

APPENDIX 1

PEAK DISTRICT NATIONAL PARK AUTHORITY

MINERALS STRATEGIC ACTION PLAN

1. Purposes and scope of this Minerals Strategic Action Plan

1.1 The purposes of this Minerals Strategic Action Plan are:

- 1) To implement the minerals policies of the National Park Management Plan (NPMP)2006-11
- 2) To take a proactive approach to Development Plan policies
- 3) To secure consensus on the priorities for action and use of resources

1.2 These purposes are placed in the context of the existing activities and achievements of the authority and the current position of the National Park as one of the principal sources of minerals in England. Mineral working is not only a major feature of the Peak District historically and currently. It is also one of the key challenges to managing the National Park for the purposes for which the Park was established.

1.3 In 2003, a National Park Authority Peer Assessment identified a need for a strategy to guide the Authority's approach to minerals. This Strategic Action Plan begins with brief background information on mineral working in the National Park at present, and how this is managed. The proposals for action are then divided into three parts:

- The performance in the primary functions of the Authority as Mineral Planning Authority;
- Actions on mineral planning issues in the Park; and
- The performance of mineral planning functions.

1.4 It is important to distinguish this Action Plan from the emerging Local Development Framework (LDF) which is concerned with the review and development of policy. The Action Plan is primarily concerned with implementing policy and deciding how the Authority applies its statutory planning function regarding minerals. It is based to a significant extent on the implementation of actions specified in the NPMP

1.5 Substantive issues which were specified as priority actions in the NPMP are identified as such. However, the proposals do not cover all issues raised in section 5 of the National Park Management Plan 2006-2011 on minerals or in the emerging minerals policies of the Local Development Framework (LDF). for a number of reasons. In some cases events have moved on since the NPMP was prepared. For example, there does not appear to be a need for management action to control the end uses to which minerals are put, as almost all sites requiring such controls already have these in place (and those which have not are being approached in other ways or are too small to merit special attention). Nonetheless, end use control remains an issue of relevance to development planning and can be covered by policies in the LDF. The opportunity has been taken in this Action Plan to promote further actions which are also desirable. In other cases, issues have been omitted from this Action Plan as they are better handled as development plan issues through the LDF rather than as management issues. Topics specific to fluorspar fall into this category. A major matter such as how much fluorspar is needed, where it might come from, and how much environmental impact is acceptable are all being addressed through the LDF.

2. Background: Mineral working in the Peak District

Geology and history

2.1 For centuries the rich geology of the Peak District has encouraged the search for workable minerals. The three main resources of commercial interest are limestone, gritstone and vein minerals. Most of the National Park is underlain by limestone (from the Carboniferous period) and gritstone (a hard form of sandstone). These are excellent construction materials and limestone is used both in crushed form as aggregate. Only a small amount of gritstone is used as aggregate.

2.2 Limestone is the principal source of construction aggregate, worked at sites which in many cases have expanded from operations which predate the introduction of planning controls in 1948 or were permitted with very few controls soon afterwards. Construction aggregate end uses remain the largest type of demand, with the national park supplying over 6% of the entire national output of land-won primary aggregates, and having 9% of the entire national permitted reserves (for working in future)¹. This is despite the National Park boundary originally being drawn to exclude from the designated area a series of quarries in the 'Buxton enclave'.

2.3 There are considerable limestone resources in the National Park which are also suitable for the manufacture of cement. The only cement plant within the Park is at Hope, but limestone from Old Moor supplies the cement plant at Tunstead immediately outside the Park boundary. Cauldon cement works lies just beyond the Park boundary in Staffordshire, also on the Carboniferous limestone. Limestone in some areas is of sufficiently high quality to be supplied for industrial end uses requiring very high purity calcium carbonate. Building and walling stone are supplied from two small limestone sites at Once a Week quarry and Hazelbadge quarry and as a subsidiary product from Ballidon (which primarily supplies high purity limestone to industrial markets).

2.4 Whilst gritstone has been used to produce aggregates the much more extensive use of this mineral is for building stone. A number of smaller gritstone quarries produce a variety of building stones which sustain the vernacular qualities of the built environment of the Peak. These include dimension stone – carefully quarried and dressed for the restoration of historic structures and the construction of sympathetic new ones, and walling and roofing stone. Building stone production has historically been widespread, though there is a particular concentration in the Stanton Moor area.

2.5 The Peak District contains vein minerals: minerals which arise as veins within the limestone and are suited to a variety of industrial purposes. Historically the main mineral worked of this type was lead, but this is now only obtained incidentally as a by-product of other operations. There is currently one minor working producing the locally distinctive calcite, used mainly as a decorative render in local construction work. The principal remaining interest is in fluorspar, with barytes as a by-product: the Peak District is now the only remaining source of fluorspar production and processing in the UK, and therefore the only domestic source of acid grade fluorspar used to manufacture hydrofluoric acid. UK production of acid grade fluorspar peaked in 1975, but demand (including imports) is now around 50,000 tonnes per annum..

¹ 'Collation of the results of the 2005 Aggregates Minerals Survey for England and Wales', (CLG, May 2007) A substantial proportion of this reserve figures arises from the decision by the Secretary of State for the Environment to grant on appeal, in the national interest, permission to extract 205 million tonnes of limestone for chemical and industrial purposes at Tunstead/Old Moor in 1980.

2.6 The extraction of fluorspar is now concentrated in the Southern Pennine Orefield and almost entirely within the Peak District National Park. Most working has been by opencast methods, though limited supplies have been taken from the Watersaw Mine on Longstone Edge. Underground production is expected to switch shortly to the Milldam Mine at Great Hucklow. A proportion of supplies are also obtained from the re-processing of tailings arising from the vein mineral processing plant at Cavendish Mill.

2.7 Overall there are now 47 active quarries in the National Park, ranging from massive enterprises run by multinational corporations to tiny sites intermittently producing small amounts of building stone for restoration work. 10 are worked for limestone, 11 for gritstone, 4 for vein minerals, 2 for vein minerals and limestone and 1 for shale. There are no longer any silica sand or fireclay workings in the National Park. Total sales output annually from these 28 sites amounts to around 8.7 million tonnes.² The remaining 19 sites are in the restoration or aftercare phase of working. In addition, there are 5 dormant quarries which may or may not recommence working in future. . The National Park Development Plan document of 1955 identified 109 mineral working sites within the Park. These had a combined sales output of around 1.6 million tonnes of mineral per annum. By 1988, according to the Survey of Land for Mineral Working (1988), there were 141 active mineral working sites within the National Park. These had a combined sales output of around 8.7 million tonnes. Over time the number of sites within the Park has declined, although over the same period output has noticeably increased, due to a demand for aggregates and the consequential effect of the Tunstead/Old Moor decision of 1980

3 Policy

Minerals Policy Statement 1 (MPS 1)

3.1 Planning policy for mineral working is for the most part set out in the government's Minerals Planning Statement 1 (MPS1), equally applicable to all mineral planning authorities and all National Parks. This is the document which sets out well-established tests which 'major' mineral developments must satisfy, together with lesser requirements of 'non-major' developments (reproduced in Annex 1). (The dividing line between 'major' and 'non-major' has not been defined and is a matter of judgement in each case.) The tests parallel those familiar for all development types within National Parks set out in Planning Policy Statement (PPS) 7.

East Midlands Regional Plan

3.2 Policy specific to the Peak District is currently set out in the East Midlands Regional Plan (the Regional Spatial Strategy for the East Midlands,) approved in March 2009, and in policies saved from the 2001 Peak District Local Plan. The latter are in the process of being replaced by emerging policies in the Core Strategy of the Local Development Framework for the Peak District.

3.3 The East Midlands Plan clarifies that MPS1 constrains aggregates extraction in the Peak District National Park (paragraph 3.3.50). Policy 37 extends this to other minerals by providing that "Local Development Frameworks should... make provision for a progressive reduction in the proportion and amounts of aggregates and other land-won minerals from the Peak District National Park and Lincolnshire Wolds AONB". So

²"Survey and Annual Report for 2009" East Midlands Regional Aggregates Working Party

far as aggregates are concerned, the East Midlands Plan retains the overall regional requirement to supply mineral and its 'apportionment' between MPAs in the region agreed in 2004 for the period to 2016. The Peak District is required to enable the provision of 66.9 million tonnes between 2001 and 2016 (4.18mtpa). Provision has already been made for this, not least through the substantial permitted reserves remaining at existing permissions, and therefore imposes no new burdens on the National Park. Coupled with Policy 37, the effect of the regional policy will be for the apportionment to the Peak District to have less impact over time. For the first time there is no need for the NPA to maintain a land bank of permitted reserves (by granting new permissions if necessary to replenish those reserves of aggregates which have been worked out).

