

EXPRESS PARK BUXTON – COWDALE QUARRY

PLANNING STATEMENT

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Report Prepared for:
Express Park Buxton Ltd
By Mike French

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1.0 INTRODUCTION

- 1.1. This Planning Statement is submitted on behalf of Express Park Buxton Ltd in support of an application for planning consent for a water bottling facility at Cowdale Quarry, Buxton.
- 1.2. The application comprises construction of a water bottling plant and associated storage areas with a new access off the A6, internal roads and a heritage visitor centre.
- 1.3. The submission follows pre application discussions with the Local Planning Authority, submission of a Scoping Report and a local public consultation event held in Buxton in February 2010.
- 1.4. The application is in detail and comprises:
 - The application forms and relevant certificates
 - Detailed plans and elevations
 - Design and access statement
 - Planning statement
 - Transport assessment and travel plan
 - Flood risk assessment
 - Environmental Impact Assessment
- 1.5. The Environmental Statement includes chapters on:
 - Ecology
 - Travel and transport
 - Noise
 - Air quality
 - Cultural heritage
 - Hydrology and hydrogeology

The Planning Policy Context is covered in this report.

2.0 SITE LOCATION DESCRIPTION AND USE

- 2.1. The application site is on previously developed land within Cowdale Quarry, approximately 1.5 km from Buxton town centre. The quarry has a floor area of some 20 ha and is bordered by rock faces ranging from 10 to 20 m high. It was abandoned some years ago and its margins are naturally revegetating with trees and scrub. The quarry floor has been leveled off with a thin layer of soil and is used temporarily as grazing land. The proposed development site is an artificial landform with a flat floor. Because of the surrounding topography, the quarry is not visible at all from the east, south, or west, and from the north its southern face is all that can be seen, at a distance of 1 km or so. The site of the bottling plant and heritage visitor centre is circa 5 hectares.
- 2.2. The quarry is within the Special Landscape Area and close to the National Park boundary. The quarry is identified as an “Other Recorded Site of Interest” (HP 135). This is not a formal designation but simply identifies that the site may be of ecological

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interest. There is a Local Wildlife Site adjoining the site boundary to the east, with other statutory and non statutory sites within 5km of the proposed development. The quarry is privately owned and there is no public access or use within the quarry although rock climbing does take place. A public footpath runs along the southern boundary of the quarry which is within the overall site area.

- 2.3. There are a number of derelict buildings within the overall site area which formed part of the former Cowdale Lime Works. In 1997, English Heritage carried out an assessment of the site and concluded that there were “impressive remains of early twentieth century limestone quarry and lime works with traditional lime kilns.” The proposed action at that time was to schedule the site, although this was not done. The report recorded that the site contained potentially hazardous structures and stated that repairs and consolidation would be expensive. The alternative recommended management at this time was to record the site, limit vegetation and allow slow decay with limited public access. A 2001 Report supported the recommendation for scheduling as a way of preserving a monument of the 19th – 20th century lime industry, and the option highlighted in this report was to create an education/ visitor attraction, presenting the history of lime quarrying, or the recording in advance of further deterioration of the site. The report also stated the difficulty in achieving this conservation goal due to the significant resources required. No action was taken on any of these recommendations and the remains of buildings and structures have deteriorated further over this period. The lime works is, since the submission of this application, going through the process of designation.
- 2.4. Rockhead Spring, a natural mineral water spring is located within the site boundary, which is the main reason for choosing this site for a bottling plant. The planning inspector when considering the adoption of the High Peak Local Plan stated, “there is no dispute that the Rockhead Spring is an important resource for Buxton, for the mineral water has the potential to further promote the name of the town as well as to provide employment.” The bottling of mineral water requires that the bottling plant is located as close as possible to the source, which again was recognized and accepted by the planning inspector, as well as by the Local Planning Authority in the past. This requirement has placed unusual constraints on the search for suitable sites, which is considered further below.

3.0 PLANNING HISTORY

- 3.1. The quarry area was granted planning consent in August 2000 for; “change of use of existing building to establish mineral water bottling plant, construct highway, lagoon, pump house and excavate trench at Ashwood Dale (Cowdale Quarry) Buxton.” The pump house building was constructed in 2001 and improvements to Cowdale Lane were carried out as part of the planning consent. This consent is extant and the development is still capable of being completed without the need for a further planning application.
- 3.2. The principle of a bottling plant in the quarry has, therefore, been established through the part implementation of the planning consent, as has the principle of a large structure, as the lagoon referred to in the consent measured 104 metres by 100 metres by 4.5 metres.

