

16. Stanton Moor Mineral Liaison Group and Consultation on Mineral Planning Matters in the Stanton Moor Area (JEN)

Introduction

In March 2014 Planning Committee resolved to establish the Stanton Moor Mineral Liaison Group (SMMLG). The group was established to operate at an arm's length and allow stakeholders (including mineral operators, parish councils, and community groups) to:

- disseminate factual information
- discuss problems relating to the mineral working and to be part of the practical response
- allow participants to understand their respective roles and responsibilities
- express and listen to each other's views
- ensure information is available to all stakeholders on a consistent and straightforward basis
- to provide an opportunity to discuss forthcoming development proposals
- to discuss day to day concerns about quarry operations and their impacts
- work to establish a better working relationship between the stakeholders
- promote the engagement of those with "protected" characteristics under the Equalities Act 2010

The Authority established the terms of operation of the group.

The first meeting of the group was held on 30 June 2014. The draft minutes are attached and have been agreed as a record (with any necessary amendment) by the Stanton Moor Mineral Liaison Group meeting on 15 October.

Proposal

At the SMMLG meeting in June a number of matters were discussed relating to proposed changes to the terms of operation of the SMMLG. As the Planning Committee established the SMMLG and its terms of operation, the Committee must consider whether to make the amendments to the terms of operation.

Stanton Moor Principles:

The Stanton Moor Principles were referred to as part of the background to the ongoing mineral issues in the area in the March 2014 report which established the liaison group.

1. In brief, the Principles agreed by the Committee on the 27 October 2000 were minuted as follows (Minute 373/00).

"That the following principles be taken into account when considering mineral proposals within the Stanton Moor Area.

- (a) *There is an acceptance that quarrying for building stone will continue in the area for the foreseeable future. The Authority encourages the use of natural stone for building provided the scale and the environmental impact of working can be adequately controlled or mitigated. A number of the consents in the locality do not expire until 2042. Mineral working will therefore continue to have an impact on the local area particularly in terms of traffic generation. The emphasis must therefore be on controlling this impact rather than believing that it can be eliminated.*
- (b) *The Authority has a responsibility for conserving the landscape, wildlife and cultural heritage of the area. In particular it would wish to see the cessation or very severe curtailment of working in the central section which includes Lees Cross/Endcliffe and Stanton Moor quarries. These sites adjoin or overlap the*

Scheduled Ancient Monument and any working would be likely to cause environmental damage and would spoil the special character of the area. There are however valid planning consents covering these areas and these are unlikely to be given up lightly by the landowners and operators. As a general principle the Authority would wish to see working concentrated in the northern and southern groups of quarries.

- (c) *Any proposals for variation or extension of existing workings must also put forward an acceptable means of minimising the impact of working and traffic on local residents. This is likely to involve restrictions on lorry movements and/or new or improved lorry routes.”*

In September 2012 Members were invited to consider whether or not they wished to continue with the Principles. It was resolved:

'That the Stanton Moor Principles agreed by the Authority on the 27 October 2000 and incorporated into the Stanton Moor Conservation Plan agreed with English Heritage in 2007, which enshrine the Core Strategy principle of the exchanges of historic planning consents for more environmentally acceptable alternatives, remain in place unchanged until the two current applications (for New Pilhough Quarry and Birchover Quarry) are determined, as they provide specific locational advice that remains valid and relevant to planning decision making.'

Two members of the Liaison Group considered that the March 2014 committee report did not make it sufficiently clear that the Planning Committee had previously resolved in September 2012 that the Stanton Moor Principles remain in place unchanged only until the two current applications (for New Pilhough Quarry and Birchover Quarry) are determined, as they provide specific locational advice that remains valid and relevant to planning decision-making. They therefore asked that the Liaison Group seek confirmation of this from the Planning Committee.

The Planning Committee's resolution in March 2014 was made solely in relation to the establishment of the SMMLG and did not seek to, and has not, amended the resolution of the Planning Committee in 2012. It should therefore be made clear, for the avoidance of doubt that the Stanton Moor Principles remain in place until such time as the New Pilhough Quarry and Birchover Quarry applications are finally determined.

Any future planning decisions relating to major mineral planning proposals will also be made in the context of adopted Development Plan policies and Government policy in the National Planning Policy Framework, that major development will only be allowed in National Parks in exceptional circumstances (ref: MIN1 of the Core Strategy and paragraph 116 of the Framework).

Additional Parish Councils:

As set out in the report to Planning Committee in March 2014, the stakeholders invited to attend the SMMLG are:

Mineral Operators:

Block Stone Ltd
Stancliffe Stone Ltd

Parish Councils:

Stanton In Peak Parish Council
Birchover Parish Council
Rowsley Parish Council

Community Groups:

Stanton Against the Destruction of our Environment
Stanton Lees Action Group

Friends of the Peak District

Landowners: The Thornhill Settlement, Stanton Estate.

