EXPRESS PARK BUXTON – COWDALE QUARRY

PLANNING STATEMENT

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Report Prepared for:
Express Park Buxton Ltd
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1.0 INTRODUCTION

This Planning Statement is submitted on behalf of Express Park Buxton Ltd in support of a revised application for planning consent for a water bottling facility in part of Cowdale Quarry, Buxton.

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.

This application has addressed fully the reasons for the refusal of the original application as well as comments made by the Local Planning Authority in extensive discussions. This submission has been amended in a number of areas to reduce the impact of the proposed development and provide greater clarification and justification for the proposals.

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 Statement
- Landscape and Visual Impact Statement
- Statement of Community Involvement

The Environmental Impact Assessment 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

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 20 to 30 m high. It was abandoned some years ago and its margins are naturally re-vegetating with self seeded trees and scrub. The quarry floor has been leveled off with a thin layer of soil to enable some use for grazing. The proposed development site is an artificial landform with a flat floor, which was how the quarry was left when quarrying ceased. Because of the surrounding topography the proposed development is not visible at all from the
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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. These views are against a background of other developments and structures including large buildings in a working quarry adjacent to the site on the other side of the A6 as well as other industrial buildings in the background. These other buildings are prominent when viewed from the National Park and the proposed development will only be seen in part, if at all from a distance in this context. Changes made to the original application include locating the building closer to the rock face, reduced height when compared to the original application and use of “green roofs”. The site of the bottling plant and heritage visitor centre is 5 hectares and the development is located in the corner of the quarry bowl where it is furthest away from residential properties and least visible from the surrounding area.

The site is not within the National Park and there are no views of the proposed development from the closest boundary due to the topography. There is a Local Wildlife Site close to the proposed development site to the east, the potential effects on which are considered in detail in the Environmental Statement accompanying the application, and referred to below. The site is privately owned and there is no public access or use within the area. A public footpath runs along the southern boundary of the quarry which is not within the proposed development area and is not affected by the development. The development will not be visible from this path.

There are a number of derelict buildings within the application area which formed part of the former Cowdale Lime Works. One of these buildings within the application site area needs to be demolished for the access road. A number of technical reports into the structure of this building have concluded that it is unsafe and is a dangerous structure. These Reports are included in the Environmental Statement which accompanies this application. There are no structures within the quarry as a whole that are either scheduled or designated. In 1997, English Heritage carried out an assessment of the quarry 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 made clear 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 ten year period. The lime works is, since the submission of the previous application, again being considered for designation.

Rockhead Spring is a natural mineral water spring and is located adjacent to the site, which is a key 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.” Regulations governing the bottling of mineral water, (The Natural Mineral Water , Spring Water and Bottled Drinking Water (England) Regulations 2007, Schedule 4(5)(1), state that natural mineral water and spring water must not be transported in containers other than those authorized for distribution to the ultimate
consumer. The Food Standards Agency in a document entitled The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 (as amended), Guidance to the Legislation, published in July 2010, states in Section 8.2 that the water must be bottled at source, i.e. must not be transported in containers other than those authorized for distribution to the ultimate consumer (not tankered). The need to bottle at source 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 are considered further below.

3.0 PLANNING HISTORY

The quarry 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 at that time as part of the planning consent. This consent is therefore extant and the development is still capable of being completed without the need for a further planning application, with an access through Cowdale.

The principle and merits of a bottling plant in the quarry have, therefore, been established through the granting of and 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. The consented lagoon was to be sited in the centre of the quarry, and would be more visible from the National Park as a man made structure than the developments in the current application which proposes no building in this area.

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 to Staden Lane utilising the newly built pump house building. The pipeline from the pump house to the development site is therefore consented and in place.

4.0 DEVELOPMENT PROPOSALS

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.

Access to the site will be from the A6 which 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. The Highway Authority has confirmed that the proposed design of the new junction is acceptable and meets all these requirements.
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It is proposed that rock excavation work will be undertaken using heavy duty planing and rock excavation equipment in preference to blasting in order to minimize adverse impacts by way of noise to residential properties in the vicinity. The only rock excavation required within the proposed development involves the local planing of the floor for the length of the access road. Other areas will be retained at current levels. As much as possible of the rock excavated will be crushed and re-cycled as fill and aggregate material.