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- 3.3. Planning consent was granted in July 2001 for; “excavation of trench and laying of 2x 75mm pipes to carry mineral water and ground water plus 2.5 mm armoured cable at Staden Lane Buxton.” This consent permitted the linking of the Rockhead Spring in the quarry to Staden Lane utilising the newly built pump house building.

4.0. DEVELOPMENT PROPOSALS

- 4.1. The application seeks detailed consent for a bottling plant totaling 15,060 sq. metres, including 660 sq metres of offices, ancillary car and cycle parking, together with a new access road off the A6. In addition, it is proposed to provide a heritage visitor centre of 260 sq metres.

- 4.2. The new access road from the A6 will be constructed to minimize its effect on trees and need for rock excavation and will be in full compliance to current Highway Standards and Codes of Practice allowing all vehicles, including HGV's to enter and exit the site safely. Prior to any works starting on site, all details of the new junction and its method of construction will be approved by the Highway Authority.

It is envisaged that the rock excavation work will be undertaken using heavy duty planing and rock excavation equipment in preference to blasting. The only rock excavation within the site involves the local planing of the floor for the length of the access road-all other areas will be retained at current levels. The rock excavated will be crushed and re-cycled as fill and aggregate material. Existing faces of the quarry, to be agreed with the BMC will continue to be available for climbing.

- 4.3. A Design and Access Statement is included as part of the application, which sets out the rationale for the proposals and identifies the project in more detail. This also sets out the long term aspirations for the site, which are not part of this application.

5.0. PLANNING POLICY CONTEXT

- 5.1. The High Peak Local Development Framework is not yet adopted policy and the current Development Plan for this site formally comprises:

- The East Midlands Regional Plan 2009. (Regional Context)
- The High Peak Local Plan Saved Policies (March 2008). (Local Context)

REGIONAL CONTEXT

- 5.2. The East Midlands Regional Plan replaced the policies previously set out in the Derbyshire Structure Plan and these no longer apply. The Plan sets out the broad development strategy for the Region up to 2026.
- 5.3. The Strategy splits the Region into five sub areas with High Peak being located in the Peak Sub Area. This area, largely rural in character, comprises the Peak District National Park and adjacent areas outside the Park including Buxton.

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5.4. The policies set out in the Strategy provide the strategic background for the emerging Local Development Framework. The document states that policies in the sub-area should:

- Help secure the conservation and enhancement of the Peak District National Park, respecting the statutory purposes of its designation
- Address the social and economic needs of the Park's communities, for example by the provision of appropriate business premises and affordable housing
- Protect and enhance natural and cultural heritage of the sub area, in particular the Peak District Moors Special Protection Areas of Conservation covering the South Pennine Moors, Peak District Dales, the Bee's Nest and Green Clay Pits and Gang Mine and the Peak District Moors SPA/SAC.

5.5. Policy 28: Regional Priorities for Environmental and Green Infrastructure, states that local authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to ensure the delivery, protection and enhancement of Environmental Infrastructure across the Region. Such infrastructure should contribute to a high quality natural and built environment and to the delivery of sustainable communities. Local authorities and those responsible for the planning and delivery of growth and environmental management across the Region should work together to:

- Assess the capacity of existing Environment Infrastructure to accommodate change in order to inform decisions on the scale, location and phasing of new development. Account should be taken of current deficits and likely future demands, including those likely to result from climate change, to identify any further needs or constraints;
- Select appropriate indicators and targets to monitor the condition of Environmental Infrastructure and to ensure that its capacity to accommodate change is not breached;
- Ensure that the provision and design of new Environmental Infrastructure is considered and its delivery planned through environmental capacity analysis at the same time as other infrastructure requirements;
- Within Local Development Frameworks develop 'green infrastructure plans' based on character assessments of existing natural, cultural and landscape assets and the identification of new assets required to meet the needs of existing and expanding communities;
- Increase access to green space that can be used for formal and informal recreation, educational purposes and to promote healthy lifestyles, without increasing pressures on sensitive sites, especially those designated under the European Habitats Directive; and
- Identify delivery and funding mechanisms for the creation and future management of Green Infrastructure, including from the planning system and other funding sources such as EU funded Environmental Stewardship Schemes.