The Authority: (represented by a Senior Mineral Planner)

The Chair of the Liaison Group has written to Birchover Stone Ltd and they have reconsidered their decision not to attend.

A stakeholder representing Rowsley Parish Council has also asked that invitations to attend the Group be extended to South Darley Parish Council and Darley Dale Town Council.

Officers consider that it is not considered necessary to extend the group in the manner sought. The traffic from the quarries does not generally travel through South Darley or Darley Dale. The administrative boundaries are 1.3km and 1.9km from the nearest quarry in the Stanton Moor area. Officers also consider that these Parishes are not subject to a direct or indirect unacceptable negative impact from the ongoing quarry operations.

In the event that a proposal was made in the future that may have a significant impact on these communities, they would be able to participate in the planning process by making a representation. In some circumstances Officers have attended parish council meetings (in various locations) to discuss particular proposals or issues. This could also take place in the event that a proposal was made that may have a significant effect.

There are 11 members of the SMMLG, and the Chair. It is considered that extending the number of attendees beyond this may render the group unwieldy and less able to engage in constructive discussion and debate, given the complicated and detailed nature of some of the matters likely to be discussed.

Consultation on mineral planning matters in the Stanton Moor area:

The scope and extent of consultation in the consideration of mineral planning matters was also discussed at the Liaison Group meeting, and has been raised in the course of consideration of several planning applications for mineral related developments recently.

The legal position is that the Authority is statutorily obliged to consult the Parish Council for the parish within which the development sought is located. Over the last decade, consultation has been carried out more widely in considering mineral planning applications in the Stanton Moor area, but this has been on an ad hoc basis. There is no statutory requirement to do this.

In addition, a stakeholder at the liaison group asked that community representatives be treated as Parish Councils in regard to formal public consultation related to the quarry sites. There is no statutory requirement to do this.

Given these requests, it is considered that there should be a clearly stated position about who the Authority intends to consult in the case of mineral related applications in this area, over and above the existing statutory consultations and the existing site notice arrangements.

Officers consider that making a formal commitment to consult community stakeholders, or action groups, is not appropriate as it may favour, or appear to favour, one particular interest group above another. It may also create pressure from other groups within the National Park to extend these arrangements to them and to other sites or developments. The administrative burden of formally agreeing to consult additional groups may be considerable and would provide significant opportunity for error, which may in turn delay the planning process where groups were subsequently consulted.

It is considered that where an application in the Parishes of Birchover or Stanton In Peak proposes:

- a surface extension of mineral working; or
- an increase in vehicle movements; or
- the establishment of a new quarry

the Authority will endeavour to consult beyond the statutory Parish Council, if the immediately adjacent Parishes from the following list are considered to be likely to be directly affected by the development:

- Stanton in Peak PC
- Birchover PC
- Rowsley PC
- Darley Town Council
- Darley Dale Parish Council
- South Darley Parish Council

This consultation would not be a statutory obligation. The additional Councils to be consulted would be agreed on a case-by-case basis and would not necessarily include this full list.

It is not considered appropriate to extend the consultation in other circumstances (for example, ancillary developments within quarries). Adopting an arrangement in which the Authority would consult more widely would create an area where it appeared the Authority was seeking more views, and possibly courting views against development, which is not consistent with other mineral development in the National Park. In the event that applications were refused and appeals made, appellants may argue that the Authority was not behaving equitably consulting widely in this area, compared to other areas of the National Park.

In addition to any additional consultation, the Authority will continue to fulfil the statutory requirements to advertise planning applications. In the case of mineral proposals this is through site notices and advertisement in the local press. In all cases, the appropriate Parish Council will be consulted on applications which fall within its parish boundary.

In the event that a body or organisation is not consulted, then the views of that body or organisation can still be made by a representation and this will be taken into account in determining a planning application.

RECOMMENDATION:

- i) **That the list of stakeholders invited to attend the Stanton Moor Mineral Liaison Group remains as set out in the report to Planning Committee on 15 March 2014, item 15.**
- ii) **That the Planning Committee report 'QUARRYING IN THE STANTON MOOR AREA – THE STANTON MOOR PRINCIPLES' item 8.1, September 2012 and related minute 170/12 is confirmed as a key document for the purposes of the terms of reference for the Stanton Moor Mineral Liaison Group.**
- iii) **where an application in the Parishes of Birchover or Stanton In Peak proposes:**
 - a surface extension of mineral working; or
 - an increase in vehicle movements; or
 - the establishment of a new quarry

the Authority will endeavour to consult beyond the statutory Parish Council, if the immediately adjacent Parishes from the following list are considered to be likely to be directly affected by the development:

- **Stanton in Peak PC**
- **Birchover PC**
- **Rowsley PC**
- **Darley Town Council**
- **Darley Dale Parish Council**
- **South Darley Parish Council**

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

None

Appendix 1

Draft minutes for Stanton Moor Mineral Liaison Group 30/06/14