3.4 Furthermore, the specific application of Policy 37 to 'other land-won minerals' (in effect all minerals except marine-dredged sand & gravel) for the first time places environmental interests in the National Park squarely ahead of the economic benefits deriving from mineral working in general. Whilst this does not preclude new permissions for mineral working, as the tests in MPS1 are still the yardsticks, it does indicate a direction of travel for mineral planning practice sympathetic to that which the NPA has long requested. So far as vein minerals are concerned, which for years have been the most awkward mineral group in policy terms, the East Midlands Regional Plan is in effect the Government's response to the NPA's request for a statement on whether or not there is a 'national need' for these minerals. The policy is expressed in other terms, but by indicating that a progressive reduction in output is anticipated, the Government has chosen a form of words which has been found acceptable across Government Departments.

3.5 The East Midlands Regional Plan also comments on the role of building stone in the National Park: "Whilst locally won building and roofing stone is needed for use in heritage protection this must be carefully balanced against the important requirement to protect the natural environment, particularly where this coincides with environmentally sensitive areas like the Peak District National Park" (paragraph 3.3.52). The implication of this policy is that continued supply of building and roofing stone is desirable, but not at any price to the environment of the National Park. This poses a particular challenge to finding sources of roofing slates – the material in easily the greatest shortage locally but also the one most likely to be found in those parts of the Park afforded very high levels of environmental protection.

3.6 Policy 37 of the Regional Plan will affect the preparation of the Peak District LDF and is reproduced in Annex 2.

The Local Plan and the emerging Local Development Framework (L.D.F.)

3.7 The Local Plan contains saved policies which are more detailed and are used for development control purposes in interpreting the strategic policies referred to above. These include matters such as controlling development to minimise environmental impact, site reclamation and limestone removal from vein mineral working.

3.8 The emerging L.D.F. will contain new strategic minerals policies and the initial consultation on the refined options for the Core Strategy was completed on 10 April 2009 and will form the basis of a preferred options consultation in autumn of this year.

National Park Management Plan

3.9 The National Park Management Plan (NPMP), Outcome B is that “the adverse impact of mineral working on the special qualities of the National Park and its communities is minimised.”

3.10 The corporate actions associated with the achievement of this outcome are:

1. Influencing Government policy and legislation
2. Ensuring those quarries that remain are worked to the highest modern environmental standards
3. Managing the reduction of large scale quarrying in the National park whilst taking local needs into account

3.11 Ten associated actions are identified in the NPMP. Some of these raise policy issues which are being dealt with by the emerging Local Development Framework. A number of others form the basis of the proposed actions put forward in this Action Plan. These are listed below and also when relevant to the individual Actions proposed below, are cross referred to the NPMP outcomes and actions.

3.12 The 10 Actions in the NPMP are as follows: as follows:

1. Continued rigorous examination and strict control of all mineral proposals.
2. Continued lobbying of the Government for a clear policy distinction between major and other working. This would extend the “presumption against” all mineral development unless there are overriding reasons of national need.
3. Apply a presumption against further permissions for supply of building stone and roof slate and research alternative resources outside of the National Park.
4. Apply the assumption that national park conservation and enhancement purpose outweighs the unproven national need for fluorspar working (unless government issues a clear, unambiguous and consistent definition of national need that outweighs national park purposes).
5. Secure government's financial support to enable clarification of disputed terms in permissions including those issued by government itself in the mid 1950s.
6. Remove (with compensation where appropriate) earlier permissions where this is considered to be necessary in the public interest.
7. Approve new policy formalising the consolidation or exchange of old mineral permissions as a possible alternative to applying the mineral review procedure site by site.
8. If enacted, adopt new government measures that will apply penalties, including suspension of permissions, to operators who do not submit Environmental Impact Assessments in relation to submissions which have already been made under the 1995 Environment Act - review of old mineral permissions.

9. Adopt policies, in conjunction with site owners and operators, for the restoration or re-use of old workings to maximise opportunities for biodiversity, and access and recreation, as appropriate.

10. Introduce end-use controls over mineral extraction to conserve better quality materials for non-aggregate uses and where appropriate restrict use of the minerals to local demand: thereby reducing pressures for new sources.

Other Relevant NPA Strategies

3.13 The Authority is in the process of preparing the following strategies which have relevance to this Action Plan. There is cross references to pertinent aspects of these plans in the Actions proposed below in section 5.

3.14 **Landscape Strategy** – this emerging strategy is based on the Landscape Character Assessment which is already accepted as a basis to guide development control decision making and has particular relevance to minerals planning.

3.15 **Climate Change Action Plan**- is in the process of development and is putting forward policy themes which relate to minerals issues such as controlling carbon emissions from quarry operations and associated processing such as cement manufacture.; sustainable operating methods in mineral production such as reducing vehicle movements; water management including flood risk assessment

3.16 **Sustainable Transport Action Plan** – is in the course of preparation and is concerned to promote sustainable means of transport which has relevance to the manner in which minerals are transported

3.17 **Biodiversity Action Plan** – establishes measures to improve biodiversity which has particular relevance to minerals issues connected with siting of quarries and their restoration.

Major issues facing the Peak District

3.18 In a nationally protected landscape of great beauty and where the principal driver in the economy is tourism, the proper control of approved mineral sites is vitally important. The main difficulty which the Authority faces in this respect is the existence of a series of sites which predate planning control or where planning permissions were granted as long ago as the 1950s, all with inadequate and usually imprecise controls. These sites are being progressively but not always sufficiently improved through the mineral review procedure, consolidation/exchange applications and through negotiations with operators. However, the review process has been held up for a decade at those numerous sites where legal deficiencies in the operation of Environmental Impact Assessment have in effect allowed mineral companies to continue operating to inordinately weak conditions imposed over half a century ago. Changes to the law have reinvigorated the review process recently, creating opportunities for the Authority once again to resume the upgrading of practices at old-established sites.

3.19 So far as proposals for new and extended workings are concerned, proven need for raw materials for the regional and national economies must be matched with exercising the most rigorous operational standards. Policies precluding new

permissions for working construction aggregates other than in exceptional circumstances have been widely understood for some years, and there have been no major proposals for extensions since those at Topley Pike and Eldon Hill were rejected on appeal in the 1980s. Nonetheless, modest extensions have been negotiated at a range of sites as the price to be paid for securing the revocation of otherwise lawful operations in still more damaging locations, and for securing valuable improvements to site operations which would have attracted compensation if the Authority had attempted to impose them unilaterally. A few more packages of improvements remain to be negotiated, but the bulk of the schemes which merit negotiation as 'exceptional circumstances' has now passed. There is now real potential to implement a gradual reduction in mineral activity over the years, as the Authority has long sought, in line with the sympathetic new policy in the Regional Plan. This will be achieved as existing sites are worked out or become time-expired.

3.20 There remain three major conflicts of interest for the Authority to address (principally through its emerging Local Development Framework but with the assistance of management actions). These concern fluorspar, building stone and cement-making

- The Peak District is one of the country's last-remaining major sources of fluorspar with the only processing plant supplying acid-grade fluorspar for the manufacture of hydrofluoric acid to British industry. The more easily available fluorspar deposits have been worked out and higher-grade deposits are increasingly hard to find. However, this is a predicament not unique to the UK, and there may well be pressure for operations to continue in the National Park. Unless these can be by underground working, the medium term prospect is for bigger opencast fluorspar operations searching for large quantities of lower grade material in increasingly sensitive locations. The Authority will be called upon to make difficult judgements about the implementation of Policy 37 of RSS8 both in preparing its LDF and in decisions on individual proposals.

- The Peak District is a major supplier of building stone, with the large majority of its output sold for use outside the National Park's boundaries. Nonetheless, without mineral operations sufficiently large to be economically attractive, the supply of local stone to sustain the vernacular built environment of the Park would be at risk. There is already a serious shortage of stone slates for roofing (measured not least by thefts of slate from buildings in use). However, sources of such slates within the Park may well be very difficult to find without conflict with other environmental interests. Resolving this either inside or outside the National Park will require a level of partnership and co-operation amongst various interests which has not been achieved in the past, and for which the Authority is likely to be the lead agency.