5.6. Policy 29: Priorities for Enhancing the Region's Biodiversity, states that: Local Authorities, statutory environmental bodies and developers should work with the voluntary sector, landowners and local communities to implement the Regional

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Biodiversity Strategy and to deliver a major step change increase in the level of biodiversity across the East Midlands. Measures should include the:

- Achievement of the East Midlands regional contribution towards the UK Biodiversity Action Plan targets;
- Establishment of large scale habitat creation projects in the biodiversity conservation and enhancement areas;
- Establishment of a regional project to promote the recreation of key wildlife habitats in each Natural Area in East Midlands;
- Creating, protecting and enhancing networks of semi-natural green spaces in urban areas;
- Creating, protecting and enhancing features of the landscape which act as corridors and 'stepping stones', essential for the migration and dispersal of wildlife;
- Development and implementation of mechanisms to ensure that development results in no net loss of BAP habitats and species, particularly for restricted habitats with special environmental requirements and that net gain is achieved; and
- Development and maintenance of appropriate data to monitor and report on regional targets, BAPs and BCAs/BEAs.

- 5.7. Policy 30: Regional Priorities for Managing and Increasing Woodland Cover, states that: local authorities, statutory environmental bodies and developers should work with the voluntary sector; landowners and local communities to deliver a significant increase in woodland cover in the East Midlands in ways that respect local landscape character and support the implementation of the Regional Plan.

New woodland should optimise social, environmental and economic value whilst recognising the biodiversity and character of existing woodland and the sensitivity of existing nature conservation interest. Woodland unavoidably lost to development should be replaced with new woodland of equivalent value, preferably in the same landscape unit. Preference should be given to creating new native woodlands as defined in Forestry Commission Bulletin 112.

- 1.1 Opportunities should be taken to increase woodland cover as part of new development and by using other mechanisms, focusing on

- Priority areas identified through Space4 Trees
- The Northamptonshire Growth Areas
- Principal Transport Corridors and Strategic River Corridors
- Delivery Local Biodiversity Action Plan targets

Ancient semi-natural woodland, veteran trees and other woodlands of acknowledged national and regional importance should be protected by Local Development Frameworks. There should be a general presumption against the conversion of any woodland to other land uses unless there are overriding public benefits.

Opportunities should be taken to secure sustainable management of all woodland, and to increase public access to high quality multi-functional woodland close to communities as part of the development of Green Infrastructure.

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- 5.8. Buxton lies outside the National Park and the Strategy recognizes that because of the development constraints within the National Park the area is likely to be subject to particularly strong development pressures.
- 5.9. Policy 9 states that policies in the Peak District Towns outside the National Park should aim to meet local needs, with the emphasis on retaining and generating local employment, growth of indigenous firms and attracting inward investment to support their own population and the population of the surrounding hinterland. High Peak is identified as an economically lagging area in the Strategy with problems of rural deprivation, declining employment and a need for diversification and regeneration. One of the specific sectors identified as a priority in the region is Food and Drink. In addition to the current problems and requirements, there will need to be more jobs created to support the needs generated by meeting the High Peak housing targets set out in the strategy of 6,000 new houses by 2026.
- 5.10. The Strategy also states that local planning authorities should ensure that allocated sites for employment uses are consistent with priorities contained in the document and are attractive to the market. The Peak Sub Area, due to the nature of the sub area and the National Park is constrained for office and industrial space

LOCAL CONTEXT

- 5.11. The High Peak Local Plan Saved Policies were published as a document in 2008. It is worth noting that the document specifically refers to the importance of Buxton's mineral water. The policies most relevant to this application are considered below:
- 5.12. Policy 9: OC1 – Countryside Development

Countryside development is defined as any development outside the built up area. Although this proposal is for previously used land with an extant planning consent, and is an Industrial Historic Landscape Area it may be argued to be development in the countryside. The Policy states that within the countryside, planning permission will be granted for development which is an integral part of the rural economy and which can only be carried out in the countryside provided that:

- the development will not detract from an area where the open character of the countryside is particularly vulnerable because of its prominence or the existence of a narrow gap between settlements; and
- the development will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanizing influence; and
- the development will not have a significant adverse impact on the character and distinctiveness of the countryside.

