

6. Relevant Planning Policy

6.1 The National Planning Policy Framework

6.1.1 The National Planning Policy Framework is relevant to this application in both the general approach to policy matters and specific topics within the document. The NPPF is a material consideration in planning decisions.

6.1.2 In terms of the general approach, the NPPF places the key emphasis on achieving sustainable development. At section 7 it identifies the three dimensions to this objective,

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

6.1.3 The NPPF notes at Section 10 that plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

6.1.4 The NPPF at Section 14 has at its heart the presumption in favour of sustainable development and identifies that for decision taking this means, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

6.1.5 The NPPF at Section 17 identifies Core planning principles underpinning both plan making and decision making. These include the emphasis on planning,

- being genuinely plan-led
- being a creative exercise in finding ways to enhance and improve the places in which people live
- pro-actively driving and supporting sustainable economic development
- seeking high quality design
- taking account of the different roles and character of different areas
- supporting the transition to a low carbon economy
- contributing to conserving and enhancing the natural environment
- encouraging the effective use of land by reusing land that has been previously developed
- conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling
- taking account of and support local strategies to improve health, social and cultural wellbeing for all.

6.1.6 Specific topics particularly relevant to this application within the NPPF include,

- Building a strong competitive economy (Section 1) from para.18.
- Meeting the challenge of climate change, flooding and coastal change (Section 10) from para.93.
- Conserving and enhancing the natural environment (Section 11) from para.109.
- Conserving and enhancing the historic environment (Section 12) from para.126.

6.2 The Development Plan

6.2.1 The Development Plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 for the area including High Peak District Council comprises the High Peak Saved Local Plan Policies

High Peak Saved Local Plan Policies

6.2.2 Under the provisions of the Planning and Compulsory Purchase Act 2004, policies in the High Peak Local Plan (adopted 31st March 2005) were valid for a period of three years. Local Planning Authorities were invited by the Department for Communities and Local Government (DCLG) to make an application to the Secretary of State to issue a direction to save selected Local Plan policies beyond this 3-year period.

6.2.3 As of 30 March 2008 therefore the High Peak Saved Local Plan Policies document is the relevant Local Plan Policy document. In terms of the NPPF, the Saved Policies are relevant policies adopted since 2004 and as such continued to be given full weight for a period of 12 months from March 2012. Since March 2013 they remain part of the development plan but of reduced weight.

6.2.4 The relevant “saved” policies of the High Peak Plan are set out below:

- GD2 Built-up area boundaries
- BC10 Archaeological and Other Heritage Features
- GD4 Character Form and Design
- GD13 Buxton Mineral Water
- OC1 Countryside Development
- OC3 Special Landscape Area Development
- OC4 Landscape Character and Design
- OC5 Development Conspicuous from the National Park
- OC8 Sites of Importance for Nature Conservation
- OC10 Trees and Woodland
- EMP7 Industry and Business within the Countryside
- TR5 Access Parking and Design

6.3 Conflict of Saved Policy with NPPF

6.3.1 There is a more than limited degree of conflict between the NPPF and Local Plan Saved Policies,

- a) Policy BC10 states that,

*“Planning permission **will not be granted** for development which is likely to result in harm to a Scheduled Ancient Monument or other nationally important site, its setting or amenity value”*

(my emphasis)

- b) Whereas in the NPPF at para 132,

*“**Substantial harm** to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

(my emphasis)

- c) At para 133 it is stated that,

*“Where a proposed development will lead to **substantial harm** to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.”*

(my emphasis)

- d) At para.134 the situation with “**less than substantial**” harm is addressed,

*“Where a development proposal will lead to **less than substantial** harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

(my emphasis)

- 6.3.2 In terms of the provisions at para.214 at Annex 1 of the NPPF the Saved Policy BC10 exhibits a greater than “limited” degree of conflict with the NPPF.

6.4 Other Policy Documents

- 6.4.1 There are a number of other relevant policy documents which do not form part of the development plan but are material considerations in the determination of this appeal.

The Plan for Growth (March 2011)

- 6.4.2 The Government’s economic policy objective is to achieve strong, sustainable and balanced growth that is more evenly shared across the country and between industries. The Plan for Growth contains four overarching ambitions to ensure that progress is made towards achieving this economic objective. The ambitions are:

1. to create the most competitive tax system in the G20;
2. to make the UK one of the best places in Europe to start, finance and grow a business;
3. to encourage investment and exports as a route to a more balanced economy; and
4. to create a more educated workforce that is the most flexible in Europe

- 6.4.3 The relevant benchmarks set out within the plan are,

- Ensure the UK remains one of the top destinations for foreign direct investment (FDI)
- An increase in private sector employment, especially in regions outside London and the South East

Draft Core Strategy 2010

- 6.4.4 The Draft Core Strategy 2010 is an emerging development plan document which was being produced jointly by Derbyshire Dales and High Peak Councils. The draft plan was published in October 2010 for six weeks public consultation. It was anticipated that the plan would be adopted in November 2011 with a view to the Examination in Public being held during 2012.