- Materials for cement-making can be obtained from outside National Parks. A new proposal for cement making inside the Park would be most unlikely to meet the MPS1 tests. The closure of various cement plants around the country over recent years illustrates not only the concentration of activity into a smaller number of larger operations (of which Hope is one), but also the potential for choices to be made to concentrate activity outside rather than inside National Parks. In the longer term, therefore, there is a case for seeking the closure of Hope cement works and the replacement of its output by supplies elsewhere. However, unlike established practice in respect of aggregates, there is no exit strategy at present for cement-making in and close to the Peak District. Rather, activity at Hope has been reinforced by consolidations and upgrading of activities in 1990 and 2004, with the result that the cement plant has sufficient reserves of limestone to last well beyond the LDF period. However, if an exit strategy is to be created, in line with RSS Policy 37 to reduce output of land-won minerals in the Peak District, then consideration should be given now rather than postponed as to how this might be achieved – while supporting the industry and its employees throughout the period while existing permissions last. With the level of employment associated with the

plant it is appropriate to plan many years ahead for a transition to alternative arrangements. This may entail alternative cement-making outside the Park or, more fundamentally, a review of the role of cement-making as one of the most power-consuming and carbon-emitting industries in the country today.

4 Consultation

4.1 The main basis for the actions proposed in this Plan is the adopted National Park Management Plan, which was the subject of consultation preceding its adoption in 2006. Matters of policy, rather than management, are being reviewed through the emerging Local Development Framework, with a Core Strategy currently in preparation and subject to its own extensive consultation and review procedures.

4.2 The Action Plan is, therefore, essentially concerned with the implementation of the actions in the NPMP, referred to above in paragraph 3.12, and making important choices as to how the discretionary aspects of the statutory minerals planning function are carried out.

4.3 The consultations on the NPMP and the LDF have helped inform officers in the preparation of the Action Plan but these will, primarily, form the basis for the development of new policy, which will in turn affect the development of the Action Plan in future years.

4.4 There has been involvement of members in the development of the Action Plan which has included a member's seminar on 20 March 2009, involving presentation of a draft Action Plan. The views expressed have been taken into account, following further consideration of the issues at the Strategic Advisory Group meeting on the 24 April 2009.

4.5 There is, additionally, ongoing public consultation with parish councils, community groups and individuals on planning applications and enforcement issues on a case by case basis.

5. Project Planning and Performance monitoring

5.1 This Action plan is initially based on a 2 year cycle, terminating in April 2011, such that it compliments the NPMP time span. The Plan will be reviewed in April 2010 and 2011.

5.2 Inevitably, insufficient resources are available to the Authority to take all the actions it would wish. Within the comment on the actions proposed below, in section 6, there is reference to the resource implications of specific actions. It is against this background that priorities must be chosen and the Action Plan has an important role in this. As the Plan progresses the achievement of actions will be monitored and used to help inform resource decision making.

5.3 The National Park Authority, like other mineral planning authorities, has obligations in law to which staff time must necessarily be devoted in the years ahead. These are listed in Proposed Actions 1 to 8 below. The requirement to respond to

whatever planning applications are submitted is a particularly open-ended commitment and can create concentrated burdens on staff time when several major proposals are considered at the same time. In addition, the Authority has entered into significant commitments in a number of initiatives already begun, which could not easily be dropped completely, notably negotiations with mineral companies to consolidate and modernise old planning permissions, including the revocation of old permissions at damaging sites (Proposed Action 9).

5.4 A range of other options and initiatives are presented for consideration. Many of these have been the subject of work by minerals staff in recent years, to a greater degree (such as the serving of Prohibition Orders) or a lesser degree (such as preparing with operators a local minerals transport plan for each quarry). Proposed Actions 9 to 17 are those actions where there is a significant discretionary element as to the need for them to be carried out. Indeed, some of the actions proposed are not required by statute and are entirely discretionary. The amount of work that can be done on any of these topics depends on the resources available, which is a function of both the pressures of statutory functions at any particular moment and the staff resources available for the tasks (in terms of number and experience).

5.5 . Some of the opportunities for improving the Authority's performance in mineral planning lie in the way in which the Authority does its business. Some procedural options are therefore suggested in Proposed Actions 18 to 19.

5.6 Annex 3 presents a project timetable which is a summary of the actions and project milestones, expressed in detail, in section 6, below.

Performance Monitoring

5.7 Each proposed action below has a target which is capable of measurement. This is an essential prerequisite of effective performance monitoring.

5.8 It is intended that the Plan is reviewed annually, in April, which ties in with the end of year quarter 4 exception reporting of Service Plan targets to Audit & Performance Committee. Some of the targets are also corporate indicators used in the Annual Monitoring Report of the NPMP normally reported to Audit & Performance Committee in July. These are identified below in relation to the relevant "Actions".

6 Summary of Proposed Actions

A Improving performance in the statutory functions of the Authority as Mineral Planning Authority

1. Consideration of planning applications
2. Preparation of Local Development Document and Supplementary Planning Documents
3. Site and policy monitoring
4. Review companies' records of site management, restoration and adherence to conditions

5. Enforcement of conditions
6. Appropriate Assessment of old mineral permissions (Habitats Regulations)
7. Progressing the initial Reviews of Old Mineral Permissions (ROMPs) that have stalled due to lack of Environmental Statements
8. Periodic reviews of old mineral permissions

B Actions on mineral planning issues in the Park

9. Consolidate and exchange old permissions to secure modern working standards
10. Serve Prohibition Orders on remaining dormant sites unlikely to reopen
11. Identify old permissions which would be seriously damaging to the Park if worked, but which cannot be resolved through the ROMP process or consolidation/exchange. Discuss with Government, to consider options, including resolution by financial support, for the revocation of such permissions or to acquire the mineral rights.
12. Examine with English Heritage the need for any further building stone quarries in the Park
13. Evaluate the consequences for the Park of a rundown in aggregates supplies
14. Evaluate the long term alternatives to cement-making at Hope
15. Establish strategic minerals restoration objectives and seek external funding to support their achievement
16. Liaise with other MPAs to establish rail links at long term quarries outside the NP
17. Prepare (or review) with the industry a local minerals transport plan for each site

C Performance of mineral planning functions

18. Establish closer working relationships with mineral companies
19. **Member involvement in minerals issues is developed.**

Action Point 1

Consideration of planning applications

Background to the issue

The evaluation and determination of planning applications for mineral working, and related planning applications and other authorisations, is a statutory function of the NPA. The Authority has no control over the submission of applications, so the workload can vary. Nonetheless, this is the main demand on staff time and of critical importance.

Proposals must be rigorously assessed in a National Park, and all necessary consultations and discussions carried out, as a minimum, to the letter and in the spirit of the law. The government does not specify targets for processing minerals and waste applications and there is some recognition that these are particularly challenging to determine within the same time periods as other applications.

The service plan target for major minerals applications is that 30 % be decided in 13 weeks (or 16 weeks where there is an environmental impact statement) and 80% of remaining minerals applications in 8 weeks. In 2008/09 7 major mineral applications were determined in the year, one (14%) of which was within the 13 week/16 week target. In 2006/07 and 2007/08 figures for 13 week determinations were 28% and 14% respectively. A further 5 "minor" and "other" minerals applications were determined, all (i.e. 100%) within the 8 week target. In 2006/07 figures for "minor" and "other" minerals applications was 56%.

Action to date

The principal obligation on the NPA to determine planning applications has been fulfilled. However, at times when several complex applications are under consideration together, the speed with which major proposals are determined has fallen below the service plan target. The recent loss of two experienced members of the minerals staff places the remaining NPA staff under pressure to meet the minimum performance target requirements. The recent preparation of more stringent advice on validation of minerals applications should create more informative application submissions and help improve the speed of determination.

Proposal

Determining minerals applications is a priority. Staff will be taken from other minerals work to assist with this, to the extent practicable, though this could further reduce other necessary and desirable work which the Authority should be undertaking.

Consideration should be given to the advantages and disadvantages of charging for pre-application discussion on large scale mineral proposals. At this stage, it is considered this is only appropriate for the largest scale proposal where there are complex issues which merit extra effort in seeking to resolve before submission of an application.

Implications for timing staff and cost

As mentioned above to make a significant improvement in performance in casework would require a greater focus on this, and that could have adverse effects on other

necessary and desirable work. Furthermore, much minerals work involves complex legal advice which has put pressure on resources in Legal Services

TARGET: Performance Business Plan Indicator and Service Plan target for processing 30% of major minerals applications in 13/16 weeks and 80% of other minerals applications in 8 weeks is met

TARGET: An assessment of the scope for charging is completed by November 2009 and charging proposals implemented by December 2009 if considered beneficial.

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Action Point 2

Preparation of Local Development Document and Supplementary Planning Documents

Background to the issue

The preparation of appropriate development plan documents is a statutory function of the NPA. A Local Development Framework Core Strategy is currently in preparation. If any further work is required in due course, such as the preparation of a Minerals Development Document or a Supplementary Planning Document on Minerals, the availability of the staff to draft and consult upon it would need to be considered. Such staff would necessarily have to come from the minerals team or consultants.