- 5.13. Policy 11: OC3 – Special Landscape Area Development.

Within the Special Landscape Area new development is normally resisted unless it can be shown to be essential in its proposed location. The policy states that within the Special Landscape Area development in accordance with Policy OC1 will be permitted, provided that it will not detract from the special qualities and character of the Special Landscape Area. Where development is permitted, the developer will be required to

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have special regard to the landscape quality of the area in relation to siting, design and landscaping. The Historic Landscape Area characterizes the site as industrial.

5.14. Policy 13: OC5 – Development Conspicuous From the Peak District National Park.

The policy states that planning permission will not be granted for development which due to its use, scale, design, siting, external appearance or landscape treatment, would materially harm the purposes or valued characteristics of the National Park. Various viewpoints of the site have been visited and it is not considered that the proposed development is contrary to this policy.

5.15. Conservation and Enhancement of the Open Environment

The Derbyshire Wildlife Sites Register, prepared by Derbyshire County Council and Derbyshire Wildlife trust, identifies natural history sites of more local significance. English Nature has produced an inventory of Ancient Woodlands in Derbyshire and concluded that high priority should be given to preventing further reductions in the area or nature conservation value of ancient woodland. These woodlands, which have existed under woodland management from before 1600AD afford excellent habitats for wildlife because of their unrivalled structure and shelter, as well as having a significant landscape presence. The best of the ancient woodlands have been incorporated in the Wildlife Sites Register. These sites and the Regionally Important Geological Sites reflect the High Peak's rich and diverse heritage of moorland, meadowland, woodland, bog and wetland. The Council will give protection from significant loss or adverse impact from development to such sites. However, if other material factors are sufficient to override nature conservation considerations, measures will be taken to minimise and mitigate impact on identified sites.

5.16. Policy 15: OC8 - Sites of Importance for Nature Conservation

Development which individually or cumulatively with other development may affect a proposed or designated Site of European Importance will be subject to rigorous examination and will only be permitted where:

- there are no imperative reasons of over-riding public interest for the development such as human health or public safety or for beneficial consequences of primary importance for nature conservation.
- there is no alternative solution; and

Development in or likely to affect Sites of Special Scientific Interest will be subject to special scrutiny and will only be permitted where:

- measures are put in place to ensure the protection and enhancement of the site's nature conservation interest.
- the reasons for development clearly outweigh the nature conservation value of the site itself; and

Development likely to have an adverse effect on Local Nature Reserves, a Derbyshire Wildlife Register site or a Regionally Important Geological Site will only be permitted where:

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- measures are in place to ensure appropriate mitigation and compensatory measures including the management of such provision
- it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the substantive nature conservation value of the site; Trees and Woodlands

The Council has published a leaflet entitled "Protection of Trees on Development Sites", the advice in which applicants will be encouraged to follow.

5.17. Policy 16 OC10 - Trees and Woodlands

Planning Permission will be granted for development, provided that:

- it will not result in the loss of, or materially injure the health of, a woodland (in whole or in part) or other significant individual, group or area of trees, unless required in the interests of safety, good tree management or a wider scheme of conservation and enhancement;
- or
- exceptionally, where loss or injury is accepted, adequate replacement planting, in terms of numbers, species, planting density and location, will be provided as part of the development

Conditions will be imposed, and/or planning obligations sought, to ensure adequate protection and management of individual, groups and areas of trees and woodlands which are important for landscape, amenity, recreation or nature conservation reasons.

5.18. Policy EMP7 – Industry and Business in the Countryside

The plan states that in general the Borough Council supports business development in the countryside which will contribute to the rural economy, is appropriate to a rural location, and is compatible with the fine landscape and the natural resources of the plan area. The policy states that planning permission will be granted for business and industrial development in the countryside provided that:

- the development can be accommodated within existing buildings; or
- any new buildings, alterations or extensions are essential, and well related to existing buildings and appropriate to a countryside location in terms of scale, siting, design and external appearance; and
- adequate site access is available and the development will not significantly increase traffic movements, particularly on unsuitable narrow roads.

5.19. The planning inspector when considering the local plan policies and objections was not prepared to allocate this site as an employment site, but he stated that his recommendation did not preclude the use of Cowdale Quarry for a bottling plant if, after a full investigation of all potential options it could be demonstrated that there was no alternative. He stated that the special locational requirements of the mineral water industry might ultimately justify the proposal, either under Policy EMP7 or as an exception to the general policies seeking to restrict development in the countryside.