5.0. PLANNING POLICY CONTEXT

REGIONAL CONTEXT

The East Midlands Regional Plan replaced the policies previously set out in the Derbyshire Structure Plan and these no longer apply. The East Midlands Regional Plan set out the broad development strategy for the Region up to 2026 and provided the strategic context for the emerging Local Development Framework. The Government has announced that regional plans will be scrapped, and, not withstanding a challenge in the High Court which has delayed the formal enactment of this, legislation is currently going through Parliament to achieve this.

Given the demise of regional plans, the formal development plan for High Peak, therefore, comprises the High Peak Local Plan Saved Policies published as a document in 2008. In addition, national guidance, in Planning Policy Statements and local guidance, in Supplementary Planning Documents, as well as the emerging Local Development Framework will be viewed as material consideration in the determination of planning applications. The policies in the Local Development Framework will, as soon as the Framework is adopted, replace the policies currently in the High Peak Local Plan Saved Policies document.

LOCAL CONTEXT

LOCAL DEVELOPMENT FRAMEWORK

The Local Development Framework provides the Council’s planning policy options for the development of the plan area for the period up to 2026. The Draft Core Strategy (June 2010) seeks to promote the rural economy and enhance prosperity through development that will support the continued growth and diversification of the local economy. This is balanced with the need to maintain, enhance and conserve the area’s distinct landscape characteristics and natural environment. New development should be of a high quality and integrated with its setting.

Core Strategy Policy CS 23 relates specifically to the Buxton area and states that the Council and its partners will seek to establish Buxton as England’s leading spa town and consolidate its role as the principal service centre for the Peak District. Included within this policy is the encouragement of growth of local employment opportunities and supporting the diversification and growth of the local economy. One way in which this is to be achieved is stated as, “supporting the needs of local businesses including; the University of Derby, the Health and Safety Executive and Buxton Mineral Water.” With regard to Buxton Mineral Water, it is assumed that the Local Planning Authority is not seeking to protect the monopoly position of a private company through the use of the planning system and that the policy would encompass
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Buxton mineral water and its potential to create employment wherever it is sourced. The proposed development in this application, in the location proposed, meets the requirements of this policy and helps to achieve the growth of the local economy based on a local resource.

HIGH PEAK LOCAL PLAN SAVED POLICIES

Policy 9: OC1 – Countryside Development

Countryside development is defined as any development outside the built up area. This proposal is on previously used land in a former quarry which has had no restoration work done to it. It also has an existing planning consent for a bottling plant. 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.

Because of the location of the spring and the complete absence of other suitable sites, which is considered in detail below, this development can only be carried out in the countryside. As the development is in a hole in the ground, is well screened and any views are against a background of industrial buildings and complexes, it does not detract from an area “where the open character of the countryside is particularly vulnerable.” The Environmental Statement accompanying this application has clearly demonstrated that there will be no detriment to residential amenity, highway safety, landscape quality or air quality as a result of the development and as it is barely visible in the landscape, does not have an “unacceptable urbanizing influence.” For the same reasons it is clear that the proposed development does not have a “significant adverse impact on the character and distinctiveness of the countryside.”

Policy 11: OC3 – Special Landscape Area Development.

The policy states that within the Special Landscape Areas 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 Areas. Where development is permitted, the developer will be required to have special regard to the landscape quality of the area in relation to siting, design and landscaping.

Although this policy is included in the High Peak Local Plan Saved Policies document, it is questionable whether it should be given any weight when considering planning applications as it is contrary to national policy guidance in PPS7, and High Peak Borough Council policy as set out in Landscape Character Supplementary Planning Document SPD5 – 2006.
Government policy, as set out in PPS7, Sustainable Development in Rural Areas – 2004, requires that landscape designations such as this are based on a formal and robust assessment defining clearly what the policy is designed to protect. No information is contained in the Local Plan as to why the boundaries are drawn as they are or what the policy is trying to protect. It is not, therefore, possible to test whether any proposed development meets the requirements of the policy, which is clearly at odds with PPS7. PPS7 states that carefully drafted criterion based policies, using tools such as landscape character assessments, should provide sufficient protection for these areas without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas. No mention of Policy OC3 is made in the draft version of the Derbyshire Dales and High Peak Core Strategy, which is the key document in the emerging Local Development Framework.

High Peak Borough Council formally adopted the Landscape Character Supplementary Planning Document SPD5 in March 2006, which will be part of the Local Development Framework. This is along the lines of what is required in PPS7. This document does not make any reference to Policy OC3 Special Landscape Areas in the High Peak Local Plan Saved Policies document, but refers to policies OC1 and OC4. in that document. The exclusion of PPS7 follows comments from The Government Office East Midlands seeking clarification on its inclusion in the consultation version of SPD5.