Action to date

The preparation of the minerals policies for inclusion in the LDF Core Strategy are being assisted by minerals team staff and a hired consultant.

Proposal

It is vitally important the Authority meets its project timetable in the Local Development Scheme for the preparation of the LDF Core Strategy. The issue of the Housing Planning Delivery Grant (HPDG) is dependent on this. The consultant will continue to assist in the development of this plan and the LDF Core Strategy at least until October 2009 which is the timetable for the submission of preferred options.

Implications for timing staff and cost

The work until October 2009 has been budgeted for. Certain areas of work related to policy development are identified below in relation to other actions.

TARGET: Meet the LDF Project Plan target for completion of the preferred options for the Minerals Core Strategy by the end of October 2009 and assess the need for further consultant assistance beyond that already specified.

Action Point 3

Site and policy monitoring

Background to the issue

Mineral Planning Authorities are expected to monitor performance, including compliance with conditions, at all active sites. As well as ensuring that the sites are working in accordance with their authorisations, site monitoring improves the insight of staff into the quarrying activities in the area. It helps develop working relationships with mineral companies and gains more respect. It can help to forestall problems as well as rectifying issues before they become serious problems but also generates the need for action when unauthorised works are revealed. Site monitoring reduces the need for 'fire-fighting' when activities are reported to the staff team. In a National Park, where the highest standards of operational performance are expected, there is an especially great value attaching to regular monitoring of sites. Furthermore, regular site monitoring can allow further steps to be taken promptly when required, such as enforcement or alerting other regulatory agencies to specific problems (e.g. connected with water management and rock face stability).

The service plan aspires to monitor every mineral site in the park at least once per year. Of the 66 sites on our 'monitoring list' 40 of them have received at least one visit, equating to 60.6%

The Service Plan target in 08/09 to visit every minerals site once per year to enable an inspection of quarrying activities has not been met. Service Plan targets have been revised to seek to monitor 80% of minerals sites in 09/10 reflecting the resource allocation to this work.

. Monies raised in 07/08 from charged visits were £6,912 whilst in 08/09, 19 chargeable visits were carried out generating an income of £5,472. This reduction was as a result of staff resource changes during the year.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of quarrying on the special qualities of the national park and its communities is minimised by
(Key Corporate Action B2) Ensuring those quarries that remain are worked to the highest modern environmental standards

Specific Minerals Actions (see para. 3.12)

Action 1. Continued rigorous examination and strict control of all mineral proposals

Action to date

Site monitoring is at a level below the service plan target.

Proposal

Seek to meet service plan targets for site monitoring. Greater staff resources needs to be devoted to site monitoring including extra charged visits

Implications for timing staff and cost

Site monitoring can lawfully be contracted out to consultants, but for major ongoing activities like mineral working there is great merit in the minerals staff of the NPA developing working relationships with mineral companies over time. Unfortunately, due to other workload priorities, monitoring and enforcement work has not been at the desired level. More junior minerals staff are being developed to enable a larger number of site visits to be made to active operations each year. Site monitoring is a useful way for less experienced staff to gain an understanding of minerals planning. More paid site visits would clearly be cross financing to an extent. More paid visits would undoubtedly create more enforcement work and put pressure on legal services resources.

TARGET: 80 % of minerals sites are monitored in 09/10 The number of charged visits is increased to 35.

Relates to corporate indicator B2.1 Number and percentage of quarries operating to modern environmental standards

Action Point 4

Review companies' records of site management, restoration and adherence to conditions

Background to the issue

When mineral companies submit planning applications for mineral working, questions can arise about the company's past performance in restoration, site management and adherence to conditions. MPG7 states: "Applicants may wish to call attention to, and local authorities will wish to consider, any evidence as to how the applicant's proposed methods of site management, restoration and aftercare are likely to work out in practice" (paragraph 32). How these 'are likely to work out in practice' may be indicated by their past performance. For this to be a rigorous assessment there is merit in monitoring these issues at those sites operated by the major companies who are likely to submit significant applications in the future where past record would be relevant. This would currently relate to 7 companies. This is a particular type of monitoring work which is best carried out by the NPA. There is a particular need for this at sites which do not have ISO-standard approved environmental management systems in place.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of quarrying on the special qualities of the national park and its communities is minimised by
(Key Corporate Action B2) Ensuring those quarries that remain are worked to the highest modern environmental standards

Specific Minerals Actions (see para. 3.12)

Action 9. Adopt policies, in conjunction with site owners and operators, for the restoration or re-use of old workings to maximise opportunities for biodiversity, and access and recreation, as appropriate.

Action to date

None.

Proposal

Companies' records of restoration, site management and adherence to conditions are evaluated on a consistent basis, across active sites in the National Park.

Implications for timing staff and cost

A modest amount of staff time would be required for this. It could be monitored as part of site monitoring under Action Point 3 above.

TARGET Major companies' records of restoration, site management and adherence to conditions are evaluated on a consistent basis, Three are evaluated in 2009/10 and four in 2010/11.

Relates to corporate indicator B2.1 Number and percentage of quarries operating to modern environmental standards

Action Point 5

Enforcement of conditions and unauthorised development

Background to the issue

The statutory authority is the only body empowered to carry out the enforcement of planning control in its area. However, enforcement is (to many people's surprise) a power rather than a duty: It is optional. The enforcement of mineral planning control may therefore not be exercised as tightly as some parties might wish. Whilst a light hand of enforcement can have its place if issues can be resolved promptly by other means, such as negotiation, a credible threat of enforcement action can assist such informal solutions. Experience suggests that the greater the search for breaches of planning control, the more will be found: whilst many may be minor and not generate formal action, any failure to monitor breaches of control can also lead to failure to take reasonably necessary enforcement action.

A particular and consistent theme in consultation with members is the desire to provide more effective enforcement to ensure there is a maximum deterrent to prevent unlawful development

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of quarrying on the special qualities of the national park and its communities is minimised by
(Key Corporate Action B2) Ensuring those quarries that remain are worked to the highest modern environmental standards

Specific Minerals Actions(see para. 3.12)

Action 1.Continued rigorous examination and strict control of all mineral proposals

Action to date

The NPA has taken enforcement action in high profile cases. These include, Backdale, Wagers Flat, Moss Rake West, Moss Rake East, Smalldale and Dirlow, The impact on the resources of the Authority both in terms of staff time and finance can be considerable. . Two junior staff are being developed to undertake more enforcement work and there is currently a clear service plan target to improve performance. However, enforcement is currently at a level below the service plan aspiration which is that "All high priority enforcement cases are referred to legal services or subject to a negotiated solution, agreed in writing, within a year of the Authority being made aware of the matter"

Progress on minerals enforcement is reported annually, normally April, to Planning Committee and bi-annually, at present, to Audit & Performance Committee. as part of a report on the performance of the Planning service

Proposal

More staff resources should be devoted to enforcement action to improve the rate of resolution of unlawful developments.

Implications for timing, staff and cost

Enforcement requires specialist staff with sufficient experience not only of the minerals planning issues but of people management, and an ability to handle risks. There are implications for Legal Services resources.

TARGETS: All High priority enforcement cases are referred to Legal Services for formal action or subject to a negotiated solution, agreed in writing, within a year of the Authority being made aware of the matter”.

The degree of resolution of other more minor outstanding enforcement issues is assessed in April 2010.

Relates to corporate indicator B2.1 Number and percentage of quarries operating to modern environmental standards.

Action Point 6

Appropriate Assessment of old mineral permissions (Habitats Regulations)

Background to the issue

If a local planning authority thinks that a development proposal is likely to have a significant effect on a European wildlife site (SAC or SPA), then it (not the developer) must carry out an "appropriate assessment". This requirement applies not only to the consideration of planning applications for new development, but retrospectively to old permissions which have not yet been fully implemented (even if the European site was designated after the development was permitted). This effectively means that every mineral working which could affect a European site, to the extent that it has not yet done so, must be reviewed. If that review shows that there would be damage, then steps must be taken to ensure that such damage does not arise. That might be achieved by negotiation, swapping the permission on the valuable wildlife site for another on other land, or, ultimately, discontinuing the use or revoking the permission, in whole or part which raises the potential for an authority to pay compensation. While a duty on the NPA to carry out this work, this duty only comes into effect when there is an imminent risk of damage to the European site. In effect there is no time limit until that point is reached.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National park and its communities is minimised by:
(Key corporate action B3)Managing the Reduction of Quarrying in the National Park

Specific Minerals Actions(see para 3.12)

Action 1.Continued rigorous examination and strict control of all Mineral proposals.