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6.0. KEY ISSUES

6.1 The key issues arising from these policy areas are:

- whether the proposed use is appropriate in the countryside and Special Landscape area
- the effect of the development on the open character and visual amenities of the countryside and Special Landscape Area
- whether the proposed use would be likely to have an adverse effect or environmental impacts on the nature conservation interests of the site and surroundings.

6.2. There is no doubt that the development could be considered to be one which would require a countryside location as of necessity. Mineral water regulations state that water must be bottled as close as possible to the springhead. This point was conceded by the planning inspector when considering the adoption of the local plan, and by High Peak Borough Council and Derbyshire County Council when considering the 2000 application for a bottling facility. The proposed bottling plant is an appropriate use in the countryside and Special Landscape Area because of these special locational requirements. This is strengthened by the fact that the proposed site has an extant consent for a bottling plant, albeit, on a smaller scale than the current proposal, and is previously developed land.

6.3. The proposed development is not visible from the A6 and would only be partly visible of a nearby public footpath where the development would only be visible from limited sections where the footpath runs close to the quarry face. The visible prominence of the development in the countryside and Special Landscape Area is not, therefore, so great as to justify refusal on the grounds of these policies.

6.4. The Environmental Assessment accompanying this application has demonstrated that the proposed development is unlikely to have any significant adverse environmental impact on the ecology of the site or its surroundings and there would be no justification for refusal on these grounds. Proposed mitigation measures will, in fact, provide better long term management for the woodland and grassland areas and will provide public access to the heritage interests on site. The Environmental Assessment has also shown that there is no loss of amenity to local residents or those using nearby footpaths that would justify refusal.

7.0. NATIONAL PLANNING GUIDANCE

7.1. Other material considerations include national planning policies as set out in PPS and PPG documents. Those of most relevance to the proposed development include:

PPS1: Delivering Sustainable Development (2005).

7.2. PPS1 sets out the Government's objectives of how planning should facilitate and promote sustainable and inclusive development by, amongst other things, ensuring that development supports and contributes to existing communities with good access to jobs and key services. It advises how local planning authorities should promote the

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efficient use of land and seek actively to bring vacant and underused previously developed land and buildings back into beneficial use.

- 7.3. Whilst seeking to protect the environment, PPS1 recognizes the need for prudent use of natural resources and the maintenance of high and stable levels of economic growth and employment. The guidance also states that planning authorities should recognize the wider sub-regional regional or national benefits of economic development and consider these alongside any adverse local impacts.

There is emphasis on a number of issues all of which this application has taken into account. These include:

- high quality design
- robust policies for design and access
- optimizing the potential of the site
- incorporation of green and public space
- creation of safe and accessible environments

PPS4: Planning for Sustainable Economic Growth (2009).

- 7.4. PPS4 sets out guidance to ensure that economic development is delivered through good spatial planning and that an adequate range of economic development is provided to meet the needs of the population. . There is emphasis on building on previously developed land rather than on greenfield sites. It also states that the development principles in the document should be taken into account as material consideration when considering planning applications and these may supersede relevant policies in development plans.

PPS5: Planning for the Historic Environment (2010).

- 7.5. PPS5 sets out national planning policies on the conservation of the historic environment, including heritage assets which are not designated but of heritage interest. The guidance recognizes that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. The guidance also recognizes that wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation. The guidance requires that heritage assets should be assessed to understand the potential impact of development proposals on the significance of the asset. This can be a desk based assessment or a field evaluation. The guidance does not preclude the demolition of assets and states that where the application will lead to substantial harm or loss of significance, local planning authorities should refuse consent unless it can be demonstrated that:

- the substantial harm or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss, or the nature of the heritage asset prevents all reasonable use of the site
- no viable use of the heritage asset itself can be found in the medium term that will enable its conservation
- conservation through grant funding or some form of charitable or public ownership is not possible

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- the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use.