Although Supplementary Planning Documents are not part of the formal Development Plan, they are a material consideration when considering planning applications. In this case, as the Supplementary Planning Document is in line with national guidance and was clearly meant to replace the Special Landscape Area Policy, which is not, this approach to countryside development should be the relevant policy approach to such development.

Policy 12: OC4 – Landscape Character and Design.

The Policy states that Planning permission will be granted for development considered appropriate in the countryside provided that its design is appropriate to the character of the landscape. At a national level, 159 National Character Areas have been identified. These NCA’s provide the strategic context to more detailed landscape character assessments at county and district level. The site of the proposed development is located within the White Peak area. At a county level, The Landscape Character of Derbyshire 2003 identifies the site of the proposed development as being within the Plateau Pastures landscape area. The High Peak Landscape Character Supplementary Planning Guidance, SPG5 – March 2006 describes the Plateau Pastures landscape as:

“A gently rolling upland limestone plateau characterized by nucleated limestone villages, dry stone walls, a pastoral land-use and open expansive views. The landscape is settled, with small hamlets and villages historically evolved from agriculture and quarrying. There are also scattered individual buildings with trees around dwellings, separating them from work buildings. The dominant building material is limestone with gritstone detailing. Properties are enclosed by low drystone walls which are valuable in connecting the built form with the wider landscape, which is characterized by stone wall field boundaries. In some parts of the area there are non-traditional buildings in the form of rural workers
cottages and small scale industry. These are not sympathetic to the landscape or traditional building style. There is a network of roads, usually straight, throughout the landscape.”

The proposed development is in a former quarry and as has been demonstrated in the Landscape and Visual Impact Statement will barely be visible from any vantage point. Any views of the proposed development would be in the context of existing quarries, large buildings and other structures and the development would not significantly alter the views currently enjoyed. The effects on the landscape character and fabric have been clearly demonstrated to be insignificant with no marked effect on views or the wider character of the landscape.

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. The policy relates to development that is “conspicuous” from the National Park. It is questionable whether this policy applies to the proposal as views of the development are from a distance, are limited, and are seen in the context of quarries, large buildings and other structures, and are therefore not conspicuous, as has been clearly established in the Landscape and Visual Impact Assessment. Whilst the quarry surrounds are close to the National Park boundary at one point, there are no views of the proposed development site from this proximity as the proposed development is set back in the bowl of the quarry and will not be visible. The landscape and visual effects assessment demonstrates that the proposed development, far from being conspicuous, would be insignificant in the existing surroundings, and would not affect the purposes or valued characteristics of the Peak District National Park.

Policy 15: OC8 - Sites of Importance for Nature Conservation

The Policy states that 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 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:

- 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

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

There are no designated sites within the proposed development area. The Ecology Chapter in the Environmental Statement has demonstrated that the proposed works will not adversely affect, (directly or indirectly), any statutory designated nature conservation sites, including the closest to the proposed development, the Peak District Dales Special Area of Conservation (SAC). Only one non statutory designated site, Ashwood Dale, is affected by the proposed development, where 0.12 hectares of the southern edge of the Ashwood Dale ancient woodland will be subject to permanent loss where the new access road to the A6 is proposed. This is considered further in paragraph 5.10.

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.

The proposed access road has been routed largely along the line of the existing access to the site but will necessitate the loss of 0.12 hectares of the Ashwood Dale Ancient Woodland at its southern edge. The area of woodland to be lost borders the A6. Detailed assessment of the area affected, set out in the Ecology Chapter of the Environmental Statement, shows that the area does not support the characteristic ash woodland species and mature ecologically valuable trees usually associated with ancient woodland of this type. The ground floor of the area is relatively species-poor. The area and adjoining areas have been subject to regular clearance and maintenance works by the Highway Authority on health and safety grounds associated with the A6.
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Only 1% of the total woodland will be affected and due to this, and the fact that this area is on the edge of the Local Wildlife Site, the assessment concludes that the loss of this small area is unlikely to affect the overall integrity of the Local Wildlife Site. Mitigation is also included in the proposals through additional planting of local species and the use of green roofs.

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.

The planning inspector when considering the local plan policies and objections was not prepared to allocate this site as an employment site at that time, 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. It has been clearly demonstrated in Section 8 of this document that there are no suitable alternative sites for this development due to the lack of suitable employment sites in the area and the special locational requirements as the bottling plant needs to be within a reasonable distance from the source of the water for operational and viability reasons associated with having to pipe the water from the spring to the bottling plant. Whilst the proposed development cannot be accommodated within an existing building, as suggested in the policy above, it can be accommodated within an existing redundant quarry, which achieves the same end results as set out in this policy.