Action 6. Remove (with compensation where appropriate) earlier permissions where this is considered to be necessary in the public interest.

Action 7. Approve new policy formalising the consolidation or exchange of old mineral permissions as a possible alternative to applying the mineral review procedure site by site.

Action to date

This duty has been largely implemented through the consolidation of old permissions at a number of sites in the National Park.

There is only one remaining mineral site where an Appropriate Assessment may be needed. The location of the site is confidential at this stage. Consolidation with permission may be an alternative creative solution.

Proposal

Pursue negotiations to seek consolidation of planning permission. Carry out an "appropriate assessment" if required.

Implications for timing staff and cost

Significant staff time is likely to be required for an "appropriate assessment" if the consolidation is not secured.

TARGET: Complete agreement with the site owners to work towards a consolidation of the relevant planning permission or commence appropriate assessment before 30 April 2010

This relates to the corporate indicator B3.2 Change in the number and area of (1) dormant and (2) active quarries

Action Point 7

Progressing the initial Reviews of Old Mineral Permissions (ROMPs) that have stalled due to lack of Environmental Statements

Background to the issue

The Courts have established that in the process of carrying out a Review of an Old Mineral Permission (ROMP), an Environmental Impact Assessment should be undertaken in cases where one would ordinarily have been merited on a fresh application. By the time this became clear in 2000, many reviews under legislation passed in 1991 and 1995 were under way without EIAs having been submitted. Further, if Mineral Planning Authorities were to wait for them – and there was no time limit specified in law – they ran the risk of failing to determine companies' review applications within the time allowed. That would have resulted in applicants' proposed revised conditions coming into effect rather than the tighter ones typically desired by MPAs. On the other hand, issuing revised conditions in the absence of an EIA has been confirmed by the Courts as unlawful. The overall result has been that mineral companies which submitted review proposals without EIAs in the early years of the ROMPs legislation (typically in National Parks and other protected areas) have been allowed to continue their operations under the terms of their historic permissions. The process of reviewing often lamentably weak old permissions was held up for ten years. Only recently has the Government provided a formal remedy in law.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National Park and its communities is minimised by:
(Key corporate Action) Ensuring that those quarries that remain are worked to the highest modern environmental standards

Specific Minerals Actions(see para. 3.12)

6. Remove (with compensation where appropriate) earlier permissions where this is considered to be necessary in the public interest.

7. Approve new policy formalising the consolidation or exchange of old mineral permissions as a possible alternative to applying the mineral review procedure site by site.

Action to date

Legislation has recently been enacted to empower Mineral Planning Authorities to suspend mineral working at sites where operators fail to submit an EIA within a reasonable period (by a specific date). The NPA has set dates for all outstanding EIAs.

Proposal

The NPA should continue to work on the seven ROMPs at all sites where the review process stalled. . Two of these sites are awaiting an EIA, four are in abeyance and one is suspended. .. This is a key area of work where significant benefits are likely to be obtainable. The outcomes of this work, if not satisfactory, may in due course prompt consolidation of permissions or revocation.

Implications for timing staff and cost

The review of old mineral permissions takes considerable time for experienced staff, and EIAs add to the amount of work involved. Expertise is required in minerals practice, minerals valuation and negotiation. Some of this may need to be hired from consultants to meet statutory deadlines for processing these applications.

TARGET: Determine two ROMP applications in accordance with the regulations following receipt of EIA. Continue to negotiate for consolidation on four sites and finalise whether there is scope to achieve this prior to April 2010

This relates to corporate indicator B2.1 Number and percentage of quarries operating to modern environmental standards

Action Point 8

Periodic reviews of old mineral permissions

Background to the issue

Aspects of the procedures for the Review of Old Mineral Permissions (ROMPs) are outlined in Action Points 7, 9 and 11. These all address aspects of the 'Initial Review' carried out to upgrade old permissions to modern standards. The Environment Act 1995 also requires that 'Periodic Reviews' of old mineral permissions will take place 15 years after either (a) an Initial (or previous Periodic) Review, or (b) the date of the latest mineral permission for the site if no review has taken place there (i.e. the permission post-dates 21st February 1992). At periodic reviews, improved restoration and aftercare conditions can be imposed with little or no liability on the Mineral Planning Authority to pay compensation for the improvements. However, compensation is to be paid in the normal way for any change which restricts working rights (as described in Action Point 11). In effect, the powers available to authorities such as the Peak District NPA to upgrade old permissions without paying compensation are not as extensive at Periodic Reviews as they are at Initial Reviews. (The Government's assumption here was that any post-1992 permission would be sufficiently modern not to require significant updating in the years ahead.) Nonetheless, there is a duty on companies to submit their proposals for revised conditions as part of Periodic Reviews, and on MPAs to respond. All active sites will therefore have to be reviewed in this way, over a period of years. There are legal obligations to adhere to, such as giving mineral companies a year's notice of the deadline for their submission of Periodic Review proposals, so all MPAs will need to be alert to the requirements.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National park and its communities is minimised by:
(Key corporate Action) Ensuring that those quarries that remain are worked to the highest modern environmental standards

Specific Minerals Actions (see para. 3.12)

1. Continued rigorous examination and strict control of all mineral proposals

Action to date

No periodic reviews have been undertaken by the Authority.

Proposal

The NPA will adopt a systematic approach to the Periodic Review of all its sites. A spreadsheet is needed to alert staff to the dates by which individual site owners must be alerted to the need to submit review proposals and the last date for submission itself.

Implications for timing, staff and cost

Staff will need to be deployed to the task, though this should not be as onerous as the (still ongoing) task of Initial Reviews. There maybe merit in a named member of staff taking responsibility for this, for efficiency, continuity and the time-saving benefits of applying the experience of early cases to the handling of later ones. The priority is for the work to be done by someone experienced in minerals site restoration and aftercare.

TARGET: Complete all Periodic Reviews

This relates to corporate indicator B2.1 Number and percentage of quarries operating to modern environmental standards

Action Point 9

Consolidate and exchange old permissions to secure modern working standards

Background to the issue

The minerals review procedures provide a way of updating old mineral permissions, through legislation enacted in 1991 and 1995. However, there are circumstances where alternative mechanisms may be more appropriate. For example, both the Mineral Planning Authority and the operating company may see benefit in bringing old permissions up to modern operating standards by negotiating instead a single consolidated permission for the whole site or exchanging a permission on another site where there are clear environmental benefits.

This approach also enables better regulation to be achieved, often covering important issues which are outside the scope of formal reviews. In some cases it may be possible to negotiate a reduction in the number and area of quarrying

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National park and its communities is minimised by :
(Key corporate action B3)Managing the Reduction of Quarrying in the National Park

Specific Minerals Actions(see para 3.12)

Action No. 7. Approve new policy formalising the consolidation or exchange of old mineral permissions as a possible alternative to applying the mineral review procedure site by site.

Action to date

Considerable work has already been done on this matter. A major consolidation at Ivonbrook and Hartshead Quarries resulted in most of the Hartshead permission being given up and the 1980 consent at Ivonbrook revoked in return for working to modern conditions at a small part of Hartshead and a modern extension permission at Ivonbrook in 1996. Other notable consolidations are at New Pilhough (1989), Dalton (1993), Goddards (1995), Wattscliffe (2000), Ballidon (2002), New Pilhough (2002), Longstone Edge West (2004), Hope (2006) and at Dale View where the Lees Cross and Endcliffe site was given up in exchange (2009). As a result, so far as the NPA is aware, there remain only three sites where this action is still needed.

Draft Proposal

Resolve scope for achievement of consolidations at the 3 remaining sites..

Implications for timing, staff and cost

Requirement for minerals staff time, including expertise in minerals practice, minerals valuation and negotiation. It is considered this is priority work on the basis of the beneficial results in terms of "outcomes" emanating from it.

