

Stanton Moor Mineral Liaison Group (SMMLG)

Minutes of meeting held on Monday 9th March 2015

Members Present

Prof Tony Crook – Chair

Paul Morris – Stanton in Peak Parish Council (PM)

Andy Tickle – Friends of the Peak District (AT)

Howard Griffith – Stanton against the destruction of our environment (SADE) (HG)

Geoffrey Henson – Stanton Lees Action Group (SLAG) (GH)

Ian Kennedy – Blockstone Ltd (IK)

Nicholas Davie-Thornhill – Thornhill Settlement (ND), representing Adrian Davie-Thornhill

Rodger Caisley - Birchover Stone Ltd (RC)

In attendance

Jane Newman – PDNPA Senior Minerals Planner (JN)

John Scott – PDNPA Director of Planning (JRS)

Clare Wilkins – PDNPA Policy Planning Support Officer (acting as minutes clerk)

1. Apologies

Apologies had been received from the following members:-

Steve Boam – Stancliffe Stone Ltd

Cllr Kath Potter – Rowsley Parish Council

Adrian Davie-Thornhill - Thornhill Set

The following members did not attend:

Haddon Estates

Bill Elliott - Birchover Parish Council

2. Declarations of Interest

There were no declarations of interest at this meeting.

3. Chair's Report

The Chair **reported** that a meeting had taken place with himself, JN and JRS regarding the agenda for the meeting. The Chair also **reported** that he had been re-elected to the RTPI Board of Trustees and now chaired the Education Committee.

4. Approval of minutes of last meeting (15th Oct 2014)

AT quoted second page of the minutes: "AT was concerned that this process would further the length of time that some already long term applications take to be considered" and

noted that he had not said this although it was agreed that it had been said by somebody at that meeting. AT's point had been whether there was an option to get additional information onto a weekly list of amendments?

Subject to the above, the minutes were **agreed** as an accurate record.

The Chair **queried** whether these minutes had gone to the November planning committee, JRS and JN **advised** that it had been decided to wait and agree them before taking them to Committee. It was the Chair's view that it would be useful to send them to Committee as soon as possible although JN had concerns regarding sending minutes that had not been agreed by the group. It was **agreed** that the minutes would be sent to everyone in a draft form to broadly agree that they could then go to the next planning committee identified clearly as 'draft not yet approved'. They would then be formally approved at the next meeting of the Group.

5. Matters Arising

- Further to AT's point regarding whether there was an option to get additional information onto a weekly list of amendments, JRS **reported** that he was looking into how best to do this, but thinks the weekly list is not the best way.
- Clarification was sought regarding the press release referred to in the previous meeting of the meeting held on 15 October 2014 regarding statutory consultees. It was **noted** that there are other statutory consultees other than the parish council.
- Comments were made about the PDNPA's apparent inconsistency about which groups to consult. Some members felt that there had been inconsistencies between planning applications about which parishes were consulted. JN **reported** that there was a Development Management Procedure Order (DMPO) which sets out who should be consulted and that this should be adhered to. For consistency JN explained that a system is in place where each application is plotted and a statutory consultee list is automatically formulated in line with the DMPO. This is the best practise. JRS **stated** that the legal minimal would be consulted. In addition he **reported** that the extent of any additional consultation has been agreed by planning committee on 14th November 2014. The report lists which parishes would be consulted on mineral related proposals in this area. It was **agreed** that this report would be circulated to members.
- The issue of parishes affected by traffic movement was also **raised**. JN stated that if there was a proposal within an application to increase lorry movements then parishes affected would be consulted on this.
- JN **reminded** members that lorry movement cannot be controlled and therefore there is no way of controlling which routes are being taken. JN also **reminded** members that County Highways were consulted on 'likely routes' and impacts thereof, but that these cannot be controlled.

- **PM reported** that he had a meeting with the Highways department and they are reviewing all the vehicle restriction signs for lorries. These were originally erected in 1939. It is hoped that this work will be completed within 6 weeks.

6. JRS gave a presentation on:

(a) Planning Appeals:

Appeals are sent to the Secretary of State who is independent of the PDNPA. There are three routes that can be taken:

- Inquiries - formal and not so often used
- Hearings - more informal and public can take more part in the process
- Written representations - mainly used and includes an accompanied or un-accompanied site visit

The appeal on Dale View Stone Saws is to be undertaken as a hearing. The Inspector can close the hearing before the site visit or it can stay open so that parties can make representations onsite, although this is more difficult if there a large number of third parties.

Costs can be applied for and costs awarded against any of the three options above. Before it was only possible to be awarded costs if somebody applied, but now inspectors can award costs as they see fit. Costs can be made against the applicant, the planning authority or a third party objector. Costs can only be awarded for unreasonable behaviour that has resulted in additional expense.

The Planning Inspectorate now has the final say in which of the three processes is used. Timescales vary greatly. JN quoted recent case taking 7 weeks from lodging the appeal to agreeing a hearing. But generally timescales are longer than this and the Planning Inspectorate is behind with case load.

JRS **advised** that in most cases the Planning Inspector made decisions on behalf of Secretary of State and there is no further review. JN noted that for appeal against ROMPs and prohibition orders the final decision is made by the Secretary of State.