6.0. NATIONAL PLANNING GUIDANCE

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 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.
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and key services. It advises how local planning authorities should promote efficient use of land and seek actively to bring vacant and underused previously developed land and buildings back into beneficial use. This is exactly what is proposed with this development and this was accepted by the local planning authority in 2000, when consent was granted for a bottling plant when the likely number of jobs created was considerably less than in the current proposal.

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 and sustainable transport
- robust policies for design and access on previously used land
- optimizing the potential of the site
- incorporation of green and public space and efficient use of land
- creation of safe and accessible environments


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. Planning applications that secure sustainable economic growth should be treated favourably.


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

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.

Only one structure on the site is directly affected by the development. A structural survey of this structure has confirmed that it is unsafe. The survey has also confirmed that a number of other structures not affected by the proposed development but within the application area are in a dilapidated state. The proposal whilst removing one building to provide 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 provision of a heritage visitor centre and interpretation facilities in the wider quarry as a whole, thus better revealing the significance of the assets and enhancing public understanding and enjoyment.

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, including, for the first time, public access. If the development does not proceed, the nationally historic assets will continue to decay and will remain inaccessible to the public.

PPS7 Sustainable Development in Rural Areas (2004)

PPS7 aims to facilitate sustainable communities in rural areas. Whilst there is a strong emphasis on providing protection of the open countryside, there is equal emphasis on employment creation and the re-use of previously used, “brownfield”, sites in preference to greenfield sites. The document also states that local landscape designations, such as Special Landscape Areas should only be maintained where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. Planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the
qualities of the landscape concerned. The High Peak Special Landscape Area does not comply with this National policy guidance.


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. The proposed development will not adversely affect (directly or indirectly) any statutory designated site and there are no such sites within the development site.

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.

“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.
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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 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)
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. The Highway Authority has stated that it has no objection to the proposed access arrangements and there are no other highway/traffic issues.

PPG17 Planning for Open Space, Sport and Recreation (2002)
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 an interpretation centre, heritage trail and public access to the buildings of historic interest.

PPS23 Planning and Pollution Control (2004).
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 cooperation 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 documents which clearly demonstrates that there is no risk of pollution, and the Hydrology chapter of the Environmental Statement outlines measures proposed to ensure that there is no contamination risk on or off site.

*PPG24 Planning and Noise (1994).*

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 demonstrates that the proposed development would have no impact, with day and night time rating levels below background at Staden and Cowdale. The assessment also identifies noise attenuation measures that can be included in the design of the plant to meet any conditions that may be imposed by the Local Authority.

*PPS25 Development and Flood Risk (2006).*

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 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 over 1 hectare and 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, however 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.

7.0. EMPLOYMENT CONTEXT

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.

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.
The total number unemployed in the Buxton Travel To Work Area in January 2011 was 1,036, (NOMIS). 14% of these are long term unemployed. 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.

Buxton has a population of circa 21,000 and is relatively self contained when compared to other towns in the High Peak although the latest published figures in the Council’s Local Development Framework Monitoring Report show that 14% of Buxton’s population commutes to work outside High Peak. There are also 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, but the Monitoring Report shows that new jobs have not been forthcoming. There is also 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.

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 a significant employment boost in the context of Buxton’s current employment stagnation as identified in the LDF Annual Monitoring Report, with a prediction of further job cuts in many employment sectors.

8.0. ALTERNATIVE SITES

The water source for the project is Rockhead Spring, 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 purpose built factory is essential. There are no legal restrictions on the length of the pipeline but for practical and economic reasons it is desirable that it should be no longer than 2km. However, for the present application all possible sites within a 4km radius of Rockhead Spring were investigated. Page 16 in the Design and Access Statement shows the areas within a radius of 2 km.

The choice of a site within the former Cowdale Quarry as the location for the bottling plant was made following a comprehensive appraisal of all possible sites in and around Buxton. The sites were evaluated against specific locational and operational criteria relating to the distance from the water source, the site area and the cost and feasibility of piping the water from the spring to the site. A minimum site area of 5 hectares is required for the bottling plant and associated warehousing together with an additional area for landscaping and drainage etc. subject to site location and ground conditions.
A desk exercise was undertaken utilizing the Economic Land Review undertaken by Nathaniel Lichfield and Partners in 2008 for the Council, which is the latest available information on site availability in and around Buxton. This Review identifies and provides an assessment of available employment sites in the area. The Review clearly shows that there are no allocated sites in or outside the urban area that are large enough to accommodate this project. The detailed position with regard to the sites is summarized below, and Appendix A is an extract from the Review.