Specific expertise may need to be hired from consultants but this is primarily work that should be done in house

TARGET: Resolve scope for consolidations at three sites.by April 2010

This relates to the corporate indicator B3.2 Change in the number and area of (1) dormant and (2) active quarries

Action Point 10

Serve Prohibition Orders on remaining dormant sites unlikely to reopen

Background to the issue

Prohibition Orders – Orders prohibiting the resumption of development at sites with minerals permissions – provide for the permanent cessation of permissions and thereby the removal of any possibility that dormant quarries will ever reopen. They were introduced in the Town and Country Planning (Minerals) Act 1981. Prohibition Orders may be served where ‘no substantial extraction’ has taken place anywhere on the site for at least two years, and also the resumption of working to any ‘substantial’ extent is ‘unlikely’. The impact of serving a Prohibition Order is to bring into effect the restoration and other conditions which may apply at the end of operations (e.g. the removal of plant and buildings). There is no right to compensation for the loss of any value in the minerals. Furthermore, if existing conditions in relation to restoration are inadequate, new ones can be imposed, without liability to compensation. Prohibition Orders pre-empt the remote possibility of proposals in future to reopen dormant sites, e.g. if land ownership or the market changes, and thereby remove a small risk of potentially significant environmental disruption

The Government keenly supports the use of Prohibition Orders by Mineral Planning Authorities. MPG14 states that “the Government believes that wider use should be made of these powers in respect of sites which have not been worked to any substantial extent since 1982 [i.e. cases where conditions on old permissions would otherwise be subject to review] and where resumption of development is unlikely” (paragraph 120). Comparable words can also be found in MPG4, paragraph 13. The MPS1 Practice Guide states (in respect of aggregates permissions) “It would be appropriate for sites which have not been worked for 10 years to be considered to assess whether production is likely to begin again” (paragraph 75).

Reference in the National Park Management Plan 2006-2011

Outcome B the adverse impact of mineral working on the special qualities of the National park and its communities is minimised by:
(Key corporate action B3) Managing the Reduction of Quarrying in the National Park

Specific Minerals Actions (see para 3.12)

Action 6. Remove (with compensation where appropriate) earlier permissions where this is considered to be necessary in the public interest

Action to date

The Peak District NPA is the leading authority in England for the serving of Prohibition Orders. It has served more Prohibition Orders than any other minerals planning authority. Eleven former quarries have been treated this way:

- Jugholes Quarry, Snitterton (vein minerals) 1998;
- Fallcliffe Top Quarry, Grindleford (gritstone) 2000;
- Moor Farm, Bonsall (underground vein minerals) 1999;
- Furness Quarry, Eyam (limestone) 2000;
- Hartington Station Quarry, Hartington (limestone) 2000;
- Low Edges Quarries, Dunford (gritstone) 2001;
- Trogues Farm, Wensley (vein mineral dumps) 2002;
- Intake Farm, Little Hucklow (vein minerals) 2002;

- Maiden Rake, Little Hucklow (vein minerals) 2002;
- Little Hucklow, (unnamed site) (vein mineral dump) 2002;
- Blindside, Bradfield (fireclay) 2004;

The Orders at Jugholes and Low Edges were despite appeals by the landowners.

Draft Proposal

Consider remaining sites where Prohibition Orders might be served and serve appropriate Orders

Implications for timing, staff and cost

Staff time is required to establish whether any statutorily dormant site satisfies the legal tests for the serving of Prohibition Orders. Whilst the process is straight forward, there is an opportunity for affected parties to appeal to the Secretary of State and for an inquiry to be heard. This can be time-consuming for expert mineral planners. This work would almost certainly be appropriately carried out by in-house staff.

TARGET: Formally consider the need for service of Prohibition Orders on all remaining sites by April 2010

This relates to the corporate indicator B3.2 Change in the number and area of dormant quarries

Action Point 11

Identify old permissions which would be seriously damaging to the Park if worked, but which cannot be resolved through the ROMP process or consolidation/exchange. Discuss with Government, to consider options, including resolution by financial support, for the revocation of such permissions or to acquire the mineral rights.

Background to the issue

The conditions imposed on mineral workings in the early years of the planning system were seriously weak and inadequate by modern standards. The problem has been made worse by the transformation in the scale of equipment used and the quantities extracted nowadays compared with the 1940s and 1950s. The Government introduced laws to allow these old permissions to be brought up to date, in the form of Interim Development Orders, authorising the continuation of pre-1948 operations in 1991 and old mineral permissions 1948-1982 in 1995. These powers aimed to strike a balance between modernisation and imposing crippling burdens on existing operations. The Government decided that compensation would not be payable if Mineral Planning Authorities did not wish to amend the fundamental features of permission, identified as:

- (a) the size of the area which may be used for the winning and working of minerals or the depositing of mineral waste;
- (b) the depth to which any operations for the winning and working of minerals may extend;
- (c) the height of any deposit of mineral waste;
- (d) the rate at which any particular mineral may be extracted;
- (e) the rate at which any particular mineral waste may be deposited;
- (f) the period at the expiry of which any winning or working of minerals or the depositing of mineral waste is to cease; or
- (g) the total quantity of minerals which may be extracted from, or of mineral waste which may be deposited on, the site.

Beyond this, at active sites, compensation would be payable to the extent that a proposed restriction would "prejudice adversely to an unreasonable degree (i) the economic viability of working the site; or (ii) the asset value of the site". The problem in the Peak District is that some old permissions exist, particularly on Longstone Edge, where compensation may be payable to remedy the inadequate controls, due to a combination of badly worded permissions, active sites, and a potential for enormous permanent environmental damage. The National Park Authority does not have the financial resources either to pay compensation as part of the modernisation of the permission or to acquire the mineral rights (to eliminate the problem altogether).

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National park and its communities is minimised by:
(Key corporate action B3) Managing the Reduction of Quarrying in the National Park

Specific Minerals Actions (see para 3.12)

5. Secure government's financial support to enable clarification of disputed terms in permissions including those issued by government itself in the mid 1950s

Action to date

The extraordinary complexity of the mineral permissions on Longstone Edge, affecting how and to what extent the minerals in the site can lawfully be worked, has taxed planners, mining engineers and lawyers for years. The Government has been sympathetic to the problems which the Peak District is facing in updating the permissions on the eastern edge of Longstone Edge, particularly with respect to the severe damage inflicted at Backdale Quarry and in prospect at other land under the same permission nearby. The recent court of appeal decision to support the Authority's case is encouraging but there is still scope for the matter to be challenged in the House of Lords. Once the Longstone Edge case is resolved, the next course of action at three further sites will become clearer.

Proposal

Once the interpretation of the permission at Longstone Edge has been determined, the next course of action will be to resolve the situation on three further sites where there is uncertainty regarding the nature and extent of the permissions.

Implications for timing staff and cost

All further work to understand and respond correctly to the planning permissions for mineral working on Longstone Edge will require considerable time to be spent by experienced mineral staff, and lawyers. This may also involve specialist consultants as well as in-house staff. The outcome of the case will have implications for future working on other sites

TARGET: Consider appropriate action on all relevant sites immediately following resolution of the Longstone Edge case and submit report to Planning Committee within 6 months of the date of such resolution

This relates to the corporate indicator B3.2 Change in the number and area of (1) dormant and (2) active quarries

Action Point 12

Examine the need for any further building stone quarries in the Park

Background to the issue

Sustaining the quality of the built environment in the Peak District depends in part on traditional materials being available for restoration, repairs and new construction. There are various small quarrying operations and stone dressing workshops on both the limestone and especially the gritstone areas inside and close to the National Park. There may be a need for additional supplies, particularly of stone slates for roofing, as evidenced by the theft of existing materials. However, the scale of the need, the economic viability of such sites as might be desirable, and whether satisfactory sites can be found outside the National Park have not been resolved. .

MPS1 Annex 3 states: "MPAs should, as far as is practicable, identify in their LDDs, quarries of importance to the built heritage, whether disused or active, and describe the approach to be taken to these in terms of minerals and other planning applications" (paragraph 39). Furthermore, the MPS1 Practice Guide states "Reviews of mineral planning permissions under the 1991 Act and the 1995 Act may sometimes provide the opportunity for identifying potential for supply of building or roofing stone from parts of existing planning permissions" (paragraph 108).

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National park and its communities is minimised by:
(Key corporate action B3)Managing the Reduction of Quarrying in the National Park

Specific Minerals Actions (see para 3.12)

3. Apply a presumption against further permissions for supply of building stone and roof slate and research alternative resources outside of the National Park.

Action to date

The NPA has co-operated with Derbyshire CC and English Heritage in a publication on historic grey slate quarries and potential sites but this neglected the possibilities in Cheshire, South Yorkshire and West Yorkshire.

Proposal

There is a likelihood that further work will be required to demonstrate a satisfactory evidence base for any policy which the NPA may wish to promote through its LDF on building stones. This can be combined with management action to assist the protection and supply of traditional building materials in the Peak District, whether quarried inside or outside the Park. The NPA will therefore work with English Heritage, the Stone Federation and other interested parties to explore the demands, supply options, commercial interest and planning issues posed inside and outside the National Park by such need as there may be for additional supply of building stone. To the extent that additional supplies within the Park can be demonstrated to be necessary, supply options for consideration will include:

- ensuring that in cases where demolition comes under planning control, there is comprehensive handling of surplus vernacular building products by reclamation companies;— identifying previously worked sites which might be reopened;

- identifying fresh sites for intermittent, temporary or permanent working;
- identifying aggregates quarries from which building stone might be supplied;
- farm-level quarries supplying stone for use on the farm in accordance with Part 6 of the GPDO.

