

### **13. MINERALS TEAM REVIEW 2017-18**

#### **1. Purpose of Report**

To report on activity and performance for 2017-18

#### **2. RECOMMENDATION**

**To note the report**

#### **3. How does this contribute to our policies and legal obligations**

3.1. By implementing PDNP policies and statutory responsibilities for Minerals & Waste planning.

#### **4. Background Information**

##### Introduction

4.1. This report summarises the work of the Minerals and Waste Team over the year 2017-18.

4.2. The Team deals with planning applications, enforcement and policy work for minerals and waste in the National Park. Also, due to the on-going nature of minerals sites, a program of regular monitoring for every site is undertaken and forms a significant part of the team's workload. Managing waste disposal is an important but relatively minor part of the Team's workload.

##### Applications

4.3. Minerals and waste applications, particularly for new development or extensions or increasing capacity at existing sites, can be large and complex, often requiring Environmental Impact Assessment (EIA). Nevertheless, the same targets for decision apply as for other planning applications, which are: 16 weeks for applications accompanied by EIA, 13 weeks for major applications and 8 weeks for minor applications. However we may also agree a longer period with the applicant, and in most cases where we are not able to determine within the target time, applicants agree to a longer period. We have met government targets for percentage of applications determined within the above timescales, or have formally agreed a longer period for decisions.

4.4. Between April 2017 and March 2018 the Team has received 11 planning applications:

- 7 were applications to discharge or partly discharge conditions on existing permissions
- 1 was a prior notification required under the General Permitted Development Order
- 2 applications are application type Minerals
- 1 was a GDO notification

Between April 2017 and March 2018 the Team has determined 8 applications:

- 8 were granted or the condition was discharged or partially discharged
- All of the decisions were delegated
- 1 application was withdrawn in 2018 (which had been received in 2016).

4.5. No Minerals Appeals have been made or decided within the year.

- 4.6. Mineral planning permissions often include many planning conditions to control the complicated and varied aspects of the development over several decades. Permissions commonly require the discharge of several planning conditions at several different times to determine detailed aspects of the development.
- 4.7. Through site monitoring we have a good working relationship with the owners and/or operators of most sites in the National Park. As a result of our continued monitoring we have good opportunities to influence proposals from their earliest stages and this is why most proposals are granted planning permission. Less acceptable proposals are less likely to become formal applications or appeals

#### Monitoring

- 4.8. In recognition of the on-going nature of minerals and waste permissions and the need for regular monitoring in the interests of amenity and the environment, there is a statutory basis for charging for carrying out site inspections at mineral and waste sites.
- 4.9. We collect data for monitoring for each financial year. For the period 01 April 2017 to 31 March 2018, the Team conducted 59 visits to consented mineral and waste sites. Of these visits, 50 were formally chargeable, with 49 chargeable visits at those facilities classed as 'active' sites, and 1 to a non active site. Up until 17<sup>th</sup> January 2018 we could charge £331 per active site visit, and £110 per non active site, however, following the revision of the Fee Regulations these changed to £397 and £132 respectively. The total amount invoiced for the year will be £17,055, which is the highest recorded.
- 4.10. This increase reflects a sharpened focus on those sites which are in particularly sensitive/high activity phases and those which generate the greatest compliance issues. Our aspiration is to: monitor all sites annually review the number of monitoring visits necessary for each site per year (up to a total of 8 per year as allowed by the Regulations), increase monitoring at some sites and recoup our monitoring costs through charging, as far as possible.
- 4.11. The Team also carried out a number of site visits which were not charged for, for example if conditions were not monitored, if the visit was part of pre-application discussions, if it was undertaken in the course of learning and development work, or visits to sites without the benefit of planning permission

#### Enforcement

- 4.12. The Team deal with general enquiries about stand-alone breaches of planning control, and also breaches of conditions at permitted sites.
- 4.13. In the period 01 April 2017 until 31 March 2018, we dealt with around 35 enquiries. Of these 16 are recorded as responded to and closed, while a number remain under investigation.
- 4.14. Many of these relate to small to medium scale deposits of waste or relate to breaches of conditions at existing operations. In line with government guidance, we initially aim to resolve all but the most serious breaches of planning control through negotiation and in the majority of cases this is a quick and successful way to address problems.
- 4.15. In some very serious cases where harm is likely to be great or irreversible, or where negotiation has not been successful in resolving breaches, our recourse is to formal enforcement action. Between April 2017 and March 2018 the team has served 1 Enforcement Notice, 0 Stop Notices, 0 Temporary Stop Notices and 2 Revocation Orders. These are summarised below:

Notice Type	Location	Development Concerned	Date Served
Enforcement	Moss Rake East Quarry	Breach of conditions 5 & 24	22 Dec 2017
Revocation	New Pilhough Quarry	Revocation	1 Aug 2017
Revocation	Stanton Moor Quarry	Revocation	1 Aug 2017

4.16. A Prohibition Order made at Parsley Hay (Vincent House Silica Pits) last year was confirmed by the Secretary of State on 7<sup>th</sup> June 2017

#### Policy

4.17. The Team have also been responsible for drafting Development Management Policies for minerals and waste, in partnership with the Policy Service who lead on the timetable for agreeing the policies. The most recent consultation documents can be found here: <http://www.peakdistrict.gov.uk/planning/how-we-work/policies-and-guides>

4.18. In addition to the Authority's own mineral policy work, the Team also contribute to a joint Local Aggregate Assessment with Derbyshire County Council. This document sets out the changing trends in demand and supply of aggregate in Derbyshire. Derbyshire County Council is very supportive of the Authority's implementation of government policy for the reduction of supply of mineral from National Parks. As sites in the National Park cease operations, the demand for aggregates and other minerals will be increasingly met by the permitted reserves in Derbyshire outside the National Park. The report can be found here: <https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/planning/planning-policy/minerals-waste-development-framework/minerals-plan/local-aggregates-assessment-1aa.pdf>

4.19. The Team also engage in the Aggregate Working Party. This is a regional working group through which each Mineral Planning Authority carries out a survey of operators to establish sales and reserves to ensure that the forthcoming need for minerals in the region and in wider markets are met. The annual report and previous published reports can be viewed here: <https://www.gov.uk/government/collections/aggregates-working-parties-annual-reports>

4.20. Nicola Howarth, Mineral Planner, prepared the Authority's response to the government consultation on 'planning advice on fracking'. As a result of this representation we have been asked to appear at the Housing, Communities and Local Government Select Committee in relation to the government's preparation of planning advice in relation to fracking.

#### Liaison and Influence

4.21. The Team has regular liaison with both with site operators and local communities. There have been strategy/liason meetings with the operators at Hope & Stanton Moor to address technical issues on their sites. There have also been meetings with local forums or Liaison Committees at Hope, Stanton Moor, Tunstead and Topley Pike to address their questions or concerns.

4.22. The Team comments on minerals and waste applications to minerals authorities which might have a significant impact on the National Park. In the past year there has been liaison with surrounding Minerals & Waste Authorities on 5 of such minerals applications.

#### Restoration and Conservation

4.23. The work of the Team creates opportunities both for the restoration of previously worked quarrying sites, but also for the improvements to the landscape plus conservation of species and habitats. This can require supervision of many years of 'aftercare'. With expert input from

the National Park Ecologists and Landscape specialists, major progress has been made for example in landscape improvements at Hope, hay meadow translocation at 'Once a Week' Quarry and ecological improvements on Stanton Moor.

- 4.24. Control of minerals extraction has allowed protection of cultural heritage such as the Scheduled Monument at Stanton Moor. Management of minerals consents to allow availability of locally quarried material extraction allows the sympathetic conservation of historic buildings along with extensions and 'new build' which retain local character. For example continued but limited extraction at Burntwood quarry allows for ongoing and appropriate conservation work to buildings on the Chatsworth Estate, while limited extraction at Birchover quarry allows building to continue in the vernacular style and with traditional building stone, within the National Park.

#### Staff Resources

- 4.25. Staff resources have dropped temporarily by 22%. There is a member of staff on a 12 month leave of absence, and the Minerals Team Manager is currently unfilled. The management of the team has until recently been carried out by an agency member of staff but this has now come to an end. There is a need to fill this post permanently as soon as possible.

### **5. Conclusion**

- 5.1. Despite pressure on staff resources during the year, significant progress has been made, both in general, and in particular on several problematic mineral sites.

### **6. Human Rights**

- 6.1. No issues arising from this report

### **7. List of Background Papers (not previously published)**

None

#### **Report Author and Job Title**

Graeme Law, Minerals Team Manager – Contractor, 3 May 2018.