- 7.6 When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favorably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. The local planning authority should also take into account the condition of the asset as a dilapidated asset is less viable than one in good repair.
- 7.7. The buildings on the application site are not viable as an entity because of their overall condition and lack of access to the site. A structural survey of the power house has confirmed that it is unsafe and a number of other structural remains are of a dilapidated state. The proposal whilst removing one building to provide an access meets many of the policies in the guidance by maintaining and providing public access to other assets and, crucially, supports their long term conservation. The proposals include plans to open the lower levels of the former lime works to the public together with a heritage visitor centre and interpretation facilities in the quarry, thus better revealing the significance of the assets and enhancing public understanding and enjoyment.
- 7.8. A Cultural Heritage Impact Assessment has been undertaken as part of the Environmental Statement. This concluded that the overall impact of the proposed development on the cultural heritage is neutral. The Historic Landscape Area characterizes the application site as Industrial, along with the Ashwood Dale quarry immediately to the north of the A6. The proposed development site will form a continuing industrial use of the site and will not adversely impact upon the historic landscape character of the area. The proposed development would facilitate the repair and maintenance of the remains of Cowdale lime works, secure the long term future for these heritage assets and provide substantial public benefit. If the development does not proceed, the nationally historic assets will continue to decay and will remain inaccessible to the public.

PPS9 Biodiversity and Geological Conservation (2005).

- 7.9. PPS9 gives general advice on developments affecting designated sites. It states that local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations. The ecology chapter of the Environmental Statement sets out in detail the potential impact of the proposed development and suggests mitigation measures where necessary. This also states that the proposed development provides an opportunity to manage selected habitats adjacent to the quarry void in order to promote local biodiversity.

PPS9 states that:

“Planning decisions should aim to maintain, and enhance, restore or add to biodiversity interests. In taking decisions local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity interests within the wider environment. “

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“The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

Designated Sites

PPS9 states that designated sites are a material consideration in any planning decision related to the proposed development. Local Plans should develop criteria based policies within local plans against which development proposals affecting local sites can be judged. Guidance has subsequently been produced by Defra on the identification, selection and management of local sites.

Habitats

In Paragraph 12 of PPS9, the Government indicates that local authorities should take steps to maintain networks of habitats by avoiding or repairing the fragmentation and isolation of natural habitats through policies in plans. Such networks should be protected from development, and where possible strengthened or integrated within it.

A range of habitat types are listed as a Habitats of Principal Importance under the provisions of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Paragraph 11 of PPS9 states that local authorities, through policies in plans, should conserve important natural habitat types that are identified as being of principal importance for the conservation of biodiversity in England and identify opportunities to enhance and add to them.

Protected Species

A range of species are listed as Species of Principal Importance for the conservation of biodiversity in England in response to Section 41 of the NERC Act. These species are a material consideration in planning terms according to Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9).

In paragraph 16 of PPS9, the Government indicates

“ that local authorities should take steps to further the conservation of Species of Principal Importance for the conservation of biodiversity in England and should ensure that that the habitats of these species are protected from further decline and from adverse effects of development, where appropriate, by using planning conditions or obligations. Planning authorities should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh the harm.

Key Principle ii of PPS9 and Paragraph 116 of Government Circular 06/2005, which accompanies PPS 9, also advise that planning authorities should give due weight to the

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presence of a European Protected Species on a development site to meet their statutory requirements in exercising their functions in relation to the Habitats Directive.

PPG13 Transport (2001)

- 7.10 PPG13 gives guidance on the integration of planning and transport policy in order to promote more sustainable transport choices; accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and reducing the need to travel. The development proposals have been designed to comply with the guidance and the Environmental Statement addresses these issues fully in the chapter on transport impact which concludes that the aims of PPG13 are fully met and that there are no unmitigated adverse effects arising from the proposed development.

PPG17 Planning for Open Space, Sport and Recreation (2002)

- 7.11 PPG17 recognizes the benefits of open space, sport and recreation in promoting social inclusion, community cohesion and healthy living. The proposals have taken this guidance on board and the design has incorporated open spaces into the development as well as recognizing the existing informal recreational use of the quarry by climbers through the inclusion of a climbing/visitors centre and ensuring full access to the rock faces. The proposals also include an interpretation centre and public access to the buildings of historic interest.

PPS23 Planning and Pollution Control (2004).

- 7.12 PPS23 advises that decision makers must be satisfied that planning permission can be granted on land use grounds, taking full account of the environmental impacts. This requires full co-operation with the Environment Agency and other relevant bodies such as water and sewerage agencies to ensure that any potential form of pollution can be adequately regulated. This has been covered fully in the application to ensure that there is no risk of pollution, and in the Hydrology chapter of the Environmental Statement which outlines measures to ensure that there is no contamination risk on or off site.