Implications for timing staff and cost

This will involve a research project and minerals staff time in the evaluation of any options which involve potential new or reopened quarries.

TARGET: Ensure a satisfactory evidence base is provided to support LDF policies and prior to preferred options consultation in October 2009.

Action Point 13

Evaluate the consequences for the Park of a rundown in aggregates supplies

Background to the issue

Proposals for large aggregates quarries are unlikely to satisfy the stringent tests for allowing major developments in National Parks as set out in MPS 1. The East Midlands Plan (Policy 37) states that "Local Development Frameworks should... make provision for a progressive reduction in the proportion and amounts of aggregates and other land-won minerals from the Peak District National Park..." As a result, as existing quarries in the Peak District come to the end of their lives, such need for replacement of productive capacity as there may be will have to be found outside the National Park. The most economic alternatives are likely to be promoted, involving separately or severally:

- the expansion of output at existing sites (where this can be done without further authorisations, whether inside or outside the Park);
- the opening of new quarries near the Peak District;
- the opening or expansion of quarries remote from the Peak District;
- imports from Scotland, Norway or elsewhere;
- the use of alternative materials; or
- some other solution

In order to secure a smooth transition to an alternative pattern of supply, and to minimise the impacts on the National Park of the replacement arrangements (e.g. to minimise the need for aggregate lorry movements through the Park), there would be benefit in studying the speed and scale of the transition likely. The options in response might usefully be studied in co-operation with other Mineral Planning Authorities and the minerals industry.

Reference in the National Park Management Plan 2006-2011

None.

Action to date

The NPA has co-operated with a DCLG-funded project "*Aggregate resource alternatives: options for future aggregates mineral supplies in England*" (British Geological Survey, 2008) which examined the strategic need to replace aggregates from sites in designated areas.

Proposal

Commission a research project using external consultants, perhaps in association with adjacent minerals Planning Authorities, Defra and DCLG.

Implications for timing staff and cost

This work can wait until year 2 of the Plan at which time the future of aggregates working in and around the National Park will be clearer.

TARGET: Consider the need for a research project by April 2010

Action Point 14

Encourage the reduction of green house gasses and evaluate the long term alternatives to cement-making at Hope

Background to the issue

The only cement works in the National Park is at Hope, but in addition limestone from Old Moor is used in the Tunstead cement works immediately outside the Park, and Cauldon in Staffordshire is a third cement works based on the Pennine carboniferous limestone, just outside the Park. Hope is probably the principal cement works at which Lafarge has consolidated its operations. The site has limestone reserves sufficient to last for about 30 years. There is, however, a potential shortage of clay/shale to support Hope in the foreseeable future, and pulverised fuel ash (pfa) is proposed to be railed-in from Drax power station to supplement the shortfall.

Cement-making is a very long term business with a very long term investment. This partly reflects the long pay-back period for the enormous initial capital investment. Once established, there is every incentive for companies to sustain output if feasible, upgrading kilns and other plant when the opportunity arises. The operation of cement plants cannot be gradually run down: they operate 24 hours per day for very long periods, and their unit of operation is the kiln, of which Hope has two. With infrastructure costs to support, the expectation would be that sites would either operate at full capacity (allowing for individual kiln maintenance, upgrading and replacement), or not at all. The prospect is that Lafarge will seek to ensure continued operations at Hope for generations to come.

Despite this, there must be considerable doubt that cement making within the National Park is strictly necessary in terms of the policies for major development set out in MPS1 and PPS7. In particular, many other cement works outside National Parks have closed over the years. Lafarge has been given permission for a new cement plant at Snodland in Kent, but this has not yet been built. It is difficult to believe that the market could not be served by sites other than Hope, located outside National Parks. Nonetheless, removing the industry from the National Park would be difficult to achieve and will only be feasible in the longer term. Therefore, even though there is little which can be done in the short term to achieve the process of relocation, the NPA needs to begin now the process of making the change more feasible in future. Inaction now would simply allow Lafarge to consolidate its activities still further and postpone their relocation out of the Park. Taking a long-term view would allow a lengthy period of preparation so that the social and economic benefits associated with the existing plant would suffer as little as possible in the transition to alternative arrangements.

In the interim it has to be acknowledged that the cement operations are a major source of greenhouse gas emissions and this action would be consistent with policies in the Authority's emerging Climate Change Action Plan, as listed below. In the interim efforts can be made to encourage the company to reduce harmful emissions.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of mineral working on the special qualities of the National park and its communities is minimised by:
(Key corporate action B3)Managing the Reduction of Quarrying in the National Park

Other NPA Policies

Climate Change Action Plan Theme 9: Greening the Economy & Communities
Links to **Action 9.3** Encourage major emitters of GHG's (e.g. the cement, minerals and aggregates industry) to reduce their GHG emissions.

Action to date

The pressure has been on the NPA to support imports of pfa to supplement shale supplies to feed the cement works.

Proposal

The NPA will establish in practice, a strategy of:

- 1) accepting the existing operations until they expire, in order to provide stability and welcome their economic benefit; while
- 2) pressing the companies to search for alternative arrangements in the longer term.
- 3) encouraging the development of measures to make the operations more sustainable particularly measures to reduce greenhouse gas emissions

The balance of advantage now is to explore the alternative ways of meeting the market demands currently served by Hope cement works. A modest research project is needed.

Implications for timing, staff and cost

The research project is not a current priority due to the timescale. There would be the costs of research by hired consultants and a small call on NPA staff time.

TARGET: Engage with the company to seek to achieve the themed objectives in the Climate Change Action Plan.

Prepare a brief for research project as to the future of cement working and assess how it may be delivered by April 2011

This relates to the corporate indicator B3.2 Change in the number and area of (1) dormant and (2) active quarries

Action Point 15

Establish strategic minerals restoration objectives and seek external funding to support their achievement

Background to the issue

Arrangements could be made for the restoration or re-use of old workings on a site-by-site basis but in a wider context of maximizing opportunities for biodiversity, access, recreation, or landscape enhancement, as appropriate. .. There are grants available for this kind of site improvement. Including the Heritage Lottery Fund (HLF) Also, the NPA has access to the Aggregates Levy Sustainability Fund nationally and to a smaller separate fund which operates in Derbyshire for remedial works connected to mitigating environmental damage from aggregates quarries.. The kinds of assistance which may be provided include:

- studies of locally-specific issues and opportunities for improvement;
- practical works at individual aggregate mineral sites;
- practical works in communities directly affected by aggregates operations.

Each bid-round of the ALSF focuses on particular themes. The themes most relevant in the 2009-10 bid-round are awaited.

Reference in the National Park Management Plan 2006-2011

Outcome B The adverse impact of quarrying on the special qualities of the national park and its communities is minimised by
(Key Corporate Action B2) Ensuring those quarries that remain are worked to the highest modern environmental standards

Specific Minerals Actions (see para 3.12)

9. Adopt policies, in conjunction with site owners and operators, for the restoration or re-use of old workings to maximise opportunities for biodiversity, and access and recreation, as appropriate

Other relevant NPA policies

The NPA Biodiversity Action Plan establishes actions required to improve and protect biodiversity and the restoration of quarries can contribute significantly to its objectives

The Landscape Strategy and Action Plan identifies the main issues and actions required relating to quarrying, within each of the eight identified Landscape Character Areas within the National Park

Climate Change Action Plan

Theme 2: Ecosystems (biodiversity & carbon management) **Action 2.2** seeks to” Identify and implement appropriate management measures to reduce the impact of climate change on vulnerable species and habitats within the National Park”

Theme 4: Water Management Action **4.1 seeks to**” Maintain adequate water supplies and quality within the National Park, through improved catchment management, and within environmental limits.”

Action to date

The HLF and the ALSF have been of benefit in relation to mineral working in the National Park on previous occasions.

Proposal

Opportunities which the NPA can pursue over the next three years should include:

- the creation of rich bio diverse environments,
- improved restored landscapes
- the creation of appropriate access opportunities on restored sites
- the creation of appropriate recreational use of disused quarries
e.g.liaise with minerals operators over the end-use of quarries(where not already determined) to leave quarry faces in sound condition suitable for future climbing sites or to leave spoil mounds suitable for mountain bike or vehicular off-road courses.”
- seek opportunities for sustainable water management
- adding value through enhanced restoration at the few remaining old sites where Prohibition Orders (preventing the resumption of working) are desirable;
- generating a programme of dry stone wall maintenance and renewal across the Park, by assisting selected aggregates quarries to diversify into block limestone supply, thereby assisting employment at aggregates sites and in a local craft industry, restoring the vernacular landscape and countering the recession.