- 6.4.5 The joint working has since stopped however and High Peak Borough Council will now be producing a Local Plan of their own. The timetable for this is as follows:

- Consultation on Housing Target and Site Options – October 2012
- Consultation on Preferred Options – February / March 2013
- Consultation on Submission Draft – October 2013
- Submission to Secretary of State – February 2014
- Examination in Public – Spring / Summer 2014
- Adoption – September 2014

6.4.6 The Draft Core Strategy remains a material consideration in terms of the application proposals. It will not proceed in its current form although much of its content relative to High Peak may be incorporated into the new Local Plan. It is of some albeit limited weight.

6.4.7 The relevant policy is Policy 23 (Buxton) and parts 1 and 3 are specifically, relevant to this proposal,

Draft Core Strategy Policy 23 (Buxton)

“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. This will be achieved by:

1. Protecting and enhancing the unique character of Buxton’s spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism by:

- *Supporting the Crescent Spa Hotel project*
- *Implementing the Buxton Design and Place Making Strategy to support the distinctiveness of the following quarters of Buxton town centre; Higher Buxton, Spring Gardens, the Station, the Quadrant, the Crescent and the Pavilion Gardens. Development within these quarters should accord with the specific development principles and design guidance specified in the Design and Place Making Strategy*
- *Protecting the quality and supply of natural mineral water. Development, including proposals for Sustainable Drainage Systems (SUDS) should have regard to the Buxton Mineral Water Catchment Area, and Nitrate Vulnerable and Groundwater Source Protection Zones*
- *Protecting sites designated for their environmental or historical value*

- *Protecting natural landscapes by limiting development in the countryside. Where development in the countryside is permitted, proposals should accord with the Landscape Character SPD*
- *Supporting proposals to improve connectivity by public transport, walking and cycling to and from the Peak District National Park*

“3. Encouraging the growth of local employment opportunities and supporting the diversification and growth of the local economy by:

- *Supporting the needs of local businesses including; the University of Derby, the Health and Safety Executive and Buxton Mineral Water*
- *Encouraging the growth of tourism including the provision of additional visitor accommodation and facilities that reflect Buxton’s status a spa town at the heart of the Peak District*
- *Safeguarding existing employment sites at Harpur Hill Industrial Estate, Ashbourne Road, Tongue Lane and Waterswallows for industrial and business use*
- *Identifying suitable land allocations for industrial and business use in a Site Allocations Development Plan Document. In particular land will be sought to accommodate B1 development.”*

Draft Core Strategy CS11

6.4.8 Policy CS 11 of the emerging JCS makes clear that the provision of new visitor and cultural attractions and facilities which expand the breadth and quality of the tourism offer will be supported including,

- *“- Encouraging the provision of new visitor and cultural attractions and facilities that expand the breadth and quality of the tourism offer without prejudice to the character of the Peak District;*
- *Encouraging the development of Buxton as England's Leading Spa town;”*

The Landscape Character SPD

6.4.9 Supplementary Planning Documents do not form part of the Development Plan but are a material consideration in determination of planning applications.

6.4.10 The Landscape Character SPD of March 2006 provides guidance for the design of new developments and alterations to existing developments, including associated landscape design. It covers the rural parts of High Peak Borough outside the Peak District National Park.

6.4.11 The document is relevant in several respects,

- a) A Landscape Character Assessment was a requirement of the East Midlands RSs Policy.
- b) In the High Peak Saved Local Plan Policies at para 3.15 it is made clear that Landscape Character Appraisals were intended to supercede Special Landscape Area Policy,

“As a replacement for the Special Landscape Area designation, Derbyshire County Council, in partnership with the districts is undertaking Landscape Character appraisals. At the time of the Structure Plan Examination in Public this work was not sufficiently advanced to replace the Special Landscape Areas designation. The Special Landscape Area has therefore remained in the current Structure Plan.”

D2N2 Strategic Priorities & Areas of Economic Focus (2011)

6.4.12 The purpose of the Derby, Derbyshire, Nottingham and Nottinghamshire Local Economic Partnership (D2N2 LEP) is to ‘support and encourage economic growth’.

6.4.13 The same document states that the Local Economic Partnership will focus on local business sectors that ‘show a high potential to positively affect the local economy’. The manufacturing of food and drink products is specifically identified as having the potential for above average growth and of being important across the D2N2 area.

6.5 Conclusion

6.5.1 A key thread of all policy documents as they apply to the Cowdale Quarry proposals is a strong set of positive economic development drivers with which we are consistent with and which therefore weigh heavily in favour of the application proposals. The positive case is not therefore put as a basis for pleading exceptional circumstances, it is a key consideration in determining the appeal proposals.

6.5.2 The proposals are consistent with,

- a) The Governments Growth Agenda through,
 - encouraging investment
 - attracting foreign inward investment (FDI) from Mangiatorella.
 - creating private sector employment, in regions outside London and the South East
- b) The NPPF through,
 - contributing to building a strong, responsive and competitive economy,
 - by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
 - pro-actively driving and supporting sustainable economic development
 - encouraging the effective use of land by reusing land that has been previously developed
- c) The Saved Local Plan Policies through the development of the water industry thus contributing to the “Buxton” objectives of developing Buxton as a Spa town and the water industry as an indigenous enterprise.
- d) The emerging Core Strategy which look to facilitate growth that will support the continued growth and diversification of the local economy.
- e) The D2N2 Strategic Priorities for the local economic partnership by developing a business in a sector seen as having the highest potential to “positively affect the local economy”.