Members asked about the date for the Dale View Stone Saws appeal. JN **confirmed** a hearing would take place on 21st April 2015 - JN **agreed** to circulate the guide to hearing processes to all members.

Members queried when the PDNPA's statement of case would be available. JN **noted** that this would be submitted at the end of March and will then be public. Members **asked** what PDNPA's position would be at the hearing as the decision went against the officer recommendation. JRS **confirmed** that the PDNPA would defend the committee decision. The original officer will not defend it and it will be passed to another officer. JN **advised** that she did not necessarily disagree with the committee decision and recognised that the decision, albeit differing from the outcome she had recommended, were rational and possible.

Members asked what visual aids could be used at the hearing. JN **confirmed** that photographs could be used, but no animation or video. There should be enough copies of photographs to be circulated.

JRS **noted** that no new evidence could be submitted at the last minute. JRS also **stated** that appeals decisions can be taken to judicial review if the decision is legally flawed although this is uncommon. Members noted that with a judicial review the grounds are procedural and if the review succeeds then the decision goes back to the beginning.

(b) Planning Conditions

Planning applications can be refused, approved or approved with conditions. The conditions must meet the 6 tests in the National Planning Policy Guidance:

- Necessary
- Reasonable
- Precise
- Enforceable
- Relevant to planning
- Relevant to the development

If the detail is controlled in other legislation then a condition should not be used. The condition should be necessary and not just desirable. They should be used for the avoidance of doubt in the future.

The Chair drew to the group's attention 'conditions precedence' which are conditions that have to be agreed and adhered to before starting onsite. JN **noted** that precedence is not such an issue with minerals as each shovelful of minerals extracted is a new development and therefore lawful use cannot be accrued. JRS also **noted** that conditions can be difficult to monitor. JN **advised** that there is a process for mineral monitoring.

(c) Planning Obligations

Obligations go further than conditions. In PDNPA they are mainly used to control matters such as occupancy restrictions. Obligations are enforceable through the courts.

The group **thanked** JRS for his presentation and concluded that it had been useful.

JRS left the meeting.

7. Dale View Quarry

7a) – appeal: this item was covered in JRS presentation on planning appeals (6a above).

7b) Other matters:

- JN **informed** the group that there has been an amendment to the planning permission through a variation of conditions that it has been resolved to approve, although this has not yet been issued as the legal agreement requires completion.

- – A member stated that he considered that the amendment of conditions application was wrongly described to committee as the report stated that there was no processing on site. However, at the same time the application for the wire saws had been submitted which may lead to processing on site. The Group **noted** this view.
- Workshop: JN **noted** that the colour it has been painted is in line with the permission but the end result is not what was intended and complaints have been received. Stancliffe are willing to repaint it. The colour can be discussed and a site meeting arranged for anyone who wants to be involved in this.
- JN **reported** that Steve Boam had informed her that the grass seeding on the slope has taken place. The last remaining area on the tip is to be levelled before Easter and the outer rim will then be seeded.
- A member queried whether the concrete plinth has recently appeared? JN **confirmed** that this has been here for at least a year.

8. Stanton Moor/New Pilhough

The following progress was reported:

- Geotechnical data was being investigated. Block Stone intend to provide an additional plan to inform the ROMP process.
- Viability information has been passed to PDNPA from Block Stone and JN confirmed that this information would be assessed by a third party.
- If working has finally ceased then a prohibition order would be pursued.
- If working has not finally ceased, then PDNPA will proceed with a ROMP.
- With regards to timescale JN **stated** that it is likely to be resolved May/June.

In discussion the following points were raised:

- JN also **noted** that there has been a similar case in Oxfordshire which PDNPA are taking legal advice on.
- A member asked whether it can be assumed that the appeal with regards to the first application is on hold. JN **advised** that PDNPA feel the appeal should be withdrawn. IK also (a) **confirmed** that Block Stone were probably going to withdraw and (b) that it was continuing minor work on tips. Levelling had been done at New Pilhough. The company were working hard to get agreement on the ROMP.
- It was **noted** that the current application is for an extension – Block Stone are out of date to appeal against non determination so would have to wait for a refusal in which time a ROMP or prohibition order could come about.

9. Birchover Quarry

A number of matters were raised:

- It was noted that there have been two applications; one for additional working at Birchover and a second to take the Birchover tip across the road to Barn Hill Quarry – awaiting the S106 from legal to have the decision issued. The operator is working in line with the 142 conditions, though these have not been formally issued.
- PM reminded the group of his highways signs review and noted that at the turning from Birchover there is a sign saying ‘limited access.’ Is this entrance still required?
RG stated that the sign can move to the junction.
- It was also noted that the new houses that have been built have caused a big traffic increase. It was suggested that this is an example of a parish being affected, but not being consulted. JN responded that it is unlikely that the Authority would widen the consultation in areas beyond mineral issues, but will always listen to other parishes during the process.
- RG reported that the company were ready to go with moving Birchover quarry tip in spring. When get the permission then this will go forward.

The Chair closed the meeting at 1930. It was agreed to hold the next meeting in June