

HPK/2024/0275

Proposed change of use of agricultural land to B2 general industrial use, construction of a single building for storage and processing of sand and stone aggregate products, ancillary office space, vehicular access and turning space for HGVs, staff and visitor parking and associated hard and soft landscaping works at land off Waterswallows Lane, Buxton.

This site is underlain by Carboniferous Limestone. This mineral resource is located within the Mineral Consultation Area (MCA), as defined in the adopted Minerals Local Plan. Policies relating to safeguarding are applied to proposals in this MCA. The purpose of safeguarding is to ensure that minerals of local and national importance, such as the Carboniferous Limestone, are taken into account in the assessment of applications for non-mineral development within the MCA, in order to avoid the sterilisation of the mineral resource where possible.

Policy MP17 of the adopted Minerals Local Plan: Safeguarding Resources, states that the Mineral Planning Authority will resist proposals for development which would sterilise economically workable mineral deposits, except where there is an overriding need for the development and where prior extraction cannot reasonably be undertaken or is unlikely to be practicable or environmentally acceptable.

The NPPF sets out that Local Plans should define Mineral Safeguarding Areas and include policies to ensure that known locations of specific mineral resources of local and national importance are not sterilised by non-mineral development. It states that when it is considered necessary for non-mineral development to take place, prior extraction of the mineral should be encouraged where practicable and environmentally acceptable. It also sets out that other development proposals in MSAs should not normally be permitted where they might constrain future use for mineral purposes.

The emerging Minerals Local Plan for Derbyshire and Derby includes this application site within the Mineral Safeguarding Area and Policy SP17: Mineral Safeguarding Areas and Consultation Areas, takes account of latest national minerals planning policy as set out above. This policy sets out that proposals for non-mineral development in mineral safeguarding areas will be required to demonstrate through a mineral resource assessment that the mineral resource would not be sterilised as a result of the development or that there are sustainable overriding reasons why the mineral resource cannot be extracted as part of the development. Where this cannot be demonstrated, and where there is a clear and demonstrable need for the development prior extraction of the mineral will be sought where practicable.

This Plan is due to be submitted to the Inspectorate in November 2024 and is therefore at a sufficiently advanced stage for the policies to be a material consideration in the determination of planning applications.

Taking account of the above considerations, it would be appropriate to request further supporting information from the applicant, to help to determine the viability and practicality of extracting mineral as part of the development of the site. It is worth the applicant taking into account in this respect the potential advantage that may be gained in achieving site levels for the proposed development.