarded message -----

From: "Wilkins Clare" <Clare.Wilkins@peakdistrict.gov.uk>
Date: Thu, Jan 17, 2019 at 3:28 PM +0000
Subject: Post-hearing modifications to the publication version of the DMP document

Dear Sir or Madam,

Further to the consultation email below sent on 7th December 2018, please be aware that this consultation finishes at 5pm on Monday 28th January 2019.

Apologies to those who have already responded; please ignore this email.

Kind regards
Clare

Our ref:
Your ref:

Brian Taylor
Head of Policy and Communities
Peak District National Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire
DE45 1AE
via Email: policy@peakdistrict.gov.uk

Martin Seldon
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Direct Line: 0300 470 3345

22 January 2019

Dear Brian,

Consultation on the modifications to the Peak District National Park Development Management Policies

Highways England welcomes the opportunity to comment on the Peak District National Park Development Management Policies, which will inform Part 2 of the Local Plan. We note that the document sets out a number of key objectives and planning policies for the positive management and control of development and the use of land, which will be used to help determine planning applications.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Peak District National Park Development Management Policies, Highways England's principal interest is safeguarding the operation of the A628 and A616 which route through the northern section of the National Park.

We note from review of the Development Management Policies that a 'Landscape First' approach is proposed, with major development not to take place other than in exceptional circumstances. This reflects Core Strategy GSP1, and employment proposals are to seek pre-application advice from the Authority to determine whether a proposal shall be considered to be a major development.

We acknowledge the Authority's view to new housing that this would not provide for the existing needs within the National Park, but instead stimulate increased market demand from outside, resulting in negative consequences for the special qualities of the National Park.

We do not consider that these proposals will result in any impacts upon the operation of the SRN, and therefore have no further comments to provide. We trust that the above is useful in the progression of the Development Management Policies.

Yours sincerely,

Martin Seldon
Midlands Operations Directorate
Email: Martin.Seldon@highwaysengland.co.uk