Tongue Lane

This is shown as being a site of 4 hectares within two different ownerships. There is an additional area of land of just under a hectare adjoining the main site which could not be utilized as part of one overall development because of its shape and location. The site is irregular in shape and its use is dependant on the new Fairfield Road link, funding for which dependant on the private sector tied in to new housing and industrial development. Access to the site would be through residential areas, which would not be acceptable for a development of this scale. The time scale for availability given in the Review was in excess of five years. In addition there would be major logistical problems in routing a pipeline from Rockhead Spring to this site as intervening ground lies within the Cunning Dale SSSI and Ashwood Dale Quarry.

Staden Lane

This is shown as less than 2 hectares and is far too small for this project.

Hoffman Quarry

This is shown in the Review as 2.2 hectares of developable land and is too small to accommodate this project. It is irregular in shape and would require extensive excavation. The Review also identified a number of constraints to the development of the site, including access, services and off site highway works. It is also well beyond the limit for piping the water from the spring. In addition, any pipeline between Rockhead Spring and this site would have to run beneath public highways for a distance of about 3km.

Harpur Hill

This is shown as having half a hectare of available land and is therefore not suitable for this project.

Waterswallows Road

The Review shows under 2 hectares of land available, and is therefore too small for this project.

As a second stage to the site search, the allocated sites were reviewed to assess the potential for expansion into the adjoining countryside. Because of the constraints outlined above including proximity to residential uses, landscape considerations, site constraints, access constraints and, in some instances distance from Rockhead Spring, this exercise did not identify any possible sites.
EXPRESS PARK BUXTON – COWDALE QUARRY
PLANNING STATEMENT

The third stage of the exercise was to consider potential sites in the countryside. In addition to Cowdale Quarry, which adjoins the spring, Foxlowe Farm and land in open countryside at Waterswallows Lane were evaluated. Foxlowe Farm was looked at as this was previously promoted by the Council as a possible employment and residential site. The site is a greenfield site in open countryside of uneven topography currently used for agriculture. There is residential development on its northern boundary, with the A515 road to the east. Staden Lane Industrial Estate is on the opposite side of the road. This site was rejected by the Planning Inspector at The High Peak Local Plan Enquiry in 2004. The Inspector saw the proposals for employment and residential uses conflicting with each other and representing a conspicuous encroachment into an attractive landscape on an important approach to the town. The site is highly visible and any development would be impossible to screen. It would not be possible to incorporate the development into this landscape because of its topography. For these reasons the Inspector specifically ruled out a bottling plant or any other large buildings as this would be detrimental to residential amenity and to the tourism industry.

Land in open countryside at Waterswallows Road was considered but there would be major logistical problems in constructing a pipeline from Rockhead Spring to this site. The slopes of Ashwood Dale to the north of Rockhead Spring are very steep and heavily vegetated. They are also within the Peak District National Park and it is considered highly unlikely that planning permission would be granted for the highly disruptive works associated with pipeline construction. If a route was to be followed running east up Ashwood Dale from the spring to the boundary of the Park, then it would be necessary to route the pipeline through part of the Cunning Dale SSSI. The site is also highly visible from the surrounding countryside including views from the National Park from a distance of some 1.5 km. It is also now clear from the planning officer’s report on a planning application for a similar operation on a similar scale on this site that, because there are no other suitable sites for a bottling plant, an exception is being recommended for Nestle on a personal basis, and this exception would not apply to another company.

High Peak Borough Council has been asked over a period of time to identify possible sites for this development. Appendix B is a letter from the Council suggesting three sites, all of which had already been considered and rejected in the site identification exercise carried out. These sites were also rejected by Nestle on similar grounds.