PPG24 Planning and Noise (1994).

- 7.13 PPG24 seeks to locate new development involving potentially noisy activities away from noise sensitive land uses. The guidance provides a list of means that could control the source of, or limit the exposure to, noise. The Environmental Statement includes a chapter on Noise Impact Assessment which concludes that the proposed development would have little impact, with day and night time rating levels below background at Staden and Cowdale. The assessment also identifies noise attenuation measures should they be required, to ensure that any potential impact arising following detailed assessment of the actual plant is within any set limits.

PPS25 Development and Flood Risk (2006).

- 7.14 PPS25 states that flood risk should be considered alongside other spatial planning issues in the determination of planning applications. It sets out a sequential approach to site

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selection with preference given to those sites which are least susceptible to flooding. A flood risk assessment will need to accompany any proposal which relates to land over 1 hectare in area. This must identify and assess all forms of flood risk and demonstrate that any risk, both to and from the development, will be managed, and also identify opportunities to reduce the probability of flooding.

The proposed development is in an area classified as Flood Zone 1 –an area of low flood risk – and an exception test is not therefore required. A full assessment of flood risk is included with the planning application which concludes that there is no flood risk to the proposed development and that the development will not pose a flood risk to other areas.

8.0. ALTERNATIVE SITES

8.1 Rockhead Spring is one of only two groundwater sources in the High Peak that has been recognized as a Natural Mineral Water. These two sources are the only Natural Mineral Waters exploiting limestone water in the whole of the Peak District. This emphasises how important a resource Rockhead Spring is. To achieve full potential a large purpose built factory is essential. This needs to be as close as possible to the source to ensure the integrity of the connecting pipeline. This distance has been estimated as a maximum of 2km from the source, and sites within or just beyond this radius have been researched. Drawing No. 111 in the Design and Access Statement shows the areas within a radius of 2 km.

8.2 It is evident from a desk exercise as well as an inspection of all possible sites around Buxton that Cowdale quarry is the only location that can meet the requirements to develop a water bottling plant exploiting the Rockhead Spring. The recognised natural mineral water artesian spring is located about 700 metres to the east of the proposed site for the water bottling plant. The inspector's report into objections to the local plan accepted that the plant needed to be in close proximity to the source and the figure given was 2 km. A wide search has been carried out for alternative sites both with employment allocations as well as greenfield sites, with particular attention being given to possible sites within about 2 km of the source. The planning application is for a bottling plant on a previously used site of some 5 hectares which is the minimum required to provide adequate warehousing, ancillary offices, car parking and loading with the ability for business expansion. Off site storage is not considered to be appropriate in a time of climate change where unnecessary journeys should be kept to a minimum. For example the current Buxton Water site is located on a land locked site of about 2.8 hectares which is fully developed and does not include any warehousing. Storage is on Harpur Hill on the other side of town. It is also important for the site to be level (each pallet of water weighs in excess of 1 tonne) and that the site should have a direct access to an A road without passing through residential areas.

8.3 The two primary employment sites which fall within a radius of 2 km from Rockhead Spring are Fairfield Industrial Estate and Staden Lane Industrial Estate.

Fairfield is not suitable as there is not an available site large enough and its access is very poor with its distributor road through a residential area. At Staden Lane there is a plot of land fronting on to Ashbourne Road which comprised the former Duron Brake Lining Company site. This site is some 3.4 hectares which is not large enough and would

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not allow for any potential future expansion of the business. Whilst the site is allocated for employment, one large building which would be impossible to screen might not provide the best tourism image on a gateway approach to Buxton. It is also understood that the site is potentially contaminated with asbestos and in addition, we understand that the emergency services have plans to develop a new emergency services centre on a significant part of the site. Neither of the other two main employment sites of Harpur Hill and Waterswallows have a suitable site available and both are too far away from Rockhead Spring.

