

AGENDA ITEM No. 9

PEAK DISTRICT NATIONAL PARK AUTHORITY
NATIONAL PARK AUTHORITY ANNUAL MEETING
6 JULY 2007
HEAD OF PLANNING SERVICE

PART A

1.. FULL APPLICATION - CONTINUED EXTRACTION OF STONE FROM EXISTING QUARRY, EXTRACTION OF STONE FROM LAND TO WEST OF EXISTING QUARRY, PROVISIONS OF SCREENING AND LANDSCAPING AND RESTORATION OF EXISTING QUARRY AND PROPOSED EXTENSION. DALE VIEW QUARRY, STANTON IN PEAK (NP/DDD/0606/0613/JEH)

Note

It should be noted that an officer declaration of substantial non-pecuniary interest in relation to this matter has been received.

Key Issues

This is a major proposal for mineral working which the Planning Committee has recommended for approval. The proposal represents a departure from approved minerals policies and the application is therefore referred to the Authority for further consideration. If the Authority endorses the view of the Planning Committee then the application will need to be referred to the Secretary of State for a judgement as to whether the application should be 'called in'. i.e. Officers recommended approval of the application.

A copy of the report considered by Planning Committee is attached as Appendix 1 to this item.

The key issues to consider in relation to this proposal are as follows:

- Whether the proposed extension to Dale View Quarry is acceptable as an exception to policies in the Structure and Local Plans taking into account the proposed relinquishment, without compensation, of the existing permission at Lees Cross and Endcliffe;
- Whether the proposal in that context is considered equitable.

The Proposal

At the Planning Committee on 16 March 2007, the Committee resolved to defer consideration of the application in order to provide a period for negotiation between officers and the applicant, taking into account the position of the coalition of action groups who considered the proposal inequitable.

Following discussions between the applicant and officers, the applicant submitted additional information.

The additional information includes a reduced tonnage, reduced extraction surface area, and reduced vehicle movements from the original submission. The applicant has reduced the scale of the proposal in order to try to achieve a compromise on the scale of development, in order to secure support from the protest groups, rather than on the basis that they agree that a lower tonnage is available at Lees Cross and Endcliffe.

The total tonnage which would be achieved from the revised working plans is 1.04 million tonnes. Due to the working scheme forgoing 150,000 tonnes of stone from within the application area (plans don't have red lines in papers to members), which could be worked under the existing permission, the total additional tonnage, which is sought in relation to the relinquishment of Lees Cross and Endcliffe is 946,550 tonnes.

The vehicle movements are proposed to be reduced to 36 movements (18 in and 18 out) per day, and 5 pre-notified annual occurrences of 50 movements (25 in, 25 out).

At the March meeting one member of the public raised the issue of highway contributions, and suggested that the figure of up to £1000 (index linked) was insufficient. This was the level suggested by the Highway Authority, and in the additional information the applicant agrees to provide any other 'reasonable amount' suggested by the Highway Authority.

The coalition of action groups now supports the proposed development at the reduced level.

Comment

The proposed extension to Dale View Quarry is major development and would not generally be acceptable in policy terms. However, officers consider that the proposal would result in the net conservation and enhancement of the National Park

In considering the application there is a need to take into account national, regional and local policies, consultation responses, representations, the application and environmental statement and all relevant material considerations.

Government guidance advises that in dealing with planning applications, local planning authorities should consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions, or where this is not possible, through planning obligations.

An exceptional circumstance has been demonstrated in that the proposal includes the voluntary revocation without compensation of Lees Cross and Endcliffe, a site with greater environmental and amenity value. The effects of working the proposed extension will be less than the effects of working Lees Cross and Endcliffe. This is explained in detail in the attached report. This implements policy GS1 and is a material consideration. In addition, the applicant has demonstrated that the proposed development could be controlled to minimise the impact of the development and has proposed measures to offer enhancement in the long term.

The proposed extension is commensurate with the Authority's expert evaluation of the likely available tonnage at Lees Cross and Endcliffe.

The proposal is contrary to T1 and LM1 insofar as the effects of the traffic on amenity cannot be acceptably mitigated. However, the pre-existing consent at Lees Cross and Endcliffe and the lack of significant increase from current levels is a material consideration which in this circumstance is considered to justify a recommendation contrary to policy.

The proposal is also contrary to policy M3, in that no exceptional circumstance has been demonstrated whereby the development is required to meet a national need which overrides the national policy to protect the national park. Despite the lack of a national need for the gritstone, the net environmental benefits of revocation of the Lees Cross and Endcliffe site will offer greater protection to the national park.

Officers consider that, in the event the Authority wishes to approve the proposal, the application should be referred to the Secretary of State, to assess whether she wishes to call in the proposal.

RECOMMENDATION:

It be resolved that:

- 1. The Secretary of State be informed that the Authority is minded to approve the application as a Departure from the Development Plan on the basis outlined in recommendation 2.**
- 2. That subject to the above and to the prior completion of a Section 106 legal agreement whereby the applicant and all those with an interest in the application site or Lees Cross and Endcliffe Quarries formally agree to:**
 - a) The revocation of the planning permission ref. 1898/9/20 for the winning and working of sandstone issued on 6 February 1952 relating to land at Lees Cross and Endcliffe without compensation;**
 - b) The revocation of the planning permission ref. NP/DDD/0197/058 issued on 30 April 1997 for the determination of conditions under the Environment Act 1995 relating to land at Dale View Quarry without compensation; the revocation of the 1952 planning permission ref. 1898/9/20 for the winning and working of sandstone issued on 6 February 1952 relating to land at Palmers Pilhough Quarry (Dale View Quarry) without compensation and; the revocation of the 1990 planning permission ref NP/DDD/690/321 issued on 20 August 1990 for the stabilisation of tip, tipping and regarding relating to land at Dale View Quarry without compensation.**
 - c) The management of fields shown on application plan M/S147/06/05 as hay meadow for the duration of the development;**
 - d) The end-use of the stone restricted to a total of 62,000 tonnes per annum as block stone, with the exception of up to 500 tonnes per year from within the 62,000 tonnes total for rip-rap (for flood defence works);**
 - e) Pay for the annual inspection of the highway and the repair to highway margins necessary due to accelerated attrition caused by HGV's, up to a maximum annual expenditure of £2000 per annum (index linked);**
 - f) A bond to secure restoration;**
 - g) The aftercare of the proposed extension site as low intensity agriculture hay meadow for 20 years following completion of the development;**

the application ref: NP/DDD/0606/0613 be APPROVED subject to conditions covering the following broad issues:

Duration;

Hours of operation;

Haulage, including up to 36 vehicle movements (18 in, 18 out) Monday to Friday and 5 pre-notified days per annum of 50 movements, (25 in, 25 out);

Phasing of works;
Output (to include maximum of 1.04 million tonnes inclusive);
Site Access;
Planting;
Ecology;
Landscape;
Archaeology;
Noise;
Blasting;
Dust

3. That authority be delegated to the Head of Planning Service and the Head of Law jointly to determine the details of the Section 106 agreement.
4. That authority be delegated to the Head of Planning Service to approve the final details of the conditions.
5. To pursue formal revocation of permissions identified in recommendation 2.

List of Background Papers (not previously published)

Documents on the planning application file

Human Rights, Equalities, Health and Safety

None

Consultees

Technical consultees and the public on the planning application

Enclosures

Report to Planning Committee

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