This part of Cowdale Quarry has the advantage of being located next to the source of the water which avoids the disruption involved in laying pipelines from the spring to the bottling plant. It also has the advantage of being on previously used land within a quarry which will effectively hide the development. There is also the added advantage of material on site that can be utilised in the construction process so less material will need to be transported to the site. Development on this site and the potential impacts on residential amenity, the landscape and the environment have been fully evaluated in the documents accompanying this application including an Environmental Statement which have demonstrated that there will be no significant impacts on any of these. There is a requirement for a new access to the site, but it has been demonstrated that this can be achieved with minimum disruption to the surroundings. No alternative suitable sites have been identified by High Peak Council following a request for such information from Mangiatorella SPA, the potential operators of the bottling plant and the only available site for the development is the site within Cowdale Quarry.
EXPRESS PARK BUXTON – COWDALE QUARRY
PLANNING STATEMENT

9.0. DRAFT PLANNING OBLIGATIONS

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

10.0. SPECIAL CIRCUMSTANCES AND CONCLUSIONS

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.

Special circumstances apply to this project which should be considered when evaluating it against countryside policies. These Special circumstances relate to:

- location of the water source
- requirement to pipe the water from the source to the bottling plant
- operational distance over which the water can be piped
- only realistic option as there are no other sites
- 100 new skilled jobs
- strong economic argument-diversify and grow the local economy
- inward investment based on Buxton sourced water
- sustainable development based on a local resource
- previously used land
- enclosed site
- extensive existing screening of the site
- minimal impact on surrounding countryside
- extant planning consent

The proposals are consistent with many of the Development Plan policies, emerging Local Development Framework and National Guidance for the reasons outlined in this report. There is inconsistency with policies restricting development in the open countryside, but it has been demonstrated that this is a project which requires a countryside setting and the only site which meets the special requirements of the project is a brownfield site in the form of a redundant quarry adjoining the source of the water. It has been demonstrated that there will be no harm to the countryside. The project proposes 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
EXPRESS PARK BUXTON – COWDALE QUARRY
PLANNING STATEMENT

- is not in a flood risk area and identifies appropriate measures to mitigate any potential risks to off-site flooding
- 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

As has been demonstrated in this Planning Statement, there are considerable benefits arising from the development of this project, with minimal effects on the countryside. There are special circumstances of sufficient weight to override the countryside policies and to justify the granting of planning permission for this development which has been clearly set out in the various documents accompanying this planning application and set out in this document.
APPENDIX A

Available and Developed Employment Land
Available & Developed Employment Land

Key

Available Employment Land

Ref | Name
---|---
NLP010 | Harpur Hill E, Burton
NLP012 | Heolhytide, Quay
NLP015 | Stoken Lane
NLP014 | Tongue Lane, Burton
NLP013 | Tongue Lane, Burton
NLP014 | Tongue Lane, Burton
NLP015 | Waterslows Road, Burton

Developed Employment Land

Ref | Name
---|---
NLP011 | Hallsteds East, Dove Holes
NLP012 | Hallsteds West, Dove Holes
NLP013 | Harpur Hill Industrial Estate
NLP021 | Ashbourne Road Industrial Estate
NLP023 | Tongue Lane
NLP025 | Waterton Beck Road, Burton
NLP025 | Woodgate Road, Smadside
APPENDIX B

HPBC Letter dated 15 February 2010
15 February 2010

Mangiatorella SPA Acqua Oligominerale Naturale
Sede Amministrative; Via Roma 5-98047
Saponara
ITALY

Dear Sir,

Re: Opportunities for Buxton area site

Thank you for your letter of 11/01/11 e-mailed by Mr Francesco Federico enquiring about alternative sites in the Buxton area.

As I am sure you appreciate, it is difficult to source larger sites so close to the town centre and national park within a 2km distance from the water source. Currently there are no sites on the open market which are available to let or for sale of the size you are seeking, the largest being only 43,000 sqft. However, under the existing local plan there are number of sites which we would permit development including:

- Hoffman Quarry - 2km from Cowdale Quarry and just under 9 acres.
- Staden Lane - 500m from Cowdale Quarry and 4 acres. This site would be quite prominent from the A515.
- Tongue Lane - 800m from Cowdale Quarry and just under 10 acres. This would require additional infrastructure link road to be implemented.

Distances given are as the crow flies.

The other options available would be to pursue the allocation of land through the Local Development Framework which will be adopted in two-three years or to apply for consent on a site contrary to the development plan.

If you would be interested in any of the other sites above, please contact Helen Pakpahan in our Economic Development team who can supply you with further information on ownership etc, or alternatively you can contact Mark James, our Senior Planning Officer, to discuss options.

Yours sincerely

Dai Larner

Dai Larner
Executive Director

CC. Helen Pakpahan Economic Development Officer
helen.pakpahan@highpeak.gov.uk Tel: 0845 129 7777 ext 3524

Mark James, Senior Planning Officer, Mark.james@highpeak.gov.uk Tel: 0845 129