- 8.4 With regard to unallocated sites that could be considered, the Borough Council had originally allocated Foxlow Farm as a business park in the draft local plan. This was removed by the planning inspector who did not think that the site was appropriate for a business park or for residential use. The inspector specifically stated that it was not suitable for a large bottling plant, or for any other large buildings, as these would be detrimental to residential amenity and to the tourism industry. A large part of the site is not level which would be an additional disadvantage. The site is highly visible on a gateway route into Buxton and impossible to screen, it is also a greenfield site and its development would be contrary to the policies outlined above.
- 8.5 In conclusion, it is clear that development of the Cowdale Quarry as outlined in the application is the best solution to exploiting the important resource of Rockhead Spring for the economy, environment and landscape of Buxton and High Peak.

9.0. EMPLOYMENT CONTEXT

- 9.1 There are six key sectors that account for the majority of employment in High Peak; public administration, education and health, distribution, hotels and restaurants, manufacturing and banking. Although the number of people employed in manufacturing has fallen in recent years, it still employs a higher proportion in the District than the national average. A significant proportion of the working age population (40%) commutes to work outside High Peak. A number of the sectors outlined above will be under pressure to cut jobs in the future and will contract in employment terms as a consequence of Government initiatives to make savings. Many of the residents in High Peak who work locally are employed on low wages in sectors such as agriculture and tourism compared to those who commute outside the area for employment.
- 9.2 The Derbyshire Dales and High Peak Joint Core Strategy – Draft Plan has identified that there is a need to diversify the local economy and attract a range of businesses to the area, to improve the local job offer and reduce the level of out commuting. The Plan also recognises that much of the existing supply of employment land is not fit to meet the needs of modern businesses or the needs of the potential growth sectors in the area; creative industries, food and drink and tourism.
- 9.3 The percentage of working age population currently unemployed in High Peak at 3.3% is below the regional average of 4.1% but the whole of High Peak is considered to be “economically lagging” in the Government’s Rural Strategy. Many residents living in High Peak have to commute outside the area for job opportunities, which will in many cases be under threat from Government pressure to make savings.

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9.4 Buxton has a population of circa 21,000 and is relatively self contained when compared to other towns in the High Peak. There are, however pockets of severe social deprivation with some wards being within the top 25 % of the most deprived wards in Derbyshire. Local industries employ a substantial proportion of residents and so the pattern of out commuting is less acute than in some parts of High Peak. There is, however a dependency on a small number of major employers including Health and Safety Executive, University of Derby and Nestle. Some of these will not be immune to Government cost saving measures in the public sector.

9.5 The development proposal for a bottling plant and heritage visitor centre will provide jobs which are particularly appropriate for Buxton based on natural resources which can be developed to provide employment opportunities on a brownfield site in an area that will not have an adverse effect on the other key employment sectors. The construction of the bottling plant, heritage visitor centre and new access will take 18 to 24 months and will employ 25 to 75 people at any one time depending on the phase of development. When fully operational, the plant will employ between 90 and 100 people on a shift system, with about half of these being office based. This is not insignificant in the context of Buxton's current employment opportunities and a background of job cuts in many employment sectors.

10.0. DRAFT PLANNING OBLIGATIONS

10.1 A Section 106 Agreement will be negotiated with the local planning authority, and highway authority where necessary. It is envisaged that this could include:

- off-site highway works
- management/stewardship arrangements for grassland and woodland areas
- guaranteed access to rock faces for climbing purposes

11.0. SUMMARY AND CONCLUSIONS

11.1. The application seeks planning consent for the construction of a water bottling plant and associated storage areas with a new access off the A6, together with internal roads and a heritage/ visitors centre.

11.2. The proposals are consistent with the Development Plan, Regional Plan and National Guidance for the reasons outlined in this report and propose a sustainable development which:

- will provide sustainable jobs based on a natural, local resource
- will further promote the importance of Buxton water
- makes use of previously developed land
- is in a location which can adequately accommodate the development with no mitigated adverse effect on local amenity, local habitats, cultural heritage or Buxton's tourist industry
- will not introduce a volume of traffic movement that would adversely affect highway safety or the capacity of the local highway network
- is not in a flood risk area and identifies appropriate measures to mitigate any potential risks to off-site flooding

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- requires a countryside location because of specific special requirements
 - will be designed to minimize the visual impact of the development from the very few points where it will be visible
 - Will provide protection for the majority of the quarry buildings as well as public access and interpretation facilities
 - Is on a site with an extant planning consent for a water bottling facility
- 11.3. There are no overriding policy issues which would suggest that this development is not appropriate in this location, as the accompanying documents and Environmental Statement have demonstrated.