Implications for timing staff and cost

A strategic (and corporate) approach to achieve any particular objective will require staff time from the minerals team and elsewhere in the NPA as appropriate. Submitting bids for funds can be time-consuming, especially the HLF, but if successful is an efficient means of leveraging resources for achieving NPA objectives. Co-ordination is required across a range of interests and in cases there is likely to be a need for some kind of public engagement. Negotiation skills will be needed. In the longer term, there is scope to pursue this at 15 year intervals statutorily through periodic reviews of mineral permissions, though that is on a site by site basis.

TARGET: Identify restoration objectives on priority sites and potential funding opportunities by April 2010.

Relates to corporate indicator B2.1 Number and percentage of quarries operating to modern environmental standards

Action Point 16

Liaise with other MPAs to establish scope for rail links at long term quarries outside the NP

Background to the issue

The Government encourages the bulk movement of minerals by rail rather than road where practicable. For example, MPS1 states at paragraph 16 as a matter of national policy:

“Bulk transportation

- “seek to promote and enable the bulk movement of minerals by rail, sea or inland waterways to reduce the environmental impact of their transportation.”
- “safeguard and promote rail links at quarries where there is potential to move minerals by rail.”

Paragraph 58 of the MPS1 Practice Guide is similarly supportive.

“The National Park would benefit if more mineral, particularly aggregates, could be moved from quarries by rail.”

.Other NPA Policies

Sustainable Transport Action Plan encourages a modal shift of transport off the roads which is therefore consistent with this Action.

Action to date

None.

Proposal

The NPA should encourage establishment of rail heads at quarries outside the National Park which are capable of supplying aggregates into the long term. The NPA should work with County Councils and others to achieve this. Furthermore, the NPA should work with Staffordshire CC and mineral companies to explore the scope for Cauldon to be connected to the rail network to supply cement: this would create some capacity for Cauldon to replace some of the supplies from Hope in the medium and longer term. The potential for reopening the Woodhead Tunnel in connection with serving quarries should be revisited and evaluated by interested parties. The potential for increasing the use of the rail network serving the A515 quarries (Hillhead, Brierlow, and Dowlow) should be investigated

Implications for timing staff and cost

This has implications for staff time; there could be benefit is some of the work being carried out by consultants in the medium term.

TARGET: Commence consultation with DCC and SCC Highways and relevant Regional Development Agencies after April 2010

Action Point 17

Prepare (or review) with the industry a local minerals transport plan for each site

Background to the issue

The quantity of mineral traffic in the National Park is of concern. The scale of the demand placed upon the Peak District is clearly a contributory factor, but the NPA should be taking all reasonable steps to minimise the impact of mineral movement. This can be not only by strategic efforts to switch minerals from lorry to rail, but by taking practical local steps to reduce the effects on residents. National policy in MPS1 on environmental protection includes advice to:

“– encourage the establishment of mineral site transport plans in consultation with the local community, dealing with matters including routing, off-site parking, considerate driving and complaints procedures” (paragraph 17, indent 7).

The mineral traffic associated with each quarry and processing site needs to be considered cumulatively as well as individually, and in conjunction with the Highways Authority and the Highways Agency. There may, for example, be scope to influence the pattern of HGV movements and aggregates transport methods through the National Park by packages of weight limits, road charges for freight, and incentives.

Other NPA Policies

This links with the general aims in the emerging Sustainable Transport Plan and Climate Change Action plan to encourage sustainable transport.

Action to date

A transport plan was prepared for Hope Cement Works prompted by the receipt of a proposal to transport chipped tyres to the site for use as an alternative fuel. This culminated in the submission of planning applications to further develop the rail facilities, increasing the amount of cement distributed by rail. A reduction in lorry impact of traffic around Stanton Moor is a sensitive issue and has been recognised by the Authority when adopting the Stanton Moor principles in 2000. Measures undertaken included the development of a short haul road, informal traffic routing agreements and operating hours.

Proposal

The NPA should approach all companies, and engage their trade associations, in an effort to minimise the local impacts of lorry traffic serving quarries. Each site should be encouraged to create and implement a local transport strategy. The NPA should open discussions with the freight industries and appropriate statutory bodies to see how the overall level of freight transport – notably aggregates – through the Park could be reduced.

Implications for timing staff and cost

The costs of this initiative would be low as most of them would be borne by the companies. A modest amount of staff time would need to be put in by the NPA. However this is not of immediate priority relative to the other actions specified above.

TARGET: Examine the scope for local minerals transport plans at all major quarries and develop proposals in consultation with the companies and local stakeholders. by April 2011

Action Point 18

Establish closer working relationships with mineral companies

Background to the issue

The relationship at present between the National Park Authority through its minerals team and the mineral industries in the Peak District could be more productive. There is relatively little proactive interaction. Communication with the companies tends to be limited to times when a planning application is being prepared or submitted or when there is an enforcement issue. , More constructive interaction could help achieve targets relating to other actions, such as, increased site monitoring (Action Point 3) and establishing site-based mineral transport plans (Action Point 17). Furthermore, the aims of other NPA strategies, in relation to individual actions, such as action 14 and the Climate Change Action Plan. and actions 16 & 17 relating to the Sustainable Transport Plan, require close collaboration on matters which are not all governed by legislation. MPS1 paragraph 17 establishes as policy that MPAs may “require mineral operators to seek and maintain effective consultation and liaison with the local community before submitting planning applications and during operation, restoration and aftercare of sites.” This is an area which needs to be facilitated more by the Authority in the form of more regular and structured contact with minerals operators.

Action to date

Discussions have recently commenced with one operator in an attempt to promote greater understanding of their business planning and seek ways to engage the public in accordance.

Proposal

Establish an annual review of each site with its operator), and invite local representative organisations and mineral companies to set up local liaison committees for each major operating site.

Implications for timing staff and cost

There is a modest staff commitment required for annual meetings in respect of each site (or operator), though this may enable staff time to be saved in other ways. There will be a need for commitment of officer involvement across a range of services.

TARGET: Have an annual meeting with each major mining company operating in the area.

Action Point 19 Member involvement in minerals issues is developed.

Background to the issue

Mineral working in the National Park is a controversial issue. While there tends to be greater attention to the issue at times when decisions need to be made, whether on plan policies or planning applications, the prospect is that controversy overall will intensify rather than diminish. There are many reasons for this:

- the mineral remaining in the Park will become more valuable over time;
- as resources are worked out, the pressure will increase to work increasingly more damaging sites, particularly in respect of fluorspar;
- in the next few years permissions will expire at a number of major sites, prompting challenges on the next steps to supply mineral;
- there is some interest in the minerals industry in changing its approach to National Park, with demands for protected areas to continue supplying mineral in the proportions of total supply which they have done in the past.

In all these circumstances greater calls will be made for political attention to mineral planning. The Authority should prepare itself for this, and reaffirm its commitment to an effective minerals planning function by giving greater political importance to the issue. This could be expressed in a number of ways.

Action to date

Last year, the Chair of Planning was nominated as the Authority's lead member in relation to minerals matters. Historically, certain members have taken an active and lead interest in minerals issues, well beyond the statutory minimum obligations on the Authority. For example, the Chair has been actively lobbying Government to give financial support for the resolution of the modern problems created by the nature of the planning permission on Longstone Edge granted by the Minister in the 1950s. There have been limited minerals training for members.

Proposal

It is essential to develop the role of the Chair of Planning, and if necessary other members, in promoting the Authority's varied interests in minerals matters particularly at government level. Furthermore, many of the Actions in this Plan will require regular update and in some case a steer from these members.

Minerals planning training for members should be further developed.

Implications for timing staff and cost

The Chair of Planning needs to devote additional time to minerals work. Whether this would be as well as or instead of other commitments would be a matter of judgement. The need for further help to the Chair needs to be assessed during year 1 of the Plan. The time requirement for officers would be modest: although there would be more contact with one member, other more time-consuming means of engaging Members would be partially replaced.

TARGET: Officers engage with the Chair of Planning and Chair of the Authority at appropriate times on minerals matters, particularly in respect of actions associated with this Plan.

The need to engage further members with a specific role in promoting the Authority's role in mineral planning is considered with the Chair of Planning as the role develops.

Carry out dedicated training in minerals matters